

# **A Compilation of the Messages and Papers of the Presidents Section 1 (of 2) of Volume 3: Andrew Jackson (Second Term)**

James D. Richardson

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Author: James D. Richardson

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A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS

BY JAMES D. RICHARDSON

A REPRESENTATIVE FROM THE STATE OF TENNESSEE

VOLUME III

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BY JAMES D. RICHARDSON

### Prefatory Note

The second volume of this compilation, issued a few weeks since, was received with the same degree of favor as the first volume. It was a matter of surprise that only sixteen years of our history, or eight Congresses, could be comprised within the second volume, while the first covered twenty-eight years, or fourteen Congresses. There is greater surprise that this volume includes only the period covered by the four years of the second term of Andrew Jackson and the four years of Martin Van Buren's term--eight years in all, or four Congresses. However, it will be found almost, if not quite, as interesting as the preceding ones. In it will be found the conclusion of the controversy over the United States Bank, including President Jackson's reasons for the removal of the deposits from that bank; his Farewell Address, and other important papers, all of which are characteristic of the man. It was during the second Administration of President Jackson that the act changing the ratio between the gold and silver dollar was passed.

This volume contains President Van Buren's message recommending the independent treasury or subtreasury, and the discussion of that subject, which terminated in what has been termed "the divorce of the bank and state in the fiscal affairs of the Federal Government," and which President Van Buren considered a second Declaration of Independence. The controversy with Great Britain in relation to the northeastern boundary of the United States is also included in Van Buren's Administration, and will prove highly interesting.

The omission of indexes to Volumes I and II has been commented on. The answer to such comments is, it was deemed best to omit the index to each volume and publish a general and comprehensive index to the entire work, in a separate volume. This index will be ready for distribution soon after the issuance of the last volume.

JAMES D. RICHARDSON.

NOVEMBER 26, 1896.

Andrew Jackson

March 4, 1833, to March 4, 1837

Andrew Jackson

SECOND INAUGURAL ADDRESS.

FELLOW-CITIZENS: The will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my

gratitude. It shall be displayed to the extent of my humble abilities in continued efforts so to administer the Government as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years which have necessarily called forth--sometimes under circumstances the most delicate and painful--my views of the principles and policy which ought to be pursued by the General Government that I need on this occasion but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our Government soon after the formation of our present Constitution, and very generally pursued by successive Administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during my Administration its governing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this Government there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the General Government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfill the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the General Government. But of equal, and, indeed, of incalculable, importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the General Government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained. Divided into twenty-four, or even a smaller number, of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies, and military leaders at the head of their victorious legions

becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time, it will be my aim to inculcate by my official acts the necessity of exercising by the General Government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the Government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable Government and Union to the confidence and affections of the American people.

Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has kept us in His hands from the infancy of our Republic to the present day, that He will so overrule all my intentions and actions and inspire the hearts of my fellow-citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.

MARCH 4, 1833.

#### REMOVAL OF THE PUBLIC DEPOSITS.

[Read to the Cabinet September 18, 1833]

Having carefully and anxiously considered all the facts and arguments which have been submitted to him relative to a removal of the public deposits from the Bank of the United States, the President deems it his duty to communicate in this manner to his Cabinet the final conclusions of his own mind and the reasons on which they are founded, in order to put them in durable form and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered on the duties of Chief Magistrate that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter. The opinions expressed in his annual message of December, 1829, were

reiterated in those of December, 1830 and 1831, and in that of 1830 he threw out for consideration some suggestions in relation to a substitute. At the session of 1831-32 an act was passed by a majority of both Houses of Congress rechartering the present bank, upon which the President felt it his duty to put his constitutional veto. In his message returning that act he repeated and enlarged upon the principles and views briefly asserted in his annual message, declaring the bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen very unequivocally his firm determination never to sanction by his approval the continuance of that institution or the establishment of any other upon similar principles.

There are strong reasons for believing that the motive of the bank in asking for a recharter at that session of Congress was to make it a leading question in the election of a President of the United States the ensuing November, and all steps deemed necessary were taken to procure from the people a reversal of the President's decision.

Although the charter was approaching its termination, and the bank was aware that it was the intention of the Government to use the public deposit as fast as it has accrued in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from \$42,402,304.24 to \$70,428,070.72, being an increase of \$28,025,766.48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans was to bring as large a portion of the people as possible under its power and influence, and it has been disclosed that some of the largest sums were granted on very unusual terms to the conductors of the public press. In some of these cases the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken these preliminary steps to obtain control over public opinion, the bank came into Congress and asked a new charter. The object avowed by many of the advocates of the bank was \_to put the President to the test\_, that the country might know his final determination relative to the bank prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the bank to bring the people to a favorable decision upon its pretensions. Those whom the bank appears to have made its debtors for the special occasion were warned of the ruin which awaited them should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce and the general loss, inconvenience, and distress which it was represented would immediately follow the reelection of the President in opposition to the bank.

Can it now be said that the question of a recharter of the bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground; if it had merely taken exceptions to the details of the bill or to the time of its passage; if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people; and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinions of others, the President considers his reelection as a decision of the people against the bank. In the concluding paragraph of his veto message he said:

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.

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision so far as it depends upon him.

Of all the substitutes for the present bank which have been suggested, none seems to have united any considerable portion of the public in its favor. Most of them are liable to the same constitutional objections for which the present bank has been condemned, and perhaps to all there are strong objections on the score of expediency. In ridding the country of an irresponsible power which has attempted to control the Government, care must be taken not to unite the same power with the executive branch. To give a President the control over the currency and the power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the President considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare that--

The deposits of the money of the United States in places in which the said bank and branches thereof may be established shall be made in said bank or branches thereof unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction.

The power of the Secretary of the Treasury over the deposits is unqualified. The provision that he shall report his reasons to Congress is no limitation. Had it not been inserted he would have been responsible to Congress had he made a removal for any other than good reasons, and his responsibility now ceases upon the rendition of sufficient ones to Congress. The only object of the provision is to make his reasons accessible to Congress and enable that body the more readily to judge of their soundness and purity, and thereupon to make such further provision by law as the legislative power may think proper in relation to the deposit of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury, without contradiction, as early as 1817, that he had power "to control the proceedings" of the Bank of the United States at any moment "by changing the deposits to the State banks" should it pursue an illiberal course toward those institutions; that "the Secretary of the Treasury will always be disposed to support the credit of the State banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit;" and he asserted a right to employ the State banks when the Bank of the United States should refuse to receive on deposit the notes of such State banks as the public interest required should be received in payment of the public

dues. In several instances he did transfer the public deposits to State banks in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience, and the interests of the Treasury.

If it was lawful for Mr. Crawford, the Secretary of the Treasury at that time, to act on these principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which in the infancy of the bank was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury should now be gravely questioned, and attempts made to excite and alarm the public mind as if some new and unheard-of power was about to be usurped by the executive branch of the Government.

It is but a little more than two and a half years to the termination of the charter of the present bank. It is considered as the decision of the country that it shall then cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress.

To the Treasury Department is intrusted the safe-keeping and faithful application of the public moneys. A plan of collection different from the present must therefore be introduced and put in complete operation before the dissolution of the present bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the Government deranged, or shall it be delayed until six months, or a year, or two years before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of the United States could not be suddenly carried into effect on the termination of its existence without serious inconvenience to the Government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation and its immense debt collected. These operations must be gradual, otherwise much suffering and distress will be brought upon the community.

It ought to be not a work of months only, but of years, and the President thinks it can not, with due attention to the interests of the people, be longer postponed. It is safer to begin it too soon than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States, and the President would have felt himself relieved from a heavy and painful responsibility if in the charter to the bank Congress had reserved to itself the power of directing at its pleasure the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter to the bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited in the bank during the continuance of its charter unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they can not add a new clause to the charter or strike one out of it without the consent of the bank, and consequently the public money must remain in that institution to the last hour of its existence unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the executive branch of the Government of deciding how long before the expiration of the charter the



public interest will require the deposits to be placed elsewhere; and although according to the frame and principle of our Government this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the executive department the duty ought to be faithfully and firmly met, and the decision made and executed upon the best lights that can be obtained and the best judgment that can be formed. It would ill become the executive branch of the Government to shrink from any duty which the law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers and to avoid all interference with the rights and duties of others, he must yet with unshaken constancy discharge his own obligations, and can not allow himself to turn aside in order to avoid any responsibility which the high trust with which he has been honored requires him to encounter; and it being the duty of one of the Executive Departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately in order to make up his judgment on the subject, and in his opinion the near approach of the termination of the charter and the public considerations heretofore mentioned are of themselves amply sufficient to justify the removal of the deposits, without reference to the conduct of the bank or their safety in its keeping.

But in the conduct of the bank may be found other reasons, very imperative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts by the machinery of committees to deprive the Government directors of a full knowledge of its concerns, and, above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the bank, including the money of the Government, at the disposition of the president of the bank as means of operating upon public opinion and procuring a new charter, without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges, and which have come to the knowledge of the public and the President, will, he thinks, remove every reasonable doubt as to the course which it is now the duty of the President to pursue.

We have seen that in sixteen months ending in May, 1832, the bank had extended its loans more than \$28,000,000, although it knew the Government intended to appropriate most of its large deposit during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum, and in the preceding March so sensible was the bank that it would not be able to pay over the public deposit when it would be required by the Government that it commenced a secret negotiation, without the approbation or knowledge of the Government, with the agents for about \$2,700,000 of the 3 per cent stocks held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the bank to keep and use during time the public money set apart for the payment of these stocks. After this negotiation had commenced, the Secretary of the Treasury informed the bank that it was his intention to pay off one-half of the 3 percents on the 1st of the succeeding July, which amounted to about \$6,500,000. The president of the bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the bank was desirous of accommodating the importing merchants at New York (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding 1st of October.

Conscious that at the end of that quarter the bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was dispatched to England secretly to negotiate with the holders of the public debt in Europe and induce them by the offer of an equal or higher interest than that paid by the Government to hold back their claims for one year, during which the bank expected thus to retain the use of \$5,000,000 of the public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then, and not before, so much of it as was palpably in violation of the charter was disavowed. A modification of the rest was attempted with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the bank was partially successful, but to this day the certificates of a portion of these stocks have not been paid and the bank retains the use of the money.

This effort to thwart the Government in the payment of the public debt that it might retain the public money to be used for their private interests, palliated by pretenses notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the House of Representatives at their last session, their resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confided by law to another department of the Government. But the question now occurs attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President which produced this inquiry and resolution on the part of the House of Representatives it was his object to obtain the aid of that body in making a thorough examination into the conduct and condition of the bank and its branches in order to enable the executive department to decide whether the public money was longer safe in its hands. The limited power of the Secretary of the Treasury over the subject disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will show, to ask the representatives of the people to assume a responsibility which did not belong to them and relieve the executive branch of the Government from the duty which the law had imposed upon it. It is due to the President that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties or of desiring to interpose another body between himself and the people in order to avoid a measure which he is called upon to meet. But although as an act of justice to himself he disclaims any design of soliciting the opinion of the House of Representatives in relation to his own duties in order to shelter himself from responsibility under the sanction of their counsel, yet he is at all times ready to listen to the suggestions of the representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit that they are justly entitled. Whatever may be the consequences, however, to himself, he must finally form his own judgment where the Constitution and the law make it his duty to

decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself, but that they will, on the contrary, esteem it the strongest evidence he can give of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the last session of Congress, and evidence has since been laid before the President which he is persuaded would have led the House of Representatives to a different conclusion if it had come to their knowledge. The fact that the bank controls, and in some cases substantially owns, and by its money supports some of the leading presses of the country is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on unusual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition accommodations still more extravagant, on terms more unusual, and some without any security, have also been heedlessly granted.

The allegation which has so often circulated through these channels that the Treasury was bankrupt and the bank was sustaining it, when for many years there has not been less, on an average, than six millions of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted by substantial acts to impair the credit of the Government and tarnish the honor of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for nine years without interest, it became the purchaser of a bill drawn by our Government on that of France for about \$900,000, being the first installment of the French indemnity. The purchase money was left in the use of the bank, being simply added to the Treasury deposit. The bank sold the bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French Government for its payment, it was taken up by the agents of the bank in Paris with the funds of the bank in their hands. Under these circumstances it has through its organs openly assailed the credit of the Government, and has actually made and persists in a demand of 15 per cent, or \$158,842.77, as damages, when no damage, or none beyond some trifling expense, has in fact been sustained, and when the bank had in its own possession on deposit several millions of the public money which it was then using for its own profit. Is a fiscal agent of the Government which thus seeks to enrich itself at the expense of the public worthy of further trust?

There are other important facts not in the contemplation of the House of Representatives or not known to the members at the time they voted for the resolution.

Although the charter and the rules of the bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is intrusted to a committee of five members, who do not report to the board.

To cut off all means of communication with the Government in relation to its most important acts at the commencement of the present year, not one of the Government directors was placed on any one committee; and although since, by an unusual remodeling of those bodies, some of those directors have been placed on some of the committees, they are yet entirely excluded from the committee of exchange, through which the greatest and most objectionable loans have been made.

When the Government directors made an effort to bring back the business of the bank to the board in obedience to the charter and the existing regulations, the board not only overruled their attempt, but altered the

rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence.

It has long been known that the president of the bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the bank, and that the committee as well as the board of directors are left in entire ignorance of many acts done and correspondence carried on in their names, and apparently under their authority. The fact has been recently disclosed that an unlimited discretion has been and is now vested in the president of the bank to expend its funds in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its charter. It appears from the official report of the public directors that on the 30th November, 1830, the president submitted to the board an article published in the American Quarterly Review containing favorable notices of the bank, and suggested the expediency of giving it a wider circulation at the expense of the bank; whereupon the board passed the following resolution, viz:

Resolved, That the president be authorized to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the bank.

By an entry in the minutes of the bank dated March 11, 1831, it appears that the president had not only caused a large edition of that article to be issued, but had also, before the resolution of 30th November was adopted, procured to be printed and widely circulated numerous copies of the reports of General Smith and Mr. McDuffie in favor of the bank; and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution, whereupon the following resolution was adopted, viz--

Resolved, That the president is hereby authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank.

The expenditures purporting to have been made under authority of these resolutions during the years 1831 and 1832 were about \$80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the veto message and reviews of speeches against the bank, etc. For another large portion no vouchers whatever were rendered, but the various sums were paid on orders of the president of the bank, making reference to the resolution of the 11th of March, 1831.

On ascertaining these facts and perceiving that expenditures of a similar character were still continued, the Government directors a few weeks ago offered a resolution in the board calling for a specific account of these expenditures, showing the objects to which they had been applied and the persons to whom the money had been paid. This reasonable proposition was voted down.

They also offered a resolution rescinding the resolutions of November, 1830, and March, 1831. This also was rejected.

Not content with thus refusing to recall the obnoxious power or even to require such an account of the expenditure as would show whether the

money of the bank had in fact been applied to the objects contemplated by these resolutions, as obnoxious as they were, the board renewed the power already conferred, and even enjoined renewed attention to its exercise by adopting the following in lieu of the propositions submitted by the Government directors, viz:

Resolved, That the board have confidence in the wisdom and integrity of the president and in the propriety of the resolutions of 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the president be authorized and requested to continue his exertions for the promotion of said object.

Taken in connection with the nature of the expenditures heretofore made, as recently disclosed, which the board not only tolerate, but approve, this resolution puts the funds of the bank at the disposition of the president for the purpose of employing the whole press of the country in the service of the bank, to hire writers and newspapers, and to pay out such sums as he pleases to what person and for what services he pleases without the responsibility of rendering any specific account. The bank is thus converted into a vast electioneering engine, with means to embroil the country in deadly feuds, and, under cover of expenditures in themselves improper, extend its corruption through all the ramifications of society.

Some of the items for which accounts have been rendered show the construction which has been given to the resolutions and the way in which the power it confers has been exerted. The money has not been expended merely in the publication and distribution of speeches, reports of committees, or articles written for the purpose of showing the constitutionality or usefulness of the bank, but publications have been prepared and extensively circulated containing the grossest invectives against the officers of the Government, and the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade in public estimation those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the president of the bank has not been required to settle his accounts, no one but himself knows how much more than the sum already mentioned may have been squandered, and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. With these facts before us can we be surprised at the torrent of abuse incessantly poured out against all who are supposed to stand in the way of the cupidity or ambition of the Bank of the United States? Can we be surprised at sudden and unexpected changes of opinion in favor of an institution which has millions to lavish and avows its determination not to spare its means when they are necessary to accomplish its purposes? The refusal to render an account of the manner in which a part of the money expended has been applied gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

With these facts before him in an official report from the Government directors, the President would feel that he was not only responsible for all the abuses and corruptions the bank has committed or may commit, but almost an accomplice in a conspiracy against that Government which he has sworn honestly to administer, if he did not take every step within his constitutional and legal power likely to be efficient in putting an end to these enormities. If it be possible within the scope of human affairs to find a reason for removing the Government deposits and leaving the bank to its own resource for the means of effecting its criminal designs, we have it here. Was it expected when the moneys of

the United States were directed to be placed in that bank that they would be put under the control of one man empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe with the evidence before us that tens of thousands have been spent for highly improper, if not corrupt, purposes, and that the same motive may lead to the expenditure of hundreds of thousands, and even millions, more? And can we justify ourselves to the people by longer lending to it the money and power of the Government to be employed for such purposes?

It has been alleged by some as an objection to the removal of the deposits that the bank has the power, and in that event will have the disposition, to destroy the State banks employed by the Government, and bring distress upon the country. It has been the fortune of the President to encounter dangers which were represented as equally alarming, and he has seen them vanish before resolution and energy. Pictures equally appalling were paraded before him when this bank came to demand a new charter. But what was the result? Has the country been ruined, or even distressed? Was it ever more prosperous than since that act? The President verily believes the bank has not the power to produce the calamities its friends threaten. The funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the Bank of the United States curtails its loans the State banks, strengthened by the public deposits, will extend theirs. What comes in through one bank will go out through others, and the equilibrium will be preserved. Should the bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempts to embarrass the country it will only bring loss and ruin upon the holders of its own stock. But if the President believed the bank possessed all the power which has been attributed to it, his determination would only be rendered the more inflexible. If, indeed, this corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us and our only safety is in the mercy of the despot, recent developments in relation to his designs and the means he employs show how necessary it is to shake it off. The struggle can never come with less distress to the people or under more favorable auspices than at the present moment.

All doubt as to the willingness of the State banks to undertake the service of the Government to the same extent and on the same terms as it is now performed by the Bank of the United States is put to rest by the report of the agent recently employed to collect information, and from that willingness their own safety in the operation may be confidently inferred. Knowing their own resources better than they can be known by others, it is not to be supposed that they would be willing to place themselves in a situation which they can not occupy without danger of annihilation or embarrassment. The only consideration applies to the safety of the public funds if deposited in those institutions, and when it is seen that the directors of many of them are not only willing to pledge the character and capital of the corporations in giving success to this measure, but also their own property and reputation, we can not doubt that they at least believe the public deposits would be safe in their management. The President thinks that these facts and circumstances afford as strong a guaranty as can be had in human affairs for the safety of the public funds and the practicability of a new system of collection and disbursement through the agency of the State banks.

From all these considerations the President thinks that the State banks ought immediately to be employed in the collection and disbursement of the public revenue, and the funds now in the Bank of the United States drawn out with all convenient dispatch. The safety of the public moneys if deposited in the State banks must be secured beyond all reasonable

doubts; but the extent and nature of the security, in addition to their capital, if any be deemed necessary, is a subject of detail to which the Treasury Department will undoubtedly give its anxious attention. The banks to be employed must remit the moneys of the Government without charge, as the Bank of the United States now does; must render all the services which that bank now performs; must keep the Government advised of their situation by periodical returns; in fine, in any arrangement with the State banks the Government must not in any respect be placed on a worse footing than it now is. The President is happy to perceive by the report of the agent that the banks which he has consulted have, in general, consented to perform the service on these terms, and that those in New York have further agreed to make payments in London without other charge than the mere cost of the bills of exchange.

It should also be enjoined upon any banks which may be employed that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce; to grant all reasonable facilities to the payers of the revenue; to exercise the utmost liberality toward the other State banks, and do nothing uselessly to embarrass the Bank of the United States.

As one of the most serious objections to the Bank of the United States is the power which it concentrates, care must be taken in finding other agents for the service of the Treasury not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the State banks which could be devised, yet it is desirable to avoid even the appearance. To this end it would be expedient to assume no more power over them and interfere no more in their affairs than might be absolutely necessary to the security of the public deposit and the faithful performance of their duties as agents of the Treasury. Any interference by them in the political contests of the country with a view to influence elections ought, in the opinion of the President, to be followed by an immediate discharge from the public service.

It is the desire of the President that the control of the banks and the currency shall, as far as possible, be entirely separated from the political power of the country as well as wrested from an institution which has already attempted to subject the Government to its will. In his opinion the action of the General Government on this subject ought not to extend beyond the grant in the Constitution, which only authorizes Congress "to coin money and regulate the value thereof;" all else belongs to the States and the people, and must be regulated by public opinion and the interests of trade.

In conclusion, the President must be permitted to remark that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one bank to another. Its decision may affect the character of our Government for ages to come. Should the bank be suffered longer to use the public moneys in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power, and we shall be responsible for entailing it upon our country forever. Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved by the Constitution and the suffrages of the American people the duty of superintending the operation of the Executive Departments of the Government and seeing that the laws are faithfully executed. In the performance of this high trust it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government his opinion of their duties under circumstances as they arise. It is this right which he now

exercises. Far be it from him to expect or require that any member of the Cabinet should at his request, order, or dictation do any act which he believes unlawful or in his conscience condemns. From them and from his fellow-citizens in general he desires only that aid and support which their reason approves and their conscience sanctions.

In the remarks he has made on this all-important question he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest deeply affecting the character and usefulness of his Administration, and not a spirit of dictation, which the President would be as careful to avoid as ready to resist. Happy will he be if the facts now disclosed produce uniformity of opinion and unity of action among the members of the Administration.

The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed after the most mature deliberation and reflection as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless. Under these convictions he feels that a measure so important to the American people can not be commenced too soon, and he therefore names the 1st day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made.

ANDREW JACKSON.

#### FIFTH ANNUAL MESSAGE.

December 3, 1833.

\_Fellow-Citizens of the Senate and House of Representatives\_:

On your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence health is again restored to us, peace reigns within our borders, abundance crowns the labors of our fields, commerce and domestic industry flourish and increase, and individual happiness rewards the private virtue and enterprise of our citizens.

Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right and determined to submit to nothing that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to a policy so just and so congenial to the character of the American people and to the spirit of their institutions.

In bringing to your notice the particular state of our foreign affairs, it affords me high gratification to inform you that they are in a condition which promises the continuance of friendship with all nations.

With Great Britain the interesting question of our northeastern boundary remains still undecided. A negotiation, however, upon that subject has been renewed since the close of the last Congress, and a proposition has been submitted to the British Government with the view of establishing,



in conformity with the resolution of the Senate, the line designated by the treaty of 1783. Though no definitive answer has been received, it may be daily looked for, and I entertain a hope that the overture may ultimately lead to a satisfactory adjustment of this important matter.

I have the satisfaction to inform you that a negotiation which, by desire of the House of Representatives, was opened some years ago with the British Government, for the erection of light-houses on the Bahamas, has been successful. Those works, when completed, together with those which the United States have constructed on the western side of the Gulf of Florida, will contribute essentially to the safety of navigation in that sea. This joint participation in establishments interesting to humanity and beneficial to commerce is worthy of two enlightened nations, and indicates feelings which can not fail to have a happy influence upon their political relations. It is gratifying to the friends of both to perceive that the intercourse between the two people is becoming daily more extensive, and that sentiments of mutual good will have grown up befitting their common origin and justifying the hope that by wise counsels on each side not only unsettled questions may be satisfactorily terminated, but new causes of misunderstanding prevented.

Notwithstanding that I continue to receive the most amicable assurances from the Government of France, and that in all other respects the most friendly relations exist between the United States and that Government, it is to be regretted that the stipulations of the convention concluded on the 4th July, 1831, remain in some important parts unfulfilled.

By the second article of that convention it was stipulated that the sum payable to the United States should be paid at Paris, in six annual installments, into the hands of such person or persons as should be authorized by the Government of the United States to receive it, and by the same article the first installment was payable on the 2d day of February, 1833. By the act of Congress of the 13th July, 1832, it was made the duty of the Secretary of the Treasury to cause the several installments, with the interest thereon, to be received from the French Government and transferred to the United States in such manner as he may deem best; and by the same act of Congress the stipulations on the part of the United States in the convention were in all respects fulfilled. Not doubting that a treaty thus made and ratified by the two Governments, and faithfully executed by the United States, would be promptly complied with by the other party, and desiring to avoid the risk and expense of intermediate agencies, the Secretary of the Treasury deemed it advisable to receive and transfer the first installment by means of a draft upon the French minister of finance. A draft for this purpose was accordingly drawn in favor of the cashier of the Bank of the United States for the amount accruing to the United States out of the first installment, and the interest payable with it. This bill was not drawn at Washington until five days after the installment was payable at Paris, and was accompanied by a special authority from the President authorizing the cashier or his assigns to receive the amount. The mode thus adopted of receiving the installment was officially made known to the French Government by the American charge d'affaires at Paris, pursuant to instructions from the Department of State. The bill, however, though not presented for payment until the 23d day of March, was not paid, and for the reason assigned by the French minister of finance that no appropriation had been made by the French Chambers. It is not known to me that up to that period any appropriation had been required of the Chambers, and although a communication was subsequently made to the Chambers by direction of the King, recommending that the necessary provision should be made for carrying the convention into effect, it was at an advanced period of the session, and the subject was finally postponed until the next meeting of the Chambers.

Notwithstanding it has been supposed by the French ministry that the financial stipulations of the treaty can not be carried into effect

without an appropriation by the Chambers, it appears to me to be not only consistent with the character of France, but due to the character of both Governments, as well as to the rights of our citizens, to treat the convention, made and ratified in proper form, as pledging the good faith of the French Government for its execution, and as imposing upon each department an obligation to fulfill it; and I have received assurances through our charge d'affaires at Paris and the French minister plenipotentiary at Washington, and more recently through the minister of the United States at Paris, that the delay has not proceeded from any indisposition on the part of the King and his ministers to fulfill the treaty, and that measures will be presented at the next meeting of the Chambers, and with a reasonable hope of success, to obtain the necessary appropriation.

It is necessary to state, however, that the documents, except certain lists of vessels captured, condemned, or burnt at sea, proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the convention, and which by the sixth article France engaged to communicate to the United States by the intermediary of the legation, though repeatedly applied for by the American charge d'affaires under instructions from this Government, have not yet been communicated; and this delay, it is apprehended, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law.

The reasons for delaying to communicate these documents have not been explicitly stated, and this is the more to be regretted as it is not understood that the interposition of the Chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deemed it my duty, however I might respect the general assurances to which I have adverted, no longer to delay the appointment of a minister plenipotentiary to Paris, but to dispatch him in season to communicate the result of his application to the French Government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last and was presented to the King early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs, and I indulge the hope that with the representations he is instructed to make, and from the disposition manifested by the King and his ministers in their recent assurances to our minister at Paris, the subject will be early considered, and satisfactorily disposed of at the next meeting of the Chambers.

As this subject involves important interests and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition, and should I be disappointed in the hope now entertained the subject will be again brought to the notice of Congress in such manner as the occasion may require.

The friendly relations which have always been maintained between the United States and Russia have been further extended and strengthened by the treaty of navigation and commerce concluded on the 6th of December last, and sanctioned by the Senate before the close of its last session. The ratifications having been since exchanged, the liberal provisions of the treaty are now in full force, and under the encouragement which they have secured a flourishing and increasing commerce, yielding its benefits to the enterprise of both nations, affords to each the just recompense of wise measures, and adds new motives for that mutual friendship which the two countries have hitherto cherished toward each other.

It affords me peculiar satisfaction to state that the Government of Spain has at length yielded to the justice of the claims which have been so long urged in behalf of our citizens, and has expressed a willingness to provide an indemnification as soon as the proper amount can be agreed upon. Upon this latter point it is probable an understanding had taken place between the minister of the United States and the Spanish Government before the decease of the late King of Spain; and, unless that event may have delayed its completion, there is reason to hope that it may be in my power to announce to you early in your present session the conclusion of a convention upon terms not less favorable than those entered into for similar objects with other nations. That act of justice would well accord with the character of Spain, and is due to the United States from their ancient friend. It could not fail to strengthen the sentiments of amity and good will between the two nations which it is so much the wish of the United States to cherish and so truly the interest of both to maintain.

By the first section of an act of Congress passed on the 13th of July, 1832, the tonnage duty on Spanish ships arriving from the ports of Spain was limited to the duty payable on American vessels in the ports of Spain previous to the 20th of October, 1817, being 5 cents per ton. That act was intended to give effect on our side to an arrangement made with the Spanish Government by which discriminating duties of tonnage were to be abolished in the ports of the United States and Spain on the vessels of the two nations. Pursuant to that arrangement, which was carried into effect on the part of Spain on the 20th of May, 1832, by a royal order dated the 20th of April, 1832, American vessels in the ports of Spain have paid 5 cents per ton, which rate of duty is also paid in those ports by Spanish ships; but as American vessels pay no tonnage duty in the ports of the United States, the duty of 5 cents payable in our ports by Spanish vessels under the act above mentioned is really a discriminating duty, operating to the disadvantage of Spain. Though no complaint has yet been made on the part of Spain, we are not the less bound by the obligations of good faith to remove the discrimination, and I recommend that the act be amended accordingly. As the royal order above alluded to includes the ports of the Balearic and Canary islands as well as those of Spain, it would seem that the provisions of the act of Congress should be equally extensive, and that for the repayment of such duties as may have been improperly received an addition should be made to the sum appropriated at the last session of Congress for refunding discriminating duties.

As the arrangement referred to, however, did not embrace the islands of Cuba and Puerto Rico, discriminating duties to the prejudice of American shipping continue to be levied there. From the extent of the commerce carried on between the United States and those islands, particularly the former, this discrimination causes serious injury to one of those great national interests which it has been considered an essential part of our policy to cherish, and has given rise to complaints on the part of our merchants. Under instructions given to our minister at Madrid, earnest representations have been made by him to the Spanish Government upon this subject, and there is reason to expect, from the friendly disposition which is entertained toward this country, that a beneficial change will be produced. The disadvantage, however, to which our shipping is subjected by the operation of these discriminating duties requires that they be met by suitable countervailing duties during your present session, power being at the same time vested in the President to modify or discontinue them as the discriminating duties on American vessels or their cargoes may be modified or discontinued at those islands. Intimations have been given to the Spanish Government that the United States may be obliged to resort to such measures as are of necessary self-defense, and there is no reason to apprehend that it would be unfavorably received. The proposed proceeding if adopted would not be permitted, however, in any degree to induce a relaxation in the efforts of our minister to effect a repeal of this irregularity

by friendly negotiation, and it might serve to give force to his representations by showing the dangers to which that valuable trade is exposed by the obstructions and burdens which a system of discriminating and countervailing duties necessarily produces.

The selection and preparation of the Florida archives for the purpose of being delivered over to the United States, in conformity with the royal order as mentioned in my last annual message, though in progress, has not yet been completed. This delay has been produced partly by causes which were unavoidable, particularly the prevalence of the cholera at Havana; but measures have been taken which it is believed will expedite the delivery of those important records.

Congress were informed at the opening of the last session that "owing, as was alleged, to embarrassments in the finances of Portugal, consequent upon the civil war in which that nation was engaged," payment had been made of only one installment of the amount which the Portuguese Government had stipulated to pay for indemnifying our citizens for property illegally captured in the blockade of Terceira. Since that time a postponement for two years, with interest, of the two remaining installments was requested by the Portuguese Government, and as a consideration it offered to stipulate that rice of the United States should be admitted into Portugal at the same duties as Brazilian rice. Being satisfied that no better arrangement could be made, my consent was given, and a royal order of the King of Portugal was accordingly issued on the 4th of February last for the reduction of the duty on rice of the United States. It would give me great pleasure if in speaking of that country, in whose prosperity the United States are so much interested, and with whom a long-subsisting, extensive, and mutually advantageous commercial intercourse has strengthened the relations of friendship, I could announce to you the restoration of its internal tranquillity.

Subsequently to the commencement of the last session of Congress the final installment payable by Denmark under the convention of the 28th day of March, 1830, was received. The commissioners for examining the claims have since terminated their labors, and their awards have been paid at the Treasury as they have been called for. The justice rendered to our citizens by that Government is thus completed, and a pledge is thereby afforded for the maintenance of that friendly intercourse becoming the relations that the two nations mutually bear to each other.

It is satisfactory to inform you that the Danish Government have recently issued an ordinance by which the commerce with the island of St. Croix is placed on a more liberal footing than heretofore. This change can not fail to prove beneficial to the trade between the United States and that colony, and the advantages likely to flow from it may lead to greater relaxations in the colonial systems of other nations.

The ratifications of the convention with the King of the Two Sicilies have been duly exchanged, and the commissioners appointed for examining the claims under it have entered upon the duties assigned to them by law. The friendship that the interests of the two nations require of them being now established, it may be hoped that each will enjoy the benefits which a liberal commerce should yield to both.

A treaty of amity and commerce between the United States and Belgium was concluded during the last winter and received the sanction of the Senate, but the exchange of the ratifications has been hitherto delayed, in consequence, in the first instance, of some delay in the reception of the treaty at Brussels, and, subsequently, of the absence of the Belgian minister of foreign affairs at the important conferences in which his Government is engaged at London. That treaty does but embody those enlarged principles of friendly policy which it is sincerely hoped will always regulate the conduct of the two nations having such strong motives to maintain amicable relations toward each other and so

sincerely desirous to cherish them.

With all the other European powers with whom the United States have formed diplomatic relations and with the Sublime Porte the best understanding prevails. From all I continue to receive assurances of good will toward the United States—assurances which it gives me no less pleasure to reciprocate than to receive. With all, the engagements which have been entered into are fulfilled with good faith on both sides. Measures have also been taken to enlarge our friendly relations and extend our commercial intercourse with other States. The system we have pursued of aiming at no exclusive advantages, of dealing with all on terms of fair and equal reciprocity, and of adhering scrupulously to all our engagements is well calculated to give success to efforts intended to be mutually beneficial.

The wars of which the southern part of this continent was so long the theater, and which were carried on either by the mother country against the States which had formerly been her colonies or by the States against each other, having terminated, and their civil dissensions having so far subsided as with few exceptions no longer to disturb the public tranquillity, it is earnestly hoped those States will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting by wise councils and able exertions the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those States our relations have undergone but little change during the present year. No reunion having yet taken place between the States which composed the Republic of Colombia, our charge d'affaires at Bogota has been accredited to the Government of New Grenada, and we have, therefore, no diplomatic relations with Venezuela and Equator, except as they may be included in those heretofore formed with the Colombian Republic.

It is understood that representatives from the three States were about to assemble at Bogota to confer on the subject of their mutual interests, particularly that of their union, and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connections which it has been the constant desire of the United States to cultivate with their sister Republics of this hemisphere. Until the important question of reunion shall be settled, however, the different matters which have been under discussion between the United States and the Republic of Colombia, or either of the States which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the charge d'affaires appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gratifying to state that since my last annual message some of the most important claims of our fellow-citizens upon the Government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it that justice will also be done in others. No new causes of complaint have arisen, and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret that, owing, probably, to the civil dissensions which have occupied the attention of the Mexican Government, the time

fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations has been suffered to expire without the appointment of any commissioners on the part of that Government. While the true boundary remains in doubt by either party it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili and approved by the Senate at its last session was also ratified by the Chilian Government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the Senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both Governments on the treaty will again become necessary.

The negotiations commenced with the Argentine Republic relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the charge d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but though daily expected he has not yet arrived in this country.

With Peru no treaty has yet been formed, and with Bolivia no diplomatic intercourse has yet been established. It will be my endeavor to encourage those sentiments of amity and that liberal commerce which belong to the relations in which all the independent States of this continent stand toward each other.

I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the Secretary of State upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system.

It gives me great pleasure to congratulate you upon the prosperous condition of the finances of the country, as will appear from the report which the Secretary of the Treasury will in due time lay before you. The receipts into the Treasury during the present year will amount to more than \$32,000,000. The revenue derived from customs will, it is believed, be more than \$28,000,000, and the public lands will yield about \$3,000,000. The expenditures within the year for all objects, including \$2,572,240.99 on account of the public debt, will not amount to \$25,000,000, and a large balance will remain in the Treasury after satisfying all the appropriations chargeable on the revenue for the present year.

The measures taken by the Secretary of the Treasury will probably enable him to pay off in the course of the present year the residue of the exchanged 4-1/2 per cent stock, redeemable on the 1st of January next. It has therefore been included in the estimated expenditures of this year, and forms a part of the sum above stated to have been paid on account of the public debt. The payment of this stock will reduce the whole debt of the United States, funded and unfunded, to the sum of \$4,760,082.08, and as provision has already been made for the 4-1/2 percents above mentioned, and charged in the expenses of the present year, the sum last stated is all that now remains of the national debt;

and the revenue of the coming year, together with the balance now in the Treasury, will be sufficient to discharge it, after meeting the current expenses of the Government. Under the power given to the commissioners of the sinking fund, it will, I have no doubt, be purchased on favorable terms within the year.

From this view of the state of the finances and the public engagements yet to be fulfilled you will perceive that if Providence permits me to meet you at another session I shall have the high gratification of announcing to you that the national debt is extinguished. I can not refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged is strong evidence of the abundant resources of the country and of the prudence and economy with which the Government has heretofore been administered. We have waged two wars since we became a nation, with one of the most powerful kingdoms in the world, both of them undertaken in defense of our dearest rights, both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle as well as in the second will have lived to see the last item of the debt incurred in these necessary but expensive conflicts faithfully and honestly discharged. And we shall have the proud satisfaction of bequeathing to the public servants who follow us in the administration of the Government the rare blessing of a revenue sufficiently abundant, raised without injustice or oppression to our citizens, and unencumbered with any burdens but what they themselves shall think proper to impose upon it.

The flourishing state of the finances ought not, however, to encourage us to indulge in a lavish expenditure of the public treasure. The receipts of the present year do not furnish the test by which we are to estimate the income of the next. The changes made in our revenue system by the acts of Congress of 1832 and 1833, and more especially by the former, have swelled the receipts of the present year far beyond the amount to be expected in future years upon the reduced tariff of duties. The shortened credits on revenue bonds and the cash duties on woollens which were introduced by the act of 1832, and took effect on the 4th of March last, have brought large sums into the Treasury in 1833, which, according to the credits formerly given, would not have been payable until 1834, and would have formed a part of the income of that year. These causes would of themselves produce a great diminution of the receipts in the year 1834 as compared with the present one, and they will be still more diminished by the reduced rates of duties which take place on the 1st of January next on some of the most important and productive articles. Upon the best estimates that can be made the receipts of the next year, with the aid of the unappropriated amount now in the Treasury, will not be much more than sufficient to meet the expenses of the year and pay the small remnant of the national debt which yet remains unsatisfied. I can not, therefore, recommend to you any alteration in the present tariff of duties. The rate as now fixed by law on the various articles was adopted at the last session of Congress, as a matter of compromise, with unusual unanimity, and unless it is found to produce more than the necessities of the Government call for there would seem to be no reason at this time to justify a change.

But while I forbear to recommend any further reduction of the duties beyond that already provided for by the existing laws, I must earnestly and respectfully press upon Congress the importance of abstaining from all appropriations which are not absolutely required for the public interest and authorized by the powers clearly delegated to the United States. We are beginning a new era in our Government. The national debt, which has so long been a burden on the Treasury, will be finally discharged in the course of the ensuing year. No more money will afterwards be needed than what may be necessary to meet the ordinary expenses of the Government. Now, then, is the proper moment to fix our system of expenditure on firm and durable principles, and I can not

too strongly urge the necessity of a rigid economy and an inflexible determination not to enlarge the income beyond the real necessities of the Government and not to increase the wants of the Government by unnecessary and profuse expenditures. If a contrary course should be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it, and after reducing the tariff in order to lighten the burdens of the people, and providing for a still further reduction to take effect hereafter, it would be much to be deplored if at the end of another year we should find ourselves obliged to retrace our steps and impose additional taxes to meet unnecessary expenditures.

It is my duty on this occasion to call your attention to the destruction of the public building occupied by the Treasury Department, which happened since the last adjournment of Congress. A thorough inquiry into the causes of this loss was directed and made at the time, the result of which will be duly communicated to you. I take pleasure, however, in stating here that by the laudable exertions of the officers of the Department and many of the citizens of the District but few papers were lost, and none that will materially affect the public interest.

The public convenience requires that another building should be erected as soon as practicable, and in providing for it it will be advisable to enlarge in some manner the accommodations for the public officers of the several Departments, and to authorize the erection of suitable depositories for the safe-keeping of the public documents and records.

Since the last adjournment of Congress the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject, and some months before the removal I urged upon the Department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at that time fully developed by proof. It was not until late in the month of August that I received from the Government directors an official report establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money, and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the Government directors before referred to, and however the object may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it was proved to have been applied abundantly show that it was so understood. Not only was the evidence complete as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such an use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented whether the people of the United States are to govern through representatives chosen by their unbiased suffrages or whether the money



and power of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means.

At this time the efforts of the bank to control public opinion, through the distresses of some and the fears of others, are equally apparent, and, if possible, more objectionable. By a curtailment of its accommodations more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and as a necessary consequence extort from Congress a renewal of its charter. I am happy to know that through the good sense of our people the effort to get up a panic has hitherto failed, and that through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank, and it can not be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty I should feel myself called on by the facts disclosed to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposits in the Bank of the United States were entirely safe; but that as his single powers might be inadequate to the object, I recommended the subject to Congress as worthy of their serious investigation, declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination thus recommended was gone into is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the Committee of Ways and Means touching certain specified points only, concluding with a resolution that the Government deposits might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the views of the public interest or the duties of its agents which may be taken by the other departments of the Government or either of its branches, I am, notwithstanding, wholly incapable of receiving otherwise than with the most sincere respect all opinions or suggestions proceeding from such a source, and in respect to none am I more inclined to do so than to the House of Representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the Secretary of the Treasury, that the change in the deposits which has been ordered has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that Department, rendered its act a matter of imperious duty.

Coming as you do, for the most part, immediately from the people and the States by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act to decide whether the executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the Secretary of War, with the documents annexed to it, exhibits the operations of the War Department for the past year and the condition of the various subjects intrusted to its administration.

It will be seen from them that the Army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties which upon the seaboard and the inland frontier devolve upon it in a time of peace. The system so wisely adopted and so long pursued of constructing fortifications at exposed points and of preparing and collecting the supplies necessary for the military defense of the country, and thus providently furnishing in peace the means of defense in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the Secretary of War. Their adoption would promote the public service and meliorate the condition of the Army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sac and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States and for the migration of the occupants of the region assigned for their residence west of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes now remaining east of that river and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition. It is to be hoped that those portions of two of the Southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength.

That those tribes can not exist surrounded by our settlements and in continual contact with our citizens is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority or seeking to control them, they must necessarily yield to the force of circumstances and ere long disappear. Such has been their fate heretofore, and if it is to be averted—and it is—it can only be done by a general removal beyond our boundary and by the reorganization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians and in devising a plan for their intercourse and government is received, I trust ample means of information will be in possession of the Government for adjusting all the unsettled questions connected with this interesting subject.

The operations of the Navy during the year and its present condition are

fully exhibited in the annual report from the Navy Department.

Suggestions are made by the Secretary of various improvements, which deserve careful consideration, and most of which, if adopted, bid fair to promote the efficiency of this important branch of the public service. Among these are the new organization of the Navy Board, the revision of the pay to officers, and a change in the period of time or in the manner of making the annual appropriations, to which I beg leave to call your particular attention.

The views which are presented on almost every portion of our naval concerns, and especially on the amount of force and the number of officers, and the general course of policy appropriate in the present state of our country for securing the great and useful purposes of naval protection in peace and due preparation for the contingencies of war, meet with my entire approbation.

It will be perceived from the report referred to that the fiscal concerns of the establishment are in an excellent condition, and it is hoped that Congress may feel disposed to make promptly every suitable provision desired either for preserving or improving the system.

The general Post-Office Department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union with increased activity. The method, however, in which the accounts of the transportation of the mail have always been kept appears to have presented an imperfect view of its expenses. It has recently been discovered that from the earliest records of the Department the annual statements have been calculated to exhibit an amount considerably short of the actual expense incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress establishing new mail routes, and a disposition on the part of the head of the Department to gratify the wishes of the public in the extension of mail facilities, have induced him to incur responsibilities for their improvement beyond what the current resources of the Department would sustain. As soon as he had discovered the imperfection of the method he caused an investigation to be made of its results and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made to bring the expenses of the Department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that where they may be discontinued with the least inconvenience to the country.

The progressive increase in the income from postages has equaled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this Department. The details are exhibited in the accompanying report of the Postmaster-General.

The many distressing accidents which have of late occurred in that portion of our navigation carried on by the use of steam power deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of those fatal disasters is constantly increasing, notwithstanding the great improvements which are everywhere made in the machinery employed and in the rapid advances which have been made in that branch of science, shows very clearly that they are in a great degree the result of criminal negligence on the part of those by whom the vessels are navigated and to whose care and attention the lives and property of our citizens are so extensively intrusted.

That these evils may be greatly lessened, if not substantially removed, by means of precautionary and penal legislation seems to be highly probable. So far, therefore, as the subject can be regarded as within

the constitutional purview of Congress I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the Constitution in relation to the mode of electing the President and the Vice-President of the United States. Regarding it as all important to the future quiet and harmony of the people that every intermediate agency in the election of these officers should be removed and that their eligibility should be limited to one term of either four or six years, I can not too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you in conclusion the cooperation which it may be in my power to afford them.

ANDREW JACKSON.

#### SPECIAL MESSAGES.

WASHINGTON, \_December 5, 1833\_.

\_To the Senate of the United States\_ :

In compliance with the resolution of the Senate at its last session, requesting the President "to cause to be prepared and laid before the Senate at the commencement of its next session a plan for equalizing the pay of the officers in the Army and Navy according to their relative rank, and providing a stated salary or fixed compensation for their services in lieu of present allowances," I submit herewith a report from the Secretaries of the War and Navy Departments, to whom the subject was referred. It is believed the plan they have presented meets substantially the objects of the resolution.

ANDREW JACKSON.

WASHINGTON, \_December 6, 1833\_.

\_To the House of Representatives\_ :

I transmit herewith to the House of Representatives a communication from the War Department, showing the circumstances under which the sum of \$5,000, appropriated for subsistence of the Army, was transferred to the service of the medical and hospital department, and which, by the law authorizing the transfer, are required to be laid before Congress during the first week of their session.

ANDREW JACKSON.

WASHINGTON, \_December 6, 1833\_.

\_To the House of Representatives\_ :

I transmit herewith, for the information of the House, the report of the survey made in pursuance of the fourth section of the act of Congress of

the 4th July, 1832, authorizing the survey of canal routes in the Territory of Florida.

ANDREW JACKSON.

WASHINGTON, \_December 11, 1833\_.

\_To the House of Representatives\_:

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations that have been made in that Department in pursuance of the power vested in the President by the first section of the act of Congress of the 3d March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

ANDREW JACKSON.

WASHINGTON, \_December 12, 1833\_.

\_To the Senate of the United States\_:

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate "a copy of the paper which has been published, and which purports to have been read by him to the heads of the Executive Departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

The executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of Departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct, and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the appropriate duties confided to them.

Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them agreeably to the provisions of the Constitution and the solemn oath I have taken to support and defend it.

I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the executive branch of the Government to decline a compliance with your request.

ANDREW JACKSON.

WASHINGTON, \_December 23, 1833\_.

\_To the House of Representatives\_:

The rules and regulations herewith submitted have been prepared by a board of officers in conformity with an act passed May 19, 1832.[1]

They are approved by me, and in pursuance of the provisions of said act are now communicated to the House of Representatives for the purpose of obtaining to them the sanction of Congress.

ANDREW JACKSON.

[Footnote 1: An act authorizing the revision and extension of the rules and regulations of the naval service.]

WASHINGTON, \_December 24, 1833\_.

\_To the Senate\_:

I transmit herewith, for the consideration of the Senate as to the ratification thereof, the following Indian treaties that have been received since the adjournment of the last session of Congress, viz:

No. 1. Treaty with the Seminole Indians, made May 9, 1832.

No. 2. Treaty with the Cherokees west of the Mississippi, made 14th February, 1833.

No. 3. Treaty with the Creeks west of the Mississippi, made 14th February, 1833.

No. 4. Assignment to the Seminoles of a tract of land for their residence west of the Mississippi, made 28th March, 1833.

No. 5. Agreement with the Apalachiccla band of Indians, made 18th June, 1833.

No. 6. Treaty with the united bands of Ottoes and Missouriians, made 21st September, 1833.

No. 7. Treaty with the four confederated bands of Pawnees residing on the Platt and Loup Fork, made 9th October, 1833.

ANDREW JACKSON.

WASHINGTON, \_January 6, 1834\_.

\_To the Senate and House of Representatives\_:

I communicate to Congress an extract of a letter recently received from R.J. Leib, consul of the United States at Tangier, by which it appears that that officer has been induced to receive from the Emperor of Morocco a present of a lion and two horses, which he holds as belonging to the United States. There being no funds at the disposal of the Executive applicable to the objects stated by Mr. Leib, I submit the whole subject to the consideration of Congress for such direction as in their wisdom may seem proper.

I have directed instructions to be given to all our ministers and agents abroad requiring that in future, unless previously authorized by Congress, they will not under any circumstances accept presents of any description from any foreign state.

I deem it proper on this occasion to invite the attention of Congress to the presents which have heretofore been made to our public officers, and which have been deposited under the orders of the Government in the Department of State. These articles are altogether useless to the Government, and the care and preservation of them in the Department of State are attended with considerably inconvenience.

The provision of the Constitution which forbids any officer, without the consent of Congress, to accept any present from any foreign power may be considered as having been satisfied by the surrender of the articles to the Government, and they might now be disposed of by Congress to those for whom they were originally intended, or to their heirs, with obvious propriety in both cases, and in the latter would be received as grateful memorials of the surrender of the present.

As under the positive order now given similar presents can not hereafter be received, even for the purpose of being placed at the disposal of the Government, I recommend to Congress to authorize by law that the articles already in the Department of State shall be delivered to the persons to whom they were originally presented, if living, and to the heirs of such as may have died.

ANDREW JACKSON.

WASHINGTON, \_January 7, 1834\_.

\_To the House of Representatives\_:

In compliance with the resolution requesting the President of the United States to lay before the House "a copy of any contract which may have been made for the construction of a bridge across the Potomac opposite to the city of Washington, together with the authority under which such contract may have been made, the names of the contractors and their securities, if any, and the plan and estimate of the cost of such a bridge," I transmit herewith a report from the Secretary of the Treasury, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

WASHINGTON, \_January 9, 1834\_.

\_To the Senate of the United States\_:

I transmit to the Senate, for their constitutional action, a treaty concluded between the commissioners on the part of the United States and the united nation of Chippewas, Ottawas, and Potawatamies, at Chicago, on the 26th of September, 1833, to the cession of certain lands in the State of Illinois and Territory of Michigan.

I transmit also sundry documents relating thereto that I think proper should be laid before the Senate.

I understand the country ceded by this treaty is considered a valuable one and its acquisition important to that section of the Union. Under these circumstances, as the objection to a ratification applies to those stipulations in the third article which provide that \$100,000 and \$150,000 shall be granted in satisfaction of claims to reservations and for debts due from the Indians to individuals, I recommend that the treaty be ratified, with the condition that an agent be appointed to

proceed to Chicago investigate the justice of these claims. If they are all well founded and have been assented to by the Indians with a full knowledge of the circumstances, a proper investigation of them will do the claimants no injury, but will place the matter beyond suspicion. If, on the other hand, they are unjust and have not been fully understood by the Indians, the fraud will in that event vitiate them, and they ought not to be paid. To the United States, in a mere pecuniary point of view, it is of no importance to whom the money provided by this treaty is paid. They stipulate to pay a given amount, and that amount they must pay, but the consideration is yielded by the Indians, and they are entitled to its value. Whatever is granted in claims must be withheld from them, and if not so granted it becomes theirs. Considering the relations in which the Indians stand to the United States, it appears to me just to exercise their supervisory authority. It has been done in more than one instance, and as its object in this case is to ascertain whether any fraud exists, and if there does to correct it, I consider such a ratification within the proper scope of the treaty-making power.

ANDREW JACKSON.

WASHINGTON, \_January 22, 1834\_.

\_To the Senate\_:

I transmit to the Senate a report[2] from the Secretary of State, containing the information requested by their resolution of the 9th instant, with the documents which accompany that report.

ANDREW JACKSON.

[Footnote 2: Relating to presents from foreign governments to officers of the United States.]

WASHINGTON, \_January 25, 1834\_.

\_To the House of Representatives of the United States\_:

I transmit herewith to the House of Representatives a letter from the Secretary of State, together with the accompanying papers, relating to a claim preferred to that Department, through the British legation at Washington, for indemnification for losses alleged to have been sustained by the owners of the ship \_Francis and Eliza\_, libeled at New Orleans in 1819, and condemned and sold by the sentence and decree of the district court of the United States for the district of Louisiana, but afterwards restored upon an appeal to the Supreme Court of the United States, that such legislative provision may be made by Congress in behalf of those interested as shall appear just and proper in the case.

ANDREW JACKSON.

FEBRUARY 4, 1834.

\_To the Senate and House of Representatives\_:

I deem it my duty to communicate to Congress the recent conduct of the Bank of the United States in refusing to deliver the books, papers, and funds in its possession relating to the execution of the act of Congress of June 7, 1832, entitled "An act supplementary to the 'Act for the



relief of certain surviving officers and soldiers of the Revolution." The correspondence reported by the Secretary of War, and herewith transmitted, will show the grounds assumed by the bank to justify its refusal to make the transfer directed by the War Department. It does not profess to claim the privilege of this agency as a right secured to it by contract, nor as a benefit conferred by the Government, but as a burden, from which it is willing to be relieved. It places its refusal upon the extraordinary ground that the corporation has a right to sit in judgment upon the legality of the acts of the constituted authorities in a matter in which the stockholders are admitted to have no interest, and it impedes and defeats, as far as its power will permit, the execution of a measure of the Administration, because the opinion of the corporation upon the construction of an act of Congress differs from that of the proper officers of the United States.

The claim of this corporation thus to usurp the functions of the judicial power and to prescribe to the executive department the manner in which it shall execute the trust confided to it by law is without example in the history of our country. If the acts of the public servants, who are responsible to the people for the manner in which they execute their duty, may thus be checked and controlled by an irresponsible money corporation, then indeed the whole frame of our Government is changed, and we have established a power in the Bank of the United States above what we derive from the people.

It will be seen from the accompanying statement (marked A) that according to the latest accounts received at the War Department the Bank of the United States and its branches have in their possession near half a million of the public money, received by them under the law of 1832, which they have not yet accounted for, and which they refuse to pay over to the proper agents for the use of those persons for whose benefit it was withdrawn from the Treasury. It is to be regretted that this attempt on the part of the bank to guide and direct the Executive upon the construction and execution of an act of Congress should have been put forward and insisted on in a case where the immediate sufferers from their conduct will be the surviving veterans of the Revolutionary war, for this evil falls exclusively upon the gallant defenders of their country and delays and embarrasses the payment of the debt which the gratitude of the nation has awarded to them, and which in many instances is necessary for their subsistence and comfort in their declining years.

The character of the claim set up by the bank and the interest of the parties to be immediately affected by it make it my duty to submit the whole subject to the consideration of Congress, and I leave it to their wisdom to adopt such measures as the honor of the Government and the just claims of the individuals injured by the proceedings may be deemed to require.

Having called for the opinion of the Attorney-General upon this occasion with a view to a thorough investigation of the question which has thus been presented for my consideration, I inclose a copy of the report of that officer and add my entire concurrence in the views he has taken.

ANDREW JACKSON.

WASHINGTON, \_February 12, 1834\_.

\_To the House of Representatives\_:

I transmit to the House of Representatives a report[3] from the Secretary of State, in relation to the subject of a resolution of the 8th of this month.

ANDREW JACKSON.

[Footnote 3: Relating to the boundary line between Georgia and Florida.]

WASHINGTON, \_February 12, 1834\_.

\_To the House of Representatives\_:

I transmit to the House of Representatives a report from the Secretary of State, containing the information requested[4] by the resolution of the 14th ultimo, with the documents which accompanied that report.

ANDREW JACKSON.

[Footnote 4: List of presents from foreign governments to officers of the United States, deposited in the State Department.]

WASHINGTON, \_February 22, 1834\_.

\_To the Senate of the United States\_:

I transmit herewith to the Senate, for their advice concerning its ratification, an additional and explanatory convention to the treaty of peace, amity, commerce, and navigation between the United States and the Republic of Chile, which additional and explanatory convention was concluded at the city of Santiago by the plenipotentiaries of the United States and of Chile on the 1st of September, 1833. I also transmit a report from the Secretary of State on the subject.

ANDREW JACKSON.

WASHINGTON, \_March 8, 1834\_.

\_To the House of Representatives\_:

I transmit herewith to the House a report from the Secretary of State, containing the instructions and other papers called for by the resolution of the House of the 14th ultimo, "relative to the trade between the United States and the islands of Cuba and Porto Rico," etc.

ANDREW JACKSON.

WASHINGTON, \_March 11, 1834\_.

\_To the Senate\_:

I renominate Henry D. Gilpin, Peter Wager, and John T. Sullivan, of Philadelphia, and Hugh McEldery, of Baltimore, to be directors in the Bank of the United States for the year 1834.

I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents.

Nevertheless, the attitude in which certain vital interests of the country are placed by the rejection of the gentlemen now renominated require of me frankly to communicate my views of the consequences which must necessarily follow this act of the Senate if it be not reconsidered.

The characters and standing of these gentlemen are well known to the community, and eminently qualify them for the offices to which I propose to appoint them. Their confirmation by the Senate at its last session to the same offices is proof that such was the opinion of them entertained by the Senate at that time, and unless something has occurred since to change it this act may now be referred to as evidence that their talents and pursuits justified their selection. The refusal, however, to confirm their nominations to the same offices shows that there is something in the conduct of these gentlemen during the last year which, in the opinion of the Senate, disqualifies them, and as no charge has been made against them as men or citizens, nothing which impeaches the fair private character they possessed when the Senate gave them their sanction at its last session, and as it, moreover, appears from the Journal of the Senate recently transmitted for my inspection that it was deemed unnecessary to inquire into their qualifications or character, it is to be inferred that the change in the opinion of the Senate has arisen from the official conduct of these gentlemen. The only circumstances in their official conduct which have been deemed of sufficient importance to attract public attention are the two reports made by them to the executive department of the Government, the one bearing date the 22d day of April and the other the 19th day of August last, both of which reports were communicated to the Senate by the Secretary of the Treasury with his reasons for removing the deposit.

The truth of the facts stated in these reports is not, I presume, questioned by anyone. The high character and standing of the citizens by whom they were made prevent any doubt upon the subject. Indeed, the statements have not been denied by the president of the bank and the other directors. On the contrary, they have insisted that they were authorized to use the money of the bank in the manner stated in the two reports, and have not denied that the charges there made against the corporation are substantially true.

It must be taken, therefore, as admitted that the statements of the public directors in the reports above mentioned are correct, and they disclose the most alarming abuses on the part of the corporation and the most strenuous exertions on their part to put an end to them. They prove that enormous sums were secretly lavished in a manner and for purposes that can not be justified, and that the whole of the immense capital of the bank has been virtually placed at the disposal of a single individual, to be used, if he thinks proper, to corrupt the press and to control the proceedings of the Government by exercising an undue influence over elections.

The reports are made in obedience to my official directions, and I herewith transmit copies of my letters calling for information of the proceedings of the bank. Were they bound to disregard the call? Was it their duty to remain silent while abuses of the most injurious and dangerous character were daily practiced? Were they bound to conceal from the constituted authorities a course of measures destructive to the best interests of the country and intended gradually and secretly to subvert the foundations of our Government and to transfer its powers from the hands of the people to a great moneyed corporation? Was it their duty to sit in silence at the board and witness all these abuses without an attempt to correct them, or, in case of failure there, not to appeal to higher authority? The eighth fundamental rule authorizes any one of the directors, whether elected or appointed, who may have been absent when an excess of debt was created, or who may have dissented from the act, to exonerate himself from personal responsibility by

giving notice of the fact to the President of the United States, thus recognizing the propriety of communicating to that officer the proceedings of the board in such cases. But independently of any argument to be derived from the principle recognized in the rule referred to, I can not doubt for a moment that it is the right and the duty of every director at the board to attempt to correct all illegal proceedings, and, in case of failure, to disclose them, and that every one of them, whether elected by the stockholders or appointed by the Government, who had knowledge of the facts and concealed them, would be justly amenable to the severest censure.

But in the case of the public director it was their peculiar and official duty to make the disclosures, and the call upon them for information could not have been disregarded without a flagrant breach of their trust. The directors appointed by the United States can not be regarded in the light of the ordinary directors of a bank appointed by the stockholders and charged with the care of their pecuniary interests in the corporation. They have higher and more important duties. They are public officers. They are placed at the board not merely to represent the stock held by the United States, but to observe the conduct of the corporation and to watch over the public interests. It was foreseen that this great moneyed monopoly might be so managed as to endanger the interests of the country, and it was therefore deemed necessary as a measure of precaution to place at the board watchful sentinels, who should observe its conduct and stand ready to report to the proper officers of the Government every act of the board which might affect injuriously the interests of the people.

The whole frame of the charter, as well as the manner of their appointment, proves this to be their true character. The United States are not represented at the board by these directors merely on account of the stock held by the Government. The right of the United States to appoint directors and the number appointed do not depend upon the amount of the stock, for if every share should be sold and the United States cease to be a stockholder altogether, yet under the charter the right to appoint five directors would still remain. In such a case what would be the character of the directors? They would represent no stock and be chosen by no stockholders. Yet they would have a right to sit at the board, to vote on all questions submitted to it, and to be made acquainted with all the proceedings of the corporation. They would not in such a case be ordinary directors chosen by the stockholders in proportion to their stock, but they would be public officers, appointed to guard the public interest, and their duties must conform to their office. They are not the duties of an ordinary director chosen by a stockholder, but they are the peculiar duties of a public officer who is bound on all occasions to protect to the utmost of his lawful means the public interests, and, where his own authority is not sufficient to prevent injury, to inform those to whom the law has confided the necessary power. Such, then, is the character and such are the duties of the directors appointed by the United States, whether the public be stockholders or not. They are officers of the United States, and not the mere representatives of a stockholder.

The mode of their appointment and their tenure of office confirm this position. They are appointed like other officers of the Government and by the same authority. They do not hold their offices irrevocably a year after their appointment; on the contrary, by the express terms of the law, they are liable to be removed from office at any time by the President when in his judgment the public interest shall require it. In every aspect, therefore, in which the subject can be considered it is evident that the five directors appointed by the United States are to be regarded as public officers who are placed there in order to observe the conduct of the corporation and to prevent abuses which might otherwise be committed.

Such being the character of the directors appointed on behalf of the United States, it is obviously their duty to resist, and in case of failure to report to the President or to the Secretary of the Treasury, any proceedings of the board by which the public interests may be injuriously affected. The President may order a *scire facias* against the bank for a violation of its charter, and the Secretary of the Treasury is empowered to direct the money of the United States to be deposited elsewhere when in his judgment the public interest requires it to be done. The directors of this bank, like all others, are accustomed to sit with closed doors, and do not report their proceedings to any department of the Government.

The monthly return which the charter requires to be made to the Treasury Department gives nothing more than a general statement of its pecuniary condition, and of that but an imperfect one; for although it shows the amount loaned at the bank and its different branches, it does not show the condition of its debtors nor the circumstances under which the loans were made. It does not show whether they were in truth accommodations granted in the regular and ordinary course of business upon fair banking principles or from other motives. Under the name of loans advances may be made to persons notoriously insolvent for the most corrupt and improper purposes, and a course of proceeding may be adopted in violation of its charter, while upon the face of its monthly statement everything would appear to be fair and correct.

How, then, is the executive branch of the Government to become acquainted with the official conduct of the public directors or the abuses practiced by the corporation for its private ends and in violation of its duty to the public? The power of displacing the public directors and that of issuing a *scire facias* and of removing the deposits were not intended to be idle and nugatory provisions without the means of enforcement. Yet they must be wholly inoperative and useless unless there be some means by which the official conduct of the public directors and the abuses of power on the part of the corporation may be brought to the knowledge of the executive department of the Government.

Will it be said that the power is given to the Secretary of the Treasury to examine himself, or by his authorized agent, into the conduct and condition of the bank? The answer is obvious. It could not have been expected or intended that he would make an examination unless information was first given to him which excited his suspicions; and if he did make such a general examination without previous information of misconduct, it is most probable that in the complex concerns and accounts of a bank it would result in nothing, whatever abuses might have been practiced.

It is, indeed, the duty of every director to give information of such misconduct on the part of the board. But the power to issue a *scire facias* and to remove the deposits presupposes that the directors elected by the stockholders might abuse their power, and it can not be presumed that Congress intended to rely on these same directors to give information of their own misconduct. The Government is not accustomed to rely on the offending party to disclose his offense. It was intended that the power to issue a *scire facias* and remove the deposits be real and effective. The necessary means of information were therefore provided in the charter, and five officers of the Government, appointed in the usual manner, responsible to the public and not to the stockholders, were placed as sentinels at the board, and are bound by the nature and character of their office to resist, and if unsuccessful to report to the proper authority, every infraction of the charter and every abuse of power, in order that due measures should be taken to punish or correct it; and in like manner it is their duty to give, when called upon, any explanation of their own official conduct touching the management of the institution.

It was perhaps scarcely necessary to present to the Senate these views of the power of the Executive and of the duties of the five directors appointed by the United States. But the bank is believed to be now striving to obtain for itself the government of the country, and is seeking by new and strained constructions to wrest from the hands of the constituted authorities the salutary control reserved by the charter; and as misrepresentation is one of its most usual weapons of attack, I have deemed it my duty to put before the Senate in a manner not to be misunderstood the principles on which I have acted.

Entertaining as I do a solemn conviction of the truth of these principles, I must adhere to them and act upon them with constancy and firmness. Aware as I now am of the dangerous machinations of the bank, it is more than ever my duty to be vigilant in guarding the rights of the people from the impending danger. And I should feel that I ought to forfeit the confidence with which my countrymen have honored me if I did not require regular and full reports of everything in the proceedings of the bank calculated to affect injuriously the public interests from the public directors; and if the directors should fail to give the information called for, it would be my imperious duty to exercise the power conferred on me by law of removing them from office and of appointing others who would discharge their duties with more fidelity to the public. I can never suffer anyone to hold office under me who would connive at corruption or who should fail to give the alarm when he saw the enemies of liberty endeavoring to sap the foundations of our free institutions and to subject the free people of the United States to the dominion of a great moneyed corporation.

Any directors of the bank, therefore, who might be appointed by the Government would be required to report to the Executive as fully as the late directors have done, and more frequently, because the danger is more imminent; and it would be my duty to require of them a full detail of every part of the proceedings of the corporation, or any of its officers, in order that I might be enabled to decide whether I should exercise the power of ordering a *scire facias*, which is reserved to the President by the charter, or adopt such other lawful measures as the interests of the country might require. It is too obvious to be doubted that the misconduct of the corporation would never have been brought to light by the aid of a public proceeding at the board of directors. The board when called on by the Government directors refused to institute an inquiry or require an account, and the mode adopted by the latter was the only one by which the object could be attained. It would be absurd to admit the right of the Government directors to give information and at the same time deny the means of obtaining it. It would be but another mode of enabling the bank to conceal its proceedings and practice with impunity its corruptions. In the mode of obtaining the information, therefore, and in their efforts to put an end to the abuses disclosed, as well as in reporting them, the conduct of the late directors was judicious and praiseworthy, and the honesty, firmness, and intelligence which they have displayed entitle them, in my opinion, to the gratitude of the country.

But if I do not mistake the principles on which the Senate have recently rejected them, the conduct which I deem worthy of praise they treat as a breach of duty, and in their judgment the measures which they took to obtain the informations and their efforts to put an end to the practices disclosed and the reports they have made to the Executive, although true in all their parts, are regarded as an offense and supposed to require some decisive mark of strong disapprobation.

If the views of the Senate be such as I have supposed, the difficulty of sending to the Senate any other names than those of the late directors will be at once apparent. I can not consent to place before the Senate the name of anyone who is not prepared with firmness and honesty to

discharge the duties of a public director in the manner they were fulfilled by those whom the Senate have refused to confirm. If for performing a duty lawfully required of them by the Executive they are to be punished by the subsequent rejection of the Senate, it would not only be useless, but cruel, to place men of character and honor in that situation, if even such men could be found to accept it. If they failed to give the required information or to take proper measures to obtain it, they would be removed by the Executive. If they gave the information and took proper measures to obtain it, they would upon the next nomination be rejected by the Senate. It would be unjust in me to place any other citizens in the predicament in which this unlooked-for decision of the Senate has placed the estimable and honorable men who were directors during the last year.

If I am not in error in relation to the principles upon which these gentlemen have been rejected, the necessary consequence will be that the bank will hereafter be without Government directors, and the people of the United States must be deprived of their chief means of protection against its abuses, for whatever conflicting opinions may exist as to the right of the directors appointed in January, 1833, to hold over until new appointments shall be made, it is very obvious that whilst their rejection by the Senate remains in force they can not with propriety attempt to exercise such a power. In the present state of things, therefore, the corporation will be enabled effectually to accomplish the object it has been so long endeavoring to attain. Its exchange committees and its delegated powers to its president may hereafter be dispensed with without incurring the danger of exposing its proceedings to the public view. The sentinels which the law had placed at its board can no longer appear there.

Justice to myself and to the faithful officers by whom the public has been so well and so honorably served without compensation or reward during the last year has required of me this full and frank exposition of my motives for nominating them again after their rejection by the Senate. I repeat that I do not question the right of the Senate to confirm or reject at their pleasure, and if there had been any reason to suppose that the rejection in this case had not been produced by the causes to which I have attributed it, or if my views of their duties and the present importance of their rigid performance were other than they are, I should have cheerfully acquiesced and attempted to find others who would accept the unenviable trust; but I can not consent to appoint directors of the bank to be the subservient instruments or silent spectators of its abuses and corruptions, nor can I ask honorable men to undertake the thankless duty with the certain prospect of being rebuked by the Senate for its faithful performance in pursuance of the lawful directions of the Executive.

I repeat that I do not claim a right to inquire into or officially to censure the acts of the Senate, but the situation in which the important interests of the American people vested in the Bank of the United States and affected by its arrangements must necessarily be left by the rejection of the gentlemen now renominated has made it my duty to give this explanation to the Senate and submit the matter to their reconsideration. If it shall be determined by the Senate that all channels of information in relation to the corrupt proceedings of this dangerous corporation shall be cut off and the Government and country left exposed to its unrestrained machinations against the purity of the press and public liberty, I shall, after having made this effort to avert so great an evil, rest for the justification of my official course with respectful confidence on the judgment of the American people.

In conclusion it is proper I should inform the Senate that there is now no Government director appointed for the present year, Mr. Bayard, who was nominated, and confirmed by the Senate, having refused to accept that appointment.

ANDREW JACKSON.

WASHINGTON, \_March 14, 1834\_.

\_To the Senate and House of Representatives\_:

I transmit herewith a report from the Secretary of State, accompanied by a copy of a letter from the commissioners appointed to adjust the claims of our citizens under the late treaty with Naples, and suggest for the consideration of Congress the expediency of extending the term allowed for the performance of the duties assigned to them.

ANDREW JACKSON.

WASHINGTON, \_March 20, 1834\_.

\_To the Senate of the United States\_:

I transmit herewith to the Senate a report[5] from the Secretary of State, with the documents accompanying it, in pursuance of their resolution of the 7th instant, relative to the ship \_Olive Branch\_.

ANDREW JACKSON.

[Footnote 5: Transmitting memorial of the heir at law of General Ira Allen, relative to the capture, detention, and condemnation of the ship \_Olive Branch\_ and her cargo by the British Government; also copy of instructions given to the United States minister to Great Britain and of correspondence between him and the British Government on the subject.]

WASHINGTON, \_March 22, 1834\_.

\_To the House of Representatives of the United States\_:

I transmit to the House of Representatives a report[6] from the Secretary of State, upon the subject of a resolution of the 10th instant, which was referred to that officer.

ANDREW JACKSON.

[Footnote 6: Transmitting correspondence and papers relating to the claim of Don Juan Madrazo, a Spanish subject, for losses occasioned by acts of the United States and Georgia.]

WASHINGTON, \_April 1, 1834\_.

\_To the Senate and House of Representatives\_:

I transmit for the consideration of Congress a report from the Secretary of State, and recommend that legislative measures may be taken to prevent the counterfeiting of foreign coins and the exporting of counterfeit coins from the United States.

ANDREW JACKSON.



WASHINGTON, \_April 2, 1834\_.

\_To the Senate and House of Representatives\_:

I lay before Congress a communication from the governor of New York and a copy of a communication from the governor of New Jersey, addressed to me with a view of obtaining the consent of Congress to an agreement which has been entered into by the States of New York and New Jersey to settle the boundary line between those States. The agreement and authenticated copies of the acts of the legislatures of New York and New Jersey relating to it are also transmitted.

ANDREW JACKSON.

WASHINGTON, \_April 8, 1834\_.

\_To the Senate\_:

I transmit herewith a report from the Commissioner of the General Land Office, made in compliance with the resolution of the Senate of the 29th ultimo, calling for "the dates of the proclamations and the times of sale specified in each of the sales of the public lands in the district of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit Creek and from the Creek tribe of Indians in Alabama; and also the causes, if any existed, of a shorter notice being given for the sale of these lands than is usual in the sale of the other public lands."

ANDREW JACKSON.

WASHINGTON, \_April 17, 1834\_.

\_To the Senate of the United States\_:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention for the settlement of claims between the United States of America and Her Catholic Majesty, concluded at Madrid on the 17th of February, 1834.

ANDREW JACKSON.

WASHINGTON, \_May 1, 1834\_.

\_The Speaker of the House of Representatives\_:

I submit for the sanction of Congress certain proposals for amending the present laws in relation to the naval service, prepared and reported by the board constituted under the act of May 19, 1832.

The papers on this subject are Nos. 1 to 5, inclusive.

These proposals are approved by me, and if adopted in the form of laws appear well suited "to the present and future exigencies of that important arm of national defense."

ANDREW JACKSON.

WASHINGTON, \_May 12, 1834\_.

\_To the Senate and House of Representatives of the United States\_:

I communicate to Congress copies of a treaty of navigation and commerce between the United States and His Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 6th (18th) of December, 1832, and the ratifications of which were exchanged in this city on the 11th of May, 1833.

ANDREW JACKSON.

WASHINGTON, \_May 13, 1834\_.

\_To the Senate and House of Representatives of the United States\_:

I communicate to Congress copies of a convention between the United States and His Majesty the King of the Kingdom of the Two Sicilies, to terminate the reclamations of the former for the depredations inflicted upon American commerce by Murat during the years 1809, 1810, 1811, and 1812, concluded at Naples on the 14th of October, 1832, and the ratifications of which were exchanged at the same place on the 8th of June, 1833.

ANDREW JACKSON.

WASHINGTON, \_May 15, 1834\_.

\_To the Senate and House of Representatives\_:

I transmit herewith to Congress copies of a treaty of peace, amity, commerce, and navigation between the United States and the Republic of Chile, concluded at Santiago de Chile on the 1st of September, 1833, and the ratifications of which were exchanged in this city on the 29th of April last.

ANDREW JACKSON.

WASHINGTON, \_May 19, 1834\_.

\_To the House of Representatives of the United States\_:

I transmit a letter from the Marquis de Rochambeau to the minister of the United States in France, together with a translation of the same, referring to the petition of certain descendants of the Count de Rochambeau, which was communicated to the House of Representatives with my message of the 22d of February, 1833. Extracts from the dispatches of Mr. Livingston to the Secretary of State respecting the same subject are also sent.

I likewise transmit, for the consideration of the House, a petition from the heirs of the Baron de Kalb, accompanied by a note from General Lafayette, praying remuneration for the services rendered by the Baron to the United States during the War of the Revolution.

ANDREW JACKSON.

MAY 21, 1834.

\_To the Senate of the United States\_:

I nominate Arthur St. Clair to be register of the land office for the district of lands subject to sale at Indianapolis, in the State of Indiana, in the place of William B. Slaughter, appointed during the recess of the Senate.

As Arthur St. Clair was heretofore appointed to this office and was removed during the recess, it is proper to state the reasons which induce me again to nominate him to the Senate.

During the last summer an agent was appointed by the Treasury Department to examine the land offices in Indiana, and upon his report to the Department of the proceedings in the register's and receiver's offices at Indianapolis I deemed it proper to remove both of those officers without delay. A subsequent examination by a different agent enabled the parties to offer explanations of the charges against them in the first report, and although I am satisfied that the duty of the first agent was honestly and faithfully performed by him, yet the circumstances on which his report is founded have since been so explained as to acquit both of the officers who were removed of any intentional misconduct. In the case of Mr. St. Clair, however, it appears from both of the reports that he had permitted the clerk in his office to be the agent of speculations in land scrip contrary to the instructions received by him from the Treasury Department, but I am convinced that he himself did not participate in the speculation nor share in the profits, and that he gave the permission under a mistaken construction of the order and erroneous views of his duty as an officer. His mistake in this respect seems to have arisen in a great measure from his reliance on the judgment of others in whom he might well have supposed he could confide, and who appear to have sanctioned the course he adopted without sufficiently examining the subject and the evils to which such a practice would necessarily lead. Under these circumstances I have believed it to be an act of justice to Mr. St. Clair to present his name again to the Senate, as he can be reinstated in the office from which he was removed without injury to the person who in the recess was selected to succeed him. And I should have adopted the same course in relation to the receiver but for the peculiar circumstances in which his successor has been placed, and which would render it an act of injustice to him not to submit his name to the Senate for confirmation.

The reports and papers in relation to these removals are herewith transmitted to the Senate, in order that they may act in the case with the whole evidence before them.

ANDREW JACKSON.

WASHINGTON, \_May 21, 1834\_.

\_To the House of Representatives\_:

I lay before the House of Representatives a copy of a "convention for the settlement of claims between the United States of America and Her Catholic Majesty," concluded on the 17th of February last.

This convention has been ratified by me, agreeably to the Constitution, and will be immediately transmitted to Madrid, where it will doubtless be ratified by Her Majesty.

It is deemed proper to communicate the convention thus early, that provision may be made for carrying the first article into effect as soon

as the ratifications shall have been exchanged, in order that our citizens may with as little delay as possible obtain the stipulated compensation.

ANDREW JACKSON.

WASHINGTON, \_May 28, 1834\_.

\_To the Senate of the United States\_:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty and a supplement thereto, concluded between John H. Eaton, a commissioner on the part of the United States, and a delegation from the Chickasaw tribe of Indians, together with the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, \_May 30, 1834\_.

\_To the Senate of the United States\_:

It having been represented to me by persons whose statements and opinions were thought worthy of confidence that the trade of the United States might be extended and rendered more lucrative by commercial arrangements with the countries bordering on the Indian Ocean, and being informed that the success of any efforts which might be made to accomplish that object would materially depend upon the secrecy with which they should be conducted, I appointed Mr. Edmund Roberts a special agent of this Government for the purpose of visiting those seas and concluding such commercial conventions as might have the effect of securing additional advantages to our trade in that quarter. This agency has resulted in the conclusion of treaties with the King of Siam and the Sultan of Muscat, whereby the commerce of the United States with the countries subject to the dominion of those princes, which had been previously embarrassed by serious disadvantages and obstructions, is placed upon a footing with that of the most favored nation. These treaties, the former of which was signed at the city of Siayuthia (commonly called Bangkok) on the 20th day of March, 1833, and the latter at the city of Muscat on the 21st day of September of the same year, are submitted to the Senate for their consideration and advice.

I transmit a copy of the instructions which were given to the special agent and a communication made by him to the Secretary of State, containing particular and important information respecting the countries with which these treaties have been concluded. The expenses of the agency have been defrayed out of the contingent fund for foreign intercourse.

ANDREW JACKSON.

WASHINGTON, \_June 13, 1834\_.

\_To the Senate\_:

I have this day received a resolution of the 12th instant, requesting me to communicate to the Senate a copy of the first official communication which was made to Andrew Stevenson of the intention of the President to nominate him as a minister plenipotentiary and envoy extraordinary to

the United Kingdom of Great Britain and Ireland, and his answer thereto.

As a compliance with this resolution might be deemed an admission of the right of the Senate to call upon the President for confidential correspondence of this description, I consider it proper on this occasion to remark that I do not acknowledge such a right. But to avoid misrepresentation I herewith transmit a copy of the paper in question, which was the only communication made to Mr. Stevenson on the subject.

This communication merely intimated the intention of the President in a particular contingency to offer to Mr. Stevenson the place of minister to the Court of St. James, and as the negotiations to which it refers were commenced early in April, 1833, in this city instead of London, and have been since conducted here, no further communication was made to him. I have no knowledge that an answer was received from Mr. Stevenson; none is to be found in the Department of State and none has been received by me.

ANDREW JACKSON.

WASHINGTON, \_June 18, 1834\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit to Congress an extract of a dispatch from Mr. Livingston, the minister of the United States at Paris, dated the 7th ultimo, and the copy of a communication made to him by Captain Ballard, commander of the frigate \_United States\_, by which it appears that in firing a national salute from that ship at Toulon, in honor of the birthday of the King of the French, two men were killed and four others wounded on board the French ship of war \_Suffren\_. Suitable explanations were immediately made to the French admiral; and the officers and crew of the American frigate, with that generosity which distinguishes their profession, promptly contributed, by a liberal subscription, toward providing for the families of the unfortunate sufferers. I am sure, however, that I should not do justice to the feelings of the American people on this occasion if I did not invite Congress to assume, on their part, this melancholy duty. I propose, therefore, that the same provision be made by law for these French seamen and their families as would be made for American seamen killed or wounded in battle. This proceeding will show the deep sensibility with which the disastrous accident is viewed by the United States, and their readiness to alleviate those consequences which can not be remedied.

ANDREW JACKSON.

WASHINGTON, \_June 20, 1834\_.

\_To the House of Representatives of the United States\_:

I transmit to the House of Representatives, for their consideration, a memorial from the granddaughters of the Count de Rochambeau, together with their letter to the minister of the United States in France, from whom these papers have been recently received.

Translations of these documents accompany them.

ANDREW JACKSON.

WASHINGTON, \_June 21, 1834\_.

\_To the Senate and House of Representatives of the United States\_:

The afflicting intelligence of the death of the illustrious Lafayette has been received by me this morning.

I have issued the general order inclosed[7] to cause appropriate honors to be paid by the Army and Navy to the memory of one so highly venerated and beloved by my countrymen, and whom Providence has been pleased to remove so unexpectedly from the agitating scenes of life.

ANDREW JACKSON.

[Footnote 7: See under Executive Orders, pp. 94-95.]

JUNE 23, 1834.

\_To the Senate of the United States\_:

I transmit for the consideration and action of the Senate a treaty concluded with the Cherokees for the cession of their lands east of the Mississippi River.

It is known to the Senate that for some years great difficulties have been experienced in the relations of that tribe. Without further allusion to these than as they furnish strong inducements to a final settlement of all the questions involved in our intercourse with these Indians, it is obvious from the existing state of things that they can not continue in their present position with any hope of ultimate prosperity. I have been, therefore, desirous that a just and satisfactory arrangement should be made for their removal, and propositions to that effect upon a liberal scale have been repeatedly made to them. These have until now been rejected, and their rejection, I have been induced to believe, has been owing more to the ascendancy acquired by individuals who are unwilling to go than to the deliberative opinion of a majority of the Cherokee people. Some years since a form of government was established among them, but since the extension of the laws of Georgia and Alabama over them this government can have no binding effect upon a great majority of them. Its obligation is also denied by many of them in consequence of the continuance of certain persons in power contrary to the principles of their fundamental articles of association. A delegation from the persons claiming to hold their authority under the former existing state of things is in this city, and have communicated with the War Department on the subject of their situation and removal. They deny the right of the persons who have negotiated this treaty to perform such an act, and have remonstrated against it. Copies of their communications are herewith transmitted.

The delegation who have signed the present treaty have produced an authority from William Hicks, designating himself as principal chief, and others, signing the same in an official capacity. It is understood from the report of Major Currie, the enrolling agent, that public notice was given to all persons desirous of emigrating to attend upon a particular day and place in order to appoint representatives to communicate with the Government and to arrange the terms of cession and removal. In conformity with this notice a meeting was held and the authority herein referred to was the result.

In consequence of this application John H. Eaton was appointed to meet and confer with them and to report their views to the War Department. These are embodied in the treaty which is presented to your consideration.

Under these circumstances I submit the matter to the decision of the Senate. The practice of the Government has not been very strict on the subject of the authority of the persons negotiating treaties on the part of the Indians. Sometimes it has been done by persons representing the tribe and sometimes by the individuals composing it. I am not aware that a case similar in its features to the present has ever before required the action of the Government. But, independently of the considerations which so forcibly urge a settlement of this matter, no injustice can be done to the Indians by the ratification of this treaty. It is expressly provided that it will not be binding upon them till a majority has assented to its stipulations. When that assent is given no one can justly deny its obligation.

The Cherokees east of the Mississippi occupy a portion of the territories of four States, to wit, Georgia, North Carolina, Tennessee, and Alabama. The treaty provides that the communities inhabiting those divisions shall each be considered as acting for themselves independently of the others. We have frequently in our intercourse with the Indians treated with different portions of the same tribe as separate communities. Nor is there any injustice in this as long as they are separated into divisions without any very strong bond of union, and frequently with different interests and views. By requiring the assent of a majority to any act which will bind them we insure the preservation of a principle which will afford adequate security to their rights.

ANDREW JACKSON.

VETO MESSAGE.[8]

[Footnote 8: Pocket veto.]

DECEMBER 4, 1833.

\_To the Senate of the United States\_:

At the close of the last session of Congress I received from that body a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States." The brief period then remaining before the rising of Congress and the extreme pressure of official duties unavoidable on such occasions did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated, with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands, and any measure for that object providing for the reimbursement to the United States of those expenses with which they are justly chargeable that may be consistent with my views of the Constitution, sound policy, and the rights of the respective States will readily receive my cooperation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time, at the discretion of Congress; and it furnishes no adequate

security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration nor the validity of the objections which I have felt it to be my duty to make to its passage can be correctly appreciated without a full understanding of the manner in which the public lands upon which it is intended to operate were acquired and the conditions upon which they are now held by the United States. I will therefore precede the statement of those objections by a brief but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any government for the protection of their common interests. In October, 1777, while Congress were framing the Articles of Confederation, a proposition was made to amend them to the following effect, viz:

That the United States in Congress assembled shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South Sea, and lay out the land beyond the boundary so ascertained into separate and independent States from time to time as the numbers and circumstances of the people thereof may require.

It was, however, rejected, Maryland only voting for it, and so difficult did the subject appear that the patriots of that body agreed to waive it in the Articles of Confederation and leave it for future settlement.

On the submission of the Articles to the several State legislatures for ratification the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode Island, and New Jersey instructed their delegates in Congress to move amendments to them providing that the waste or Crown lands should be considered the common property of the United States, but they were rejected. All the States except Maryland acceded to the Articles, notwithstanding some of them did so with the reservation that their claim to those lands as common property was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the Articles, Maryland withheld her assent, and in May, 1779, embodied her objections in the form of instructions to her delegates, which were entered upon the Journals of Congress. The following extracts are from that document, viz:

Is it possible that those States who are ambitiously grasping at territories to which in our judgment they have not the least shadow of exclusive right will use with greater moderation the increase of wealth and power derived from those territories when acquired than what they have displayed in their endeavors to acquire them? ...

We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parceled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct. ...

Virginia proceeded to open a land office for the sale of her Western lands, which produced such excitement as to induce Congress, in October,



1779, to interpose and earnestly recommend to "the said State and all States similarly circumstanced to forbear settling or issuing warrants for such unappropriated lands, or granting the same, during the continuance of the present war."

In March, 1780, the legislature of New York passed an act tendering a cession to the United States of the claims of that State to the Western territory, preceded by a preamble to the following effect, viz:

Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas the Articles of Confederation and Perpetual Union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war, and the people of the State of New York being on all occasions disposed to manifest their regard for their sister States and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing as far as it depends upon them the before-mentioned impediment to its final accomplishment. ...

This act of New York, the instructions of Maryland, and a remonstrance of Virginia were referred to a committee of Congress, who reported a preamble and resolutions thereon, which were adopted on the 6th September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz:

That it appears advisable to press upon those States which can remove the embarrassments respecting the Western country a liberal surrender of a portion of their territorial claims, since they can not be preserved entire without endangering the stability of the General Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our Army, to the vigor of our counsels and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the several legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration. ...

Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States, and that it be earnestly recommended to those States who have claims to the Western country to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the Articles of Confederation, and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said Articles.

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several States as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:

Resolved, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of Congress of the 6th day of September last shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States; ... that the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them.

In February, 1781, the legislature of Maryland passed an act authorizing their delegates in Congress to sign the Articles of Confederation. The following are extracts from the preamble and body of the act, viz:

Whereas it hath been said that the common enemy is encouraged by this State not acceding to the Confederation to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America, and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the Confederation. ...

The act of which this is the preamble authorizes the delegates of that State to sign the Articles, and proceeds to declare "that by acceding to the said Confederation this State doth not relinquish, nor intend to relinquish, any right or interest she hath with the other united or confederated States to the back country," etc.

On the 1st of March, 1781, the delegates of Maryland signed the Articles of Confederation, and the Federal Union under that compact was complete. The conflicting claims to the Western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the States claiming them to make liberal cessions to the United States, and it was not until long after the present Constitution was formed that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the Articles of Confederation were ratified, and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession thus tendered and accepted was that the lands ceded to the United States "shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever."

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz:

That all the lands within the territory as ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.

Within the years 1785, 1786, and 1787 Massachusetts, Connecticut, and

South Carolina ceded their claims upon similar conditions. The Federal Government went into operation under the existing Constitution on the 4th of March, 1789. The following is the only provision of that Constitution which has a direct bearing on the subject of the public lands, viz:

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

Thus the Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the Confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress approved April 2, 1790. The third condition of this cession was in the following words, viz:

That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

The cession of Georgia was completed on the 16th June, 1802, and in its leading condition is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands generally called public lands lying within the original limits of the Confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our Republic it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an ordinance providing for the sales of lands in the Western territory and directing the proceeds to be paid into the Treasury of the United States. With the same object other ordinances were adopted prior to the organization of the present Government.

In further execution of these compacts the Congress of the United States under the present Constitution, as early as the 4th of August, 1790, in

"An act making provision for the debt of the United States," enacted as follows, viz:

That the proceeds of sales which shall be made of lands in the Western territory now belonging or that may hereafter belong to the United States shall be and are hereby appropriated toward sinking or discharging the debts for the payment whereof the United States now are or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied.

To secure to the Government of the United States forever the power to execute these compacts in good faith the Congress of the Confederation, as early as July 13, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the Western territory certain conditions which were declared to be "articles of compact between the original States and the people and States in the said territory," which should "forever remain unalterable, unless by common consent." In one of these articles it is declared that--

The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers.

This condition has been exacted from the people of all the new territories, and to put its obligation beyond dispute each new State carved out of the public domain has been required explicitly to recognize it as one of the conditions of admission into the Union. Some of them have declared through their conventions in separate acts that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day, in legislating for the Territories and admitting States into the Union, the unshackled power to execute in good faith the compacts of cession made with the original States. From these facts and proceedings it plainly and certainly results--

1. That one of the fundamental principles on which the Confederation of the United States was originally based was that the waste lands of the West within their limits should be the common property of the United States.
2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.
3. That in execution of these solemn compacts the Congress of the United States did, under the Confederation, proceed to sell these lands and put the avails into the common Treasury, and under the new Constitution did repeatedly pledge them for the payment of the public debt of the United States, by which pledge each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which I think can not be contested by anyone who examines the proceedings of the Revolutionary Congress, the cessions of the several States, and the acts

of Congress under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the States, or of the conditions upon which the cessions were made. It was a contract between new parties--between the United States and their creditors. Upon payment of the debt the compacts remain in full force, and the obligation of the United States to dispose of the lands for the common benefit is neither destroyed nor impaired. As they can not now be executed in that mode, the only legitimate question which can arise is, In what other way are these lands to be hereafter disposed of for the common benefit of the several States, "\_according to their respective and usual proportion in the general charge and expenditure?" The cessions of Virginia, North Carolina, and Georgia in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be "\_faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever\_." This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner stone on which the Union itself was erected.

In the practice of the Government the proceeds of the public lands have not been set apart \_as a separate fund\_ for the payment of the public debt, but have been and are now paid into the Treasury, where they constitute a part of the aggregate of revenue upon which the Government draws as well for its current expenditures as for payment of the public debt. In this manner they have heretofore and do now lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt and the usual expenditures attending the civil and military administrations of the Government, but of the amounts paid to the States with which these compacts were formed, the amounts paid the Indians for their right of possession, the amounts paid for the purchase of Louisiana and Florida, and the amounts paid surveyors, registers, receivers, clerks, etc., employed in preparing for market and selling the Western domain.

From the origin of the land system down to the 30th September, 1832, the amount expended for all these purposes has been about \$49,701,280, and the amount received from the sales, deducting payments on account of roads, etc., about \$38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the Treasury which have grown out of them by about \$11,314,656. Yet in having been applied to lessen those charges the conditions of the compacts have been thus far fulfilled, and each State has profited according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that at a reduced price those lands would now defray all current charges growing out of them and save the Treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been by reducing the price and hereafter, as heretofore, bringing the proceeds into the Treasury. Indeed, as this is the only mode in which the objects of the original compact can be attained, it may be considered for all practical purposes that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their Western

domain, and treats the subject as if they never had existence and as if the United States were the original and unconditional owners of all the public lands. The first section directs--

That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union and the United States, the sum of 12-1/2 per cent upon the net amount of the sales of the public lands which subsequent to the day aforesaid shall be made within the several limits of the said States, which said sum of 12-1/2 per cent shall be applied to some object or objects of internal improvement or education within the said States under the direction of their several legislatures.

This 12-1/2 per cent is to be taken out of the net proceeds of the land sales before any apportionment is made, and the same seven States which are first to receive this proportion are also to receive their due proportion of the residue according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made, that it abrogates the condition upon which some of the States came into the Union, and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public land is held by the Federal Government?

In the apportionment of the remaining seven-eighths of the proceeds this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure provided by the compacts, it adopts that of the Federal representative population. Virginia and other States which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge are by the bill allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their Federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "shall be so construed as to prejudice any claims of the United States or of any particular State," it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make all "needful rules and regulations" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States which had won liberty were willing to pay for that union without which they plainly saw it could not be preserved. It was not for territory or state power that our Revolutionary fathers took up arms; it was for individual liberty and the right of self-government. The expulsion from the continent of British armies and British power was to them a barren conquest if through the collisions of the redeemed States the individual rights for which they fought should become the prey of petty military tyrannies established at home. To avert such consequences and throw around liberty the shield of union, States whose relative

strength at the time gave them a preponderating power magnanimously sacrificed domains which would have made them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union and has secured liberty. It has made our waste lands to swarm with a busy people and added many powerful States to our Confederation. As well for the fruits which these noble works of our ancestors have produced as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which would have impelled me to withhold my signature had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It reasserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, from which I was compelled to withhold my consent for reasons contained in my message of the 27th May, 1830, to the House of Representatives.

The leading principle then asserted was that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle I can not be mistaken in supposing has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people and the purity of our Government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from and appropriate a portion of this public revenue to certain States, providing expressly that it shall "\_be applied to objects of internal improvement or education within those States\_" and then proceeds to appropriate the balance to all the States, with the declaration that it shall be applied "\_to such purposes as the legislatures of the said respective States shall deem proper\_" The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike-road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that under the provisions of the bill a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must of course come within the scope of the same principle. If the money of the United States can not be applied to local purposes \_through its own agents\_, as little can it be permitted to be thus expended \_through the agency of the State governments\_.

It has been supposed that with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country there might be for some years to come a surplus of moneys in the Treasury, and that there was in principle no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object were to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned, but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to

create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted, but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the State governments shall derive all the funds necessary for their support from the Treasury of the United States, or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain; and to put an end to all further difficulty Congress, without assuming any new principle, need go but one step further and put the salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation can not be devised. Money is power, and in that Government which pays all the public officers of the States will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity; the economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass and by whatever forms their duties might be prescribed, would in effect be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States will be satisfied on a little reflection that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their State governments and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the taxgatherer and paymaster of all their State governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy Union.

However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I can not assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as in effect assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I can not give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes if it were otherwise unobjectionable. It requires no argument to prove that if \$3,000,000 a year, or any other sum, shall be taken out of the Treasury by this bill for distribution it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they



will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of seven-eighths of the proceeds of land sales which they are to receive, but they must pay their due proportion of the whole. Disguise it as we may, the bill proposes to them a dead loss in the ratio of eight to seven, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The governments of the States will receive seven dollars, for which the people of the States will pay eight. The large sums received will be palpable to the senses; the small sums paid it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if seven hundred dollars were given them from the public Treasury, for which they were at the same time required to pay in taxes, direct or indirect, eight hundred.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price, but the effect of its details as now arranged would probably be forever to prevent its exercise.

With the just men who inhabit the new States it is a sufficient reason to reject this system that it is in violation of the fundamental laws of the Republic and its Constitution. But if it were a mere question of interest or expediency they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments and immediately expended as an equivalent for that enduring wealth which is composed of flocks and herds and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands, and the increase of a hardy race of free citizens, their glory in peace and their defense in war.

On the whole, I adhere to the opinion, expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the Treasury so much of the general charge as arises from that source they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from \$2 per acre to \$1.25, and upon the will of

Congress it depends whether there shall be a further reduction. While the burdens of the East are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guaranty to the perpetuity of our happy Union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets at finding myself again compelled to disagree with the legislative power the sincere declaration that any plan which shall promise a final and satisfactory disposition of the question and be compatible with the Constitution and public faith shall have my hearty concurrence.

ANDREW JACKSON.

[NOTE.--For reasons for the pocket veto of "An act to improve the navigation of the Wabash River," see Sixth Annual Message, dated December 1, 1834, pp. 118-123.]

PROTEST.[9]

[Footnote 9: The Senate ordered that it be not entered on the Journal.]

APRIL 15, 1834.

\_To the Senate of the United States\_:

It appears by the published Journal of the Senate that on the 26th of December last a resolution was offered by a member of the Senate, which after a protracted debate was on the 28th day of March last modified by the mover and passed by the votes of twenty-six Senators out of forty-six who were present and voted, in the following words, viz:

\_Resolved\_, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Having had the honor, through the voluntary suffrages of the American people, to fill the office of President of the United States during the period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and Constitution of my country.

It can seldom be necessary for any department of the Government, when assailed in conversation or debate or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct or of pointing out any irregularity or injustice in the manner of the attack; but when the Chief Executive Magistrate is, by one of the most important branches of the Government in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and Constitution, it is due to his station, to public opinion, and to a proper self-respect that the

officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the Constitution, before the President of the United States can enter on the execution of his office he is required to take an oath or affirmation in the following words:

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

The duty of defending so far as in him lies the integrity of the Constitution would indeed have resulted from the very nature of his office, but by thus expressing it in the official oath or affirmation, which in this respect differs from that of any other functionary, the founders of our Republic have attested their sense of its importance and have given to it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American people, and by the ties which unite my every earthly interest with the welfare and glory of my country, and perfectly convinced that the discussion and passage of the above-mentioned resolution were not only unauthorized by the Constitution, but in many respects repugnant to its provisions and subversive of the rights secured by it to other coordinate departments, I deem it an imperative duty to maintain the supremacy of that sacred instrument and the immunities of the department intrusted to my care by all means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end I have caused this my solemn protest against the aforesaid proceedings to be placed on the files of the executive department and to be transmitted to the Senate.

It is alike due to the subject, the Senate, and the people that the views which I have taken of the proceedings referred to, and which compel me to regard them in the light that has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the Constitution of the United States the powers and functions of the various departments of the Federal Government and their responsibilities for violation or neglect of duty are clearly defined or result by necessary inference. The legislative power is, subject to the qualified negative of the President, vested in the Congress of the United States, composed of the Senate and House of Representatives; the executive power is vested exclusively in the President, except that in the conclusion of treaties and in certain appointments to office he is to act with the advice and consent of the Senate; the judicial power is vested exclusively in the Supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives and that of hearing and determining in the Senate. But although for the special purposes which have been mentioned there is an occasional intermixture of the powers of the different departments, yet with these exceptions each of the three great departments is independent of the others in its sphere of action, and when it deviates from that sphere is not responsible to the others further than it is expressly made so in the Constitution. In every other respect each of them is the coequal of the other two, and all are the servants of the American people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the President are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and on due conviction to removal from office and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished according to law. He is also liable to the private action of any party who may have been injured by his illegal mandates or instructions in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion for every act of his Administration. Subject only to the restraints of truth and justice, the free people of the United States have the undoubted right, as individuals or collectively, orally or in writing, at such times and in such language and form as they may think proper, to discuss his official conduct and to express and promulgate their opinions concerning it. Indirectly also his conduct may come under review in either branch of the Legislature, or in the Senate when acting in its executive capacity, and so far as the executive or legislative proceedings of these bodies may require it, it may be exercised by them. These are believed to be the proper and only modes in which the President of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the Senate is wholly unauthorized by the Constitution, and in derogation of its entire spirit. It assumes that a single branch of the legislative department may for the purposes of a public censure, and without any view to legislation or impeachment, take up, consider, and decide upon the official acts of the Executive. But in no part of the Constitution is the President subjected to any such responsibility, and in no part of that instrument is any such power conferred on either branch of the Legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Senate and a comparison of their recent proceedings with those powers.

The high functions assigned by the Constitution to the Senate are in their nature either legislative, executive, or judicial. It is only in the exercise of its judicial powers, when sitting as a court for the trial of impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called on to perform that office. Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers that it should inquire into and decide upon the conduct of the President or other public officers, and in every such case its constitutional right to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its legislative or executive capacity the inquiry must actually grow out of and tend to some legislative or executive action, and the decision, when expressed, must take the form of some appropriate legislative or executive act.

The resolution in question was introduced, discussed, and passed not as a joint but as a separate resolution. It asserts no legislative power, proposes no legislative action, and neither possesses the form nor any of the attributes of a legislative measure. It does not appear to have been entertained or passed with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other legislative action.

Whilst wanting both the form and substance of a legislative measure, it is equally manifest that the resolution was not justified by any of the executive powers conferred on the Senate. These powers relate

exclusively to the consideration of treaties and nominations to office, and they are exercised in secret session and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in a public session.

Nor does this proceeding in any way belong to that class of incidental resolutions which relate to the officers of the Senate, to their Chamber and other appurtenances, or to subjects of order and other matters of the like nature, in all which either House may lawfully proceed without any cooperation with the other or with the President.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial. Its essence, true character, and only practical effect are to be found in the conduct which it charges upon the President and in the judgment which it pronounces on that conduct. The resolution, therefore, though discussed and adopted by the Senate in its legislative capacity, is in its office and in all its characteristics essentially judicial.

That the Senate possesses a high judicial power and that instances may occur in which the President of the United States will be amenable to it is undeniable; but under the provisions of the Constitution it would seem to be equally plain that neither the President nor any other officer can be rightfully subjected to the operation of the judicial power of the Senate except in the cases and under the forms prescribed by the Constitution.

The Constitution declares that "the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors;" that the House of Representatives "shall have the sole power of impeachment;" that the Senate "shall have the sole power to try all impeachments;" that "when sitting for that purpose they shall be on oath or affirmation;" that "when the President of the United States is tried the Chief Justice shall preside;" that "no person shall be convicted without the concurrence of two-thirds of the members present," and that "judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

The resolution above quoted charges, in substance, that in certain proceedings relating to the public revenue the President has usurped authority and power not conferred upon him by the Constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime--one of the highest, indeed, which the President can commit--a crime which justly exposes him to impeachment by the House of Representatives, and, upon due conviction, to removal from office and to the complete and immutable disfranchisement prescribed by the Constitution. The resolution, then, was in substance an impeachment of the President, and in its passage amounts to a declaration by a majority of the Senate that he is guilty of an impeachable offense. As such it is spread upon the journals of the Senate, published to the nation and to the world, made part of our enduring archives, and incorporated in the history of the age. The punishment of removal from office and future disqualification does not, it is true, follow this decision, nor would it have followed the like decision if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the moral influence of a solemn declaration by a majority of the Senate that the accused is guilty of the offense charged upon him has been as effectually secured as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly allege that the assumption of power and authority which it condemns was intentional and corrupt is no answer to the preceding view of its character and effect. The act thus condemned necessarily implies volition and design in the individual to whom it is imputed, and, being unlawful in its character, the legal conclusion is that it was prompted by improper motives and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the Constitution and laws, but in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse or palliation there is only room for one inference, and that is that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestions, but, on the contrary, it holds up the act complained of as justly obnoxious to censure and reprobation, and thus as distinctly stamps it with impurity of motive as if the strongest epithets had been used.

The President of the United States, therefore, has been by a majority of his constitutional triers accused and found guilty of an impeachable offense, but in no part of this proceeding have the directions of the Constitution been observed.

The impeachment, instead of being preferred and prosecuted by the House of Representatives, originated in the Senate, and was prosecuted without the aid or concurrence of the other House. The oath or affirmation prescribed by the Constitution was not taken by the Senators, the Chief Justice did not preside, no notice of the charge was given to the accused, and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross-examine the witnesses, to procure counteracting testimony, or to be heard in his defense. The safeguards and formalities which the Constitution has connected with the power of impeachment were doubtless supposed by the framers of that instrument to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the procedure. These safeguards and formalities were not only practically disregarded in the commencement and conduct of these proceedings, but in their result I find myself convicted by less than two-thirds of the members present of an impeachable offense.

In vain may it be alleged in defense of this proceeding that the form of the resolution is not that of an impeachment or of a judgment thereupon, that the punishment prescribed in the Constitution does not follow its adoption, or that in this case no impeachment is to be expected from the House of Representatives. It is because it did not assume the form of an impeachment that it is the more palpably repugnant to the Constitution, for it is through that form only that the President is judicially responsible to the Senate; and though neither removal from office nor future disqualification ensues, yet it is not to be presumed that the framers of the Constitution considered either or both of those results as constituting the whole of the punishment they prescribed. The judgment of guilty by the highest tribunal in the Union, the stigma it would inflict on the offender, his family, and fame, and the perpetual record on the Journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence, of that punishment. So far, therefore, as some of its most material parts are concerned, the passage, recording, and promulgation of the resolution are an attempt to bring them on the President in a manner unauthorized by the Constitution. To shield him and other officers who are liable to impeachment from consequences so momentous, except when really merited by official delinquencies, the Constitution has most carefully guarded the whole process of impeachment. A majority of the House of Representatives must think the officer guilty before he can be charged. Two-thirds of the Senate must pronounce him guilty or he is deemed to be innocent. Forty-six Senators appear by the Journal to have been present when the vote on the

resolution was taken. If after all the solemnities of an impeachment thirty of those Senators had voted that the President was guilty, yet would he have been acquitted; but by the mode of proceeding adopted in the present case a lasting record of conviction has been entered up by the votes of twenty-six Senators without an impeachment or trial, whilst the Constitution expressly declares that to the entry of such a judgment an accusation by the House of Representatives, a trial by the Senate, and a concurrence of two-thirds in the vote of guilty shall be indispensable prerequisites.

Whether or not an impeachment was to be expected from the House of Representatives was a point on which the Senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just ground for this procedure. Admitting that there was reason to believe that a violation of the Constitution and laws had been actually committed by the President, still it was the duty of the Senate, as his sole constitutional judges, to wait for an impeachment until the other House should think proper to prefer it. The members of the Senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been that if there was good reason to believe him guilty of an impeachable offense the House of Representatives would perform its constitutional duty by arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the representatives of the people. But suppose the suspicion thus implied were actually entertained and for good cause, how can it justify the assumption by the Senate of powers not conferred by the Constitution?

It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding to perceive its utter incompatibility with the provisions and the spirit of the Constitution and with the plainest dictates of humanity and justice.

If the House of Representatives shall be of opinion that there is just ground for the censure pronounced upon the President, then will it be the solemn duty of that House to prefer the proper accusation and to cause him to be brought to trial by the constitutional tribunal. But in what condition would he find that tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign systems of jurisprudence to secure in all criminal proceedings, and even in the most trivial litigations, a fair, unprejudiced, and impartial trial, and surely it can not be less important that such a trial should be secured to the highest officer of the Government.

The Constitution makes the House of Representatives the exclusive judges, in the first instance, of the question whether the President has committed an impeachable offense. A majority of the Senate, whose interference with this preliminary question has for the best of all reasons been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case, thus presenting the appalling spectacle in a free State of judges going through a labored preparation for an impartial hearing and decision by a previous *ex parte* investigation and sentence against the supposed offender.

There is no more settled axiom in that Government whence we derived the model of this part of our Constitution than that "the lords can not impeach any to themselves, nor join in the accusation, *because they are judges*." Independently of the general reasons on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high

officers of government before a tribunal whose sentence may expel them from their seats and brand them as infamous is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty against the abuses of injustice and the encroachments of arbitrary power. But the framers of the Constitution were also undoubtedly aware that this formidable instrument had been and might be abused, and that from its very nature an impeachment for high crimes and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it one of the highest solemnity and importance. It was due to both these considerations that the impeaching power should be lodged in the hands of those who from the mode of their election and the tenure of their offices would most accurately express the popular will and at the same time be most directly and speedily amenable to the people. The theory of these wise and benignant intentions is in the present case effectually defeated by the proceedings of the Senate. The members of that body represent not the people, but the States; and though they are undoubtedly responsible to the States, yet from their extended term of service the effect of that responsibility during the whole period of that term must very much depend upon their own impressions of its obligatory force. When a body thus constituted expresses beforehand its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the Constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President the offenses charged in the resolution. But if, on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privilege as it respects that House, of justice as it regards the President, and of the Constitution as it relates to both be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence have been violated in the very form of the resolution. It carefully abstains from averring in which of "the late proceedings in relation to the public revenue the President has assumed upon himself authority and power not conferred by the Constitution and laws," It carefully abstains from specifying what laws or what parts of the Constitution have been violated. Why was not the certainty of the offense—"the nature and cause of the accusation"—set out in the manner required in the Constitution before even the humblest individual, for the smallest crime, can be exposed to condemnation? Such a specification was due to the accused that he might direct his defense to the real points of attack, to the people that they might clearly understand in what particulars their institutions had been violated, and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in "the late Executive proceedings in relation to the public revenue," and is so framed that those Senators who believed that one such act, and only one, had been committed could assent to it, its language is yet broad enough to include several such acts, and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such certainty of time, place, or circumstance as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it; and it may well have happened that whilst one Senator believed that some particular act embraced in the resolution was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and



expedient, or, if not expedient, yet still within the pale of the Constitution; and thus a majority of the Senators may have been enabled to concur in a vague and undefined accusation that the President, in the course of "the late Executive proceedings in relation to the public revenue," had violated the Constitution and laws, whilst if a separate vote had been taken in respect to each particular act included within the general terms the accusers of the President might on any such vote have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked that the resolution as originally offered to the Senate specified with adequate precision certain acts of the President which it denounced as a violation of the Constitution and laws, and that it was not until the very close of the debate, and when perhaps it was apprehended that a majority might not sustain the specific accusation contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities and require a reasonable certainty in all judicial allegations, and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution it must certainly be regarded not as a vindication of any particular provision of the law or the Constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the Executive. But whatever it may have been intended to accomplish, it is obvious that the vague, general, and abstract form of the resolution is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence so properly the boast of free countries in modern times. And it is not too much to say of the whole of these proceedings that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power which had established in statutes, in bills of rights, in sacred charters, and in constitutions of government the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge have been waged in vain.

If the resolution had been left in its original form it is not to be presumed that it could ever have received the assent of a majority of the Senate, for the acts therein specified as violations of the Constitution and laws were clearly within the limits of the Executive authority. They are the "dismissing the late Secretary of the Treasury because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and its branches in conformity with the President's opinion, and appointing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "Executive proceedings in relation to the public revenue" principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as "an assumption of authority and power not conferred by the Constitution or laws, but in derogation of both." It is therefore due to the occasion that a condensed summary of the views of the Executive in respect to them should be here exhibited.

By the Constitution "the executive power is vested in a President of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws--a power in its nature executive--should remain in his hands. It is therefore not only his right, but the Constitution makes it his duty,

to "nominate and, by and with the advice and consent of the Senate, appoint" all "officers of the United States whose appointments are not in the Constitution otherwise provided for," with a proviso that the appointment of inferior officers may be vested in the President alone, in the courts of justice, or in the heads of Departments.

The executive power vested in the Senate is neither that of "nominating" nor "appointing." It is merely a check upon the Executive power of appointment. If individuals are proposed for appointment by the President by them deemed incompetent or unworthy, they may withhold their consent and the appointment can not be made. They check the action of the Executive, but can not in relation to those very subjects act themselves nor direct him. Selections are still made by the President, and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guaranty to the country that the subordinate executive as well as the judicial offices shall be filled with worthy and competent men.

The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the Constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the Government from which many of the fundamental principles of our system are derived the head of the executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behavior. Nor is it conceivable why they are placed in our Constitution upon a tenure different from that of all other officers appointed by the Executive unless it be for the same purpose.

But if there were any just ground for doubt on the face of the Constitution whether all executive officers are removable at the will of the President, it is obviated by the cotemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789 while organizing the administrative departments of the Government, and it was finally decided that the President derived from the Constitution the power of removal so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a Department of Foreign Affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative it was perceived that these words did not convey the sense of the House of Representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the Constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the chief clerk of the Department, which declared that "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," the chief clerk should during such vacancy have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress that the President derived the power

of removal from the Constitution, the act as it passed has always been considered as a full expression of the sense of the legislature on this important part of the American Constitution.

Here, then, we have the concurrent authority of President Washington, of the Senate, and the House of Representatives, numbers of whom had taken an active part in the convention which framed the Constitution and in the State conventions which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of executive officers from the heads of Departments to the messengers of bureaus.

The Treasury Department in the discussions of 1789 was considered on the same footing as the other Executive Departments, and in the act establishing it were incorporated the precise words indicative of the sense of Congress that the President derives his power to remove the Secretary from the Constitution, which appear in the act establishing the Department of Foreign Affairs. An Assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department "whenever the Secretary shall be removed from office by the President of the United States." The Secretary of the Treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to anyone in the Congress of 1789, or since until very recently, that he was other than an executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other heads of Departments, to his supervision and control. No such idea as an officer of the Congress can be found in the Constitution or appears to have suggested itself to those who organized the Government. There are officers of each House the appointment of which is authorized by the Constitution, but all officers referred to in that instrument as coming within the appointing power of the President, whether established thereby or created by law, are "officers of the United States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body; but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it devolves by the Constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself "in the President alone, in the courts of law, or in the heads of Departments."

But at the time of the organization of the Treasury Department an incident occurred which distinctly evinces the unanimous concurrence of the First Congress in the principle that the Treasury Department is wholly executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue and for the support of public credit," on the ground that it would give the executive department of the Government too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress and responsible to that body, which would have been conclusive if admitted, but on other ground, which conceded his executive character throughout. The whole discussion evinces an unanimous concurrence in the principle that the Secretary of the Treasury is wholly an executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and clerks who fill the offices of that Department have in the practice of the Government been considered and treated as on the same footing with corresponding grades of officers in all the other Executive Departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the executive department in this and all other Governments. In accordance with this principle, every species of property belonging to the United States (excepting that which is in the use of the several coordinate departments of the Government as means to aid them in performing their appropriate functions) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will.

Public money is but a species of public property. It can not be raised by taxation or customs, nor brought into the Treasury in any other way except by law; but whenever or howsoever obtained, its custody always has been and always must be, unless the Constitution be changed, intrusted to the executive department. No officer can be created by Congress for the purpose of taking charge of it whose appointment would not by the Constitution at once devolve on the President and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President by any laws they may think proper to enact; they may prescribe in what place particular portions of the public property shall be kept and for what reason it shall be removed, as they may direct that supplies for the Army or Navy shall be kept in particular stores, and it will be the duty of the President to see that the law is faithfully executed; yet will the custody remain in the executive department of the Government. Were the Congress to assume, with or without a legislative act, the power of appointing officers, independently of the President, to take the charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed that such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our Government. But where is the difference in principle whether the public property be in the form of arms, munitions of war, and supplies or in gold and silver or bank notes? None can be perceived; none is believed to exist. Congress can not, therefore, take out of the hands of the executive department the custody of the public property or money without an assumption of executive power and a subversion of the first principles of the Constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the Government to the year 1816 the statute book was wholly silent on the subject. In 1789 a Treasurer was created, subordinate to the Secretary of the Treasury, and through him to the President. He was required to give bond safely to keep and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the practice of the Government it is found that from its first organization the Secretary of the Treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and especially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816, and although many banks were selected and discharged, and although a portion of the moneys were first placed in the State banks, and then in the former Bank of the United States, and upon the dissolution of that were again transferred to the State banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by Executive authority. The Secretary of the Treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject-matter, which was thus entirely committed to the direction of the President under his responsibilities to the American people and to those who were

authorized to impeach and punish him for any breach of this important trust.

The act of 1816 establishing the Bank of the United States directed the deposits of public money to be made in that bank and its branches in places in which the said bank and branches thereof may be established, "unless the Secretary of the Treasury should otherwise order and direct," in which event he was required to give his reasons to Congress. This was but a continuation of his preexisting power as the head of an Executive Department to direct where the deposits should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the Secretary of the Treasury and the President as the responsible head of the executive department, or released the latter from his constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result if because the person charged by law with a public duty is one of his Secretaries it were less the duty of the President to see that law faithfully executed than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence and the remedy at hand.

It can not be doubted that it was the legal duty of the Secretary of the Treasury to order and direct the deposits of the public money to be made elsewhere than in the Bank of the United States \_whenever sufficient reasons existed for making the change\_. If in such a case he neglected or refused to act, he would neglect or refuse to execute the law. What would be the sworn duty of the President? Could he say that the Constitution did not bind him to see the law faithfully executed because it was one of his Secretaries and not himself upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the Constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of State or the lowest subordinate in any of the Departments? Might he not be told that it was for the sole purpose of causing all executive officers, from the highest to the lowest, faithfully to perform the services required of them by law that the people of the United States have made him their Chief Magistrate and the Constitution has clothed him with the entire executive power of this Government? The principles implied in these questions appear too plain to need elucidation.

But here also we have a cotemporaneous construction of the act which shows that it was not understood as in any way changing the relations between the President and Secretary of the Treasury, or as placing the latter out of Executive control even in relation to the deposits of the public money. Nor on that point are we left to any equivocal testimony. The documents of the Treasury Department show that the Secretary of the Treasury did apply to the President and obtained his approbation and sanction to the original transfer of the public deposits to the present Bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposits from the branches of the Bank of the United States to State banks at Chillicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the President and by his authority. They show that upon all important questions appertaining to his Department, whether they related to the public deposits or other matters, it was the constant practice of the Secretary of the Treasury to obtain for his acts the approval and sanction of the President. These acts and the

principles on which they were founded were known to all the departments of the Government, to Congress and the country, and until very recently appear never to have been called in question.

Thus was it settled by the Constitution, the laws, and the whole practice of the Government that the entire executive power is vested in the President of the United States; that as incident to that power the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the Constitution prescribes, is vested in the President; that the Secretary of the Treasury is one of those officers; that the custody of the public property and money is an Executive function which, in relation to the money, has always been exercised through the Secretary of the Treasury and his subordinates; that in the performance of these duties he is subject to the supervision and control of the President, and in all important measures having relation to them consults the Chief Magistrate and obtains his approval and sanction; that the law establishing the bank did not, as it could not, change the relation between the President and the Secretary--did not release the former from his obligation to see the law faithfully executed nor the latter from the President's supervision and control; that afterwards and before the Secretary did in fact consult and obtain the sanction of the President to transfers and removals of the public deposits, and that all departments of the Government, and the nation itself, approved or acquiesced in these acts and principles as in strict conformity with our Constitution and laws.

During the last year the approaching termination, according to the provisions of its charter and the solemn decision of the American people, of the Bank of the United States made it expedient, and its exposed abuses and corruptions made it, in my opinion, the duty of the Secretary of the Treasury, to place the moneys of the United States in other depositories. The Secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruptions of the bank, so evident its fixed purpose to persevere in them, and so palpable its design by its money and power to control the Government and change its character, that I deemed it the imperative duty of the Executive authority, by the exertion of every power confided to it by the Constitution and laws, to check its career and lessen its ability to do mischief, even in the painful alternative of dismissing the head of one of the Departments. At the time the removal was made other causes sufficient to justify it existed, but if they had not the Secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them in another situation and generous sacrifices of interest and feeling when unexpectedly called to the station he now occupies ought forever to have shielded his motives from Suspicion and his character from reproach. In accordance with the views long before expressed by him he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the Senate as originally framed and as passed, if it refers to these acts, presupposes a right in that body to interfere with this exercise of Executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If by a mere denunciation like this resolution the President should ever be induced to act in a matter of official duty contrary to the honest convictions of his own mind in compliance with the wishes of the Senate, the constitutional independence of the executive department would be as effectually destroyed and its power as effectually transferred to the Senate as if that end had been accomplished by an amendment of the Constitution. But if the Senate have a right to interfere with the Executive powers, they have also the right to make that interference effective, and if the

assertion of the power implied in the resolution be silently acquiesced in we may reasonably apprehend that it will be followed at some future day by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions, to pass the necessary laws, to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress and independent of the President; that the President has no right to control him, and consequently none to remove him. With the same propriety and on similar grounds may the Secretary of State, the Secretaries of War and the Navy, and the Postmaster-General each in succession be declared independent of the President, the subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one coordinate department of the Government, to concentrate in the hands of the Senate the whole executive power, and to leave the President as powerless as he would be useless—the shadow of authority after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the recent assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government; violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distracted our councils; frequent removals, or forced resignations in every sense tantamount to removals, had been made of the Secretary and other officers of the Treasury, and yet in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes in reference to public officers of all grades have frequently been the topic of discussion, but the constitutional right of the President to appoint, control, and remove the head of the Treasury as well as all other Departments seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt was fully disclosed, and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the elections of the people, to control public opinion and force the Government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government directors from its proceedings, its neglect of duty and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions that it should be longer employed as the fiscal agent of the Treasury. A Secretary of the Treasury appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the executive department considered the most imperative of his duties, and became in fact, however innocent his motives, the protector of the bank. And on this occasion it is discovered for the first time that those who framed the Constitution misunderstood it; that the First Congress and all its successors have been under a delusion; that the practice of near forty-five years is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President, and that to remove him is a violation of the Constitution and laws for which the President deserves to stand forever dishonored on the journals of the Senate.

There are also some other circumstances connected with the discussion and passage of the resolution to which I feel it to be not only my right, but my duty, to refer. It appears by the Journal of the Senate that among the twenty-six Senators who voted for the resolution on its final passage, and who had supported it in debate in its original form, were one of the Senators from the State of Maine, the two Senators from New Jersey, and one of the Senators from Ohio. It also appears by the same Journal and by the files of the Senate that the legislatures of these States had severally expressed their opinions in respect to the Executive proceedings drawn in question before the Senate.

The two branches of the legislature of the State of Maine on the 25th of January, 1834, passed a preamble and series of resolutions in the following words:

Whereas at an early period after the election of Andrew Jackson to the Presidency, in accordance with the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States Bank; and

Whereas the bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation by engaging in political controversies, by wielding its power and influence to embarrass the Administration of the General Government, and by bringing insolvency and distress upon the commercial community; and

Whereas the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed; and

Whereas the abuse and misapplication of the powers conferred have destroyed the confidence of the public in the officers of the bank and demonstrated that such powers endanger the stability of republican institutions: Therefore,

Resolved, That in the removal of the public deposits from the Bank of the United States, as well as in the manner of their removal, we recognize in the Administration an adherence to constitutional rights and the performance of a public duty.

Resolved, That this legislature entertain the same opinion as heretofore expressed by preceding legislatures of this State, that the Bank of the United States ought not to be rechartered.

Resolved, That the Senators of this State in the Congress of the United States be instructed and the Representatives be requested to oppose the restoration of the deposits and the renewal of the charter of the United States Bank.

On the 11th of January, 1834, the house of assembly and council composing the legislature of the State of New Jersey passed a preamble and a series of resolutions in the following words:

Whereas the present crisis in our public affairs calls for a decided expression of the voice of the people of this State; and

Whereas we consider it the undoubted right of the legislatures of the several States to instruct those who represent their interests in the councils of the nation in all matters which intimately concern the



public weal and may affect the happiness or well-being of the people:  
Therefore,

1. Be it resolved by the council and general assembly of this State, That while we acknowledge with feelings of devout gratitude our obligations to the Great Ruler of Nations for His mercies to us as a people that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men who would prostrate the fair fabric of our Union, that we ought nevertheless to humble ourselves in His presence and implore His aid for the perpetuation of our republican institutions and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.
2. Resolved, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of Chief Magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.
3. Resolved, That we view with agitation and alarm the existence of a great moneyed incorporation which threatens to embarrass the operations of the Government and by means of its unbounded influence upon the currency of the country to scatter distress and ruin throughout the community, and that we therefore solemnly believe the present Bank of the United States ought not to be rechartered.
4. Resolved, That our Senators in Congress be instructed and our members of the House of Representatives be requested to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposits of the Government moneys, believing as we do the course of the Secretary to have been constitutional, and that the public good required its adoption.
5. Resolved, That the governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives from this State to the Congress of the United States.

On the 21st day of February last the legislature of the same State reiterated the opinions and instructions before given by joint resolutions in the following words:

Resolved by the council and general assembly of the State of New Jersey, That they do adhere to the resolutions passed by them on the 11th day of January last, relative to the President of the United States, the Bank of the United States, and the course of Mr. Taney in removing the Government deposits.

Resolved, That the legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof, and it is their wish that they should receive from our Senators and Representatives of this State in the Congress of the United States that attention and obedience which are due to the opinion of a sovereign State openly expressed in its legislative capacity.

On the 2d of January, 1834, the senate and house of representatives composing the legislature of Ohio passed a preamble and resolutions in the following words:

Whereas there is reason to believe that the Bank of the United States

will attempt to obtain a renewal of its charter at the present session of Congress; and

Whereas it is abundantly evident that said bank has exercised powers derogatory to the spirit of our free institutions and dangerous to the liberties of these United States; and

Whereas there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purposes out of the District of Columbia; and

Whereas we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: Therefore,

Resolved by the general assembly of the State of Ohio, That we consider the removal of the public deposits from the Bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

Resolved also, That we view with decided disapprobation the renewed attempts in Congress to secure the passage of the bill providing for the disposal of the public domain upon the principles proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations and unjust in its results.

Resolved also, That we heartily approve of the principles set forth in the late veto message upon that subject; and

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their influence to prevent the rechartering of the Bank of the United States, to sustain the Administration in its removal of the public deposits, and to oppose the passage of a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives.

It is thus seen that four Senators have declared by their votes that the President, in the late Executive proceedings in relation to the revenue, had been guilty of the impeachable offense of "assuming upon himself authority and power not conferred by the Constitution and laws, but in derogation of both," whilst the legislatures of their respective States had deliberately approved those very proceedings as consistent with the Constitution and demanded by the public good. If these four votes had been given in accordance with the sentiments of the legislatures, as above expressed, there would have been but twenty-two votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the Journal of the Senate.

In thus referring to the resolutions and instructions of the State legislatures I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them as well as to the proper vindication of the executive department, and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of supervising, directing, and controlling the Secretary of the Treasury in like manner with the other executive officers would soon be manifest in practice were the doctrine to be established. The President is the direct representative of the American people, but the Secretaries are not. If the Secretary of the Treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the people in that important branch of this Government to which is committed the care of the national finances. And it is in the power of the Bank of the United States, or any other corporation, body of men, or individuals, if a Secretary shall be found to accord with them in opinion or can be induced in practice to promote their views, to control through him the whole action of the Government (so far as it is exercised by his Department) in defiance of the Chief Magistrate elected by the people and responsible to them.

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the approbation and allowance by the people and the practice by the Senate of the unconstitutional power of arraigning and censuring the official conduct of the Executive in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government, to disturb the harmonious action of its different departments, and to break down the checks and balances by which the wisdom of its framers sought to insure its stability and usefulness.

The honest differences of opinion which occasionally exist between the Senate and the President in regard to matters in which both are obliged to participate are sufficiently embarrassing; but if the course recently adopted by the Senate shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the people in his ability and virtue and the character and usefulness of his Administration will soon be at an end, and the real power of the Government will fall into the hands of a body holding their offices for long terms, not elected by the people and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress and in the end compelling the people to adopt the conclusion either that their Chief Magistrate was unworthy of their respect or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system and lead to serious alterations of its framework or to the practical abandonment of some of its provisions.

The influence of such proceedings on the other departments of the Government, and more especially on the States, could not fail to be extensively pernicious. When the judges in the last resort of official misconduct themselves overleap the bounds of their authority as prescribed by the Constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the Federal Constitution by one of its most important departments would hold out the strongest temptations to resistance on the part of the State sovereignties whenever they shall suppose their just rights to have been invaded? Thus all the independent departments of the Government, and the States which compose our confederated Union, instead of attending to their appropriate duties and leaving those who may offend to be reclaimed or punished in the manner pointed out in the Constitution, would fall to mutual crimination and recrimination and give to the people confusion and anarchy instead of order and law, until at length some form of aristocratic power would be established on the ruins of the Constitution or the States be broken

into separate communities.

Far be it from me to charge or to insinuate that the present Senate of the United States intend in the most distant way to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible, to make Senators themselves sensible of the danger which lurks under the precedent set in their resolution, and at any rate to perform my duty as the responsible head of one of the coequal departments of the Government, that I have been compelled to point out the consequences to which the discussion and passage of the resolution may lead if the tendency of the measure be not checked in its inception. It is due to the high trust with which I have been charged, to those who may be called to succeed me in it, to the representatives of the people whose constitutional prerogative has been unlawfully assumed, to the people and to the States, and to the Constitution they have established that I should not permit its provisions to be broken down by such an attack on the executive department without at least some effort "to preserve, protect, and defend" them. With this view, and for the reasons which have been stated, I do hereby solemnly protest against the aforementioned proceedings of the Senate as unauthorized by the Constitution, contrary to its spirit and to several of its express provisions, subversive of that distribution of the powers of government which it has ordained and established, destructive of the checks and safeguards by which those powers were intended on the one hand to be controlled and on the other to be protected, and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the people a degree of influence and power dangerous to their liberties and fatal to the Constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well as upon my public character, and as it must stand forever on their journals, I can not close this substitute for that defense which I have not been allowed to present in the ordinary form without remarking that I have lived in vain if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased; in vain have I since periled property, fame, and life in defense of the rights and privileges so dearly bought; in vain am I now, without a personal aspiration or the hope of individual advantage, encountering responsibilities and dangers from which by mere inactivity in relation to a single point I might have been exempt, if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs. Had I preferred personal comfort and official ease to the performance of my arduous duty, I should have ceased to molest it. In the history of conquerors and usurpers, never in the fire of youth nor in the vigor of manhood could I find an attraction to lure me from the path of duty, and now I shall scarcely find an inducement to commence their career of ambition when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored and usurpers expiate their crimes. The only ambition I can feel is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow-men, and live respected and honored in the history of my country. No; the ambition which leads me on is an anxious desire and a fixed determination to return to the people unimpaired the sacred trust they have confided to my charge; to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or their liberties protection, but in a plain system, void

of pomp, protecting all and granting favors to none, dispensing its blessings, like the dews of Heaven, unseen and unfelt save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires; such an one only under which our States may remain for ages to come united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed in some small degree to increase the value and prolong the duration of American liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent with the authority of silent acquiescence on the part of the executive department, and to the end also that my motives and views in the Executive proceedings denounced in that resolution may be known to my fellow-citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the journals of the Senate.

ANDREW JACKSON.

APRIL 21, 1834.

\_To the Senate of the United States\_:

Having reason to believe that certain passages contained in my message and protest transmitted to the Senate on the 17th [15th] instant may be misunderstood, I think it proper to state that it was not my intention to deny in the said message the power and right of the legislative department to provide by law for the custody, safe-keeping, and disposition of the public money and property of the United States.

Although I am well satisfied that such a construction is not warranted by anything contained in that message, yet aware from experience that detached passages of an argumentative document, when disconnected from their context and considered without reference to previous limitations and the particular positions they were intended to refute or to establish, may be made to bear a construction varying altogether from the sentiments really entertained and intended to be expressed, and deeply solicitous that my views on this point should not, either now or hereafter, be misapprehended, I have deemed it due to the gravity of the subject, to the great interests it involves, and to the Senate as well as to myself to embrace the earliest opportunity to make this communication.

I admit without reserve, as I have before done, the constitutional power of the Legislature to prescribe by law the place or places in which the public money or other property is to be deposited, and to make such regulations concerning its custody, removal, or disposition as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure or any authority to interfere with the same, except when such possession, disposition, or authority is given to him by law. Nor do I claim the right in any manner to supervise or interfere with the person intrusted with such property or treasure, unless he be an officer whose appointment, under the Constitution and laws, is devolved upon the President alone or in conjunction with the Senate, and for whose conduct he is constitutionally responsible.

As the message and protest referred to may appear on the Journal of the Senate and remain among the recorded documents of the nation, I am unwilling that opinions should be imputed to me, even through

misconstruction, which are not entertained, and more particularly am I solicitous that I may not be supposed to claim for myself or my successors any power or authority not clearly granted by the Constitution and laws to the President. I have therefore respectfully to request that this communication may be considered a part of that message and that it may be entered therewith on the journals of the Senate.

ANDREW JACKSON.

EXECUTIVE ORDERS.

HEADQUARTERS OF THE ARMY,

ADJUTANT-GENERAL'S OFFICE,

\_Washington, June 21, 1834\_.

ORDER 46.

The Major-General Commanding the Army has received through the War Department the following General Order from the President of the United States:

GENERAL ORDER.

WASHINGTON, \_June 21, 1834\_.

Information having been received of the death of General Lafayette, the President considers it due to his own feelings as well as to the character and services of that lamented man to announce the event to the Army and Navy.

Lafayette was a citizen of France, but he was the distinguished friend of the United States. In early life he embarked in that contest which secured freedom and independence to our country. His services and sacrifices constitute a part of our Revolutionary history, and his memory will be second only to that of Washington in the hearts of the American people. In his own country and in ours he was the zealous and uniform friend and advocate of rational liberty. Consistent in his principles and conduct, he never during a long life committed an act which exposed him to just accusation or which will expose his memory to reproach. Living at a period of great excitement and of moral and political revolutions, engaged in many of the important events which fixed the attention of the world, and invited to guide the destinies of France at two of the most momentous eras of her history, his political integrity and personal disinterestedness have not been called in question. Happy in such a life, he has been happy in his death. He has been taken from the theater of action with faculties unimpaired, with a reputation unquestioned, and an object of veneration wherever civilization and the rights of man have extended; and mourning, as we may and must, his departure, let us rejoice that this associate of Washington has gone, as we humbly hope, to rejoin his illustrious commander in the fullness of days and of honor.

He came in his youth to defend our country. He came in the maturity of his age to witness her growth in all the elements of prosperity, and while witnessing these he received those testimonials of national gratitude which proved how strong was his hold upon the affections of the American people.

One melancholy duty remains to be performed. The last major-general of the Revolutionary army has died. Himself a young and humble participator in the struggles of that period, the President feels called on as well by personal as public considerations to direct that appropriate honors be paid to the memory of this distinguished patriot and soldier. He therefore orders that the same honors be rendered upon this occasion at the different military and naval stations as were observed upon the decease of Washington, the Father of his Country, and his contemporary in arms.

In ordering this homage to be paid to the memory of one so eminent in the field, so wise in council, so endeared in private life, and so well and favorably known to both hemispheres the President feels assured that he is anticipating the sentiments not of the Army and Navy only, but of the whole American people.

ANDREW JACKSON.

In obedience to the commands of the President, the following funeral honors will be paid at the several stations of the Army:

At daybreak twenty-four guns will be fired in quick succession, and one gun at the interval of every half hour thereafter till sunset.

The flags of the several stations will during the day be at half-mast. The officers of the Army will wear crape on the left arm for the period of six months.

This order will be carried into effect under the direction of the commanding officer of each post and station the day after its reception.

By command of Major-General Macomb, commanding in chief:

R. JONES,

\_Adjutant-General\_

GREEN HILL, \_October 12, 1834\_.

Hon. LEVI WOODBURY,

\_Secretary of the Treasury\_.

MY DEAR SIR: I inclose you two letters from two of our most respectable citizens. They are good men and true. The letters relate to matters under your immediate charge, and when I come on to Washington will see about them.

Marshall was our candidate for the legislature, and has no doubt lost his election through the influence of the United States officers at that post, who are all of them opposed to us, and if we lose \_Brown\_ this winter from the Senate it will be owing mainly and chiefly to this. The county of Carterett sends three members to the legislature, and is Jackson to the \_hub\_; but Major Kirby, who commands at Fort Macon, has used his influence in conjunction with D. Borden, who finds the troops with provisions, in favor of the opposition, and have beaten our men by small majorities. The troops, it seems, were paid off in Virginia money, which is below \_par\_ in our State, and this just on the eve of the election, and hence you may see the turn that was given to the matter. Dr. Hunt, who wishes to be appointed surgeon at Occracock, is a fine man, and I should like for him to have it; but of these matters more when I see you.

You see our new bank has gone into operation. Suppose you open a correspondence [with] them about the matter we have been talking about. It is all important that this matter should be attended to. With sentiments of great respect, I am, dear sir, yours, etc.,

J. SPEIGHT.

[Indorsement.]

Let a strict inquiry be had into the conduct of the officers complained of, and particularly why the paymaster has paid the troops in depreciated paper when he could as easily paid them in specie. It is his duty in all cases so to do, as all the revenue is specie and all public dues are payable in specie.

A.J.

SIXTH ANNUAL MESSAGE.

DECEMBER 1, 1834.

Fellow-Citizens of the Senate and House of Representatives:

In performing my duty at the opening of your present session it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that in surveying a scene so flattering to our free institutions our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783 has not been accepted by that Government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the Governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark the best understanding exists. Commerce with all is fostered and protected by reciprocal good will under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties the Queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances and to the wise counsels of time and experience, that power has finally resolved no longer to occupy the unnatural position in which she stood to the new Governments established in this hemisphere. I have the great satisfaction of stating to you that



in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties to the prejudice of our navigation levied in Cuba and Puerto Rico has been transmitted to the minister of the United States at Madrid, to be communicated to the Government of the Queen. No intelligence of its receipt has yet reached the Department of State. If the present condition of the country permits the Government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending to which the Government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long-subsisting friendship with that power affords the strongest guaranty that the balance due will receive prompt attention.

The first installment due under the convention of indemnity with the King of the Two Sicilies has been duly received, and an offer has been made to extinguish the whole by a prompt payment—an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims and the anxiety displayed to fulfill at once the stipulations made for the payment of them are highly honorable to the Government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive power temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances can not fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message as sanctioned by the Senate, but the ratifications of which had not been exchanged owing to a delay in its reception at Brussels and a subsequent absence of the Belgian minister of foreign affairs, has been, after mature deliberation, finally disavowed by that Government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions on questions of general maritime law.

Our newly established relations with the Sublime Porte promise to be useful to our commerce and satisfactory in every respect to this Government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul and

to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these powers, the Emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction as its stipulations are just and liberal and have been, with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the governments of most of the nations of this hemisphere which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice and their devotion to those peaceful arts the assiduous cultivation of which confers honor upon nations and gives value to human life. In the meantime I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for the enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power will not be realized. With all these Governments and with that of Brazil no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States, sometimes from the irregular action of the constituted subordinate authorities of the maritime regions and sometimes from the leaders or partisans of those in arms against the established Governments. In all cases representations have been or will be made, and as soon as their political affairs are in a settled position it is expected that our friendly remonstrances will be followed by adequate redress.

The Government of Mexico made known in December last the appointment of commissioners and a surveyor on its part to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated—the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our charge d'affaires was instructed in January last to negotiate in Mexico an article additional to the preexisting treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received that additional article to the treaty will be obtained and transmitted to this country as soon as it can receive the ratification of the Mexican Congress.

The reunion of the three States of New Grenada, Venezuela, and Equador, forming the Republic of Colombia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose at an early day to submit, in the proper form, the appointment of a diplomatic agent to Venezuela, the importance of the commerce of that country to the United States and the large claims of our citizens upon the Government arising before and since the division of Colombia rendering it, in my judgment, improper longer to delay this step.

Our representatives to Central America, Peru, and Brazil are either at or on their way to their respective posts.

From the Argentine Republic, from which a minister was expected to this

Government, nothing further has been heard. Occasion has been taken on the departure of a new consul to Buenos Ayres to remind that Government that its long-delayed minister, whose appointment had been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this pacific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation than are those of the United States with their ancient ally and friend. This disposition is founded as well on the most grateful and honorable recollections associated with our struggle for independence as upon a well-grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see without the deepest regret even a temporary interruption of the friendly relations between the two countries—a regret which would, I am sure, be greatly aggravated if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been characterized by a spirit so conciliatory and forbearing as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverance on the part of the French Government in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce committed by authority of the existing Governments of France between the years 1800 and 1817 has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has for many years been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not to a very considerable extent admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestable validity. The negotiation for this purpose was commenced with the late Government of France, and was prosecuted with such success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made would have been effected had not the revolution by which the negotiation was cut off taken place. The discussions were resumed with the present Government, and the result showed that we were not wrong in supposing that an event by which the two Governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject a treaty between the two Governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French Government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of 25,000,000 francs to the United States, who shall distribute it among those entitled in the manner and according to the rules it shall determine;" and it was also stipulated on the part of the French Government that this 25,000,000 francs should "be paid at Paris, in six annual installments of 4,166,666 francs and 66 centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive

it," the first installment to be paid "at the expiration of one year next following the exchange of the ratifications of this convention and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said installments shall be added interest at 4 per cent thereupon, as upon the other installments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by France on behalf of its citizens, that the sum of 1,500,000 francs should be paid to the Government of France in six annual installments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following article, viz:

The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates by the gallon (such as it is used at present for wines in the United States), to wit: 6 cents for red wines in casks; 10 cents for white wines in casks, and 22 cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced and the general rates of the tariff which went into operation the 1st January, 1829, shall be maintained in case the Government of the United States should think proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the long-staple cottons of the United States which after the exchange of the ratifications of the present convention shall be brought directly thence to France by the vessels of the United States or by French vessels the same duties as on short-staple cottons.

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratification was exchanged at the city of Washington on the 2d of February, 1832. On account of its commercial stipulations it was in five days thereafter laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution, and France has from that period to the present been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged through its constitutional organ for the liquidation and ultimate payment of the long-deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done everything that was necessary to carry the treaty into full and fair effect on their part, counted with the most perfect confidence on equal fidelity and promptitude on the part of the French Government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnity to be paid or the commercial benefits to be secured to the United States, and the relations between the United States and that power in consequence thereof are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French Government been thus wanting in the performance

of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to the 8th April, 1832. The French Chambers were then sitting, and continued in session until the 21st of that month, and although one installment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and in consequence of no appropriation having then been made the draft of the United States Government for that installment was dishonored by the minister of finance, and the United States thereby involved in much controversy. The next session of the Chambers commenced on the 19th November, 1832, and continued until the 25th April, 1833. Notwithstanding the omission to pay the first installment had been made the subject of earnest remonstrance on our part, the treaty with the United States and a bill making the necessary appropriations to execute it were not laid before the Chamber of Deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read and referred to a committee, but there was no further action upon it. The next session of the Chambers commenced on the 26th of April, 1833, and continued until the 26th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signature of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens is probably greater than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of the question of damages and interest for the detention. That the settlement involved a sacrifice in this respect was well known at the time--a sacrifice which was cheerfully acquiesced in by the different branches of the Federal Government, whose action upon the treaty was required from a sincere desire to avoid further collision upon this old and disturbing subject and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris about the 15th day of May last, might have been considered the final determination of the French Government not to execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation were conveyed the regrets of the King and a declaration that a national vessel should be forthwith sent out with instructions to the French minister to give the most ample explanations of the past and the strongest assurances for the future. After a long passage the promised dispatch vessel arrived. The pledges given by the French minister upon receipt of his instructions were that as soon after the election of the new members as the charter would permit the legislative Chambers of France should be called together and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his cabinet should be exerted to accomplish the object, and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the King and his cabinet, and, above all, that sacred regard for the national

faith and honor for which the French character has been so distinguished would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances on the part of the executive government of France of their intention to press the appropriation at the ensuing session of the Chambers.

The executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government, and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will at this session probably be required at your hands. But if from the original delay in asking for an appropriation, from the refusal of the Chambers to grant it when asked, from the omission to bring the subject before the Chambers at their last session, from the fact that, including that session, there have been five different occasions when the appropriation might have been made, and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French Government, in all its branches, to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there

are powerful and to my mind conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France without at the same time in some degree embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the Government of the United States with the view of injuring France the clear perception of right which will induce our own people and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just will be obscured and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal. There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered and that not the slightest pretense should be given to France to persist in her refusal to make payment by any act on our part affecting the interests of her people. The question should be left, as it is now, in such an attitude that when France fulfills her treaty stipulations all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and in case it be refused or longer delayed take redress into their own hands. After the delay on the part of France of a quarter of a century in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code that where one nation owes another a liquidated debt which it refuses or neglects to pay the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself toward Portugal, under circumstances less unquestionable.

The time at which resort should be had to this or any other mode of redress is a point to be decided by Congress. If an appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the Government of France has finally determined to disregard its own solemn undertaking and refuse to pay an acknowledged debt. In that event every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect anything from her fears and preclude the necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it as the evidence only of an inflexible determination on the part of the United States to insist on their rights. That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the

necessity of taking redress into their own hands and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations and to the retributive judgments of Heaven.

Collision with France is the more to be regretted on account of the position she occupies in Europe in relation to liberal institutions, but in maintaining our national rights and honor all governments are alike to us. If by a collision with France in a case where she is clearly in the wrong the march of liberal principles shall be impeded, the responsibility for that result as well as every other will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether after what has taken place it will still await the further action of the French Chambers or now adopt such provisional measures as it may deem necessary and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive as far as he is authorized so to do.

According to the estimate of the Treasury Department, the revenue accruing from all sources during the present year will amount to \$20,624,717, which, with the balance remaining in the Treasury on the 1st of January last of \$11,702,905, produces an aggregate of \$32,327,623. The total expenditure during the year for all objects, including the public debt, is estimated at \$25,591,390, which will leave a balance in the Treasury on the 1st of January, 1835, of \$6,736,232. In this balance, however, will be included about \$1,150,000 of what was heretofore reported by the Department as not effective.

Of former appropriations it is estimated that there will remain unexpended at the close of the year \$8,002,925, and that of this sum there will not be required more than \$5,141,964 to accomplish the objects of all the current appropriations. Thus it appears that after satisfying all those appropriations and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about \$440,000. That such should be the aspect of our finances is highly flattering to the industry and enterprise of our population and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign powers, the present may be hailed as the epoch in our history the most favorable for the settlement of those principles in our domestic policy which shall be best calculated to give stability to our Republic and secure the blessings of freedom to our citizens.

Among these principles, from our past experience, it can not be doubted that simplicity in the character of the Federal Government and a rigid economy in its administration should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the difficulties which are inseparable from every exercise of the taxing power, and that it was in this respect a remote agent in producing those



disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligations of which all portions of the Union cheerfully acknowledged, it must be obvious that whatever is calculated to increase the burdens of Government without necessity must be fatal to all our hopes of preserving its true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers of the Government and suggested by the wants of the country. Properly regarded under such a policy, every diminution of the public burdens arising from taxation gives to individual enterprise increased power and furnishes to all the members of our happy Confederacy new motives for patriotic affection and support. But above all, its most important effect will be found in its influence upon the character of the Government by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow-citizens.

Circumstances make it my duty to call the attention of Congress to the Bank of the United States. Created for the convenience of the Government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt that it might retain the public money appropriated for that purpose to strengthen it in a political contest, the extraordinary extension and contraction of its accommodations to the community, its corrupt and partisan loans, its exclusion of the public directors from a knowledge of its most important proceedings, the unlimited authority conferred on the president to expend its funds in hiring writers and procuring the execution of printing, and the use made of that authority, the retention of the pension money and books after the selection of new agents, the groundless claim to heavy damages in consequence of the protest of the bill drawn on the French Government, have through various channels been laid before Congress. Immediately after the close of the last session the bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment and the interruption of domestic exchanges which it had practiced upon from the 1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this annunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the bank, and had been persisted in merely to induce Congress to grant the prayer of the bank in its memorial relative to the removal of the deposits and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months had been needlessly produced by it, with the view of affecting through the sufferings of the people the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the infliction, that the energies of our people soon found relief from this wanton tyranny in vast importations of the precious metals from almost every part of the world, and that at the close of this tremendous effort to control our Government the bank found itself powerless and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries, so that on the 1st of October last the extraordinary spectacle was presented of a national bank more than one-half of whose capital was either lying unproductive in its vaults or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress has since been added the open seizure of the

dividends on the public stock to the amount of \$170,041, under pretense of paying damages, cost, and interest upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collectors would seize on the customs or the receivers of our land offices on the moneys arising from the sale of public lands under pretenses of claims against the United States as that the bank would have retained the dividends. Indeed, if the principle be established that anyone who chooses to set up a claim against the United States may without authority of law seize on the public property or money wherever he can find it to pay such claim, there will remain no assurance that our revenue will reach the Treasury or that it will be applied after the appropriation to the purposes designated in the law. The paymasters of our Army and the pursers of our Navy may under like pretenses apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defense. This measure resorted to by the bank is disorganizing and revolutionary, and if generally resorted to by private citizens in like cases would fill the land with anarchy and violence.

It is a constitutional provision "that no money shall be drawn from the Treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money for any purpose whatsoever which shall not have been first approved by the representatives of the people and the States in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended in the legislative department of the Government, to the exclusion of the executive and judicial, and it is not within the constitutional authority of either of those departments to pay it away without law or to sanction its payment. According to this plain constitutional provision, the claim of the bank can never be paid without an appropriation by act of Congress. But the bank has never asked for an appropriation. It attempts to defeat the provision of the Constitution and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both Houses and approved by the President, it makes an appropriation for itself and invites an appeal to the judiciary to sanction it. That the money had not technically been paid into the Treasury does not affect the principle intended to be established by the Constitution. The Executive and the judiciary have as little right to appropriate and expend the public money without authority of law before it is placed to the credit of the Treasury as to take it from the Treasury. In the annual report of the Secretary of the Treasury, and in his correspondence with the president of the bank, and the opinions of the Attorney-General accompanying it, you will find a further examination of the claims of the bank and the course it has pursued.

It seems due to the safety of the public funds remaining in that bank and to the honor of the American people that measures be taken to separate the Government entirely from an institution so mischievous to the public prosperity and so regardless of the Constitution and laws. By transferring the public deposits, by appointing other pension agents as far as it had the power, by ordering the discontinuance of the receipt of bank checks in the payment of the public dues after the 1st day of January, the Executive has exerted all its lawful authority to sever the connection between the Government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this Government duties of the gravest and most imperative character--duties which they can not avoid and from which I trust there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge those which may rightfully fall on me. To continue any business relations with the Bank of the United States that may be avoided without a violation of the national faith after that institution

has set at open defiance the conceded right of the Government to examine its affairs, after it has done all in its power to deride the public authority in other respects and to bring it into disrepute at home and abroad, after it has attempted to defeat the clearly expressed will of the people by turning against them the immense power intrusted to its hands and by involving a country otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress, would make the nation itself a party to the degradation so sedulously prepared for its public agents and do much to destroy the confidence of mankind in popular governments and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock: that the provision of the charter requiring the receipt of notes of the bank in payment of public dues shall, in accordance with the power reserved to Congress in the fourteenth section of the charter, be suspended until the bank pays to the Treasury the dividends withheld, and that all laws connecting the Government or its officers with the bank, directly or indirectly, be repealed, and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a national bank far overbalance all its advantages. The bold effort the present bank has made to control the Government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution or the establishment of another like it. It is fervently hoped that thus admonished those who have heretofore favored the establishment of a substitute for the present bank will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected than to concentrate the whole moneyed power of the Republic in any form whatsoever or under any restrictions.

Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves and discharged all these duties while the Bank of the United States was still powerful and in the field as an open enemy, and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposits in the State banks by law. Although the power now exercised by the executive department in this behalf is only such as was uniformly exerted through every Administration from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury and to impose restrictions upon the Executive authority in relation to their custody and removal is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or the Secretary of the Treasury over those institutions, which, being thus freed from Executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of

the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upward of two years.

The progress of our gold coinage is creditable to the officers of the Mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travelers of the want of a general paper currency should the State banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade at reasonable rates, and not a doubt is entertained that in a short period all the wants of the country in bank accommodations and exchange will be supplied as promptly and as cheaply as they have heretofore been by the Bank of the United States. If the several States shall be induced gradually to reform their banking systems and prohibit the issue of all small notes, we shall in a few years have a currency as sound and as little liable to fluctuations as any other commercial country.

The report of the Secretary of War, together with the accompanying documents from the several bureaus of that Department, will exhibit the situation of the various objects committed to its administration.

No event has occurred since your last session rendering necessary any movements of the Army, with the exception of the expedition of the regiment of dragoons into the territory of the wandering and predatory tribes inhabiting the western frontier and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens and upon other Indians entitled to the protection of the United States. It became necessary for the peace of the frontiers to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility. Colonel Dodge and the troops under his command have acted with equal firmness and humanity, and an arrangement has been made with those Indians which it is hoped will assure their permanent pacific relations with the United States and the other tribes of Indians upon that border. It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that General Leavenworth, an officer well known, and esteemed for his gallant services in the late war and for his subsequent good conduct, has fallen a victim to his zeal and exertions in the discharge of his duty.

The Army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient under its present organization for providing the necessary garrisons for the seaboard and for the defense of the internal frontier, and also for preserving the elements of military knowledge and for keeping pace with those improvements which modern experience is continually making. And these objects appear to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the Engineer Department and upon the topographical engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has during this season taken place in the condition of the Indians. Arrangements are in progress for the removal of the

Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined as a community to remove. How long the personal causes which have heretofore retarded that ultimately inevitable measure will continue to operate I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of the tribes yet living amongst us. The facility with which the necessaries of life are procured and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits and in the important concern of education, and their removal from those causes which have heretofore depressed all and destroyed many of the tribes, can not fail to stimulate their exertions and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session that a great reduction will take place in the expenditures of the Department in consequence of these laws, and there is reason to believe that their operation will be salutary and that the colonization of the Indians on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed showing the existence of extensive frauds under the various laws granting pensions and gratuities for Revolutionary services. It is impossible to estimate the amount which may have been thus fraudulently obtained from the National Treasury. I am satisfied, however, it has been such as to justify a reexamination of the system and the adoption of the necessary checks in its administration. All will agree that the services and sufferings of the remnant of our Revolutionary band should be fully compensated; but while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding the attestations and certificates of the judicial officers of the various States form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been and may be fabricated, and in such a way as to elude detection at the examining offices. And independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry, and in one instance, at least, the seal of the court has been within reach of a person most interested in its improper application. It is obvious that under such circumstances no severity of administration can check the abuse of the law. And information has from time to time been communicated to the Pension Office questioning or denying the right of persons placed upon the pension list to the bounty of the country. Such cautions are always attended to and examined, but a far more general investigation is called for, and I therefore recommend, in conformity with the suggestion of the Secretary of War, that an actual inspection should be made in each State into the circumstances and claims of every person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected and the public Treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks without any burdensome operation upon the pensioners. The object should be twofold:

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the claimants themselves and by inquiring in the vicinity of their residence into their history and into the opinion entertained of their

Revolutionary services.

2. To ascertain in all cases whether the original claimant is living, and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the further suggestion that all payments should be suspended till the necessary reports are received.

It will be seen by a tabular statement annexed to the documents transmitted to Congress that the appropriations for objects connected with the War Department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of \$200,000 for arming and equipping the militia, and the appropriation of \$10,000 for the civilization of the Indians, which are not annually renewed, amounted to the sum of \$9,003,261, and that the estimates of appropriations necessary for the same branches of service for the year 1835 amount to the sum of \$5,778,964, making a difference in the appropriations of the current year over the estimates of the appropriations for the next of \$3,224,297.

The principal causes which have operated at this time to produce this great difference are shown in the reports and documents and in the detailed estimates. Some of these causes are accidental and temporary; while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires and withholding where it does not, is among the indispensable duties of the Government.

I refer you to the accompanying report of the Secretary of the Navy and to the documents with it for a full view of the operations of that important branch of our service during the present year. It will be seen that the wisdom and liberality with which Congress has provided for the gradual increase of our navy material have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject, and that but a short period would be now required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that in the event of conflicts with them we must look chiefly to our Navy for the protection of our national rights. The wide seas which separate us from other Governments must of necessity be the theater on which an enemy will aim to assail us, and unless we are prepared to meet him on this element we can not be said to possess the power requisite to repel or prevent aggressions. We can not, therefore, watch with too much attention this arm of our defense, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials which are necessary to repair our vessels and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry dock described by the Secretary of the Navy, and also the construction of the steam batteries to which he has referred, for the purpose of testing their efficacy as auxiliaries to the system of defense now in use.

The report of the Postmaster-General herewith submitted exhibits the condition and prospects of that Department. From that document it appears that there was a deficit in the funds of the Department at the commencement of the present year beyond its available means of \$315,599.98, which on the 1st July last had been reduced to \$268,092.74. It appears also that the revenues for the coming year will exceed the expenditures about \$270,000, which, with the excess of revenue which will result from the operations of the current half year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which had accrued within the period embraced by the times of striking the balances, it is obvious that without a progressive increase in the amount of postages the existing retrenchments must be persevered in through the year 1836 that the Department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the Post-Office Department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than \$100,000. This is attributed in a great degree to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive offices to which it has been granted, and by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restrictions under which it is granted, would operate beneficially to the country, by enabling the Department at an earlier period to restore the mail facilities that have been withdrawn, and to extend them more widely, as the growing settlements of the country may require.

To a measure so important to the Government and so just to our constituents, who ask no exclusive privileges for themselves and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the Post-Office Department and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its reorganization by law. The whole of its receipts and disbursements have hitherto been left entirely to Executive control and individual discretion. The principle is as sound in relation to this as to any other Department of the Government, that as little discretion should be confided to the executive officer who controls it as is compatible with its efficiency. It is therefore earnestly recommended that it be organized with an auditor and treasurer of its own, appointed by the President and Senate, who shall be branches of the Treasury Department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the Federal judiciary throughout the several States, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one-fourth of the States without circuit courts.

It is undoubtedly the duty of Congress to place all the States on the same footing in this respect, either by the creation of an additional number of associate judges or by an enlargement of the circuits assigned to those already appointed so as to include the new States. Whatever may be the difficulty in a proper organization of the judicial system so as to secure its efficiency and uniformity in all parts of the Union and at the same time to avoid such an increase of judges as would encumber the supreme appellate tribunal, it should not be allowed to weigh against

the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention in regard to the mode of electing the President and Vice-President of the United States. All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure in all contingencies that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the Treasury Department. As the public interest requires that another building should be erected with as little delay as possible, it is hoped that the means will be seasonably provided and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled "An act to improve the navigation of the Wabash River," which was sent to me at the close of your last session, ought to pass, and I have therefore withheld from it my approval and now return it to the Senate, the body in which it originated.

There can be no question connected with the administration of public affairs more important or more difficult to be satisfactorily dealt with than that which relates to the rightful authority and proper action of the Federal Government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress upon this subject, and in adverting to it again I can not refrain from expressing my increased conviction of its extreme importance as well in regard to its bearing upon the maintenance of the Constitution and the prudent management of the public revenue as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the Constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages and bring in their train the patronage of the Government, we are, I fear, not so safe. To suppose that because our Government has been instituted for the benefit of the people it must therefore have the power to do whatever may seem to conduce to the public good is an error into which even honest minds are too apt to fall. In yielding themselves to this fallacy they overlook the great considerations in which the Federal Constitution was founded. They forget that in consequence of the conceded diversities in the interest and condition of the different States it was foreseen at the period of its adoption that although a particular measure of the Government might be beneficial and proper in one State it might be the reverse in another; that it was for this reason the States would not consent to make a grant to the Federal Government of the general and usual powers of government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget also the paramount obligation upon all to abide by the compact then so solemnly and, as



it was hoped, so firmly established. In addition to the dangers to the Constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal ambition. With such stimulants it is not surprising that the acts and pretensions of the Federal Government in this behalf should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

First. To the power of making internal improvements within the limits of a State, with the right of territorial jurisdiction, sufficient at least for their preservation and use.

Second. To the right of appropriating money in aid of such works when carried on by a State or by a company in virtue of State authority, surrendering the claim of jurisdiction; and

Third. To the propriety of appropriation for improvements of a particular class, viz, for light-houses, beacons, buoys, public piers, and for the removal of sand bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the General Government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys common to all, there is superadded to that the conflicting jurisdictions of the respective governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the Constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the State and Federal Governments in the absence of a constitutional provision marking out their respective boundaries can not be doubted. The local advantages to be obtained would induce the States to overlook in the beginning the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the Federal Government would soon be regarded with jealousy by the State authorities, and originating as they must from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with State sovereignty would be increased and those barriers which resist the tendency of our system toward consolidation greatly weakened. The officers and agents of the General Government might not always have the discretion to abstain from intermeddling with State concerns, and if they did they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up; that harmony which should ever exist between the General Government and each member of the Confederacy would be frequently interrupted; a spirit of contention would be engendered and the dangers of disunion greatly multiplied.

Yet we all know that notwithstanding these grave objections this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the Federal Government in works of internal improvement prevailed in the highest degree during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees of Internal Improvements bills containing appropriations for such objects, inclusive of those for the Cumberland road and for harbors and light-houses, to the amount of \$106,000,000. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and

the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress presented but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded \$100,000,000.

Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike Company as the entering wedge of a system which, however weak at first, might soon become strong enough to rive the bands of the Union asunder, and believing that if its passage was acquiesced in by the Executive and the people there would no longer be any limitation upon the authority of the General Government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the Executive approval. Although from the obviously local character of that work I might well have contented myself with a refusal to approve the bill upon that ground, yet sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress and by my constituents, I felt it my duty to go further. I therefore embraced that early occasion to apprise Congress that in my opinion the Constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a State and to say, respectfully, that no bill admitting such a power could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two Houses and myself, and that the harmonious action of the several departments of the Federal Government in regard to it would be ultimately secured.

So far, at least, as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt within my recollection has been made to induce Congress to exercise this power. The applications for the construction of roads and canals which were formerly multiplied upon your files are no longer presented, and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character we can not, I trust, have anything further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character and prosecuted under State authority--assuming that Congress have the right to do so--were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the Executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public Treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the Constitution prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the Confederacy. The effects of such a regulation would be most salutary in preventing

unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of Government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that at the first session of Congress under the new Constitution it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passage of the act within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States, and, further, that it should be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary and keeping in good repair the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers and in the harbors upon our Great Lakes as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow in this respect in the footsteps of all my predecessors. Sensible, however, from experience and observation of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution by appropriations for remote and not well-understood objects. But as neither my own reflections nor the lights which I may properly derive from other sources have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "An act to improve the navigation of the Wabash River;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprised, and without throwing the subject again open to abuses which no good citizen entertaining my opinions could desire.

I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing as I have done on this and other occasions checks to a course of legislation which, without in the slightest degree calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public

treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them can not be reasonably expected. The attempt will meet with resistance where it might otherwise receive support, and instead of strengthening the bonds of our Confederacy it will only multiply and aggravate the causes of disunion.

ANDREW JACKSON.

#### SPECIAL MESSAGES

WASHINGTON, \_December 4, 1834\_.

\_To the Senate and House of Representatives\_:

I transmit to Congress a communication addressed to me by M. George Washington Lafayette, accompanying a copy of the Declaration of Independence engraved on copper, which his illustrious father bequeathed to Congress to be placed in their library as a last tribute of respect, patriotic love, and affection for his adopted country.

I have a mournful satisfaction in transmitting this precious bequest of that great and good man who through a long life, under many vicissitudes and in both hemispheres, sustained the principles of civil liberty asserted in that memorable Declaration, and who from his youth to the last moment of his life cherished for our beloved country the most generous attachment.

ANDREW JACKSON.

The bequest accompanies the message to the House of Representatives.

A.J.

PARIS, \_June 15, 1834\_.

SIR: A great misfortune has given me more than one solemn and important duty to fulfill, and the ardent desire of accomplishing with fidelity my father's last will emboldens me to claim the patronage of the President of the United States and his benevolent intervention when I am obliged respectfully and mournfully to address the Senate and Representatives of a whole nation.

Our forever beloved parent possessed a copper plate on which was inscribed the first engraved copy of the American Declaration of Independence, and his last intention in departing this world was that the precious plate should be presented to the Congress of the United States, to be deposited in their library as a last tribute of respect, patriotic love, and affection for his adopted country.

Will it be permitted to me, a faithful disciple of that American school whose principles are so admirably exposed in that immortal Declaration, to hope that you, sir, would do me the honor to communicate this letter to both Houses of Congress at the same time that in the name of his afflicted family you would present to them my venerated father's gift?

In craving such an important favor, sir, the son of General Lafayette, the adopted grandson of Washington, knows and shall never forget that he would become unworthy of it if he was ever to cease to be a French and American patriot. With the utmost respect, I am, sir, your devoted and obedient servant,

GEORGE W. LAFAYETTE.

WASHINGTON, \_December 10, 1834\_.

\_To the Senate and House of Representatives of the United States\_:

The joint resolutions of Congress unanimously expressing their sensibility on the intelligence of the death of General Lafayette were communicated, in compliance with their will, to George Washington Lafayette and the other members of the family of that illustrious man. By their request I now present the heartfelt acknowledgments of the surviving descendants of our beloved friend for that highly valued proof of the sympathy of the United States.

ANDREW JACKSON.

WASHINGTON, \_June 27, 1834\_.

GEORGE WASHINGTON LAFAYETTE AND THE OTHER MEMBERS OF THE FAMILY OF THE LATE GENERAL LAFAYETTE:

In compliance with the will of Congress, I transmit to you the joint resolutions of the two Houses unanimously expressing the sensibility with which they received the intelligence of the death of "General Lafayette, the friend of the United States, the friend of Washington, and the friend of liberty;" and I also assure you of the condolence of this whole nation in the irreparable bereavement which by that event you have sustained.

In complying with the request of Congress I can not omit the occasion of offering you my own condolence in the great loss you have sustained, and of expressing my admiration of the eminent virtues of the distinguished patriot whom it has pleased Providence to remove to his high reward.

I also pray you to be persuaded that your individual welfare and prosperity will always be with me objects of that solicitude which the illustrious services of the great friend and benefactor of my country are calculated to awaken.

ANDREW JACKSON,

\_President of the United States\_.

RESOLUTION manifesting the sensibility of the two Houses of Congress and of the nation on the occasion of the decease of General Lafayette.

\_Resolved by the Senate and House of Representatives of the United States of America in Congress assembled\_, That the two Houses of Congress have received with the profoundest sensibility intelligence of the death of General Lafayette, the friend of the United States, the friend of Washington, and the friend of liberty.

And be it further resolved, That the sacrifices and efforts of this illustrious person in the cause of our country during her struggle for independence, and the affectionate interest which he has at all times manifested for the success of her political institutions, claim from the Government and people of the United States an expression of condolence for his loss, veneration for his virtues, and gratitude for his services.

And be it further resolved, That the President of the United States be requested to address, together with a copy of the above resolutions, a letter to George Washington Lafayette and the other members of his family, assuring them of the condolence of this whole nation in their irreparable bereavement.

And be it further resolved, That the members of the two Houses of Congress will wear a badge of mourning for thirty days, and that it be recommended to the people of the United States to wear a similar badge for the same period.

And be it further resolved, That the halls of the Houses be dressed in mourning for the residue of the session.

And be it further resolved, That John Quincy Adams be requested to deliver an oration on the life and character of General Lafayette before the two Houses of Congress at the next session.

JNO. BELL,

Speaker of the House of Representatives.

M. VAN BUREN,

Vice-President of the United States and President of the Senate.

Approved, June 26, 1834.

ANDREW JACKSON.

LA GRANGE, October 21, 1834.

SIR: The resolution of Congress communicated to me by your honored favor of the 27th of June, that glorious testimony of American national affection for my beloved and venerated father, has been received by his family with the deepest sense of the most respectful and, give me leave to say, filial gratitude.

And now, sir, that we experience the benefits of such a high and soothing sympathy, we find ourselves called to the honor of addressing to the people and Congress of the United States our heartfelt and dutiful thanks.

Sir, you were the friend of my father, and the kind letter which accompanied the precious message seems to be for us a sufficient authorization to our claiming once more your honorable assistance for the accomplishment of a duty dear to our hearts. We most fervently wish that the homage of our everlasting devotion to a nation whose tears have deigned to mingle with ours should be offered to both Houses of Congress. Transmitted by you, sir, that homage shall be rendered acceptable, and we earnestly pray you, sir, to present it in our name. Our gratitude shall be forever adequate to the obligation.

The resolution which so powerfully honors my father's memory shall be

deposited as a most sacred family property in that room of mourning where once his son and grandsons used to receive with avidity from him lessons of patriotism and active love of liberty. There the daily contemplation of it will more and more impress their minds with that encouraging conviction that the affection and esteem of a free nation is the most desirable reward that can be obtained on earth.

With the utmost respect, sir, I have the honor to be, your devoted and obedient servant,

GEORGE W. LAFAYETTE.

WASHINGTON, \_December 12, 1834\_.

\_To the House of Representatives\_:

In compliance with the resolution of the House of Representatives of the 10th instant, calling for any information which the President may possess respecting the burning of the building occupied by the Treasury Department in the year 1833, I transmit herewith the papers containing the inquiry into the cause of that disaster, which was directed and made soon after its occurrence.

Accompanying this inquiry I also transmit a particular report from Mr. McLane, who was then Secretary of the Treasury, stating all the facts relating to the subject which were within the knowledge of the officers of the Department and such losses of records and papers as were ascertained to have been sustained.

ANDREW JACKSON.

\_To the Senate\_:

I transmit herewith, for the consideration of the Senate, papers showing the terms on which the united tribes of the Chippewas, Ottawas, and Potawatamies are willing to accede to the amendments contained in the resolution of the Senate of the 22d of May last, ratifying conditionally the treaty which had been concluded with them on the 26th day of September, 1833.

ANDREW JACKSON.

DECEMBER 15, 1834.

WASHINGTON, \_December 27, 1834\_.

\_To the Senate of the United States\_:

I transmit to the Senate a report from the Secretary of State, together with the papers relative to the execution of the treaty of the 4th of July, 1831, between the United States and France, requested by their resolution of the ---- instant.

ANDREW JACKSON.

WASHINGTON, \_December 27, 1834\_.

\_To the House of Representatives of the United States\_:

I transmit to the House a report from the Secretary of State, together with the papers relating to the refusal of the French Government to make provision for the execution of the treaty between the United States and France concluded on the 4th July, 1831, requested by their resolution of the 24th instant.

ANDREW JACKSON.

DEPARTMENT OF STATE,

\_Washington, December 27, 1834\_.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 24th instant, requesting the President of the United States "to communicate to the House, if not in his opinion incompatible with the public interest, any communications or correspondence which may have taken place between our minister at Paris and the French Government, or between the minister from France to this Government and the Secretary of State, on the subject of the refusal of the French Government to make provision for the execution of the treaty concluded between the United States and France on the 4th July, 1831," has the honor of reporting to the President copies of the papers desired by that resolution.

It will be perceived that no authority was given to either of the charges d'affaires who succeeded Mr. Rives to enter into any correspondence with the French Government in regard to the merits of the convention, or in relation to its execution, except to urge the prompt delivery of the papers stipulated for in the sixth article and to apprise that Government of the arrangement made for receiving payment of the first installment.

All which is respectfully submitted.

JOHN FORSYTH.

WASHINGTON, \_January 5, 1835\_.

\_To the House of Representatives\_:

In answer to the resolution of the House of Representatives passed on the 24th ultimo, I transmit a report<sup>[10]</sup> from the Secretary of State upon the subject.

ANDREW JACKSON.

[Footnote 10: Relating to claims of American citizens upon the Mexican Government.]

WASHINGTON, \_January 6, 1835\_.

\_To the House of Representatives of the United States\_:

In answer to a resolution of the House of Representatives passed on the 27th ultimo, I transmit a report made to me by the Secretary of State on



the subject; and I have to acquaint the House that the negotiation for the settlement of the northeastern boundary being now in progress, it would, in my opinion, be incompatible with the public interest to lay before the House any communications which have been had between the two Governments since the period alluded to in the resolution.

ANDREW JACKSON.

WASHINGTON, \_January 13, 1835\_.

\_To the House of Representatives\_:

In compliance with the resolution of the House of the 8th instant, requesting "copies of every circular or letter of instruction emanating from the Treasury or War Departments since the 30th day of June last, and addressed to either the receiving or the disbursing officers stationed in States wherein land offices are established or public works are constructing under the authority of Congress," I transmit herewith reports from the Secretaries of the Treasury and War Departments, containing the information sought for.

ANDREW JACKSON.

WASHINGTON, \_January 13, 1835\_.

\_To the Senate of the United States\_:

I have received the resolution of the Senate of the 9th instant, requesting me to communicate "a copy of any report made by any director or directors of the Bank of the United States appointed by the Government, purporting to give information to the Executive of certain notes and bills of exchange discounted at the Bank of the United States for account and benefit of George Poindexter, a member of the Senate; also the name or names of such director or directors."

In my replies to the resolutions of the Senate of the 11th December, 1833, and of 12th of June, 1834, the former passed in their legislative and the latter in their executive capacity, I had occasion to state the objections to requests of this nature, and to vindicate in this respect the constitutional rights of the executive department. The views then expressed remain unchanged, and as I think them peculiarly applicable to the present occasion I should feel myself required to decline any reply to the resolution before me were there not reason to apprehend that persons now in nomination before the Senate might possibly by such a course be exposed to improper and injurious imputations.

The resolution of the Senate, standing alone, would seem to be adopted with the view of obtaining information in regard to the transactions which may have been had between a particular member of the Senate and the Bank of the United States. It can, however, scarcely be supposed that such was its object, inasmuch as the Senate have it in their power to obtain any information they may desire on this subject from their own committee, who have been freely allowed, as appears by their published report, to make examinations of the books and proceedings of the bank, peremptorily denied to the Government directors, and not even allowed to the committee of the House of Representatives. It must therefore be presumed that the resolution has reference to some other matter, and on referring to the Executive Journal of the Senate I find therein such proceedings as in my judgment fully to authorize the apprehension stated.

Under these circumstances, and for the purpose of preventing misapprehension and injustice, I think it proper to communicate herewith a copy of the only report made to me by any director or directors of the Bank of the United States appointed by the Government, since the report of the 19th of August, 1833, which is already in the possession of the Senate. It will be perceived that the paper herewith transmitted contains no information whatever as to the discounting of notes or bills of exchange for the account and benefit of the member of the Senate named in their resolution, nor have I at any time received from the Government directors any report purporting to give any such information.

ANDREW JACKSON.

WASHINGTON, \_January 29, 1835\_.

\_To the House of Representatives of the United States\_:

I transmit to the House of Representatives a report[11] from the Secretary of State, upon the subject of a resolution of the 22d instant, which was referred to that officer, together with the papers referred to in the said report.

ANDREW JACKSON.

[Footnote 11: Relating to commerce with Cuba and Puerto Rico.]

WASHINGTON, \_January 30, 1835\_.

\_To the House of Representatives of the United States\_:

With, reference to the claim of the granddaughters of the Marshal de Rochambeau, and in addition to the papers formerly communicated relating to the same subject, I now transmit to the House of Representatives, for their consideration, a memorial to the Congress of the United States from the Countess d'Ambrugeac and the Marquise de la Goree, together with the letter which accompanied it. Translations of these documents are also sent.

ANDREW JACKSON.

WASHINGTON, \_February 6, 1835\_.

\_To the House of Representatives\_:

I submit to Congress a report from the Secretary of War, containing the evidence of certain claims to reservations under the fourteenth article of the treaty of 1830 with the Choctaws, which the locating agent has reserved from sale in conformity with instructions from the President, who did not consider himself authorized to direct their location.

Should Congress consider the claims just, it will be proper to pass a law authorizing their location, or satisfying them in some other way.

ANDREW JACKSON.

WASHINGTON, \_February 6, 1835\_.

\_To the House of Representatives of the United States\_:

I transmit to the House of Representatives a report of the Secretary of State, accompanied with extracts from certain dispatches received from the minister of the United States at Paris, which are communicated in compliance with a resolution of the House of the 31st ultimo. Being of opinion that the residue of the dispatches of that minister can not at present be laid before the House consistently with the public interest, I decline transmitting them. In doing so, however, I deem proper to state that whenever any communication shall be received exhibiting any change in the condition of the business referred to in the resolution information will be promptly transmitted to Congress.

ANDREW JACKSON.

DEPARTMENT OF STATE,

\_Washington, February 5, 1835\_.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 31st ultimo, requesting the President "to communicate to that House, if not incompatible with the public interest, any correspondence with the Government of France and any dispatches received from the minister of the United States at Paris, not hitherto communicated to the House, in relation to the failure of the French Government to carry into effect any stipulation of the treaty of the 4th day of July, 1831," has the honor to report to the President that as far as is known to the Department no correspondence has taken place with the Government of France since that communicated to the House on the 27th December last. The Secretary is not aware that the dispatches received from the minister of the United States at Paris present any material fact which does not appear in the correspondence already transmitted. He nevertheless incloses so much of those dispatches written subsequently to the commencement of the present session of the French Chambers as may serve to shew the state of the business to which they relate since that time, and also that portion of an early dispatch which contains the substance of the assurances made to him by His Majesty the King of the French at a formal audience granted to him for the purpose of presenting his credentials, and he submits for the President's consideration whether the residue can consistently with the public interest be now laid before the House.

JOHN FORSYTH.

\_Mr. Livingston to the Secretary of State of the United States\_.

[Extracts.]

PARIS, \_October 4, 1833\_.

SIR: On Monday I presented my letter of credence to the King, on which occasion I made the address to him a copy of which is inclosed.

\* \* \* \* \*

His answer was long and earnest. I can not pretend to give you the words of it, but in substance it was a warm expression of his good feeling toward the United States for the hospitality he had received there, etc. ... "As to the convention," he said, "assure your Government that

unavoidable circumstances alone prevented its immediate execution, but it will be faithfully performed. Assure your Government of this," he repeated, "the necessary laws will be passed at the next meeting of the Chambers. I tell you this not only as King, but as an individual whose promise will be fulfilled."

\_Mr. Livingston to the Secretary of State\_.

[Extracts.]

PARIS, \_November 22, 1834\_.

\* \* \* \* \*

I do not hope for any decision on our affairs before the middle of January. One motive for delay is an expectation that the message of the President may arrive before the discussion, and that it may contain something to show a strong national feeling on the subject. \_This is not mere conjecture; I know the fact\_. And I repeat now from a full knowledge of the case what I have more than once stated in my former dispatches as my firm persuasion, that the moderate tone taken by our Government when the rejection was first known was attributed by some to indifference or to a conviction on the part of the President that he would not be supported in any strong measure by the people, and by others to a consciousness that the convention had given us more than we were entitled to ask.

\* \* \* \* \*

I saw last night an influential member of the Chamber, who told me that, ... and that the King had spoken of our affairs and appeared extremely anxious to secure the passage of the law. I mention this as one of the many circumstances which, independent of official assurances, convince me that the King is sincere, and now I have no doubt of the sincerity of his cabinet. From all this you may imagine the anxiety I shall feel for the arrival of the President's message. On its tone will depend very much, not only the payment of our claims, but our national reputation for energy. I have no doubt it will be such as to attain both of these important objects.

\_Mr. Livingston to Mr. Forsyth\_.

[Extract.]

PARIS, \_December 6, 1834\_.

\* \* \* \* \*

The Chambers were convened on the 1st instant under very exciting circumstances, the ministers individually and the papers supposed to speak their language having previously announced a design to enter into a full explanation of their conduct, to answer all interrogations, and place their continuance in office on the question of approval by the Chambers of their measures.

This, as you will see by the papers, they have frankly and explicitly done, and after a warm debate of two days, which has just closed, they have gained a decided victory. This gives them confidence, permanence, and, I hope, influence enough to carry the treaty. I shall now urge the presentation of the law at as early a day as possible, and although I do not yet feel very certain of success, my hopes of it are naturally much

increased by the vote of this evening. The conversations I have had with the King and with all the ministers convince me that now they are perfectly in earnest and united on the question, and that it will be urged with zeal and ability.

Many of the deputies, too, with whom I have entered into explanations on the subject, seem now convinced that the interest as well as the honor of the nation requires the fulfillment of their engagements. This gives me hopes that the endeavors I shall continue to make without ceasing until the question is decided may be successful.

The intimation I have conceived myself authorized to make of the serious consequences that may be expected from another rejection of the law, and of the firm determination of our Government to admit of no reduction or change in the treaty, I think has had an effect. On the whole, I repeat that without being at all confident I now entertain better hopes than I have for some time past done.

\_Mr. Livingston to the Secretary of State\_.

[Extracts.]

PARIS, \_December 22, 1834\_.

Hon. JOHN FORSYTH,

\_Secretary of State, etc.\_

SIR: Our diplomatic relations with this Government are on the most extraordinary footing. With the executive branch I have little to discuss, for they agree with me in every material point on the subject of the treaty. With the legislature, where the great difficulty arises, I can have no official communication. Yet, deeply impressed with the importance to my fellow-citizens of securing the indemnity to which they are entitled, and to the country of enforcing the execution of engagements solemnly made to it, as well as of preventing a rupture, which must infallibly follow the final refusal to execute the convention, I have felt it a duty to use every proper endeavor to avoid this evil. This has been and continues to be a subject of much embarrassment.

\* \* \* \* \*

My last dispatch (6th December) was written immediately after the vote of the Chamber of Deputies had, as it was thought, secured a majority to the administration, and it naturally excited hopes which that supposition was calculated to inspire. I soon found, however, both from the tone of the administration press and from the language of the King and all the ministers with whom I conferred on the subject, that they were not willing to put their popularity to the test on our question.

It will not be made one on the determination of which the ministers are willing to risk their portfolios. The very next day after the debate the ministerial gazette (Les Debats) declared that, satisfied with the approbation the Chamber had given to their system, it was at perfect liberty to exercise its discretion as to particular measures which do not form \_an essential part of that system\_; and the communications I subsequently had with the King and the ministers confirmed me in the opinion that the law for executing our convention was to be considered as one of those free questions. I combated this opinion, and asked whether the faithful observance of treaties was not \_an essential part of their\_ system, and, if so, whether it did not come within their rule. Without answering this argument, I was told of the endeavors they were

making to secure the passage of the law by preparing the statement[12] mentioned in my former dispatch. This, it is said, is nearly finished, and from what I know of its tenor it will produce all the effect that truth and justice can be expected to have on prejudice and party spirit.

The decision not to make it a cabinet question will not be without its favorable operation; ... some of the leaders of the opposition, who may not be willing to take the responsibility of a rupture between the two nations by breaking the treaty, when they are convinced that instead of forcing the ministers to resign they will themselves only incur the odium of having caused the national breach. In this view of the subject I shall be much aided if by the tenor of the President's message it is seen that we shall resent the breach of faith they contemplate.

It is on all hands conceded that it would be imprudent to press the decision before the next month, when the exposition will be printed and laid before the Chambers.

\* \* \* \* \*

On the whole, I am far from being sanguine of success in the endeavors which I shall not cease to make for the accomplishment of this important object of my mission, and I expect with some solicitude the instructions for my conduct in the probable case of a rejection of the law.

I have the honor to be, etc.,

EDW. LIVINGSTON.

[Footnote 12: A memoir to be laid before the commission which may be appointed to examine the law, intended to contain all the arguments and facts by which it is to be supported.]

WASHINGTON, \_February 10, 1835\_.

\_To the Senate of the United States\_:

I have received the resolution of the Senate of the 2d instant, requesting me to communicate copies of the charges, if any, which may have been made to me against the official conduct of Gideon Fitz, late surveyor-general south of the State of Tennessee, which caused his removal from office.

The resolution is preceded by a preamble which alleges as reasons for this request that the causes which may have produced the removal of the officer referred to may contain information necessary to the action of the Senate on the nomination of his successor and to the investigation now in progress respecting the frauds in the sales of the public lands.

This is another of those calls for information made upon me by the Senate which have, in my judgment, either related to the subjects exclusively belonging to the executive department or otherwise encroached on the constitutional powers of the Executive. Without conceding the right of the Senate to make either of these requests, I have yet, for the various reasons heretofore assigned in my several replies, deemed it expedient to comply with several of them. It is now, however, my solemn conviction that I ought no longer, from any motive nor in any degree, to yield to these unconstitutional demands. Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the Executive. This course is especially due to the present resolution. The President in cases of this nature possesses the exclusive power of removal from

office, and, under the sanctions of his official oath and of his liability to impeachment, he is bound to exercise it whenever the public welfare shall require. If, on the other hand, from corrupt motives he abuses this power, he is exposed to the same responsibilities. On no principle known to our institutions can he be required to account for the manner in which he discharges this portion of his public duties, save only in the mode and under the forms prescribed by the Constitution. The suggestion that the charges a copy of which is requested by the Senate "may contain information necessary to their action" on a nomination now before them can not vary the principle. There is no necessary connection between the two subjects, and even if there were the Senate have no right to call for that portion of these matters which appertains to the separate and independent action of the Executive. The intimation that these charges may also be necessary "to the investigation now in progress respecting frauds in the sales of public lands" is still more insufficient to authorize the present call. Those investigations were instituted and have thus far been conducted by the Senate in their legislative capacity, and with the view, it is presumed, to some legislative action. If the President has in his possession any information on the subject of such frauds, it is his duty to communicate it to Congress, and it may undoubtedly be called for by either House sitting in its legislative capacity, though even from such a call all matters properly belonging to the exclusive duties of the President must of necessity be exempted.

The resolution now before me purports to have been passed in executive session, and I am bound to presume that if the information requested therein should be communicated it would be applied in secret session to "the investigation of frauds in the sales of the public lands." But, if so applied, the distinction between the executive and legislative functions of the Senate would not only be destroyed, but the citizen whose conduct is impeached would lose one of his valuable securities, that which is afforded by a public investigation in the presence of his accusers and of the witnesses against him. Besides, a compliance with the present resolution would in all probability subject the conduct and motives of the President in the case of Mr. Fitz to the review of the Senate when not sitting as judges on an impeachment, and even if this consequence should not occur in the present case the compliance of the Executive might hereafter be quoted as a precedent for similar and repeated applications,

Such a result, if acquiesced in, would ultimately subject the independent constitutional action of the Executive in a matter of great national concernment to the domination and control of the Senate; if not acquiesced in, it would lead to collisions between coordinate branches of the Government, well calculated to expose the parties to indignity and reproach and to inflict on the public interest serious and lasting mischief.

I therefore decline a compliance with so much of the resolution of the Senate as requests "copies of the charges, if any," in relation to Mr. Fitz, and in doing so must be distinctly understood as neither affirming nor denying that any such charges were made; but as the Senate may lawfully call upon the President for information properly appertaining to nominations submitted to them, I have the honor, in this respect, to reply that I have none to give them in the case of the person nominated as successor to Mr. Fitz, except that I believe him, from sources entitled to the highest credit, to be well qualified in abilities and character to discharge the duties of the office in question.

ANDREW JACKSON.

WASHINGTON, \_February 14, 1835\_.

\_To the Senate of the United States\_:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of War, from which it appears that the "act for the relief of Benedict Alford and Robert Brush," although signed and duly certified by the proper officers as having passed the two Houses of Congress at their last session, had not in fact obtained the sanction of that body when it was presented to the President for his approval.

Under these circumstances it is thought that the subject is worthy of the consideration of Congress.

ANDREW JACKSON.

WASHINGTON, \_February 16, 1835\_.

\_To the House of Representatives of the United States\_:

I transmit to the House of Representatives, for their consideration, a petition to the Congress of the United States from Adelaide de Grasse de Grochamps, one of the surviving daughters of the Count de Grasse, together with the letter which accompanied it. Translations of these papers are also sent.

ANDREW JACKSON.

WASHINGTON, \_February 18, 1835\_.

\_To the House of Representatives\_:

Since my message a few days ago relating to Choctaw reservations other documents on the same subject have been received from the locating agent, which are mentioned in the accompanying report of the Secretary of War, and which I also transmit herewith for the information and consideration of Congress.

ANDREW JACKSON.

WASHINGTON, \_February 21, 1835\_.

\_To the Senate of the United States\_:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, four treaties for Potawatamie reservations, concluded by General Marshall in December last.

ANDREW JACKSON.

WASHINGTON, \_February 25, 1835\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given



to that minister, and of all the late correspondence with the French Government in Paris or in Washington, except a note of Mr. Serurier, which, for the reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation and return to the United States if an appropriation for the fulfillment of the convention shall be refused by the Chambers.

The subject being now in all its present aspects before Congress, whose right it is to decide what measures are to be pursued in that event, I deem it unnecessary to make further recommendation, being confident that on their part everything will be done to maintain the rights and honor of the country which the occasion requires.

ANDREW JACKSON.

DEPARTMENT OF STATE,

\_Washington, February 25, 1835\_.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State has the honor to submit to the President copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris or in Washington, except the last note of M. Serurier, which it has been considered necessary to submit to the Government of France before it is made public or answered, that it may be ascertained whether some exceptionable expressions are to be taken as the result of a settled purpose in that Government or as the mere ebullition of the minister's indiscretion.

JOHN FORSYTH.

\_Mr. Livingston to Mr. Forsyth\_.

No. 70.

LEGATION OF THE UNITED STATES,

\_Paris, January 11, 1835\_.

Hon. JOHN FORSYTH.

SIR: Believing that it would be important for me to receive the dispatches you might think it necessary to send with the President's message, I ventured on incurring the expense of a courier to bring it to me as soon as it should arrive at Havre. Mr. Beasley accordingly, on the arrival of the Sully, dispatched a messenger with my letters received by that vessel, and a New York newspaper containing the message, but without any communication from the Department, so that your No. 43 is still the last which I have to acknowledge. The courier arrived at 2 o'clock on the morning of the 8th. Other copies were the same morning received by the estafette, and the contents, being soon known, caused the greatest sensation, which as yet is, I think, unfavorable--the few members of the opposition who would have voted for the execution of the treaty now declaring that they can not do it under the threat of reprisals, and the great body of that party making use of the effect it has on national pride to gain proselytes from the

ministerial side of the Chamber, in which I have no doubt they have in a great degree for the time succeeded.

The ministers are aware of this, and will not, I think, immediately urge the consideration of the law, as I have no doubt they were prepared to do when the message arrived. Should Congress propose commercial restrictions or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals, and then the law will be proposed and I think carried. But I ought not to conceal from you that the excitement is at present very great; that their pride is deeply wounded by what they call an attempt to coerce them by threats to the payment of a sum which they persist, in opposition to the plainest proof, in declaring not to be due. This feeling is fostered by the language of our opposition papers, particularly by the *Intelligencer* and *New York Courier*, extracts from which have been sent on by Americans, declaring them to be the sentiments of a majority of the people. These, as you will see, are translated and republished here, with such comments as they might have been expected and undoubtedly were intended to produce, and if hostilities should take place between the two countries those persons may flatter themselves with having the credit of a great share in producing them. The only letter I have received from home is from one of my family. This, to my great satisfaction, informs me that the President will be supported by all parties, and I am told that this is the language of some of the opposition papers; but as they are not sent to the legation I can not tell in what degree this support can be depended upon. Whether the energetic language of the message will be made the pretext with some or be the cause with others among the deputies for rejecting the law can not, of course, be yet conjectured with any great degree of probability, but I think it will have a good effect. It has certainly raised us in the estimation of other powers, if I may judge from the demeanor of their representatives here, and my own opinion is that as soon as the first excitement subsides it will operate favorably on the counsels of France. Already some of the journals begin to change their tone, and I am much mistaken if the opposition here, finding that we are in earnest, will incur the responsibility of a rupture between the two nations, which they see must take place if the treaty be rejected. The funds experienced a considerable fall as soon as the message was known, and insurance rose. In short, it has made them feel the commercial as well as political importance of our country.

The Comte de Rigny had requested me to communicate the message to him as soon as it should be received. This I promised to do, and accordingly on the morning of the 8th, to avoid any mistake as to the mode of making the communication, I carried the paper to him myself, telling him that I had received a gazette containing a paper said to be the message of the President, which I delivered to him in compliance with my promise; but I requested him to observe that it was not an authentic paper, nor was it delivered in pursuance of instructions, nor in my official character. I thought it, for obvious reasons, necessary to be very explicit on this point, and he properly understood me, as he had not yet read the message. Little more passed at the interview, and I thought of it, but not immediately, to seek another. I shall probably, however, see him to-night, and shall then appoint some time for a further conference, of which I will by this same packet give you the result.

Mr. Middleton has just arrived from Madrid with the inscriptions for the Spanish indemnity and a draft for the first payment of interest. His instructions are, he says, to leave them with me, but as I have heard nothing from the Department I shall advise the depositing them with Rothschild to wait the directions of the President.

The importance of obtaining the earliest intelligence at this crisis of our affairs with France has induced me to direct that my letters should be sent by the estafette from Havre, and that if any important advice

should be received at such an hour in the day as would give a courier an advance of some hours over the estafette, that a special messenger should be dispatched with it.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

\_Mr. Livingston to Mr. Forsyth\_.

No. 71.

LEGATION OF THE UNITED STATES,

\_Paris, January 14, 1835\_.

Hon. JOHN FORSYTH.

SIR: The intended conference with the minister for foreign affairs of which I spoke to you in my last (No. 70) took place yesterday morning. I began it by expressing my regret that a communication from the President to Congress had been so much misrepresented in that part which related to France as to be construed into a measure of hostilities. It was, I said, part of a consultation between different members of our Government as to the proper course to be pursued if the legislative body of France should persevere in refusing to provide the means of complying with a treaty formally made; that the President, as was his duty, stated the facts truly and in moderate language, without any irritating comment; that in further pursuance of his official duty he declared the different modes of redress which the law of nations permitted in order to avoid hostilities, expressing, as he ought to do, his reasons for preferring one of them; that in all this there was nothing addressed to the French nation; and I likened it to a proceeding well known in the French law (a family council in which the concerns and interests are discussed), but of which in our case the debates were necessarily public; that a further elucidation of the nature of this document might be drawn from the circumstance that no instructions had been given to communicate it to the French Government, and that if a gazette containing it had been delivered it was at the request of his excellency, and expressly declared to be a private communication, not an official one. I further stated that I made this communication without instructions, merely to counteract misapprehensions and from an earnest desire to rectify errors which might have serious consequences. I added that it was very unfortunate that an earlier call of the Chambers had not been made in consequence of Mr. Serurier's promise, the noncompliance with which was of a nature to cause serious disquietude with the Government of the United States. I found immediately that this was the part of the message that had most seriously affected the King, for Comte de Rigny immediately took up the argument, endeavoring to show that the Government had acted in good faith, relying principally on the danger of a second rejection had the Chambers been called at an early day expressly for this object I replied by repeating that the declaration made by Mr. Serurier was a positive and formal one, and that it had produced a forbearance on the part of the President to lay the state of the case before Congress. In this conference, which was a long one, we both regretted that any misunderstanding should interrupt the good intelligence of two nations having so many reasons to preserve it and so few of conflicting interests. He told me (what I knew before) that the exposition was prepared, and that the law would have been presented the day after that on which the message was received. He showed me the document, read part of it to me, and expressed regret that the language of the message prevented it being sent in. I said that I hoped the

excitement would soon subside and give place to better feelings, in which I thought he joined with much sincerity. It is perhaps necessary to add that an allusion was made by me to the change of ministry in November and the reinstatement of the present ministers, which I told him I had considered as a most favorable occurrence, and that I had so expressed myself in my communications to you, but that this circumstance was unknown at Washington when the message was delivered; and I added that the hopes of success held out in the communication to which I referred and the assurances it contained that the ministers would zealously urge the adoption of the law might probably have imparted the same hopes to the President and have induced some change in the measure he had recommended, but that the formation of the Dupin ministry, if known, must have had a very bad effect on the President's mind, as many of that ministry were known to be hostile to the treaty.

When I took leave the minister requested me to reflect on the propriety of presenting a note of our conversation, which he said should be formal or otherwise, as I should desire. I told him I would do so, and inform him on the next morning by 11 o'clock. We parted, as I thought, on friendly terms, and in the evening, meeting him at the Austrian ambassador's, I told him that on reflection I had determined to wait the arrival of the packet of the 16th before I gave the note, to which he made no objection. After all this you may judge of my surprise when last night about 10 o'clock I received the letter copy of which is inclosed, and which necessarily closes my mission. In my reply I shall take care to throw the responsibility of breaking up the diplomatic intercourse between the countries where it ought to rest, and will not fail to expose the misstatements which you will observe are contained in the minister's note, both as respects my Government and myself; but the late hour at which I received the Comte de Rigny's note and the almost immediate departure of the packet may prevent my sending you a copy of my communication to him, which I shall use the utmost diligence in preparing.

The law, it is said, will be presented to-day, and I have very little doubt that it will pass. The ministerial phalanx, reenforced by those of the opposition (and they are not a few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote. The recall of Serurier and the notice to me are measures which are resorted to to save the pride of the Government and the nation.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

\_From Count de Rigny to Mr. Livingston\_.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,

\_Paris, January 13, 1835\_.

Hon. EDWARD LIVINGSTON, etc.

SIR: You have well comprehended the nature of the impressions produced upon the King's Government by the message which His Excellency President Jackson addressed on the 1st of December to the Congress of the United States. Nothing certainly could have prepared us for it. Even though the complaints expressed in it had been as just as they are in reality unjust, we should still have had a right to be astonished on receiving

the first communication of them in such a form.

In the explanations which I am now about to make I can not enter upon the consideration of any facts other than those occurring subsequently to the vote by which the last Chamber of Deputies refused the appropriation necessary for the payment stipulated in the treaty of July 4. However this vote may have been regarded by the Government of the United States, it is evident that by accepting (*\_accueillant\_*) the promise of the King's Government to bring on a second deliberation before the new legislature it had in fact postponed all discussion and all recrimination on the subject of this first refusal until another decision should have either repealed or confirmed it. This postponement therefore sets aside for the time all difficulties arising either justly or unjustly from the rejection of the treaty or from the delay by which it had been preceded; and although the message begins by enumerating them, I think proper, in order to confine myself to the matter in question, only to reply to the imputations made on account of subsequent occurrences.

The reproaches which President Jackson considers himself authorized to address to France may be summed up in a few words. The King's Government promised to present the treaty of July 4 again to the Chambers as soon as they could be assembled. They were assembled on the 31st of July, and the treaty has not yet been presented to them. Such is exactly the whole substance of the President's argumentation, and nothing can be easier than to refute it.

I may first observe that the assembling of the Chambers on the 31st of July, in obedience to a legal prescription that they should be called together within a stated period after a dissolution of the Chamber of Deputies, was nothing more than a piece of formality, and if President Jackson had attended to the internal mechanism of our administrative system he would have been convinced that the session of 1835 could not have really commenced at that session of 1834. Everyone knew beforehand that after a fortnight spent in the forms of installation it would be adjourned.

The President of the United States considers that the bill relative to the American claims should have been presented to the Chamber within that fortnight. I can not understand the propriety of this reproach. The bill was explicitly announced in the speech from the throne on the very day on which the Chambers met. This was all that was required to make known the opinion and design of the Government, and to prevent that species of moral proscription to which absolute silence would have given authority. With regard to the mere act of presentation so long before discussion could possibly take place, this proceeding would have been so unusual and extraordinary that it might have increased the unfavorable prepossessions of the public, already too numerous, without producing any real advantage in return. Above all, the result which the President had in view, of being able to announce the new vote of the Chamber of Deputies in his message, would not have been attained.

President Jackson expresses his regrets that your solicitations (*\_instances\_*) had not determined the King's Government to call the Chambers together at an earlier day. How soon soever they may have been called, the simplest calculation will serve to shew that the discussions in our Chambers could not have been known in the United States at the opening of Congress, and the President's regret is therefore unfounded.

Moreover, the same obstacles and the same administrative reasons which rendered a real session impossible during the months of July or August were almost equally opposed to its taking place before the last weeks of the year. The head of a government like that of the United States should be able to comprehend more clearly than anyone else those moral impossibilities which arise from the fixed character of the principles

of a constitutional regime, and to see that in such a system the administration is subject to constant and regular forms, from which no special interest, however important, can authorize a deviation.

It is, then, evident that far from meriting the reproach of failing to comply with its engagements, far from having deferred, either voluntarily or from negligence, the accomplishment of its promises, the King's Government, ever occupied in the design of fulfilling them, was only arrested for a moment by insurmountable obstacles. This appears from the explanations now given, and I must add that the greater part of them have already been presented by M. Serurier to the Government of the United States, which by its silence seemed to acknowledge their full value.

It is worthy of remark that on the 1st of December, the day on which President Jackson signed the message to Congress, and remarked with severity that nearly a month was to elapse before the assembling of the Chambers, they were in reality assembled in virtue of a royal ordinance calling them together at a period earlier than that first proposed. Their assemblage was not indeed immediately followed by the presentment of the bill relative to the American claims, but you, sir, know better than any other person the causes of this new delay. You yourself requested us not to endanger the success of this important affair by mingling its discussion with debates of a different nature, as their mere coincidence might have the effect of bringing other influences into play than those by which it should naturally be governed. By this request, sir, you clearly shewed that you had with your judicious spirit correctly appreciated the situation of things and the means of advancing the cause which you were called to defend. And permit me to add that the course which you have thought proper to adopt on this point is the best justification of that which we ourselves have for some months been pursuing in obedience to the necessities inherent in our political organization, and in order to insure as far as lies in our power the success of the new attempt which we were preparing to make in the Chamber.

However this may be, the King's Government, freed from the internal difficulties the force of which you have yourself so formally admitted, was preparing to present the bill for giving sanction to the treaty of July 4, when the strange message of December 1 came and obliged it again to deliberate on the course which it should pursue.

The King's Government, though deeply wounded by imputations to which I will not give a name, having demonstrated their purely gratuitous character, still does not wish to retreat absolutely from a determination already taken in a spirit of good faith and justice. How great soever may be the difficulties caused by the provocation which President Jackson has given, and by the irritation which it has produced in the public mind, it will ask the Chambers for an appropriation of twenty-five millions in order to meet the engagements of July 4; but at the same time His Majesty has considered it due to his own dignity no longer to leave his minister exposed to hear language so offensive to France. M. Serurier will receive orders to return to France.

Such, sir, are the determinations of which I am charged immediately to inform you, in order that you may make them known to the Government of the United States and that you may yourself take those measures which may seem to you to be the natural consequences of this communication. The passports which you may desire are therefore at your disposition.

Accept, sir, the assurance of my high consideration.

DE RIGNY.

\_Mr. Livingston to Mr. Forsyth\_.

No. 72.

LEGATION OF THE UNITED STATES,

\_Paris, January 15, 1835\_.

SIR: Having determined to send Mr. Brown, one of the gentlemen attached to the legation, to Havre with my dispatches, I have just time to add to them the copy of the note which I have sent to the Comte de Rigny. The course indicated by it was adopted after the best reflections I could give to the subject, and I hope will meet the approbation of the President. My first impressions were that I ought to follow my inclinations, demand my passports, and leave the Kingdom. This would at once have freed me from a situation extremely painful and embarrassing; but a closer attention convinced me that by so doing I should give to the French Government the advantage they expect to derive from the equivocal terms of their note, which, as occasions might serve, they might represent as a suggestion only, leaving upon me the responsibility of breaking up the diplomatic intercourse between the two countries if I demanded my passports; or, if I did not, and they found the course convenient, they might call it an order to depart which I had not complied with. Baron Rothschild also called on me yesterday, saying that he had conversed with the Comte de Rigny, who assured him that the note was not intended as a notice to depart, and that he would be glad to see me on the subject. I answered that I could have no verbal explanations on the subject, to which he replied that he had suggested the writing a note on the subject, but that the minister had declined any written communication. Rothschild added that he had made an appointment with the Comte de Rigny for 6 o'clock, and would see me again at night, and he called to say that there had been a misunderstanding as to the time of appointment, and that he had not seen Mr. de Rigny, but would see him this morning. But in the meantime I determined on sending my note, not only for the reasons contained in it, which appeared to me conclusive, but because I found that the course was the correct one in diplomacy, and that to ask for a passport merely because the Government near which the minister was accredited had suggested it would be considered as committing the dignity of his own; that the universal practice in such cases was to wait the order to depart, and not by a voluntary demand of passports exonerate the foreign Government from the odium and responsibility of so violent a measure. My note will force them to take their ground. If the answer is that they intended only a suggestion which I may follow or not, as I choose, I will remain, but keep aloof until I receive your directions. If, on the other hand, I am told to depart, I will retire to Holland or England, and there wait the President's orders. In either case the derangement will be extremely expensive and my situation very disagreeable. The law was not presented yesterday, but will be to-day, and I have been informed that it is to be introduced by an expose throwing all the blame of the present state of things on Mr. Serurier and me for not truly representing the opinions of our respective Governments. They may treat their own minister as they please, but they shall not, without exposure, presume to judge of my conduct and make me the scapegoat for their sins. The truth is, they are sadly embarrassed. If the law should be rejected, I should not be surprised if they anticipated our reprisals by the seizure of our vessels in port or the attack of our ships in the Mediterranean with a superior force. I shall without delay inform Commodore Patterson of the state of things, that he may be on his guard, having already sent him a copy of the message.

I have the honor to be, sir, your obedient servant,

EDW. LIVINGSTON.

\_Mr. Livingston to the Count de Rigny\_.

LEGATION OF THE UNITED STATES OF AMERICA,

\_Paris, January 14, 1835\_.

His Excellency COUNT DE RIGNY, etc.:

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, received late last night the note of His Excellency the Count de Rigny, minister secretary of state for foreign affairs, dated the 13th instant.

The undersigned sees with great surprise as well as regret that a communication made by one branch of the Government of the United States to another, not addressed to that of His Majesty the King of the French, nor even communicated to it, is alleged as the motive for a measure which not only increases actual subjects of irritation, but which necessarily cuts off all the usual means of restoring harmony to two nations who have the same interests, commercial and political, to unite them, and none but factitious subjects for collision.

The grave matter in the body of his excellency's note demands and will receive a full answer. It is to the concluding part that his attention is now requested. The undersigned, after being informed that it is the intention of His Majesty's Government to recall Mr. Serurier, is told "that this information is given to the undersigned in order that he may communicate it to his Government and in order that he may himself take those measures which may appear to him the natural result of that communication, and that in consequence thereof the passports which he might require are at his disposition." This phrase may be considered as an intimation of the course which, in the opinion of His Majesty's Government, the undersigned ought to pursue as the natural result of Mr. Serurier's recall, or it may be construed, as it seems to have been by the public, into a direction by His Majesty's Government to the minister of the United States to cease his functions and leave the country.

It is necessary in a matter involving such grave consequences that there should be no misunderstanding, the two categories demanding a line of conduct entirely different the one from the other.

In the first, he can take no directions or follow no suggestions but those given by his own Government, which he has been sent here to represent. The recall of the minister of France on the grounds alleged could not have been anticipated. Of course no instructions have been given to the undersigned on the subject, and he will not take upon himself the responsibility which he would incur by a voluntary demand of his passports, although made on the suggestion of His Majesty's Government. If this be the sense of the passage in question, the duty of the undersigned can not be mistaken. He will transmit the note of His Excellency the Comte de Rigny to his Government and wait its instructions. Widely different will be his conduct if he is informed that the conclusion of the Comte de Rigny's note is intended as a direction that he should quit the French territory. This he will without delay comply with on being so informed and on receiving the passports necessary for his protection until he shall leave the Kingdom.

Leaving the responsibility of this measure where it ought to rest, the undersigned has the honor to renew to His Excellency the Comte de Rigny the assurance, etc.

EDW'D LIVINGSTON.



\_Mr. Livingston to Mr. Forsyth\_.

No. 73.

LEGATION OF THE UNITED STATES,

\_Paris, January 16, 1935\_.

Hon. J. FORSYTH, etc.

SIR: The wind being unfavorable, I hope that this letter may arrive in time for the packet.

By the inclosed semiofficial paper you will see that a law has been presented for effecting the payment of 25,000,000 francs capital to the United States, for which the budgets of the six years next succeeding this are affected, and with a condition annexed that our Government shall have done nothing to affect the interests of France. It would seem from this that they mean to pay nothing but the capital, and that only in six years from this time; but as the law refers to the treaty for execution of which it provides, I presume the intention of the ministry can not be to make any change in it, and that the phraseology is in conformity to their usual forms. At any rate, I shall, notwithstanding the situation in which I am placed in relation to this Government, endeavor to obtain some explanation on this point.

The packet of the 16th arrived, but to my great regret brought me no dispatches, and having received none subsequent to your No. 43, and that not giving me any indication of the conduct that would be expected from me in the event of such measures as might have been expected on the arrival of the President's message, I have been left altogether to the guidance of my own sense of duty under circumstances of much difficulty. I have endeavored to shape my course through them in such a way as to maintain the dignity of my Government and preserve peace, and, if possible, restore the good understanding that existed between the two countries. From the view of the motives of the President's message contained in the answer of the Globe to the article in the Intelligencer I am happy in believing that the representations I have made to the Comte de Rigny, as detailed in my No. 71, are those entertained by the Government, and that I have not, in this at least, gone further than it would have directed me to do had I been favored with your instructions.

I have no answer yet to my note to the Comte de Rigny, a copy of which was sent by my last dispatch, nor can I form any new conjecture as to the event.

The inclosed paper contains a notice that I had been received by the King. This is unfounded, and shall be contradicted. I shall not in the present state of things make my appearance at court, and only in cases where it is indispensable have any communication with the minister.

I have the honor to be, with great respect, your obedient, humble servant,

EDW. LIVINGSTON.

\_Mr. Forsyth to Mr. Livingston\_.

DEPARTMENT OF STATE,

\_Washington, February 13, 1835\_.

EDWARD LIVINGSTON, Esq.

SIR: To relieve the anxiety expressed in your late communication to the Department of State as to the course to be pursued in the event of the rejection by the Chamber of Deputies of the law to appropriate funds to carry into effect the treaty of 4th July, 1831, I am directed by the President to inform you that if Congress shall adjourn without prescribing some definite course of action, as soon as it is known here that the law of appropriation has been again rejected by the French Chamber a frigate will be immediately dispatched to Havre to bring you back to the United States, with such instructions as the state of the question may then render necessary and proper.

I am, sir, etc.,

JOHN FORSYTH.

\_Mr. Forsyth to Mr. Livingston\_.

No. 49.

DEPARTMENT OF STATE,

\_Washington, February 24, 1835\_.

EDWARD LIVINGSTON, Esq.,

\_Envoy Extraordinary and Minister Plenipotentiary\_.

SIR: Your dispatches to No. 73 have been received at the Department--No. 73 by yesterday's mail. Nos. 70, 71, 72 were delayed until this morning by the mismanagement of the young man to whose care they were committed by the captain of the packet \_Sully\_ in New York.

In the very unexpected and unpleasant position in which you have been placed I am directed by the President to say to you that he approves of your conduct as well becoming the representative of a Government ever slow to manifest resentment and eager only to fulfill the obligations of justice and good faith, but at the same time to inform you that he should have felt no surprise and certainly would have expressed no displeasure had you yielded to the impulse of national pride and at once have quitted France, with the whole legation, on the receipt of the Count de Rigny's note of the 13th of January. M. Serurier, having received his orders, has terminated his ministerial career by the transmission of a note, a copy of which and of all the correspondence had with him is herewith inclosed. M. Pageot has been presented to me as charged with the affairs of France on the recall of the minister.

The note of the Count de Rigny having no doubt, according to your intention, received from you an appropriate reply, it is only necessary for me now to say that the Count is entirely mistaken in supposing that any explanations have been given here by M. Serurier of the causes that have led to the disregard or postponement of the engagements entered into by France after the rejection of the appropriation by the last Chamber of Deputies, and of which he was the organ. No written communication whatever has been made on the subject, and none verbally made of sufficient importance to be recorded, a silence with regard to which could have been justly the foundation of any inference that the President was satisfied that the course of the French administration was either reconcilable to the assurances given him or necessary to secure a majority of the Chamber of Deputies.

The last note of M. Serurier will be the subject of separate instructions, which will be immediately prepared and forwarded to you.

In the present position of our relations with France the President directs that if the appropriation to execute the treaty shall be or shall have been rejected by the French legislature, you forthwith quit the territory of France, with all the legation, and return to the United States by the ship of war which shall be in readiness at Havre to bring you back to your own country. If the appropriation be made, you may retire to England or Holland, leaving Mr. Barton in charge of affairs. Notify the Department of the place selected as your temporary residence and await further instructions.

I am, sir, your obedient servant,

JOHN FORSYTH.

\_Mr. Serurier to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_February 23, 1835\_.

Hon. JOHN FORSYTH,

\_Secretary of State of the United States\_.

SIR: I have just received orders from my Government which make it necessary for me to demand of you an immediate audience. I therefore request you to name the hour at which it will suit you to receive me at the Department of State.

I have the honor to be, with great consideration, sir, your obedient, humble servant,

SERURIER.

\_Mr. Forsyth to Mr. Serurier\_.

DEPARTMENT OF STATE,

\_Washington, February 23, 1835\_.

M. SERURIER,

\_Envoy Extraordinary, etc., of the King of the French\_:

Official information having been received by the President of the recall of Mr. Serurier by his Government, and the papers of the morning having announced the arrival of a French sloop of war at New York for the supposed object of carrying him from the United States, the undersigned, Secretary of State of the United States, tenders to Mr. Serurier all possible facilities in the power of this Government to afford to enable him to comply speedily with the orders he may have received or may receive.

The undersigned avails himself of the occasion to renew to Mr. Serurier the assurance of his very great consideration.

JOHN FORSYTH.

\_Mr. Forsyth to Mr. Serurier\_.

DEPARTMENT OF STATE,

\_Washington, February 23, 1835\_.

The undersigned, Secretary of State of the United States, informs M. Serurier, in reply to his note of this instant, demanding the indication of an hour for an immediate audience, that he is ready to receive in writing any communication the minister of France desires to have made to the Government of the United States.

The undersigned has the honor to offer M. Serurier the assurances of his very great consideration,

JOHN FORSYTH.

\_Mr. Serurier to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_February 23, 1835\_.

Hon. JOHN FORSYTH,

\_Secretary of State\_.

SIR: My object in asking you this morning to name the hour at which it would suit you to receive me was in order that I might, in consequence of my recall as minister of His Majesty near the United States, present and accredit M. Pageot, the first secretary of this legation, as charge d'affaires of the King. This presentation, which, according to usage, I calculated on making in person, I have the honor, in compliance with the desire expressed to me by you, to make in the form which you appear to prefer.

I thank you, sir, for the facilities which you have been kind enough to afford me in the note preceding that now answered, also of this morning's date, and which crossed the letter in which I demanded an interview.

I have the honor to renew to you, sir, the assurance of my high consideration.

SERURIER.

WASHINGTON, \_February 28, 1835\_.

\_To the Senate of the United States\_ :

I transmit to the Senate of the United States a report<sup>[13]</sup> of the Secretary of State, to whom was referred the resolutions of that body passed on the 2d and 17th days of the present month, together with such portion of the correspondence and instructions requested by the said resolutions as could be transcribed within the time that has elapsed since they were received and as can be communicated without prejudice to the public interest.

ANDREW JACKSON.

[Footnote 13: Relating to the treaty of indemnity with Spain of February 17, 1834.]

VETO MESSAGE.

WASHINGTON, \_March 3, 1835\_.

\_To the Senate\_:

I respectfully return to the Senate, where it originated, the "act to authorize the Secretary of the Treasury to compromise the claims allowed by the commissioners under the treaty with the King of the Two Sicilies, concluded October 14, 1832," without my signature.

The act is, in my judgment, inconsistent with the division of powers in the Constitution of the United States, as it is obviously founded on the assumption that an act of Congress can give power to the Executive or to the head of one of the Departments to negotiate with a foreign government. The debt due by the King of the Two Sicilies will, after the commissioners have made their decision, become the private vested property of the citizens of the United States to whom it may be awarded. Neither the Executive nor the Legislature can properly interfere with it without their consent. With their consent the Executive has competent authority to negotiate about it for them with a foreign government--an authority Congress can not constitutionally abridge or increase.

ANDREW JACKSON.

PROCLAMATION.

[From Statutes at Large (Little, Brown & Co.), Vol. XI, p. 781.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of 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 hereby 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 Mecklenberg Schwerin, through an official communication of Leon Herckenrath, his consul at Charleston, in the United States, under date of the 13th April, 1835, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the Grand Duchy of Mecklenberg Schwerin 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:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim 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 Grand Duchy of Mecklenberg Schwerin and the produce, manufactures, or merchandise imported into the United States in the same from the said Grand Duchy or from any other foreign country, the said suspension to take effect from the 13th day of April, 1835, above mentioned, 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.

[SEAL.]

Given under my hand at the city of Washington, the 28th day of April, A.D. 1835, and of the Independence of the United States the fifty-ninth.

ANDREW JACKSON.

By the President:  
JOHN FORSYTH,  
\_Secretary of State\_.

SEVENTH ANNUAL MESSAGE.

WASHINGTON, \_December 7, 1835\_.

\_Fellow-Citizens of the Senate and House of Representatives\_:

In the discharge of my official duty the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before it the state of our national concerns and the devout hope which I cherish that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest from the past that if true to ourselves there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet, in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power of some of the States of the Old World, should we now be solicitous as to those which belong to the conviction that it is to our own conduct we must look for the preservation of those

causes on which depend the excellence and the duration of our happy system of government.

In the example of other systems founded on the will of the people we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the Government or the people of the United States, and that the testimony which our experience thus far holds out to the great human family of the practicability and the blessings of free government will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures, and commerce and the unexampled increase of our population to feel the magnitude of the trust committed to us. Never in any former period of our history have we had greater reason than we now have to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards. In every element of national resources and wealth and of individual comfort we witness the most rapid and solid improvements. With no interruptions to this pleasing prospect at home which will not yield to the spirit of harmony and good will that so strikingly pervades the mass of the people in every quarter, amidst all the diversity of interest and pursuits to which they are attached, and with no cause of solicitude in regard to our external affairs which will not, it is hoped, disappear before the principles of simple justice and the forbearance that mark our intercourse with foreign powers, we have every reason to feel proud of our beloved country.

The general state of our foreign relations has not materially changed since my last annual message.

In the settlement of the question of the northeastern boundary little progress has been made. Great Britain has declined acceding to the proposition of the United States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the Government of Great Britain, which has been invited, I can only repeat the expression of my confidence that, with the strong mutual disposition which I believe exists to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the northeastern frontier of a character to impress upon all the necessity of a speedy and definitive termination of the dispute. This consideration, added to the desire common to both to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will no doubt have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the Queen's Government will permit the proper attention to the subject of them. That Government has, I am happy to inform you, manifested a determination to act upon the liberal principles which have marked our commercial policy. The happiest effects upon the future trade between the United States and Portugal are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The installments due under the convention with the King of the Two Sicilies have been paid with that scrupulous fidelity by which his whole

conduct has been characterized, and the hope is indulged that the adjustment of the vexed question of our claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us have been, nevertheless, faithfully executed by the Spanish Government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid and the apportionment of the funds under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention and in the forms prescribed by it, been placed in the possession of the United States, and the interest as it fell due has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the Government of Madrid on this subject, and the lamented death of our recently appointed minister on his way to Spain, with the pressure of their affairs at home, renders it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida archives have been sent to the United States, although the death of one of the commissioners at a critical moment embarrassed the progress of the delivery of them. The higher officers of the local government have recently shewn an anxious desire, in compliance with the orders from the parent Government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid for the establishment of a lasting peace between Spain and such of the Spanish American Governments of this hemisphere as have availed themselves of the intimation given to all of them of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted that simultaneous appointments by all of ministers to negotiate with Spain had not been made. The negotiation itself would have been simplified, and this long-standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden, and Denmark stand on the usual favorable bases. One of the articles of our treaty with Russia in relation to the trade on the northwest coast of America having expired, instructions have been given to our minister at St. Petersburg to negotiate a renewal of it. The long and unbroken amity between the two Governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than with our view of the subject can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the Nineteenth Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th of January, 1825, and 18th of January, 1827. Coinciding in the opinion of my predecessor that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes as regards duties of tonnage and impost, a respect for his reference of it to the Legislature has alone prevented me from acting on the subject. I should still have waited without comment for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes on the same footing as American, with the allegation we could not dispute that our vessels received in their ports the identical treatment shewn to them in the ports of Holland, upon whose vessels no discrimination is made in the ports of the United



States. Giving the same privileges the Belgians expected the same benefits—benefits that were, in fact, enjoyed when Belgium and Holland were united under one Government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans, and at the same time a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality by taking from the vessels of Holland privileges conditionally granted by acts of Congress, although the condition upon which the grant was made has, in my judgment, failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality on such terms as Congress shall think best comports with our settled policy and the obligations of justice to two friendly powers.

With the Sublime Porte and all the Governments on the coast of Barbary our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine Republic has again promised to send within the current year a minister to the United States.

A convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing and powerful inducements held out to the citizens of the United States to mingle in the dissensions of our immediate neighbors, instructions have been given to the district attorneys of the United States where indications warranted it to prosecute without respect to persons all who might attempt to violate the obligations of our neutrality, while at the same time it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chile, Peru, Central America, Venezuela, and New Granada constant assurances are received of the continued good understanding with the Governments to which they are severally accredited. With those Governments upon which our citizens have valid and accumulating claims, scarcely an advance toward a settlement of them is made, owing mainly to their distracted state or to the pressure of imperative domestic questions. Our patience has been and will probably be still further severely tried, but our fellow-citizens whose interests are involved may confide in the determination of the Government to obtain for them eventually ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits; much time elapses before a government sufficiently stable is erected to justify expectation of redress; ministers are sent and received, and before the discussions of past injuries are fairly begun fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government after it has proved its ability to sustain the assaults made upon it, or with its successor if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and to make satisfaction for them.

Since the last session of Congress the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her legislature, and the money has been appropriated

for their discharge; but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy will shew how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station I found the United States an unsuccessful applicant to the justice of France for the satisfaction of claims the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose are too familiar to the American people to require description. It is sufficient to say that for a period of ten years and upward our commerce was, with but little interruption, the subject of constant aggressions on the part of France—aggressions the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention as well of the laws of nations as of treaty stipulations, burnings on the high seas, and seizures and confiscations under special imperial rescripts in the ports of other nations occupied by the armies or under the control of France. Such it is now conceded is the character of the wrongs we suffered—wrong in many cases so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries some conception may be formed from the fact that after the burning of a large amount at sea and the necessary deterioration in other cases by long detention the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers before or without condemnation, brought into the French treasury upward of 24,000,000 francs, besides large custom-house duties.

The subject had already been an affair of twenty years' uninterrupted negotiation, except for a short time when France was overwhelmed by the military power of united Europe. During this period, whilst other nations were extorting from her payment of their claims at the point of the bayonet, the United States intermitted their demand for justice out of respect to the oppressed condition of a gallant people to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious, and the line of duty was to my mind equally so. This was either to insist upon the adjustment of our claims within a reasonable period or to abandon them altogether. I could not doubt that by this course the interests and honor of both countries would be best consulted. Instructions were therefore given in this spirit to the minister who was sent out once more to demand reparation. Upon the meeting of Congress in December, 1829, I felt it my duty to speak of these claims and the delays of France in terms calculated to call the serious attention of both countries to the subject. The then French ministry took exception to the message on the ground of its containing a menace, under which it was not agreeable to the French Government to negotiate. The American minister of his own accord refuted the construction which was attempted to be put upon the message and at the same time called to the recollection of the French ministry that the President's message was a communication addressed, not to foreign governments, but to the Congress of the United States, in which it was enjoined upon him by the Constitution to lay before that body information of the state of the Union, comprehending its foreign as well as its domestic relations, and that if in the discharge of this duty he felt it incumbent upon him to summon the attention of Congress in due time to what might be the possible consequences of existing difficulties with any foreign government, he might fairly be supposed to do so under a sense of what was due from him in a frank communication with another branch of his own Government, and not from any intention of holding a menace over a foreign power. The views taken by him received my approbation, the French Government was satisfied, and the negotiation

was continued. It terminated in the treaty of July 4, 1831, recognizing the justice of our claims in part and promising payment to the amount of 25,000,000 francs in six annual installments.

The ratifications of this treaty were exchanged at Washington on the 2d of February, 1832, and in five days thereafter it was laid before Congress, who immediately passed the acts necessary on our part to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French in terms which are certainly not mere matters of form, and of which the translation is as follows:

We, approving the above convention in all and each of the dispositions which are contained in it, do declare, by ourselves as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed, and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a king, to observe it and to cause it to be observed inviolably, without ever contravening it or suffering it to be contravened, directly or indirectly, for any cause or under any pretense whatsoever.

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary and to us injurious delays of the French Government in their action upon the subject of its fulfillment have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without anything like a serious attempt to obtain a decision upon the subject, and that it was not until the fourth session, almost three years after the conclusion of the treaty and more than two years after the exchange of ratifications, that the bill for the execution of the treaty was pressed to a vote and rejected.

In the meantime the Government of the United States, having full confidence that a treaty entered into and so solemnly ratified by the French King would be executed in good faith, and not doubting that provision would be made for the payment of the first installment which was to become due on the 2d day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the nonpayment of the money by France, conformably to her engagement, the United States were exposed to a heavy claim on the part of the bank under pretense of damages, in satisfaction of which that institution seized upon and still retains an equal amount of the public money. Congress was in session when the decision of the Chambers reached Washington, and an immediate communication of this apparently final decision of France not to fulfill the stipulations of the treaty was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind and the correspondent excitement produced in Congress by only a general knowledge of the result rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that by doing so neither the interests nor the honor of my country would be compromised. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation would be such as I have described them to have been was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King in person expressed through our minister at Paris his profound regret at the decision of the Chambers, and promised to send forthwith a national ship with dispatches to his minister here authorizing him to give such assurances as would satisfy the Government and people of the United States that the treaty would yet be faithfully executed by France. The national ship arrived, and the minister received his instructions. Claiming to act under the authority derived from them, he gave to this Government in the name of his the most solemn assurances that as soon after the new elections as the charter would permit the French Chambers would be convened and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the King and his ministers should be put in requisition to accomplish the object, and he was understood, and so expressly informed by this Government at the time, to engage that the question should be pressed to a decision at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France were not realized. The French Chambers met on the 31st of July, 1834, soon after the election, and although our minister in Paris urged the French ministry to bring the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be reassembled at a period so early that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late that their decision, however urgently pressed, could not in all probability be obtained in time to reach Washington before the necessary adjournment of Congress by the Constitution. The reasons given by the ministry for refusing to convoke the Chambers at an earlier period were afterwards shewn not to be insuperable by their actual convocation on the 1st of December under a special call for domestic purposes, which fact, however, did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures in case the stipulations of the treaty should not be speedily complied with, and to recommend such as in my judgment the occasion called for. To this end an unreserved communication of the case in all its aspects became indispensable. To have shrunk in making it from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offense to others, would have been unworthy of us. To have gone, on the other hand, a single step further for the purpose of wounding the pride of a Government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage would have been unwise and improper. Admonished by the past of the difficulty of making even the simplest statement of our wrongs without disturbing the sensibilities of those who had by their position become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message by which the recommendation that was made to Congress might be regarded as a menace to France in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect anything from her fears. The message did not reach Paris until more than a month after the Chambers had been in session, and such was the insensibility of the

ministry to our rightful claims and just expectations that our minister had been informed that the matter when introduced would not be pressed as a cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French ministry decided to consider the conditional recommendation of reprisals a menace and an insult which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity were the immediate recall of their minister at Washington, the offer of passports to the American minister at Paris, and a public notice to the legislative Chambers that all diplomatic intercourse with the United States had been suspended. Having in this manner vindicated the dignity of France, they next proceeded to illustrate her justice. To this end a bill was immediately introduced into the Chamber of Deputies proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage and to refer with some particularity to the proceedings and discussions in regard to it.

The minister of finance in his opening speech alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He as the organ of the ministry declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor people of the United States were responsible, and that an engagement had been entered into for the fulfillment of which the honor of France was pledged. Entertaining these views, the single condition which the French ministry proposed to annex to the payment of the money was that it should not be made until it was ascertained that the Government of the United States had done nothing to injure the interests of France, or, in other words, that no steps had been authorized by Congress of a hostile character toward France.

What the disposition or action of Congress might be was then unknown to the French cabinet; but on the 14th of January the Senate resolved that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee to whom the bill of indemnification had been referred reported it to the Chamber of Deputies. That committee substantially reechoed the sentiments of the ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French ministry and Chambers that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained and the bill passed as originally proposed, the money would be paid and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message of the 2d December, 1834, and, what is still more extraordinary, the president of the council of ministers adopted this amendment and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their minister and the offer of passports to ours, they now for the first time proposed to ask explanations. Sentiments and propositions which they had declared could not justly

be imputed to the Government or people of the United States are set up as obstacles to the performance of an act of conceded justice to that Government and people. They had declared that the honor of France required the fulfillment of the engagement into which the King had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that fulfillment is refused unless they first obtain from the President explanations of an opinion characterized by themselves as personal and inoperative.

The conception that it was my intention to menace or insult the Government of France is as unfounded as the attempt to extort from the fears of that nation what her sense of justice may deny would be vain and ridiculous. But the Constitution of the United States imposes on the President the duty of laying before Congress the condition of the country in its foreign and domestic relations, and of recommending such measures as may in his opinion be required by its interests. From the performance of this duty he can not be deterred by the fear of wounding the sensibilities of the people or government of whom it may become necessary to speak; and the American people are incapable of submitting to an interference by any government on earth, however powerful, with the free performance of the domestic duties which the Constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our Government belong to ourselves, and for anything said in them our public servants are only responsible to their own constituents and to each other. If in the course of their consultations facts are erroneously stated or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice and what is due to their own character; but they can never submit to be interrogated upon the subject as a matter of right by a foreign power. When our discussions terminate in acts, our responsibility to foreign powers commences, not as individuals, but as a nation. The principle which calls in question the President for the language of his message would equally justify a foreign power in demanding explanation of the language used in the report of a committee or by a member in debate.

This is not the first time that the Government of France has taken exception to the messages of American Presidents. President Washington and the first President Adams in the performance of their duties to the American people fell under the animadversions of the French Directory. The objection taken by the ministry of Charles X, and removed by the explanations made by our minister upon the spot, has already been adverted to. When it was understood that the ministry of the present King took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French Government under date of the 29th of January, 1835,[14] calculated to remove all impressions which an unreasonable susceptibility had created. He repeated and called the attention of the French Government to the disavowal contained in the message itself of any intention to intimidate by menace; he truly declared that it contained and was intended to contain no charge of ill faith against the King of the French, and properly distinguished between the right to complain in unexceptionable terms of the omission to execute an agreement and an accusation of bad motives in withholding such execution, and demonstrated that the necessary use of that right ought not to be considered as an offensive imputation. Although this communication was made without instructions and entirely on the minister's own responsibility, yet it was afterwards made the act of this Government by my full approbation, and that approbation was officially made known on the 25th of April, 1835, to the French Government. It, however, failed to have any effect. The law, after this friendly explanation, passed with the obnoxious amendment, supported by the King's ministers, and was finally approved by the King.

The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their Government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note of the 29th of January, to which I have before alluded, was not the only one which our minister took upon himself the responsibility of presenting on the same subject and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the French Government that whilst self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offense, yet we could never admit a right in any foreign government to ask explanations of or to interfere in any manner in the communications which one branch of our public councils made with another; that in the present case no such language had been used, and that this had in a former note been fully and voluntarily stated, before it was contemplated to make the explanation a condition; and that there might be no misapprehension he stated the terms used in that note, and he officially informed them that it had been approved by the President, and that therefore every explanation which could reasonably be asked or honorably given had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was therefore not only useless, but might be deemed offensive, and certainly would not be complied with if annexed as a condition.

When this latter communication, to which I especially invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford of an honorable and speedy adjustment of the difficulties between the two nations would have been accepted, and I therefore did not hesitate to give it my sanction and full approbation. This was due to the minister who had made himself responsible for the act, and it was published to the people of the United States and is now laid before their representatives to shew how far their Executive has gone in its endeavors to restore a good understanding between the two countries. It would have been at any time communicated to the Government of France had it been officially requested.

The French Government having received all the explanation which honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the installments now due. The agent authorized to receive the money was instructed to inform the French minister of his readiness to do so. In reply to this notice he was told that the money could not then be paid, because the formalities required by the act of the Chambers had not been arranged.

Not having received any official information of the intentions of the French Government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our charge d'affaires at Paris to be instructed to ask for the final determination of the French Government, and in the event of their refusal to pay the installments now due, without further explanations to return to the United States.

The result of this last application has not yet reached us, but is daily expected. That it may be favorable is my sincere wish. France having now, through all the branches of her Government, acknowledged the validity of our claims and the obligation of the treaty of 1831, and there really existing no adequate cause for further delay, will at length, it may be hoped, adopt the course which the interests of both nations, not less than the principles of justice, so imperiously

require. The treaty being once executed on her part, little will remain to disturb the friendly relations of the two countries--nothing, indeed, which will not yield to the suggestions of a pacific and enlightened policy and to the influence of that mutual good will and of those generous recollections which we may confidently expect will then be revived in all their ancient force. In any event, however, the principle involved in the new aspect which has been given to the controversy is so vitally important to the independent administration of the Government that it can neither be surrendered nor compromised without national degradation. I hope it is unnecessary for me to say that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me for the statement of truth and the performance of duty; nor can I give any explanation of my official acts except such as is due to integrity and justice and consistent with the principles on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose if the sum of 25,000,000 francs will have the weight of a feather in the estimation of what appertains to their national independence, and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure, rally round the Government of their choice with alacrity and unanimity, and silence forever the degrading imputation.

Having thus frankly presented to you the circumstances which since the last session of Congress have occurred in this interesting and important matter, with the views of the Executive in regard to them, it is at this time only necessary to add that whenever the advices now daily expected from our charge d'affaires shall have been received they will be made the subject of a special communication.

The condition of the public finances was never more flattering than at the present period.

Since my last annual communication all the remains of the public debt have been redeemed, or money has been placed in deposit for this purpose whenever the creditors choose to receive it. All the other pecuniary engagements of the Government have been honorably and promptly fulfilled, and there will be a balance in the Treasury at the close of the present year of about \$19,000,000. It is believed that after meeting all outstanding and unexpended appropriations there will remain near eleven millions to be applied to any new objects which Congress may designate or to the more rapid execution of the works already in progress. In aid of these objects, and to satisfy the current expenditures of the ensuing year, it is estimated that there will be received from various sources twenty millions more in 1836.

Should Congress make new appropriations in conformity with the estimates which will be submitted from the proper Departments, amounting to about twenty-four millions, still the available surplus at the close of the next year, after deducting all unexpended appropriations, will probably not be less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in our navy-yards, and to new national works which are not enumerated in the present estimates or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt in our present peculiar condition to divide the surplus revenue or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the Secretary of the Treasury will enter into details, shewing the probability of some decrease in the revenue during the next seven years and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption which are not in competition with our own productions may be no doubt so



diminished as to lessen to some extent the source of this revenue, and the same object can also be assisted by more liberal provisions for the subjects of public defense, which in the present state of our prosperity and wealth may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources the unexpanded balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish as far as we can the burdens of taxation and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations or those primary duties which the defense and independence of our country enjoin upon us. That we have accomplished much toward the relief of our citizens by the changes which have accompanied the payment of the public debt and the adoption of the present revenue laws is manifest from the fact that compared with 1833 there is a diminution of near twenty-five millions in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions during the same period. Let us trust that by the continued observance of economy and by harmonizing the great interests of agriculture, manufactures, and commerce much more may be accomplished to diminish the burdens of government and to increase still further the enterprise and the patriotic affection of all classes of our citizens and all the members of our happy Confederacy. As the data which the Secretary of the Treasury will lay before you in regard to our financial resources are full and extended, and will afford a safe guide in your future calculations, I think it unnecessary to offer any further observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount in the present year to the unexpected sum of \$11,000,000. This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it in my former messages.

The extraordinary receipts from the sales of the public lands invite you to consider what improvements the land system, and particularly the condition of the General Land Office, may require. At the time this institution was organized, near a quarter of a century ago, it would probably have been thought extravagant to anticipate for this period such an addition to its business as has been produced by the vast increase of those sales during the past and present years. It may also be observed that since the year 1812 the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments from year to year since that time have imposed a great amount of new and additional duties upon that office, while the want of a timely application of force commensurate with the care and labor required has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the General Land Office induce me to submit to your judgment whether some modification of the laws relating to its organization, or an organization of a new character, be not called for at the present juncture, to enable the office to accomplish all the ends of its institution with a greater

degree of facility and promptitude than experience has proved to be practicable under existing regulations. The variety of the concerns and the magnitude and complexity of the details occupying and dividing the attention of the Commissioner appear to render it difficult, if not impracticable, for that officer by any possible assiduity to bestow on all the multifarious subjects upon which he is called to act the ready and careful attention due to their respective importance, unless the Legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office subtracts so largely from the time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress hereafter to proportion the expenditure on account of this branch of the service to its real wants by abolishing from time to time the offices which can be dispensed with.

The extinction of the public debt having taken place, there is no longer any use for the offices of Commissioners of Loans and of the Sinking Fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer to the Treasury Department of any funds, books, and papers connected with the operations of those offices, and that the proper power be given to that Department for closing finally any portion of their business which may remain to be settled.

It is also incumbent on Congress in guarding the pecuniary interests of the country to discontinue by such a law as was passed in 1812 the receipt of the bills of the Bank of the United States in payment of the public revenue, and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock it will be essential to define clearly and strictly the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the Secretary of the Treasury will lay before you that notwithstanding the large amount of the stock which the United States hold in that institution no information has yet been communicated which will enable the Government to anticipate when it can receive any dividends or derive any benefit from it.

Connected with the condition of the finances and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States and by judicious regulations on the part of Congress in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver as a circulating medium will become general in the ordinary transactions connected with the labor of the country. The great desideratum in modern times is an efficient check upon the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor. It was supposed by those who established the Bank of the United States that from the credit given to it by the custody of the public moneys and other privileges and the precautions taken to guard against the evils which the country had suffered in the bankruptcy of many of the State institutions of that period we should derive from that

institution all the security and benefits of a sound currency and every good end that was attainable under that provision of the Constitution which authorizes Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized.

After the extensive embarrassment and distress recently produced by the Bank of the United States, from which the country is now recovering, aggravated as they were by pretensions to power which defied the public authority, and which if acquiesced in by the people would have changed the whole character of our Government, every candid and intelligent individual must admit that for the attainment of the great advantages of a sound currency we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end we must set aside all calculations of temporary convenience, and be influenced by those only which are in harmony with the true character and the permanent interests of the Republic. We must recur to first principles and see what it is that has prevented the legislation of Congress and the States on the subject of currency from satisfying the public expectation and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession and generous patriotism which was originally, and must ever continue to be, the vital element of our Union.

On this subject I am sure that I can not be mistaken in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered may be traced to the resort to implied powers and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class of these dangers exhibited in the contest waged by the Bank of the United States against the Government for the last four years. Happily they have been obviated for the present by the indignant resistance of the people, but we should recollect that the principle whence they sprung is an ever-active one, which will not fail to renew its efforts in the same and in other forms so long as there is a hope of success, founded either on the inattention of the people or the treachery of their representatives to the subtle progress of its influence. The bank is, in fact, but one of the fruits of a system at war with the genius of all our institutions—a system founded upon a political creed the fundamental principle of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object and inevitable result, should it prevail, is the consolidation of all power in our system in one central government. Lavish public disbursements and corporations with exclusive privileges would be its substitutes for the original and as yet sound checks and balances of the Constitution—the means by whose silent and secret operation a control would be exercised by the few over the political conduct of the many by first acquiring that control over the labor and earnings of the great body of the people. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of government, it has to be incessantly watched, or it corrupts the sources of the public virtue and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether, in the present favorable condition of the country, we can not take an effectual stand against this spirit of monopoly, and practically prove in respect to the currency as well as other important interests that there is no necessity for so extensive a resort to it as that which has been heretofore practiced. The experience

of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the Government. Without its aid as such, indeed, in despite of all the embarrassment it was in its power to create, the revenue has been paid with punctuality by our citizens, the business of exchange, both foreign and domestic, has been conducted with convenience, and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community in relation to exchange and currency are supplied as well as they have ever been before. If under circumstances the most unfavorable to the steadiness of the money market it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it can not be doubted that the experience of the future will be more decisive against them.

It has been seen that without the agency of a great moneyed monopoly the revenue can be collected and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return to the extent required for the security of the currency to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power, which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue, being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it can not be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse, of the small bills will be cheerfully complied with, and that we shall soon gain in place of the Bank of the United States a practical reform in the whole paper system of the country. If by this policy we can ultimately witness the suppression of all bank bills below \$20, it is apparent that gold and silver will take their place and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans than all the legislation which has yet been attempted.

To this subject I feel that I can not too earnestly invite the special attention of Congress, without the exercise of whose authority the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the Executive has taken all the steps within his constitutional power to guard the public revenue and defeat the expectation which the Bank of the United States indulged of renewing and perpetuating its monopoly on the ground of its necessity as a fiscal agent and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty much responsibility was incurred which would have been gladly avoided if the stake which the public had in the question could have been otherwise preserved. Although clothed with the legal authority and supported by

precedent, I was aware that there was in the act of the removal of the deposits a liability to excite that sensitiveness to Executive power which it is the characteristic and the duty of freemen to indulge; but I relied on this feeling also, directed by patriotism and intelligence, to vindicate the conduct which in the end would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling that there may have been a desire, through the instrumentality of that measure, to extend the Executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked. Under the operation of our institutions the public servant who is called on to take a step of high responsibility should feel in the freedom which gives rise to such apprehensions his highest security. When unfounded the attention which they arouse and the discussions they excite deprive those who indulge them of the power to do harm; when just they but hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposits, it was impossible for me to be deterred from the path of duty by a fear that my motives could be misjudged or that political prejudices could defeat the just consideration of the merits of my conduct. The result has shewn how safe is this reliance upon the patriotic temper and enlightened discernment of the people. That measure has now been before them and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited were calculated to produce, and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add to what I have on former occasions said on this subject generally that in the regulations which Congress may prescribe respecting the custody of the public moneys it is desirable that as little discretion as may be deemed consistent with their safe-keeping should be given to the executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining in the controversy with the Bank of the United States, which has resulted in severing to some extent a dangerous connection between a moneyed and political power. The duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the Executive to superintend springs out of a policy analogous to that which enjoins upon all the branches of the Federal Government an abstinence from the exercise of powers not clearly granted.

In such a Government, possessing only limited and specific powers, the spirit of its general administration can not be wise or just when it opposes the reference of all doubtful points to the great source of authority, the States and the people, whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the Executive, with reference to the legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body.

In my former messages to Congress I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various Departments, but it has produced no effect as yet, except

the discontinuance of extra allowances in the Army and Navy and the substitution of fixed salaries in the latter. It is believed that the same principles could be advantageously applied in all cases, and would promote the efficiency and economy of the public service, at the same time that greater satisfaction and more equal justice would be secured to the public officers generally.

The accompanying report of the Secretary of War will put you in possession of the operations of the Department confided to his care in all its diversified relations during the past year.

I am gratified in being able to inform you that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the Army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontier, with the exceptions stated by the Secretary of War. Our small military establishment appears to be adequate to the purposes for which it is maintained, and it forms a nucleus around which any additional force may be collected should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the Army have improved its condition, and have rendered its organization more useful and efficient. It is at all times in a state for prompt and vigorous action, and it contains within itself the power of extension to any useful limit, while at the same time it preserves that knowledge, both theoretical and practical, which education and experience alone can give, and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the Engineer Corps press heavily upon that branch of the service, and the public interest requires an addition to its strength. The nature of the works in which the officers are engaged renders necessary professional knowledge and experience, and there is no economy in committing to them more duties than they can perform or in assigning these to other persons temporarily employed, and too often of necessity without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress and now renewed, for a reorganization of the Topographical Corps. This reorganization can be effected without any addition to the present expenditure and with much advantage to the public service. The branch of duties which devolves upon these officers is at all times interesting to the community, and the information furnished by them is useful in peace and war.

Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted not only because it necessarily interrupted and delayed the progress of a system of national defense, projected immediately after the last war and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object and other branches of the national defense, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications agreeably to the proposition submitted by him, and to place our whole Atlantic seaboard in a complete state of defense. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which at the present juncture give it peculiar force and make it my duty to call to the subject your special consideration.

The present system of military education has been in operation sufficiently long to test its usefulness, and it has given to the Army a valuable body of officers. It is not alone in the improvement, discipline, and operation of the troops that these officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the War Department; in the execution of the staff duties usually appertaining to military organization; in the removal of the Indians and in the disbursement of the various expenditures growing out of our Indian relations; in the formation of roads and in the improvement of harbors and rivers; in the construction of fortifications, in the fabrication of much of the \_materiel\_ required for the public defense, and in the preservation, distribution, and accountability of the whole, and in other miscellaneous duties not admitting of classification.

These diversified functions embrace very heavy expenditures of public money, and require fidelity, science, and business habits in their execution, and a system which shall secure these qualifications is demanded by the public interest. That this object has been in a great measure obtained by the Military Academy is shewn by the state of the service and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education no doubt has its imperfections, both of principle and practice; but I trust these can be improved by rigid inspections and by legislative scrutiny without destroying the institution itself.

Occurrences to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community whose will has instituted and whose power must support the Government. A large standing military force is not consonant to the spirit of our institutions nor to the feelings of our countrymen, and the lessons of former days and those also of our own times shew the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand and the danger and expense of a large force on the other is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force and by such an organization of the physical strength of the country as may bring this power into operation whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all by transferring each at a proper period of life from one class to another and by calling first for the services of that class, whether for instruction or action, which from age is qualified for the duty and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if in addition to this organization voluntary associations were encouraged and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to digest and establish a practicable system. The object is certainly worth the experiment and worth the expense. No one appreciating the blessings of a republican government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so and a fixed determination to give no just cause of offense to other nations furnish, unfortunately, no certain grounds of expectation that this

relation will be uninterrupted. With this determination to give no offense is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defense afford the best security against those collisions which the ambition, or interest, or some other passion of nations not more justifiable is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people and to instruct them in the elements of military knowledge. That fear can have no place here when it is recollected that the people are the sovereign power. Our Government was instituted and is supported by the ballot box, not by the musket. Whatever changes await it, still greater changes must be made in our social institutions before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the aboriginal people who yet remain within the settled portions of the United States to the country west of the Mississippi River approaches its consummation. It was adopted on the most mature consideration of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact that they can not live in contact with a civilized community and prosper. Ages of fruitless endeavors have at length brought us to a knowledge of this principle of intercommunication with them. The past we can not recall, but the future we can provide for. Independently of the treaty stipulations into which we have entered with the various tribes for the usufructuary rights they have ceded to us, no one can doubt the moral duty of the Government of the United States to protect and if possible to preserve and perpetuate the scattered remnants of this race which are left within our borders. In the discharge of this duty an extensive region in the West has been assigned for their permanent residence. It has been divided into districts and allotted among them. Many have already removed and others are preparing to go, and with the exception of two small bands living in Ohio and Indiana, not exceeding 1,500 persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and reestablishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population the representations are highly favorable. To these districts the Indians are removed at the expense of the United States, and with certain supplies of clothing, arms, ammunition, and other indispensable articles; they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In that time, from the nature of the country and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require. Ample arrangements have also been made for the support of schools; in some instances council houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheelwrights, millwrights, etc., are supported among them. Steel and iron, and sometimes salt, are purchased for them, and plows and other farming utensils, domestic animals, looms, spinning wheels, cards, etc., are presented to them. And besides these beneficial



arrangements, annuities are in all cases paid, amounting in some instances to more than \$30 for each individual of the tribe, and in all cases sufficiently great, if justly divided and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And as a stimulus for exertion, it is now provided by law that "in all cases of the appointment of interpreters or other persons employed for the benefit of the Indians a preference shall be given to persons of Indian descent, if such can be found who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort and for the moral improvement of the Indians. The necessary measures for their political advancement and for their separation from our citizens have not been neglected. The pledge of the United States has been given by Congress that the country destined for the residence of this people shall be forever "secured and guaranteed to them." A country west of Missouri and Arkansas has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves or by the United States for them and with their concurrence. A barrier has thus been raised for their protection against the encroachment of our citizens, and guarding the Indians as far as possible from those evils which have brought them to their present condition. Summary authority has been given by law to destroy all ardent spirits found in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article among these people as the first and great step in their melioration. Halfway measures will answer no purpose. These can not successfully contend against the cupidity of the seller and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things between the Government and people of the United States and these transplanted Indian tribes, and for the establishment among the latter, and with their own consent, of some principles of intercommunication which their juxtaposition will call for; that moral may be substituted for physical force, the authority of a few and simple laws for the tomahawk, and that an end may be put to those bloody wars whose prosecution seems to have made part of their social system.

After the further details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These, I indulge the hope, will secure their prosperity and improvement, and a large portion of the moral debt we owe them will then be paid.

The report from the Secretary of the Navy, shewing the condition of that branch of the public service, is recommended to your special attention. It appears from it that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration and the more general one which regards this arm of the national defense as our best security against foreign aggressions strongly urge the continuance of the measures which promote its gradual enlargement and a speedy increase of the force which has been heretofore employed abroad and at home. You will perceive from the estimates which appear in the report of the Secretary of the Navy that the expenditures necessary to this increase of its force, though of considerable amount, are small compared with the benefits which they will secure to the country.

As a means of strengthening this national arm I also recommend to your particular attention the propriety of the suggestion which attracted the

consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner a nursery of skillful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requisite number of ships is the possession of the means to man them efficiently, and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it can not be doubted that whatever provision the liberality and wisdom of Congress may now adopt with a view to the perfect organization of this branch of our service will meet the approbation of all classes of our citizens.

By the report of the Postmaster-General it appears that the revenue of the Department during the year ending on the 30th day of June last exceeded its accruing responsibilities \$236,206, and that the surplus of the present fiscal year is estimated at \$476,227. It further appears that the debt of the Department on the 1st day of July last, including the amount due to contractors for the quarter then just expired, was about \$1,064,381, exceeding the available means about \$23,700; and that on the 1st instant about \$597,077 of this debt had been paid--\$409,991 out of postages accruing before July and \$187,086 out of postages accruing since. In these payments are included \$67,000 of the old debt due to banks. After making these payments the Department had \$73,000 in bank on the 1st instant. The pleasing assurance is given that the Department is entirely free from embarrassment, and that by collection of outstanding balances and using the current surplus the remaining portion of the bank debt and most of the other debt will probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail routes, it is stated that the Department will be able to sustain with perfect convenience an annual charge of \$300,000 for the support of new routes, to commence as soon as they can be established and put in operation.

The measures adopted by the Postmaster-General to bring the means of the Department into action and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a reorganization on the principles suggested and such salutary provisions in the laws regulating its administrative duties as the wisdom of Congress may devise or approve, that important Department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the Postmaster-General which relates to the carriage of the mails of the United States upon railroads constructed by private corporations under the authority of the several States. The reliance which the General Government can place on those roads as a means of carrying on its operations and the principles on which the use of them is to be obtained can not too soon be considered and settled. Already does the spirit of monopoly begin to exhibit its natural propensities in attempts to exact from the public, for services which it supposes can not be obtained on other terms, the most extravagant compensation. If these claims be persisted in, the question may arise whether a combination of citizens, acting under charters of incorporation from the States, can, by a direct refusal or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country, and whether the United States can not, without transcending their constitutional powers, secure to the Post-Office Department the use of those roads by an act of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation. To obviate, if possible, the necessity of

considering this question, it is suggested whether it be not expedient to fix by law the amounts which shall be offered to railroad companies for the conveyance of the mails, graduated according to their average weight, to be ascertained and declared by the Postmaster-General. It is probable that a liberal proposition of that sort would be accepted.

In connection with these provisions in relation to the Post-Office Department, I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints and in various sorts of publications, calculated to stimulate them to insurrection and to produce all the horrors of a servile war. There is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders, and peace depends upon the maintenance in good faith of those compromises of the Constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the nonslaveholding States to the Union and to their fellow-citizens of the same blood in the South have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the nonslaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing so far as in them lies whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post-Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the Constitution, is especially bound to avoid in its own action anything that may disturb them. I would therefore call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty in the first message which I communicated to Congress to urge upon its attention the propriety of amending that part of the Constitution which provides for the election of the President and the Vice-President of the United States. The leading object which I had in view was the adoption of some new provisions which would secure to the people the performance of this high duty without any intermediate agency. In my annual communications since I have enforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it as an indication of their judgment that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to introduce a new feature in our fundamental laws can not be too patiently examined, and ought not to

be received with favor until the great body of the people are thoroughly impressed with their necessity and value as a remedy for real evils, I feel that in renewing the recommendation I have heretofore made on this subject I am not transcending the bounds of a just deference to the sense of Congress or to the disposition of the people. However much we may differ in the choice of the measures which should guide the administration of the Government, there can be but little doubt in the minds of those who are really friendly to the republican features of our system that one of its most important securities consists in the separation of the legislative and executive powers at the same time that each is held responsible to the great source of authority, which is acknowledged to be supreme, in the will of the people constitutionally expressed. My reflection and experience satisfy me that the framers of the Constitution, although they were anxious to mark this feature as a settled and fixed principle in the structure of the Government, did not adopt all the precautions that were necessary to secure its practical observance, and that we can not be said to have carried into complete effect their intentions until the evils which arise from this organic defect are remedied.

Considering the great extent of our Confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it can not be disguised that the contingency by which one branch of the Legislature is to form itself into an electoral college can not become one of ordinary occurrence without producing incalculable mischief. What was intended as the medicine of the Constitution in extreme cases can not be frequently used without changing its character and sooner or later producing incurable disorder.

Every election by the House of Representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the legislative and executive functions, and while it exposes each to temptations adverse to their efficiency as organs of the Constitution and laws, its tendency will be to unite both in resisting the will of the people, and thus give a direction to the Government antirepublican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which will diminish their control over it. This obligation, so universal in its application to all the principles of a republic, is peculiarly so in ours, where the formation of parties founded on sectional interests is so much fostered by the extent of our territory. These interests, represented by candidates for the Presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good and forgetful of the restraints which the great body of the people would enforce if they were in no contingency to lose the right of expressing their will. The experience of our country from the formation of the Government to the present day demonstrates that the people can not too soon adopt some stronger safeguard for their right to elect the highest officers known to the Constitution than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia. From whatever cause the great depression has arisen which now exists in the pecuniary concerns of this District, it is proper that its situation should be fully understood and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of this District which their true interests require, and which does not conflict with the provisions of the Constitution. It is believed that the laws for the government of the District require revisal and amendment, and that much good may be done by modifying the penal code so as to give uniformity to its provisions.

Your attention is also invited to the defects which exist in the

judicial system of the United States. As at present organized the States of the Union derive unequal advantages from the Federal judiciary, which have been so often pointed out that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the States that equality in respect to the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the judicial system.

With these observations on the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and the best interests of our beloved country demand.

ANDREW JACKSON.

[Footnote 14: For communication, see pp. 202-208.]

\_Mr. Livingston to the Duke de Broglie\_.

LEGATION OF THE UNITED STATES,

\_Paris, April 25, 1835\_.

His Excellency the Duc de Broglie, etc.,

\_Minister Secretary of State for Foreign Affairs\_.

SIR: About to return to my own country, I am unwilling to leave this without adding one more effort to the many I have heretofore made to restore to both that mutual good understanding which their best interests require, and which probable events may interrupt and perhaps permanently destroy.

From the correspondence and acts of His Majesty's Government since the message of the President of the United States was known at Paris it is evident that an idea is entertained of making the fulfillment of the treaty of 1831 dependent on explanations to be given of the terms used in the message, and withholding payment of an acknowledged debt until satisfaction be given for a supposed indecorum in demanding it. The bare possibility that this opinion might be entertained and acted upon by His Majesty's Government renders it incumbent on me to state explicitly what I understand to be the sentiments of mine on this subject.

Erroneous impressions, arising from the want of a proper attention to the structure of our Government, to the duties of its Chief Magistrate, to the principles it has adopted and its strict adherence to them in similar cases, might raise expectations which could never be realized and lead to measures destructive of all harmony between the parties. This communication is made in full confidence that it is the wish of His Majesty's Government, as it most sincerely is that of the President, to avoid all measures of that description; and it is hoped, therefore, that it will be received in the spirit by which it is dictated—that of conciliation and peace.

The form of our Government and the functions of the President as a component part of it have in their relation to this subject been sufficiently explained in my previous correspondence, especially in my letter to the Comte de Rigny of the 29th of January last. I have therefore little to add to that part of my representation which is drawn from the form of our Government and the duties of the President in administering it. If these are fully understood, the principles of action derived from them can not be mistaken.

The President, as the chief executive power, must have a free and entirely unfettered communication with the coordinate powers of Government. As the organ of intercourse with other nations, he is the only source from which a knowledge of our relations with them can be conveyed to the legislative branches. It results from this that the utmost freedom from all restraint in the details into which he is obliged to enter of international concerns and of the measures in relation to them is essential to the proper performance of this important part of his functions. He must exercise them without having continually before him the fear of offending the susceptibility of the powers whose conduct he is obliged to notice. In the performance of this duty he is subject to public opinion and his own sense of propriety for an indiscreet, to his constituents for a dangerous, and to his constitutional judges for an illegal, exercise of the power, but to no other censure, foreign or domestic. Were any foreign powers permitted to scan the communications of the Executive, their complaints, whether real or affected, would involve the country in continual controversies; for the right being acknowledged, it would be a duty to exercise it by demanding a disavowal of every phrase they might deem offensive and an explanation of every word to which an improper interpretation could be given. The principle, therefore, has been adopted that no foreign power has a right to ask for explanations of anything that the President, in the exercise of his functions, thinks proper to communicate to Congress, or of any course he may advise them to pursue. This rule is not applicable to the Government of the United States alone, but, in common with it, to all those in which the constitutional powers are distributed into different branches. No such nation desirous of avoiding foreign influence or foreign interference in its councils; no such nation possessing a due sense of its dignity and independence, can long submit to the consequences of this interference. When these are felt, as they soon will be, all must unite in repelling it, and acknowledge that the United States are contending in a cause common to them all, and more important to the liberal Governments of Europe than even to themselves; for it is too obvious to escape the slightest attention that the Monarchies of Europe by which they are surrounded will have all the advantage of this supervision of the domestic councils of their neighbors without being subject to it themselves. It is true that in the representative Governments of Europe executive communications to legislative bodies have not the extension that is given to them in the United States, and that they are therefore less liable to attack on that quarter; but they must not imagine themselves safe. In the opening address, guarded as it commonly is, every proposition made by the ministry, every resolution of either chamber, will offer occasions for the jealous interference of national punctilio, for all occupy the same grounds. No intercommunication of the different branches of Government will be safe, and even the courts of justice will afford no sanctuary for freedom of decision and of debate, and the susceptibility of foreign powers must be consulted in all the departments of Government. Occasions for intervention in the affairs of other countries are but too numerous at present, without opening another door to encroachments; and it is no answer to the argument to say that no complaints will be made but for reasonable cause, and that of this, the nation complained of being the judge, no evil can ensue. But this argument concedes the right of examining the communications in question, which is denied. Allow it and you will have frivolous as well as grave complaints to answer, and must not only heal the wounds of a just national pride, but apply a remedy to those of a morbid susceptibility. To show that my fear of the progressive nature of these encroachments is not imaginary, I pray leave to call your excellency's attention to the inclosed report from the Secretary of State to the President. It is offered for illustration, not for complaint; I am instructed to make none. Because the Government of France has taken exceptions to the President's opening message, the charge d'affaires of France thinks it his duty to protest against a special communication, and to point out the particular passages in a correspondence of an American minister with his own Government to the

publication of which he objects. If the principle I contest is just, the charge d'affaires is right. He has done his duty as a vigilant supervisor of the President's correspondence. If the principle is admitted, every diplomatic agent at Washington will do the same, and we shall have twenty censors of the correspondence of the Government and of the public press. If the principle is correct, every communication which the President makes in relation to our foreign affairs, either to the Congress or to the public, ought in prudence to be previously submitted to these ministers, in order to avoid disputes and troublesome and humiliating explanations. If the principle be submitted to, neither dignity nor independence is left to the nation. To submit even to a discreet exercise of such a privilege would be troublesome and degrading, and the inevitable abuse of it could not be borne. It must therefore be resisted at the threshold, and its entrance forbidden into the sanctuary of domestic consultations. But whatever may be the principles of other governments, those of the United States are fixed; the right will never be acknowledged, and any attempt to enforce it will be repelled by the undivided energy of the nation.

I pray your excellency to observe that my argument does not deny a right to all foreign powers of taking proper exceptions to the governmental acts and language of another. It is to their interference in its consultations, in its proceedings while yet in an inchoate state, that we object. Should the President do an official executive act affecting a foreign power, or use exceptionable language in addressing it through his minister or through theirs; should a law be passed injurious to the dignity of another nation—in all these and other similar cases a demand for explanation would be respectfully received, and answered in the manner that justice and a regard to the dignity of the complaining nation would require.

After stating these principles, let me add that they have not only been theoretically adopted, but that they have been practically asserted. On two former occasions exceptions of the same nature were taken to the President's message by the Government of France, and in neither did they produce any other explanation than that derived from the nature of our Government, and this seems on those occasions to have been deemed sufficient, for in both cases the objections were virtually abandoned—one when Messrs. Marshall, Gerry, and Pinckney were refused to be received, and again in the negotiation between Prince Polignac and Mr. Rives. In the former case, although the message of the President was alleged as the cause of the refusal to receive the ministers, yet without any such explanation their successors were honorably accredited. In the latter case the allusion in the message to an apprehended collision was excepted to, but the reference made by Mr. Rives to the constitutional duties of the President seems to have removed the objection.

Having demonstrated that the United States can not in any case permit their Chief Magistrate to be questioned by any foreign government in relation to his communications with the coordinate branches of his own, it is scarcely necessary to consider the case of such an explanation being required as the condition on which the fulfillment of a treaty or any pecuniary advantage was to depend. The terms of such a proposition need only be stated to show that it would be not only inadmissible, but rejected as offensive to the nation to which it might be addressed. In this case it would be unnecessary as well as inadmissible. France has already received, by the voluntary act of the President, every explanation the nicest sense of national honor could desire. That which could not have been given to a demand, that which can never be given on the condition now under discussion, a fortunate succession of circumstances, as I shall proceed to shew, has brought about. Earnestly desirous of restoring the good understanding between the two nations, as soon as a dissatisfaction with the President's message was shewn I suppressed every feeling which the mode of expressing that

dissatisfaction was calculated to produce, and without waiting for instructions I hastened on my own responsibility to make a communication to your predecessor in office on the subject. In this, under the reserve that the President could not be called on for an explanation, I did in fact give one that I thought would have removed all injurious impressions.

This is the first of the fortunate circumstances to which I have alluded—fortunate in being made before any demand implying a right to require it; fortunate in its containing, without any knowledge of the precise parts of the message which gave offense, answers to all that have since come to my knowledge. I can easily conceive that the communication of which I speak, made, as I expressly stated, without previous authority from my Government, might not have had the effect which its matter was intended to produce, but it has since (as I have now the honor to inform your excellency) received from the President his full and unqualified approbation; but it is necessary to add that this was given before he had any intimation of an intention to attach it as a condition to the payment of the indemnity due by the treaty, given not only when he was ignorant of any such intent, but when he was informed by France that she intended to execute the treaty and saw by the law which was introduced that it was not to be fettered by any such condition. Thus that is already done by a voluntary act which could not have been done when required as a right, still less when made, what will unquestionably in the United States be considered degrading, as a condition. At this time, sir, I would for no consideration enter into the details I then did. If I could now so far forget what under present circumstances would be due to the dignity of my country, I should be disavowed, and deservedly disavowed, by the President. It is happy, therefore, I repeat, that the good feeling of my country was evinced in the manner I have stated at the only time when it could be done with honor; and though present circumstances would forbid my making the communication I then did, they do not prevent my referring to it for the purpose of shewing that it contains, as I have stated it does, everything that ought to have been satisfactory. Actual circumstances enable me to do this now. Future events, which I need not explain, may hereafter render it improper, and it may be nugatory unless accepted as satisfactory before the occurrence of those events. Let it be examined with the care which the importance of giving it a true construction requires. The objections to the message, as far as I can understand, for they have never been specified, are:

First. That it impeaches the good faith of His Majesty's Government.

Secondly. That it contains a menace of enforcing the performance of the treaty by reprisals.

On the first head, were I now discussing the terms of the message itself, it would be easy to shew that it contains no such charge. The allegation that the stipulations of a treaty have not been complied with, that engagements made by ministers have not been fulfilled, couched in respectful terms, can never be deemed offensive, even when expressly directed to the party whose infractions are complained of, and consequently can never give cause for a demand of explanation; otherwise it is evident that no consideration of national injuries could ever take place. The message, critically examined on this point, contains nothing more than such an enumeration of the causes of complaint. As to its terms, the most fastidious disposition can not fasten on one that could be excepted to. The first refusal and subsequent delay are complained of, but no unworthy motives for either are charged or insinuated. On the whole, if I were commissioned to explain and defend this part of the message, I should say with the conviction of truth that it is impossible to urge a complaint in milder or more temperate terms; but I am not so commissioned. I am endeavoring to shew not only that every proper explanation is given in my letter to M. de Rigny of the 29th of January



last, but that in express terms it declares that the sincerity of His Majesty's Government in their desire to execute the treaty was not doubted. Suffer me to draw your excellency's attention to the passages alluded to. In discussing the nature of M. Serurier's engagement I say:

"It is clear, therefore, that more was required than the expression of a desire on the part of His Majesty's ministers to execute the treaty, \_a desire the sincerity of which was never doubted, but which might be unavailing, as its accomplishment depended on the vote of the Chambers\_."

Again, in speaking of the delay which occurred in the month of December, I say:

"It is referred to, I presume, in order to shew that it was produced by a desire on the part of His Majesty's ministers the better to assure the passage of the law. Of this, sir, I never had a doubt, and immediately so advised my Government, and informed it, as was the fact, that I perfectly acquiesced in the delay."

Thus it must be evident, not only that no offensive charge of ill faith is made in the message, but that, as is expressly stated in the first extract, full justice was done at Washington to the intentions of the French Government. While the delay is complained of us a wrong, no improper motives are attributed to the Government in causing it. Again, sir, the whole tenor of that part of my letter which relates to the inexecution of the promise made by M. Serurier, while it asserts the construction put upon it by the President to be the true one, and appeals to facts and circumstances to support that construction, yet it avoids charging the French Government with any intentional violation, by attributing their delay to an erroneous construction only; for in the letter (I again quote literally) I say:

"I have entered into this detail with the object of showing that although the ministers of the King, under the interpretation they seem to have given to M. Serurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success, yet the President, interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress."

Thus, sir, the President, in stating the acts of which he thought his country had reason to complain, does not make a single imputation of improper motive, and to avoid all misconstruction he offers a voluntary declaration that none such were entertained.

The part of the message which seems to have caused the greatest sensation in France is that in which, after a statement of the causes of complaint, it enters into a consideration of the measures to obtain redress which in similar cases are sanctioned by the laws of nations. The complaint seems to be that, in a discussion it was impossible to avoid, of the efficacy and convenience of each, a preference was given to reprisals, considered as a remedial, not as a hostile, measure, and this has been construed into a menace. If any explanations were necessary on this head, they are given in the message itself. It is there expressly disavowed, and the power and high character of France are appealed to to shew that it never could be induced by threats to do what its sense of justice denied. If the measure to which I have more than once alluded should be resorted to, and the humiliation attending a compliance with it could be endured; if it were possible under such circumstances to give an explanation, what more could be required than that which is contained in the message itself that it was not intended as a menace? If the measure to which I alluded should be adopted and

submitted to, what would His Majesty's Government require? The disavowal of any intent to influence the councils of France by threats? They have it already. It forms a part of the very instrument which caused the offense, and I will not do them the injustice to think that they could form the offensive idea of requiring more. The necessity of discussing the nature of the remedies for the nonexecution of the treaty, the character and spirit in which it was done, are explained in my letter so often referred to, and I pray your excellency to consider the concluding part of it, beginning with the quotation I have last made. But if I wanted any argument to shew that no explanation of this part of the message was necessary or could be required, I should find it in the opinion—certainly a just one—expressed by His Majesty's ministers, that the recommendation of the President not having been adopted by the other branches of the Government it was not a national act, and could not be complained of as such. Nay, in the note presented by M. Serurier to the Government at Washington and the measures which it announces (his recall and the offer of my passports) the Government of His Majesty seem to have done all that they thought its dignity required, for they at the same time declare that the law providing for the payment will be presented, but give no intimation of any previous condition and annex none to the bill which they present. The account of dignity being thus declared by this demonstration to be settled, it can not be supposed that it will again be introduced as a set-off against an acknowledged pecuniary balance. Before I conclude my observations on this part of the subject it will be well to inquire in what light exceptions are taken to this part of the message, whether as a menace generally or to the particular measure proposed. In the first view, if every measure that a Government having claims on another declares it must pursue if those claims are not allowed (whatever may be the terms employed) is a menace, it is necessary, and not objectionable unless couched in offensive language; it is a fair declaration of what course the party making it intends to pursue, and except in cases where pretexts were wanted for a rupture have rarely been objected to, even when avowedly the act of the nation, not, as in this case, a proposal made by one branch of its Government to another. Instances of this are not wanting, but need not be here enumerated. One, however, ought to be mentioned, because it is intimately connected with the subject now under discussion. While the commerce of the United States was suffering under the aggressions of the two most powerful nations of the world the American Government, in this sense of the word, menaced them both. It passed a law in express terms declaring to them that unless they ceased their aggressions America would hold no intercourse with them; that their ships would be seized if they ventured into American ports; that the productions of their soil or industry should be forfeited. Here was an undisguised menace in clear, unequivocal terms, and of course, according to the argument against which I contend, neither France nor England could deliberate under its pressure without dishonor. Yet the Emperor of France, certainly an unexceptionable judge of what the dignity of his country required, did deliberate, did accept the condition, did repeal the Berlin and Milan decrees, did not make any complaint of the act as a threat, though he called it an injury. Great Britain, too, although at that time on not very friendly terms with the United States, made no complaint that her pride was offended. Her minister on the spot even made a declaration that the obnoxious orders were repealed. It is true he was disavowed, but the disavowal was accompanied by no objections to the law as a threat. Should the objection be to the nature of the remedy proposed, and that the recommendation of reprisals is the offensive part, it would be easy to show that it stands on the same ground with any other remedy; that it is not hostile in its nature; that it has been resorted to by France to procure redress from other powers, and by them against her, without producing war. But such an argument is not necessary. This is not the case of a national measure, either of menace or action; it is a recommendation only of one branch of Government to another, and France has itself shown that a proposal of this nature could not be noticed as an offense. In the year 1808 the Senate of the United States annexed to

the bill of nonintercourse a section which not only advised but actually authorized the President to issue letters of marque and reprisal against both France and England, if the one did not repeal the Berlin and Milan decrees and the other did not revoke the orders in council. This clause was not acceded to by the Representatives, but it was complete as the act of the Senate; yet neither France nor England complained of it as an indignity. Both powers had ministers on the spot, and the dignity of neither seems to have been offended.

If the view I have now taken of the subject be correct; if I have succeeded in conveying to His Majesty's ministers the conviction I myself feel that no right exists in any foreign nation to ask explanations of or even to notice any communications between the different branches of our Government; that to admit it even in a single instance would be a dangerous precedent and a derogation from national dignity, and that in the present instance an explanation that ought to be satisfactory has been voluntarily given, I have then demonstrated that any measure founded on such supposed right is not only inadmissible, but is totally unnecessary, and consequently that His Majesty's ministers may at once declare that previous explanations given by the minister of the United States, and subsequently approved by the President, had satisfied them on the subject of the message.

The motives of my Government during the whole course of this controversy have been misunderstood or not properly appreciated, and the question is daily changing its character. A negotiation entered into for procuring compensation to individuals involved no positive obligation on their Governments to prosecute it to extremities. A solemn treaty, ratified by the constitutional organs of the two powers, changed the private into a public right. The Government acquires by it a perfect right to insist on its stipulations. All doubts as to their justice seem now to have been removed, and every objection to the payment of a debt acknowledged to be just will be severely scrutinized by the impartial world. What character will be given to a refusal to pay such a debt on the allegation, whether well or ill founded, of an offense to national honor it does not become me to say. The French nation are the last that would ever appreciate national honor by any number of millions it could withhold as a compensation for an injury offered to it. The United States, commercial as they are, are the last that would settle such an account. The proposition I allude to would be unworthy of both, and it is sincerely to be hoped that it will never be made.

To avoid the possibility of misapprehension, I repeat that this communication is made with the single view of apprising His Majesty's Government of the consequences attending a measure which without such notice they might be inclined to pursue; that although I am not authorized to state what measures will be taken by the United States, yet I speak confidently of the principles they have adopted, and have no doubt they will never be abandoned.

This is the last communication I shall have the honor to make. It is dictated by a sincere desire to restore a good intelligence, which seems to be endangered by the very measure intended to consolidate it. Whatever be the result, the United States may appeal to the world to bear witness that in the assertion of the rights of their citizens and the dignity of their Government they have never swerved from the respect due to themselves and from that which they owe to the Government of France.

I pray your excellency to receive the assurance of the high consideration with which I have the honor to be, your most obedient servant,

EDW. LIVINGSTON.

\_Mr. Livingston to Mr. Forsyth\_.

WASHINGTON, \_June 29, 1835\_.

Hon. JOHN FORSYTH,

\_Secretary of State, etc.\_

SIR: After having by my note to the Duke de Broglie dated the 25th April last made a final effort to preserve a good understanding between the United States and France by suggesting such means of accommodation as I thought were consistent with the honor of the one country to offer and of the other to accept, I determined to avail myself of the leave to return which was given by your dispatch, No.--, rather than to remain, as I had desired to do, in England waiting the result of my last communication. This step having been approved by the President, I need not here refer to the reasons which induced me to take it. Having received my passports, I left Paris on the 29th of April. At the time of my departure the note, of which a copy has been transmitted to you, asking an explanation of the terms used in Mr. Serurier's communication to the Department remained unanswered, but I have reason to believe that the answer when given will be satisfactory.

The principal business with which I was charged having thus been brought to a close, I presume that my services can no longer be useful to my country, and I therefore pray that the President will be pleased to accept my resignation of the trust with which I have been honored. I shall terminate it by transmitting to the Department some papers relating to matters of minor importance which I soon expect to receive, and will add the explanations which may yet be wanting to give a full view of the affairs of the mission up to the time of my leaving France.

I have the honor to be, sir, with perfect respect, your most obedient servant,

EDW. LIVINGSTON.

\_Mr. Forsyth to Mr. Livingston\_.

DEPARTMENT OF STATE,

\_Washington, June 30, 1835\_.

EDWARD LIVINGSTON, Esq.,

\_Washington\_.

SIR: Your letter of the 29th instant has been laid before the President, and I am directed to reply that the President can not allow you, who have been so long and usefully employed in the public service, to leave the trust last confided to you without an expression of his regard and respect, the result of many years of intimate association in peace and war. Although differing on some points of general policy, your singleness of purpose, perfect integrity, and devotion to your country have been always known to him. In the embarrassing and delicate position you have lately occupied your conduct, and especially your last official note in closing your correspondence with the French Government, has met his entire approbation, exhibiting as it does, with truth, the anxious desire of the Government and the people of the United States to maintain the most liberal and pacific relations with the nation to which you were

accredited, and a sincere effort to remove ill-founded impressions and to soothe the feelings of national susceptibility, even when they have been unexpectedly excited, while at the same time it discourages with a proper firmness any expectation that the American Government can ever be brought to allow an interference inconsistent with the spirit of its institutions or make concessions incompatible with its self-respect. The President is persuaded that he will be sustained in these opinions by the undivided sentiment of the American people, and that you will carry into a retirement which he trusts may be temporary the consciousness not only of having performed your duty, but of having realized the anticipations of your fellow-citizens and secured for yourself and your country the just appreciation of the world.

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

JOHN FORSYTH.

#### SPECIAL MESSAGES.

WASHINGTON CITY, \_December 8, 1835\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations that have been made in that Department in pursuance of the power vested in the President by the act of Congress of the 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

ANDREW JACKSON.

WASHINGTON, \_December 9, 1835\_.

\_To the Senate and House of Representatives\_.

GENTLEMEN: I herewith communicate, for the information of Congress, a report of the Secretary of War, with accompanying documents, showing the progress made during the present year in the astronomical observations made under the act of the 14th of July, 1832, relative to the northern boundary of the State of Ohio.

The controversy between the authorities of the State of Ohio and those of the Territory of Michigan in respect to this boundary assumed about the time of the termination of the last session of Congress a very threatening aspect, and much care and exertion were necessary to preserve the jurisdiction of the Territorial government under the acts of Congress and to prevent a forcible collision between the parties. The nature and course of the dispute and the measures taken by the Executive for the purpose of composing it will fully appear in the accompanying report from the Secretary of State and the documents therein referred to.

The formation of a State government by the inhabitants of the Territory of Michigan and their application, now pending, to be admitted into the Union give additional force to the many important reasons which call for the settlement of this question by Congress at their present session.

ANDREW JACKSON.

WASHINGTON, \_December 9, 1835\_.

\_To the Senate and House of Representatives\_.

GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indiana Territory lying north of a line drawn due "east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States," was erected into a separate Territory by the name of Michigan.

The territory comprised within these limits being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants such State should be admitted by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and State government so to be formed shall be republican, and in conformity to the principles contained in these articles, etc., the inhabitants thereof have during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

ANDREW JACKSON.

WASHINGTON, \_December 17, 1835\_.

The VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

I transmit, for the consideration of the Senate with a view to its ratification, a convention between the United States and the United Mexican States, concluded and signed by the plenipotentiaries of the respective parties at the City of Mexico on the 3d of April, 1835, and the object of which is to extend the time for the appointment of their commissioners and surveyors provided for by the third article of the treaty of limits between them of the 12th of January, 1835.

ANDREW JACKSON.

WASHINGTON, \_December 17, 1835\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit to Congress a report from the Secretary of State, accompanying copies of certain papers relating to a bequest to the United States by Mr. James Smithson, of London, for the purpose of founding "at Washington an establishment under the name of the Smithsonian Institution, for the increase and diffusion of knowledge among men." The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary.

ANDREW JACKSON.

WASHINGTON, \_December 22, 1835\_.

\_To the Congress of the United States\_:

I transmit herewith, for the information of Congress, a report from the War Department, on the condition of the Cumberland road in the States of Illinois and Indiana.

ANDREW JACKSON.

WASHINGTON, \_December 22, 1835\_.

\_To the Senate of the United States\_:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention signed at Paris by the plenipotentiaries of the United States and the Swiss Confederation on the 6th of March last. A copy of the convention is also transmitted for the convenience of the Senate.

ANDREW JACKSON.

DECEMBER 23, 1835.

\_To the Senate of the United States\_:

I hereby submit, for the advice and sanction of the Senate, the inclosed proposal of the Secretary of the Treasury for the investment of the proceeds of the sales of public lands in behalf of the Chickasaw Indians under the treaties therein mentioned.

ANDREW JACKSON.

WASHINGTON, \_January 11, 1836\_.

\_To the Senate and House of Representatives of the United States\_:

Having laid before Congress on the 9th ultimo the correspondence which had previously taken place relative to the controversy between Ohio and Michigan on the question of boundary between that State and Territory, I now transmit reports from the Secretaries of State and War on the subject, with the papers therein referred to.

ANDREW JACKSON.

WASHINGTON, \_January 12, 1836\_.

\_To the Senate\_:

I transmit herewith, for the consideration and advice of the Senate as to the ratification of the same, the two treaties concluded with the Carmanchee Indians and with the Caddo Indians referred to in the accompanying communication from the War Department.

ANDREW JACKSON.

WASHINGTON, \_January 15, 1836\_.

\_To the Senate and House of Representatives\_.

GENTLEMEN: In my message at the opening of your session I informed you that our charge d'affaires at Paris had been instructed to ask for the final determination of the French Government in relation to the payment of the indemnification secured by the treaty of the 4th of July, 1831, and that when advices of the result should be received it would be made the subject of a special communication.

In execution of this design I now transmit to you the papers numbered from 1 to 13, inclusive, containing among other things the correspondence on this subject between our charge d'affaires and the French minister of foreign affairs, from which it will be seen that France requires as a condition precedent to the execution of a treaty unconditionally ratified and to the payment of a debt acknowledged by all the branches of her Government to be due that certain explanations shall be made of which she dictates the terms. These terms are such as that Government has already been officially informed can not be complied with, and if persisted in they must be considered as a deliberate refusal on the part of France to fulfill engagements binding by the laws of nations and held sacred by the whole civilized world. The nature of the act which France requires from this Government is clearly set forth in the letter of the French minister marked No. 4. We will pay the money, says he, when "\_the Government of the United States is ready on its part to declare to us, by addressing its claim to us officially in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government nor to take a menacing attitude toward France."\_ And he adds: "\_If the Government of the United States does not give this assurance we shall be obliged to think that this misunderstanding is not the result of an error."\_ In the letter marked No. 6 the French minister also remarks that "\_the Government of the United States knows that upon itself depends henceforward the execution of the treaty of July 4, 1831\_".

Obliged by the precise language thus used by the French minister to view it as a peremptory refusal to execute the treaty except on terms incompatible with the honor and independence of the United States, and persuaded that on considering the correspondence now submitted to you you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands if the claim of interfering in the communications between the different branches of our Government shall be persisted in. This pretension is rendered the more unreasonable by the fact that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition--a condition the more humiliating because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice? She has already had it, frankly and explicitly given by our minister accredited to her Government, his act ratified by me, and my confirmation of it officially communicated by him in his letter to the French minister of foreign affairs of the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate and which will involve an acknowledgment of her assumed right to interfere in our domestic



councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their executive government forbid it.

As the answer of the French minister to our charge d'affaires at Paris contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the Secretary of State relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the Executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that on the return of our minister to the United States I caused my official approval of the explanations he had given to the French minister of foreign affairs to be made public. As the French Government had noticed the message without its being officially communicated, it was not doubted that if they were disposed to pay the money due to us they would notice any public explanation of the Government of the United States in the same way. But, contrary to these well-founded expectations, the French ministry did not take this fair opportunity to relieve themselves from their unfortunate position and to do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French charge d'affaires in Washington, who desired to read to him a letter he had received from the French minister of foreign affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6, herewith transmitted. It was an attempt to make known to the Government of the United States privately in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the 25,000,000 francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were in their substance wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the Executive or the Legislature, and the Secretary of State did not think proper to ask a copy, because he could have no use for it. Copies of papers marked Nos. 9, 10, and 11 shew an attempt on the part of the French charge d'affaires to place a copy of this letter among the archives of this Government, which for obvious reasons was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French charge d'affaires that the object was to bring this letter before Congress and the American people. If foreign agents, on a subject of disagreement between their government and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights and the respect due to others than to attempt to use the Executive as the passive organ of their communications.

It is due to the character of our institutions that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and that in all cases of importance the communications received or made by the Executive should assume the accustomed official form. It is only by insisting on this form that foreign powers can be held to full responsibility, that their communications can be officially replied to, or that the advice or

interference of the Legislature can with propriety be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions, and on the other to subject this portion of his acts to public scrutiny, and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question inasmuch as, in addition to other important interests, it very intimately concerned the national honor--a matter in my judgment much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French minister of foreign affairs was read to the Secretary of State on the 11th of September last. This was the first authentic indication of the specific views of the French Government received by the Government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French Government, on receiving that information in the same manner as the alleged offensive message had reached them, would desist from their extraordinary demand and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination and the ground they intended to occupy, the instructions were given to our charge d'affaires which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets and a direct explanation addressed to France with a distinct intimation that this is a *sine qua non*.

Mr. Barton having, in pursuance of his instructions, returned to the United States and the charge d'affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended, a state of things originating in an unreasonable susceptibility on the part of the French Government and rendered necessary on our part by their refusal to perform engagements contained in a treaty from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative action should be brought to sustain Executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship and to unite the two nations in the bonds of amity and of a mutually beneficial commerce, she can not justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies I have heretofore had occasion to speak, and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period France, by all the departments of her Government, has acknowledged the validity of our claims and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that until such a determination shall have become evident it will be proper and sufficient to retaliate her present refusal to comply with her engagements by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former in the present posture of our affairs as being the least injurious to our commerce, and as attended with the

least difficulty of returning to the usual state of friendly intercourse if the Government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures should their adoption be rendered necessary by subsequent events.

The return of our charge d'affaires is attended with public notices of naval preparations on the part of France destined for our seas. Of the cause and intent of these armaments I have no authentic information, nor any other means of judging except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the Navy and the completion of our coast defenses.

If this array of military force be really designed to affect the action of the Government and people of the United States on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands can never be accorded, and no armament, however powerful and imposing, at a distance or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, our national character, and to the world.

The House of Representatives at the close of the last session of Congress unanimously resolved that the treaty of the 4th of July, 1831, should be maintained and its execution insisted on by the United States. It is due to the welfare of the human race not less than to our own interests and honor that this resolution should at all hazards be adhered to. If after so signal an example as that given by the American people during their long-protracted difficulties with France of forbearance under accumulated wrongs and of generous confidence in her ultimate return to justice she shall now be permitted to withhold from us the tardy and imperfect indemnification which after years of remonstrance and discussion had at length been solemnly agreed on by the treaty of 1831 and to set at naught the obligations it imposes, the United States will not be the only sufferers. The efforts of humanity and religion to substitute the appeals of justice and the arbitrament of reason for the coercive measures usually resorted to by injured nations will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves and so fatal to the hopes of the philanthropist we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our Government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties and to promote the general interests of peace, civilization, and improvement.

ANDREW JACKSON.

No. 1.

\_Mr. Forsyth to Mr. Barton\_.

DEPARTMENT OF STATE,

\_Washington, June 28, 1835\_.

THOMAS P. BARTON, Esq., etc.

SIR: Mr. Livingston arrived here the day before yesterday. By the

mail of yesterday your letter of the 7th of May, with a copy of Mr. Livingston's last note to the Duke de Broglie, was received.

After an attentive examination of Mr. Livingston's correspondence with this Department and the Government of France, elucidated by his verbal explanations, the President has directed me to say to you that the Messrs. de Rothschild have been authorized by the Treasury Department to receive the money due under the treaty with France. Of this authority they will be directed to give notice to the French Government without demanding payment. For yourself, you will, if the bill of indemnity is rejected, follow Mr. Livingston to the United States. If the money is placed at the disposal of the King, conditionally, by the legislature of France, you will await further orders from the United States, but maintain a guarded silence on the subject of the indemnity. If approached by the Government of France, directly or indirectly, you will hear what is said without reply, state what has occurred in full to the Department, and await its instructions. It is the desire of the President that you will make not even a reference to the subject of the treaty in your intercourse with the French Government until the course intended to be pursued is definitely explained to the United States. Whatever may be said to the Messrs. de Rothschild it will be their duty to report to you as well as to the Treasury Department, and whenever they converse with you they must be reminded that it is expected that they will wait for express notice from the Government of France that it is ready to pay before an application for payment is made.

The course adopted by Mr. Livingston has been fully approved, and the hope is indulged that his representations have had their just influence on the counsels of the King of France. However that may be, the President's determination is that the terms upon which the two Governments are to stand toward each other shall be regulated so far as his constitutional power extends by France.

A packet from the Treasury, addressed to the Messrs. de Rothschild, and containing the instructions of the Secretary, accompanied by a special power appointing them the agents of the United States to receive the payments due under the treaty of 1831, is forwarded herewith. The copy of a letter from this Department to M. Pageot is also inclosed for your perusal.

I am, sir, your obedient servant,

JOHN FORSYTH.

No. 2.

\_Mr. Forsyth to Mr. Barton\_.

DEPARTMENT OF STATE,

\_Washington, September 14, 1835\_.

THOMAS P. BARTON, Esq., etc.

SIR: So much time will have elapsed before this dispatch can reach you, since the passage of the law by the French Chambers placing at the disposition of the King the funds to fulfill the treaty with the United States, that it is presumed the intention of the French Government will have been by that period disclosed. It is proper therefore, in the opinion of the President, that you should receive your last instructions in relation to it. It has always been his intention that the legation of the United States should leave France if the treaty were not fulfilled. You have been suffered to remain after the departure of Mr. Livingston

under the expectation that the Government of France would find in all that has occurred its obligation to proceed forthwith to the fulfillment of it as soon as funds were placed in its hands. If this expectation is disappointed, you must ask for your passports and return to the United States. If no movement has been made on the part of France and no intimation given to you or to the banker of the United States who is the authorized agent of the Treasury to receive the installments due of the time that payment will be made, you are instructed to call upon the Duke de Broglie and request to be informed what are the intentions of the Government in relation to it, stating that you do so by orders of your Government and with a view to regulate your conduct by the information you may receive from him. In the present agitated state of France it is the particular desire of the President that your application should be made in the most conciliatory tone and your interview with the Duke marked by expressions, as coming from your Government, of great personal respect for that minister and of an anxious desire for the safety of the King of France. If the Duke should inform you that the money is to be paid on any fixed day, you will remain in France; otherwise you will apply for your passports, and state the reason to be that the treaty of indemnity has not been executed by France.

The President especially directs that you should comply with these instructions so early that the result may be known here before the meeting of Congress, which takes place on the 7th of December next.

I am, sir, your obedient servant,

JOHN FORSYTH.

No. 3.

\_Mr. Barton to the Duke de Broglie\_.

[Translation.]

D.

LEGATION OF THE UNITED STATES OF AMERICA,

\_Paris, October 24, 1835\_.

His Excellency the DUKE DE BROGLIE,

\_Minister of Foreign Affairs, etc.\_

MONSIEUR LE DUC: Having executed to the letter the last instructions of my Government in the interview which I had the honor to have with your excellency on the 20th of this month, in order further to comply with those instructions I am about to return to the United States. Before leaving France, however, I have thought that it might not be altogether useless to address your excellency and to submit to you the conversation which then took place between us, word for word, as I understood it. In pursuing this course I am prompted by a double motive: First, by a sincere desire to avoid even the slightest misunderstanding as to the precise meaning of any expressions used on either part, and also with a view, in presenting myself to my Government, to furnish indisputable proof of my fidelity in executing the instructions with which I had the honor to be charged. This last motive, Monsieur le Duc, does not interest you personally, but the first, I am sure, will not appear without importance in your eyes.

Having said that I was instructed to employ both language and manner the most conciliatory, I begged you to believe, should anything appear to

you not to partake of that character, that the fault must be attributed to me alone, and not to my Government, as in that case I should be certain that I neither represented its disposition nor faithfully obeyed its orders.

I began the conversation by informing you that I had requested an interview by order of my Government, and that on the result of that interview would depend my future movements. I said that I was ordered to convey to the French Government assurances of the very lively satisfaction felt by the President on receiving the news and confirmation of the King's safety, and that I was further instructed by the Secretary of State to assure you personally of his high consideration. After an obliging answer of your excellency I had the honor to submit the following question:

"I am instructed by my Government to inquire of your excellency what are the intentions of His Majesty's Government in relation to the funds voted by the Chambers."

And I understood you to make the following answer:

"Having written a dispatch to His Majesty's charge d'affaires at Washington, with instructions to communicate it to Mr. Forsyth, and M. Pageot having read it to Mr. Forsyth, I have nothing to say in addition to that dispatch."

I said:

"I am also instructed to inquire of your excellency whether His Majesty's Government is ready to pay those funds."

And you returned this answer:

"Yes, in the terms of the dispatch."

I added:

"I am instructed to ask another question: Will His Majesty's Government name any fixed determined period when they will be disposed to pay those funds?"

To this question the following was your excellency's answer, as I understood it:

"To-morrow, if necessary. When the Government of the United States shall by a written official communication have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that this misunderstanding was founded on an error--that it did not intend to call in question the good faith of His Majesty's Government--the funds are there; we are ready to pay. In the dispatch to M. Pageot we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that dispatch, and having said that the Government of the United States could not receive a communication in such a form, I have nothing to add. I am forced to retrench myself behind that dispatch. If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error, and the business will stop there."

To your excellency's offer to communicate to me the dispatch to M. Pageot I replied that as my instructions had no reference to that question I did not think myself authorized to discuss it.

After some minutes I rose and said:

"In a short time I shall have the honor of writing to your excellency."

You answered:

"I shall at all times receive with pleasure any communication addressed to me on the part of the Government of the United States."

And our conversation ended.

Such, Monsieur le Duc, as far as my memory serves me, are the literal expressions employed by both of us. Should you discover any inaccuracies in the relation which I have the honor to submit to you, it will give me pleasure, as it will be my duty, to correct them. If, on the contrary, this relation should appear to you in every respect conformable to the truth, I take the liberty of claiming from your kindness a confirmation of it, for the reasons which I have already, I believe, sufficiently explained.

I eagerly avail myself of this occasion, Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be, your excellency's most obedient, humble servant,

THOS. P. BARTON.

No. 4.

\_The Duke de Broglie to Mr. Barton\_.

[Translation.]

E.

PARIS, \_October 26, 1835\_.

T.P. BARTON,

\_Charge de Affaires of the United States\_.

SIR: I have received the letter which you did me the honor to address to me on the 24th of this month.

You are desirous to give your Government a faithful account of the conversation which you had with me on the 20th. While communicating to me a statement of that conversation you request me to indicate the involuntary errors which I may remark in it. I appreciate the motives which influence you and the importance which you attach to the exactness of this statement, and I therefore hasten to point out three errors which have found their way into your report, acknowledging at the same time its perfect conformity on all other points with the explanations interchanged between us.

In reply to your question \_whether the King's Government would name any fixed and determinate period at which it would be disposed to pay the twenty-five millions\_ you make me say:

"To-morrow, if necessary. When the Government of the United States shall by a written official communication have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that this misunderstanding is founded on an error--that it did not intend to call in question the good faith of His Majesty's Government," etc.

Now, this is what I really said:

"To-morrow, to-day, immediately, if the Government of the United States is ready on its part to declare to us, by addressing its claim (\_reclamation\_) to us officially in writing that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded upon a mistake, and that it never entered into its intention (\_pensee\_) to call in question the good faith of the French Government nor to take a menacing attitude toward France."

By the terms of your report I am made to have continued thus:

"In the dispatch to M. Pageot we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that dispatch, and having said that the Government of the United States could not receive the communication in that form," etc.

That was not what I said, because such was not the language of Mr. Forsyth to M. Pageot. On refusing the copy offered to him by that charge d'affaires Mr. Forsyth gave as the only reason \_that it was a document of which he could make no use\_, and that was the phrase repeated by me.

Mr. Forsyth made no objection to the form which I had adopted to communicate to the Federal Government the views of the King's Government; in fact, not only is there nothing unusual in that form, not only is it employed in the intercourse between one government and another whenever there is a desire to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in a direct controversy, but reflection on the circumstances and the respective positions of the two countries will clearly show that it was chosen precisely in a spirit of conciliation and regard for the Federal Government.

Finally, sir, after having said, "If the Government of the United States does not give this assurance we shall be obliged to think that this misunderstanding is not the result of an error," I did not add, "and the business will stop there." This last error is, however, of so little importance that I hesitated to notice it. Receive, sir, the assurances of my high consideration.

V. BROGLIE.

No. 5.

\_Mr. Barton to the Duke de Broglie\_.

F.

LEGATION OF THE UNITED STATES OF AMERICA,

\_Paris, November 6, 1835\_.

His Excellency the DUKE DE BROGLIE,

\_Minister of Foreign Affairs, etc.\_

MONSIEUR LE DUC: Having been recalled by my Government, I have the honor to request that your excellency will be pleased to cause passports to be prepared to enable me to proceed to Havre, thence to embark for the United States, and for my protection during the time I may find it necessary to remain in Paris. I am instructed to give as a reason for my departure the nonexecution on the part of His Majesty's Government of the convention of July 4, 1831.



I avail myself of this opportunity, Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be, your excellency's most obedient, humble servant,

THOS. P. BARTON.

No. 6.

\_The Duke de Broglie to Mr. Barton\_.

[Translation.]

PARIS, \_November 8, 1835\_.

Mr. BARTON,

\_Charge d'Affaires of the United States of America\_.

SIR: Having taken His Majesty's orders with regard to your communication of the 6th instant, I have the honor to send you herewith the passports which you requested of me. As to the reasons which you have been charged to advance in explanation of your departure, I have nothing to say (\_Je n'ai point a m'y arreter\_). The Government of the United States, sir, knows that upon itself depends henceforward the execution of the treaty of July 4, 1831.

Accept, sir, the assurance of my high consideration.

V. BROGLIE.

No. 7.

\_Mr. Forsyth to Mr. Pageot\_.

DEPARTMENT OF STATE,

\_Washington, June 29, 1835\_.

M. PAGEOT,

\_Charge d'Affaires, etc.\_

SIR: I have the honor to acquaint you, for the information of your Government, that the Secretary of the Treasury has, in conformity with the provisions of the act of Congress of 13th July, 1832, designated the Messrs. de Rothschild Brothers, of Paris, as agents to receive the payments from time to time due to this Government under the stipulations of the convention of 4th July, 1831, between the United States and His Majesty the King of the French, and that the President has granted a special power to the said Messrs. de Rothschild Brothers, authorizing and empowering them, upon the due receipt of the same, to give the necessary acquittances to the French Government, according to the provisions of the convention referred to.

The power given to the Messrs. de Rothschild will be presented by them whenever the French Government is ready to make the payments.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

No. 8.

\_Mr. Pageot to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_June 29, 1835\_.

Hon. Mr. FORSYTH,

\_Secretary of State\_.

SIR: I have received the letter which you did me the honor to address to me this day, and by which you communicate to me, for the information of my Government, that the Secretary of the Treasury, in virtue of the act of Congress of July 13, 1832, has appointed Messrs. de Rothschild Brothers, at Paris, agents for receiving as they become due the several payments of the sum stipulated as indemnification by the convention concluded on the 4th of July, 1831, between His Majesty the King of the French and the United States of America.

I lost no time, sir, in transmitting this communication to my Government, and I embrace this opportunity to offer you the assurance of the high consideration with which I have the honor to be, your most humble and obedient servant,

A. PAGEOT.

No. 9.

\_Mr. Pageot to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_December 1, 1835\_.

Hon. JOHN FORSYTH,

\_Secretary of State of the United States\_.

SIR: On the 11th of September last I had the honor, as I was authorized, to read to you a dispatch which his excellency the minister of foreign affairs had addressed to me on the 17th of June previous, respecting the state of the relations between France and the United States. The object of this communication was to make known to the Cabinet of Washington, in a form often employed, the point of view from which the King's Government regarded the difficulties between the two countries, and to indicate the means by which, in its opinion, they might be terminated in a manner honorable to both Governments. I was also authorized to allow you, in case you should desire it, to take a copy of this dispatch, but, contrary to the expectation which diplomatic usages in such cases permitted me to entertain, you thought proper to refuse to request it.

I regretted this resolution of yours, sir, at the time, because, in the first place, it appeared to be at variance with (\_s' ecarter de\_) that conciliatory spirit which so particularly characterized the communication just made to you, and, next, as it seemed in a manner to deprive the Cabinet of Washington of the means of knowing in their full extent the views of the King's Government, of which an attentive examination of the Duke de Broglie's letter could alone have enabled it to form a just estimate. These regrets, sir, have not been diminished,

and at the moment when the President is about to communicate to Congress the state of the relations between France and the United States I consider it useful and necessary for the interests of all to endeavor to place him in possession of all the facts which may afford him the means of giving an exact account of the real dispositions and views of the King's Government on the subject of the existing difficulties.

With this intention, and from a desire to neglect nothing which, by offering to the American Government another opportunity of making itself acquainted minutely with the highly conciliatory sentiments of His Majesty's Government, may contribute to restore good understanding between the Cabinets of Paris and Washington, I have the honor to transmit to you a copy of the Duke de Broglie's dispatch and to request you to place it under the eye of the President.

I embrace this opportunity, sir, to renew to you the assurance of the high consideration with which I have the honor to be, your most humble and most obedient servant,

A. PAGEOT.

No. 10.

\_Mr. Forsyth to Mr. Pageot\_.

DEPARTMENT OF STATE,

\_Washington, December 3, 1835\_.

M. PAGEOT,

\_Charge d'Affaires, etc.\_

SIR: I had yesterday the honor to receive your note of the 1st instant, with the accompanying paper, purporting to be a copy of a letter addressed under date of the 17th of June last by His Excellency the Duke de Broglie, minister of foreign affairs of France, to yourself.

After referring to what occurred in our interview of the 11th September in regard to the original letter, and expressing your regrets at the course I then felt it my duty to take, you request me to place the copy inclosed in your letter under the eye of the President.

In allowing you during that interview to read to me the Duke de Broglie's dispatch, which I cheerfully did, you were enabled to avail yourself of that informal mode of apprising this Department of the views of your Government in the full extent authorized by diplomatic usage. The question whether or not I should ask a copy of that dispatch was of course left, as it should have been, by your Government exclusively to my discretion. My reasons for not making that request were frankly stated to you, founded on a conviction that in the existing state of the relations between the two countries the President would think it most proper that every communication upon the subject in difference between them designed to influence his conduct should, before it was submitted to his consideration, be made to assume the official form belonging to a direct communication from one government to another by which alone he could be enabled to cause a suitable reply to be given to it and to submit it, should such a step become necessary, to his associates in the Government. I had also the honor at the same time to assure you that any direct communication from yourself as the representative of the King's Government to me, embracing the contents of this dispatch or any other matter you might be authorized to communicate in the accustomed mode, would be laid without delay before the President, and would undoubtedly

receive from him an early and just consideration.

It can not have escaped your reflections that my duty required that the circumstances of the interview between us should be reported to the President, and that the discovery of any error on my part in representing his views of the course proper to be pursued on that occasion would without fail have been promptly communicated to you. That duty was performed. The substance of our interview and the reasons by which my course in it had been guided were immediately communicated to and entirely approved by him. I could not, therefore, have anticipated that after so long a period had elapsed, and without any change in the condition of affairs, you should have regarded it as useful or proper to revive the subject at the time and in the form you have seen fit to adopt. Cordially reciprocating, however, the conciliatory sentiments expressed in your note, and in deference to your request, I have again consulted the President on the subject, and am instructed to inform you that the opinion expressed by me in the interview between us, and subsequently confirmed by him, remains unchanged, and I therefore respectfully restore to you the copy of the Duke de Broglie's letter, as I can not make the use of it which you desired.

I am also instructed to say that the President entertains a decided conviction that a departure in the present case from the ordinary and accustomed method of international communication is calculated to increase rather than to diminish the difficulties unhappily existing between France and the United States, and that its observance in their future intercourse will be most likely to bring about the amicable adjustment of those difficulties on terms honorable to both parties. Such a result is sincerely desired by him, and he will omit nothing consistent with the faithful discharge of his duties to the United States by which it may be promoted. In this spirit I am directed by him to repeat to you the assurance made in our interview in September last, that any official communication you may think proper to address to this Government will promptly receive such consideration as may be due to its contents and to the interests involved in the subject to which it may refer.

As the inclosed paper is not considered the subject of reply, you will allow me to add, for the purpose of preventing any misconception in this respect, that my silence in regard to its contents is not to be construed as admitting the accuracy of any of the statements or reasonings contained in it.

I have the honor to renew, etc.

JOHN FORSYTH.

No. 11.

\_Mr. Pageot to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_December 5, 1835\_.

Hon. JOHN FORSYTH,

\_Secretary of State of the United States\_.

SIR: I yesterday evening received the letter which you did me the honor to write to me on the 3d of this month. With it you return to me the copy of a dispatch which I had transmitted to you two days before, and the original of which was addressed to me on the 17th of June last by

his excellency the minister of foreign affairs.

I will not seek, sir, to disguise from you the astonishment produced in me by the return of a document so very important in the present state of the relations between the two countries; neither will I undertake to reply to the reasons on which this determination of yours is based. My intention in communicating this document to you in a form not only sanctioned by the diplomatic usages of all nations and all ages, but also the most direct which I could possibly have chosen, was to make known the real dispositions of my Government to the President of the United States, and through him to Congress and the American people, conceiving that in the existing situation of the two countries it was essential that each Government should fully comprehend the intentions of the other. This consideration appeared to me paramount to all others. You have judged otherwise, sir, and you have thought that whatever might be the importance of a communication it was proper before receiving it to examine whether the form in which it came to you were strictly accordant with the usages necessary, in your opinion, to be observed in diplomatic transactions with the Government of the Republic. I will not insist further. I have fulfilled all the duties which appeared to be prescribed for me by the spirit of reconciliation, in conjunction with the respect due by me to all communications from my Government, and nothing more remains for me than to express my deep regret that the misunderstanding between the two Governments, already so serious, should be kept up, not by weighty difficulties which involve the interests and the dignity of the two countries, but by questions of form as uncertain in their principles as doubtful in their application.

I have the honor to renew to you, sir, the assurances of my high consideration.

A. PAGEOT.

No. 12.

\_Mr. Pageot to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_January 2, 1836\_.

\_ Hon. JOHN FORSYTH\_,

\_Secretary of State of the United States\_.

SIR: I have the honor to announce to you that, in consequence of the recall of Mr. Barton, the King's Government has given me orders to lay down the character of charge d'affaires of His Majesty near the Government of the United States. I shall therefore immediately begin the preparations for my return to France; but in the meantime I think proper to claim the protection of the Federal Government during the period which I may consider it necessary to remain in the United States.

I have the honor to be, with the most distinguished consideration, sir, your most humble and obedient servant,

A. PAGEOT.

No. 13.

\_Mr. Forsyth to Mr. Pageot\_.

DEPARTMENT OF STATE,

\_Washington, January 2, 1836\_.

\_M. ALPHONSE PAGEOT, etc.\_

SIR: I have the honor to acknowledge your note of this day's date, in which you announce that you have the orders of your Government, given in consequence of the recall of Mr. Barton, to lay aside the character of charge d'affaires of the King of France near the Government of the United States. The protection of the Federal Government is due and will of course be extended to you during the time necessary for your preparations to return to France.

I am, sir, with great consideration, your obedient servant,

JOHN FORSYTH.

C.

LEGATION OF THE UNITED STATES,

\_Paris, January 29, 1835\_.

His Excellency COUNT DE RIGNY,

\_Minister Secretary of State of Foreign Affairs\_.

SIR: Having already had occasion to acknowledge the receipt of your excellency's letter of the 13th instant, and to answer that part of it which most urgently required my attention, I proceed to a consideration of the other matters which it contains. I shall do this with a sincere desire to avoid everything that may excite irritation or increase difficulties which already unfortunately exist. Guided by this disposition, I shall confine myself to an examination of your note, considered only as an exposition of the causes which His Majesty's Government thinks it has to complain of in the message sent by the President of the United States to Congress at the opening of its present session.

Your excellency begins by observing that nothing could have prepared His Majesty's Government for the impressions made upon it by the President's message, and that if the complaints he makes were as just as you think them unfounded, still you would have reason to be astonished at receiving \_the first communication of them in such a form\_. If His Majesty's Government was not prepared to receive complaints on the part of the United States for nonexecution of the treaty, everything I have said and written since I have had the honor of communicating with your excellency and your predecessors in office must have been misunderstood or forgotten. I can scarcely suppose the first, for if my whole correspondence is referred to and my verbal representations recollected they will be found in the most unequivocal language to express an extreme solicitude for the execution of the treaty, a deep disappointment at the several delays which have intervened, and emphatically the necessity which the President would be under of laying the matter before Congress at the time when in fact he has done so if before that period he did not receive notice that the law had passed for giving effect to the treaty. To urge the obligation of the treaty, to prepare His Majesty's Government for the serious consequences that must result from its breach or an unnecessary delay in executing it, was my duty, and it has been faithfully and unremittingly executed. To my own official representation on the 26th I added on the 29th July last the

precise instructions I had received, to inform His Majesty's Government that "the President could not avoid laying before Congress on the 1st of December a full statement of the position of affairs on this interesting subject, or permit the session to end, as it must do on the 3d March, without recommending such measures as the justice and the honor of the country may require."

In this alone, then, there was sufficient, independently of my numerous applications and remonstrances, to prepare His Majesty's Government for the just complaints of the United States and for the "impression" they ought to produce, as well as for the "\_mode\_" in which they were communicated, a mode clearly pointed out in the passage I have quoted from my note of the 29th of July--that is to say, by the annual message from the President to Congress, which, as I have already had occasion to observe, His Majesty's ministers have erroneously considered as addressed directly to them, and, viewing it in that light, have arraigned this document as containing groundless complaints, couched in language not called for by the occasion, and offering for consideration means of redress offensive to the dignity of France. I shall endeavor by a plain exposition of facts to repel those charges. I shall examine them with the freedom the occasion requires, but, suppressing the feelings which some parts of your excellency's letter naturally excite, will, as far as possible, avoid all those topics for recrimination which press upon my mind. The observation I am about to make will not be deemed a departure from this rule, because it is intended to convey information which seems to have been wanted by His Majesty's minister when on a late occasion he presented a law to the Chamber of Deputies. It is proper, therefore, to state that although the military title of general was gloriously acquired by the present head of the American Government, he is not in official language designated as General Jackson, but as "the President of the United States," and that his communication was made in that character.

I proceed now to the examination of that portion of your excellency's letter which attempts to show that the complaints set forth in the President's message are groundless.

It begins by assuming as a principle of argument that after the Chamber of Deputies had rejected the law and His Majesty's Government had promised to present it anew the United States had by receiving that promise given up all right to complain of any anterior delays. I have vainly endeavored, sir, to find any rule of reasoning by which this argument can be supported. It would undoubtedly be much easier to strike off from the case the delays of two years in proposing the law than to justify them.

It is true that the United States, with a moderation and forbearance for which they receive no credit, waited two years, almost without complaint, for the performance of a treaty which engaged the faith of the French nation to pay a just indemnity, for which they had already waited more than twenty years. It is true that His Majesty's Government offered solemn assurances that as soon as the constitution of the country would permit a new attempt would be made to redeem the national pledge given by the treaty. It is true also that the President of the United States gave credit to those assurances; but it is also true--and your excellency seems to lose sight of that important uncontested fact--that formal notice was given that the performance of those promises would be expected according to their letter, and that he could delay no longer than the 1st of December the execution of a duty which those assurances had induced him to postpone. Whatever reasons His Majesty's Government had for not complying with Mr. Serurier's engagement, or however they may have interpreted it, the President could not be precluded from considering the whole case as open and adding to his statement the wrongs occasioned by the delays anterior to the vote of rejection. Those delays are still unaccounted for, and are rendered

more questionable by the preference given to another treaty, although subsequently made, for the guarantee of the Greek loan.

Confining your observations to this second period, you say that the reproaches which the President thinks himself authorized in making to France may be comprised in the following words:

"The Government of the King had promised to present the treaty of July anew to the Chambers as soon as they could be assembled; but they have been assembled on the 31st of July of the last year and the treaty has not yet been presented."

Stating this as the whole of the complaint, you proceed, sir, in your endeavor to refute it.

I am obliged, reluctantly, here to make use of arguments which in the course of this discussion have been often repeated, but which seem to have made no impression on His Majesty's Government. I am obliged, in repelling the reproaches addressed to the President, to bring to your recollection the terms of the promise on which he relied, the circumstances attending it, and the object for which it was given. These must be fully understood and fully waived before the question between us can be resolved.

The circumstances under which Mr. Serurier's note was written are material in considering its true import. The payment stipulated by a treaty duly ratified on both sides had just been formally refused by a vote of the Chamber of Deputies. More than two years had passed since it had been proclaimed as the law of the land in the United States, and ever since the articles favorable to France had been in constant operation. Notice of this refusal had some time before been received by the President. It would have been his duty, had nothing else occurred, to communicate to Congress this event, so unexpected and so injurious to the interest of the country. One circumstance prevented the performance of this duty and justified the omission. The notice of the rejection was accompanied by information that the minister of France was instructed to make explanations and engagements on the subject, and that a ship of war would be dispatched with his instructions. The President had waited a month for the arrival of this ship. An unusually long session of Congress still afforded an opportunity for making the communication, even after her arrival. If made it would undoubtedly have produced consequences the nature of which may be imagined by considering the events that have since occurred. It was necessary, then, to prevent an interruption of the friendly relations between the two countries, that this communication should be postponed until the subsequent session of Congress; longer than that it was well known that it could not be deferred. This was clearly and explicitly stated in a conference between Mr. Serurier and the Secretary of State of the United States, in which the former gave the promise in question. But the President desired to have the engagement in a written and official form (and as Mr. Serurier expresses it in his letter), "*\_pour des causes prises dans les necessites de votre Gouvernement\_*" What governmental necessity does he allude to? Clearly that which obliged the President to communicate these engagements to Congress at the next session.

Here, then, we have a stipulation made under special orders, sent out by a ship dispatched for that express purpose, communicated first verbally in an official conference, afterwards reduced to writing and delivered to the proper officers, for the double purpose of justifying the President for not making an immediate communication at their then session and also to serve as a pledge which he might exhibit if unredeemed at their next. These objects are well stated by Mr. Serurier to be "that the Government of the Republic may avoid, with a providential solicitude, *\_in this unsettled state of things\_* all that may become a cause of new irritation between the two countries, endanger



the treaty, and raise obstacles that may become insurmountable to the views of conciliation and harmony which animate the councils of the King." It was, then, to avoid a communication to Congress, which Mr. Serurier saw would endanger the peace of the two countries, that this engagement was made. Surely, then, every word of a stipulation made under such circumstances and for such important purposes must have been duly considered and its import properly weighed, first by the cabinet who directed, afterwards by the minister who delivered and the Government which received it.

What, then, was this engagement? First, that the Government of the King will use every legal and constitutional effort which its persevering persuasion of the justice and advantages of the treaty authorize the United States to expect from it. "Son intention est" (I quote literally), "en outre" (that is, besides using those endeavors above mentioned), "de faire tout ce que la constitution permet" pour rapprocher autant que possible l'époque de la présentation nouvelle de la loi rejetée." Your excellency can not fail to have observed two distinct parts in this engagement—one relating to the endeavors the ministry promise to make in order to induce the Chambers to pass the law, for the success of which they could not answer; another relating to the time of presentation of the law, a matter which depended on them alone, restricted only by constitutional forms.

The promise on this point, then, was precise, and could not be misunderstood. Whatever the constitution of France permitted, the Government of France promised to do in order to hasten the presentation of the law. What was the cause of this desire to bring the business before the Chambers at an early day? No one can doubt it who knows the situation of the two countries, still less anyone who has read the correspondence. It was to enable the President to make those statements to the next Congress which, relying on the engagements of the French minister, he had omitted to make to this.

It was clear, therefore, that more was required than the expression of a desire on the part of His Majesty's ministers to execute the treaty—a desire the sincerity of which was not doubted, but which might be unavailing, as its accomplishment depended on the vote of the Chambers. For the President's satisfaction, and for his justification too, an engagement was offered and accepted for the performance of an act which depended on His Majesty's Government alone. This engagement was couched in the unequivocal terms I have literally quoted.

This, sir, is not all. That there might be no misunderstanding on the subject, this promise, with the sense in which it was understood, the important object for which it was given, and the serious consequences that might attend a failure to comply with it, were urged in conversation, and repeated in my official letters, particularly those of the 26th and 29th of July and 3d and 9th of August last, in which its performance was strongly pressed.

The answers to these letters left no hope that the question would be submitted to the Chambers in time to have the result known before the adjournment of Congress, and by the refusal to hasten the convocation of the Chambers before the last of December showed unequivocally that, so far from taking all measures permitted by the constitution to hasten the period of presenting the law, it was to be left to the most remote period of the ordinary course of legislation.

This decision of His Majesty's Government, contained in your excellency's note to me of the 7th August, was duly transmitted to the President, and it naturally produced upon his mind the impressions which I anticipated in my letters to your excellency that it would produce. He saw with the deepest regret that a positive assurance for convening the Chambers as soon as the constitution would permit was construed to

mean only a disposition to do so, and that this disposition had yielded to objections which he could not think of sufficient force to justify a delay even if there had intervened no promise, especially as the serious consequences of that delay had been earnestly and repeatedly brought to the consideration of His Majesty's Government. In fact, sir, what were those objections? I do not speak of those which were made to presenting the law in the session of July last, for although no constitutional impediment offered itself, yet it was not strongly insisted on, because an early session in the autumn, would have the same effect; and the President, for the same reason, says that it might have been overlooked if an early call of the Chambers had been made. They are the objections to this call, then, which immediately demand our attention. What, in fact, were they? None derived from the constitutional charter have been or could have been asserted. What, then, were they? Your excellency's letter of the 3d of August to me contains none but this: "His Majesty's Government finds it impossible to make any positive engagement on that point." In that of the 7th of August there are two reasons assigned: First, the general inconvenience to the members. This the President could surely not think of alleging to Congress as a sufficient reason for omitting to lay the matter before them. The next, I confess, has a little more weight, and might have excused a delay if the assurance given by Mr. Serurier had been, as your excellency construes it, merely of a disposition to hasten the presentation of the law. If the engagement had amounted to no more than this, and His Majesty's ministers thought that an early call would endanger the passage of the law, it might possibly justify them in not making it. But the President, who relied on the promise he had received, who in consequence of it had deferred the performance of an important duty; the President, who had given timely and official notice that this duty must be performed at the opening of the next Congress; the President, who could see no greater prospect of the passage of the law in a winter than in an autumnal session--how was he to justify himself and redeem the pledge he had made to his country? He did it in the way he always does--by a strict performance.

From this detail your excellency will, I hope, see that the President's causes of complaint can not, as you suppose, be confined within the narrow limit you have assigned to them. The failure to present the law in the session of July was not the only, nor even the principal, point in which he thought the engagement of Mr. Serurier uncomplied with; for although he saw no reason for the omission that could be called a constitutional one, yet he expressly says that might have been overlooked. He always (it can not too often be repeated) looked to the promise of Mr. Serurier as it was given at Washington, not as it was interpreted at Paris, and he had a right to believe that as on previous occasions the Legislature had, in the years 1819, 1822, 1825, and 1830, held their sessions for the transaction of the ordinary business in the months of July and August, he had a right, I say, to believe that there was no insurmountable objection to the consideration of this extraordinary case, enforced by a positive promise. Yet, as I have remarked, he did not make this his principal cause of complaint; it was the omission to call the Chambers at an earlier period than the very end of the year.

On this head your excellency is pleased to observe that the same reasons, drawn from the usual course of administration, which rendered the presentation of the law in the session of July impossible applied with nearly the same force to a call before the end of the year; and you appeal to the President's knowledge of the "fixed principles of a constitutional system" to prove that the administration under such a government is subject to regular and permanent forms, "from which no special interest, however important, should induce it to deviate." For this branch of the argument it unfortunately happens that no regular form of administration, no fixed principle, no usage whatever, would have opposed a call of the Chambers at an early day, and the rule which

your excellency states would not be broken "in favor of any interest, however important," has actually been made to yield to one of domestic occurrence. \_The Chambers have just been convened before the period which was declared to be the soonest at which they could possibly meet\_. Your excellency will also excuse me for remarking that since the first institution of the Chambers, in 1814, there have been convocations for every month of the year, without exception, which I will take the liberty of bringing to your recollection by enumerating the different dates. The Chambers were summoned for the month of January in the years 1823, 1826, and 1829; for February, in the years 1827 and 1829; for March, in 1815, 1824, and 1830; for April, in 1833; for May, in 1814; for June, in 1815, 1822, and 1825; for July, in 1834; for August, in 1830 and 1831; for September, in 1815; for October, in 1816; for November, in 1817, 1818, 1819, 1821, and 1832; and for December, in 1820, 1824, 1826, and 1833. It is, then, clear to demonstration that neither constitutional impediment nor stern, inflexible usage prevented such a call of the Chambers as would have complied with the letter of Mr. Serurier's engagement. Since I have alluded to the actual meeting of the Chambers on the 1st of December, it is but candid to allow that even this period would not have enabled the President to have attained one of his objects--the presenting of the result of their deliberations to Congress in his opening message. But even that slight concession, if it had been made to my unceasing applications, might have given an opportunity of conveying their decision to Congress before the 4th of March, when they must adjourn, because, had that day been then determined on, everything would have been ready to lay before the Chambers on the opening of the session; but a meeting a month or six weeks earlier would have given ample time for deliberation and decision in season to have it known at Washington on the 1st of December.

The necessity of giving time to the new members to inform themselves of the nature of the question and the old ones to recover from the impression which erroneous statements had made upon their minds I understand to be the remaining motive of His Majesty's ministers for delaying the meeting; but this was a precaution which, relying on the plain obligation of the treaty, the President could not appreciate, and he must, moreover, have thought that if a long discussion was necessary to understand the merits of the question it was an additional reason for hastening the meeting where those merits were to be discussed. The delay that occurred between the meeting of the Chambers and the 1st of January need not have entered into the discussion, because, not long known at Washington, it could not have had any influence on the message. It is referred to, I presume, in order to show that it was produced by a desire on the part of His Majesty's ministers the better to assure the passage of the law. Of this, sir, I never had a doubt, and immediately so advised my Government, and informed it (as was the fact) that I perfectly acquiesced in the delay; first, because of the circumstance to which you allude; secondly, because the statements originally intended to be ready by the 1st of January were not yet prepared. There is a slight error in this part of your excellency's letter; the delay was not made at my request, but was fully approved of, for the reasons which I have stated.

I have entered into this detail, sir, not for the purpose of recrimination, which, in most cases useless, would in this be worse, but with the object, as was my duty, of showing that although the ministers of the King, under the interpretation they seem to have given to Mr. Serurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success, yet the President, interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress and detailing to them all the remedies which the law of nations would allow to be applied to the case, leaving to them

the choice, leaving to their wisdom and prudence the option, of the alternative of further delay or conditional action. Could he have said less in this branch of his message? If he alluded to the subject at all, he was obliged to detail the circumstances of the case. It is not pretended that this is not done with fidelity as to facts. The ratification of the treaty, its effect in pledging the faith of the nation, the fidelity with which the United States have executed it, the delay that intervened before it was brought before the Chambers, their rejection of the law, the assurances made by Mr. Serurier, the forbearance of the President to make a communication to Congress in consequence of those assurances, and the adjournment of the question by His Majesty's Government to the end of the year--none of these have ever been denied, and all this the President was obliged to bring before Congress if, as I have said, he spoke on the subject. But he was obliged by a solemn duty to speak of it, and he had given timely and repeated notice of this obligation. The propositions which he submitted to Congress in consequence of those facts were a part of his duty. They were, as I have stated, exclusively addressed to that body, and in offering them he felt and expressed a proper regret, and, doing justice to the character and high feeling of the French nation, he explicitly disavowed any intention of influencing it by a menace.

I have no mission, sir, to offer any modification of the President's communication to Congress, and I beg that what I have said may be considered with the reserve that I do not acknowledge any right to demand or any obligation to give explanations of a document of that nature. But the relations which previously existed between the two countries, a desire that no unnecessary misunderstanding should interrupt them, and the tenor of your excellency's letter (evidently written under excited feeling) all convinced me that it was not incompatible with self-respect and the dignity of my country to enter into the detail I have done. The same reasons induced me to add that the idea erroneously entertained that an injurious menace is contained in the message has prevented your excellency from giving a proper attention to its language. A cooler examination will show that although the President was obliged, as I have demonstrated, to state to Congress the engagements which had been made, and that in his opinion they had not been complied with, yet in a communication not addressed to His Majesty's Government not a disrespectful term is employed, nor a phrase that his own sense of propriety, as well as the regard which one nation owes to another, would induce him to disavow. On the contrary, expressions of sincere regret that circumstances obliged him to complain of acts that disturbed the harmony he wished to preserve with a nation and Government to the high characters of which he did ample justice.

An honorable susceptibility to everything that may in the remotest degree affect the honor of the country is a national sentiment in France; but you will allow, sir, that it is carried too far when it becomes impatient of just complaint, when it will allow none of its acts to be arraigned and considers as an offense a simple and correct examination of injuries received and as an insult a deliberation on the means of redress. If it is forbidden, under the penalties of giving just cause of offense, for the different branches of a foreign government to consult together on the nature of wrongs it has received and review the several remedies which the law of nations present and circumstances justify, then no such consultation can take place in a government like that of the United States, where all the proceedings are public, without at once incurring the risk of war, which it would be the very object of that consultation to avoid.

The measures announced in the close of your letter, as well as the correspondence that it has occasioned between us, have been transmitted to my Government, and I wait the instructions which that communication will produce.

I pray your excellency to receive the renewed assurance of the high consideration with which I have the honor to be, your most obedient, humble servant,

EDW. LIVINGSTON.

[Indorsement.]

This letter was referred to in my message of the 7th of December last, and ought to have been then transmitted with that of the 25th of April, but by some oversight it was omitted.

A.J.

WASHINGTON, \_January 18, 1836\_.

\_To the Senate of the United States\_:

In compliance with the resolution of the Senate of the 12th instant, I transmit a report of the Secretary of State, with the papers therein referred to, which, with those accompanying the special message this day sent to Congress, are believed to contain all the information requested. The papers relative to the letter of the late minister of France have been added to those called for, that the subject may be fully understood.

ANDREW JACKSON.

DEPARTMENT OF STATE,

\_Washington, January 13, 1836\_.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State has the honor to lay before the President a copy of a report made to him in June last, and of a letter addressed to this Department by the late minister of the Government of France, with the correspondence connected with that communication, which, together with a late correspondence between the Secretary of State and the French charge d'affaires and a recent correspondence between the charge d'affaires of the United States at Paris and the Duke de Broglie, already transmitted to the President to be communicated to Congress with his special message relative thereto, are the only papers in the Department of State supposed to be called for by the resolutions of the Senate of the 12th instant.

It will be seen by the correspondence with the charge d'affaires of France that a dispatch to him from the Duke de Broglie was read to the Secretary at the Department in September last. It concluded with an authority to permit a copy to be taken if it was desired. That dispatch being an argumentative answer to the last letter of Mr. Livingston to the French Government, and in affirmance of the right of France to expect explanations of the message of the President, which France had been distinctly and timely informed could not be given without a disregard by the Chief Magistrate of his constitutional obligations, no desire was expressed to obtain a copy, it being obviously improper to receive an argument in a form which admitted of no reply, and necessarily unavailing to inquire how much or how little would satisfy France, when her right to any such explanation had been beforehand so distinctly and formally denied.

All which is respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE,

\_Washington, June 18, 1835\_.

The PRESIDENT OF THE UNITED STATES:

I have the honor to present, for the examination of the President, three letters received at the Department from ----, dated at Paris, the 19th, 23d, and 30th of April. The last two I found here on my recent return from Georgia. They were received on the 9th and 10th of June; the last came to my own hand yesterday. Several communications have been previously received from the same quarter, all of them volunteered; none of them have been acknowledged. The unsolicited communications to the Department by citizens of the United States of facts that may come to their knowledge while residing abroad, likely to be interesting to their country, are always received with pleasure and carefully preserved on the files of the Government. Even opinions on foreign topics are received with proper respect for the motives and character of those who may choose to express them.

But holding it both improper and dangerous to countenance any of our citizens occupying no public station in sending confidential communications on our affairs with a foreign government at which we have an accredited agent, upon subjects involving the honor of the country, without the knowledge of such agent, and virtually substituting himself as the channel of communication between that government and his own, I considered it my duty to invite Mr. Pageot to the Department to apprise him of the contents of Mr. ----'s letter of the 23d of April, and at the same time to inform him that he might communicate the fact to the Duke de Broglie that no notice could be taken of Mr. ---- and his communications.

The extreme and culpable indiscretion of Mr. ---- in this transaction was strikingly illustrated by a remark of Mr. Pageot, after a careful examination of the letter of 23d April, that although without instructions from his Government he would venture to assure me that the Duke de Broglie could not have expected Mr. ---- to make such a communication to the Secretary of State. Declining to enter into the consideration of what the Duke might have expected or intended, I was satisfied with the assurances Mr. Pageot gave me that he would immediately state what had occurred to his Government.

All which is respectfully submitted, with the hope, if the course pursued is approved by the President, that this report may be filed in this Department with the letters to which it refers.

JOHN FORSYTH.

\_Mr. Forsyth to Mr. Livingston\_.

No. 50.

[Extract.]

DEPARTMENT OF STATE,

\_Washington, March 5, 1835\_.

EDWARD LIVINGSTON, Esq.,

\_Envoy Extraordinary and Minister Plenipotentiary, Paris\_.

SIR: In my note No. 49 you were informed that the last letter of M. Serurier would be made the subject of separate and particular instructions to you. Unwilling to add to the irritation produced by recent incidents in our relations with France, the President will not take for granted that the very exceptionable language of the French minister was used by the orders or will be countenanced by the authority of the King of France. You will therefore, as early as practicable after this reaches you, call the attention of the minister of foreign affairs to the following passage in M. Serurier's letter:

"Les plaintes que porte M. le President centre le pretendu non-accomplissement des engagements pris par le Gouvernement du Roi a la suite du vote du 1er avril 1834, ne sont pas seulement etrange par l'entiere inexactitude des allegations sur lesquelles elles reposent, mais aussi parceque les explications qu'a recues a Paris M. Livingston, et celles que le soussigne a donnees directement an cabinet de Washington semblaient ne pas laisser meme la possibilite d'un malentendu sur des points aussi delicats."

In all discussions between government and government, whatever may be the differences of opinion on the facts or principles brought into view, the invariable rule of courtesy and justice demands that the sincerity of the opposing party in the views which it entertains should never be called in question. Facts may be denied, deductions examined, disproved, and condemned, without just cause of offense; but no impeachment of the integrity of the Government in its reliance on the correctness of its own views can be permitted without a total forgetfulness of self-respect. In the sentence quoted from M. Serurier's letter no exception is taken to the assertion that the complaints of this Government are founded upon allegations entirely inexact, nor upon that which declares the explanations given here or in Paris appeared, not to have left even the possibility of a misunderstanding on such delicate points. The correctness of these assertions we shall always dispute, and while the records of the two Governments endure we shall find no difficulty in shewing that they are groundless; but when M. Serurier chooses to qualify the nonaccomplishment of the engagements made by France, to which the President refers, as a \_pretended\_ nonaccomplishment, he conveys the idea that the Chief Magistrate knows or believes that he is in error, and acting upon this known error seeks to impose it upon Congress and the world as truth. In this sense it is a direct attack upon the integrity of the Chief Magistrate of the Republic. As such it must be indignantly repelled; and it being a question of moral delinquency between the two Governments, the evidence against France, by whom it is raised, must be sternly arrayed. You will ascertain, therefore, if it has been used by the authority or receives the sanction of the Government of France \_in that sense\_. Should it be disavowed or explained, as from the note of the Count de Rigny to you, written at the moment of great excitement, and in its matter not differing from M. Serurier's, it is presumed it will be, you will then use the materials herewith communicated, or already in your power, in a temper of great forbearance, but with a firmness of tone not to be mistaken, to answer the substance of the note itself.

\_Mr. Serurier to Mr. Forsyth\_.

[Translation.]

WASHINGTON, \_February 23, 1835\_.

Hon. JOHN FORSYTH,

\_Secretary of State\_.

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of the French at Washington, has received orders to present the following note to the Secretary of State of the Government of the United States:

It would be superfluous to say that the message addressed on the 1st of December, 1834, to the Congress of the United States by President Jackson was received at Paris with a sentiment of painful surprise.

The King's Government is far from supposing that the measures recommended in this message to the attention of Congress can be adopted (\_votees\_) by that assembly; but even considering the document in question as a mere manifestation of the opinion which the President wishes to express with regard to the course taken in this affair, it is impossible not to consider its publication as a fact of a most serious nature.

The complaints brought forward by the President on account of the pretended nonfulfillment of the engagements entered into by the King's Government after the vote of the 1st of April are strange, not only from the total inaccuracy of the allegations on which they are based, but also because the explanations received by Mr. Livingston at Paris and those which the undersigned has given directly to the Cabinet of Washington seemed not to leave the slightest possibility of misunderstanding on points so delicate.

It appeared, indeed, from these explanations that although the session of the French Chambers, which was opened on the 31st of July last in compliance with an express provision of the charter, was prorogued at the end of a fortnight, before the bill relative to the American claims, announced in the discourse from the throne, could be placed under discussion, this prorogation arose (\_tendit\_) entirely from the absolute impossibility of commencing at so premature a period the legislative labors belonging to the year 1835.

It also appeared that the motives which had hindered the formal presentation to the Chambers of the bill in question during the first space of a fortnight originated chiefly in the desire more effectually to secure the success of this important affair by choosing the most opportune moment of offering it to the deliberations of the deputies newly elected, who, perhaps, might have been unfavorably impressed by this unusual haste in submitting it to them so long before the period at which they could enter upon an examination of it.

The undersigned will add that it is, moreover, difficult to comprehend what advantage could have resulted from such a measure, since it could not evidently have produced the effect which the President declares that he had in view, of enabling him to state at the opening of Congress that these long-pending negotiations were definitively closed. The President supposes, it is true, that the Chambers might have been called together anew before the last month of 1834; but even though the session had been opened some months earlier--which for several reasons would have been impossible--the simplest calculation will serve to shew that in no case could the decision of the Chambers have been taken, much less made known at Washington, before the 1st of December.

The King's Government had a right (\_devait\_) to believe that considerations so striking would have proved convincing with the



Cabinet of the United States, and the more so as no direct communication made to the undersigned by this Cabinet or transmitted at Paris by Mr. Livingston had given token of the irritation and misunderstandings which the message of December 1 has thus deplorably revealed, and as Mr. Livingston, with that judicious spirit which characterizes him, coinciding with the system of (menagemens) precautions and temporizing prudence adopted by the cabinet of the Tuileries with a view to the common interests, had even requested at the moment of the meeting of the Chambers that the presentation of the bill in question might be deferred, in order that its discussion should not be mingled with debates of another nature, with which its coincidence might place it in jeopardy.

This last obstacle had just been removed and the bill was about to be presented to the Chamber of Deputies when the arrival of the message, by creating in the minds of all a degree of astonishment at least equal to the just irritation which it could not fail to produce, has forced the Government of the King to deliberate on the part which it had to adopt.

Strong in its own right and dignity, it did not conceive that the inexplicable act of the President ought to cause it to renounce absolutely a determination the origin of which had been its respect for engagements (loyaute) and its good feelings toward a friendly nation. Although it does not conceal from itself that the provocation given at Washington has materially increased the difficulties of the case, already so great, yet it has determined to ask from the Chambers an appropriation of twenty-five millions to meet the engagements of the treaty of July 4.

But His Majesty has at the same time resolved no longer to expose his minister to hear such language as that held on December 1. The undersigned has received orders to return to France, and the dispatch of this order has been made known to Mr. Livingston.

The undersigned has the honor to present to the Secretary of State the assurance of his high consideration.

SERURIER.

Mr. Livingston to the Duke de Broglie.

LEGATION OF THE UNITED STATES OF AMERICA,

Paris, April 18, 1835.

M. LE DUC: I am specially directed to call the attention of His Majesty's Government to the following passage in the note presented by M. Serurier to the Secretary of State at Washington:

"Les plaintes que porte Monsieur le President centre le pretendu non-accomplissement des engagements pris par le Gouvernement du Roi a la suite du vote du 1er avril 1834, ne sont pas settlement etrange par l'entiere inexactitude des allegations sur lesquelles elles reposent, mais aussi parceque les explications qu'a recues a Paris M. Livingston, et celles que le soussigne a donnees directement an cabinet de Washington, semblaient ne pas laisser meme la possibilite d'un malentendu sur des points aussi delicats."

Each party in a discussion of this nature has an uncontested right to make its own statement of facts and draw its own conclusions from them, to acknowledge or deny the accuracy of counter proof or the force of objecting arguments, with no other restraints than those which respect for his own convictions, the opinion of the world, and the rules of

common courtesy impose. This freedom of argument is essential to the discussion of all national concerns, and can not be objected to without showing an improper and irritating susceptibility. It is for this reason that the Government of the United States make no complaint of the assertion in the note presented by M. Serurier that the statement of facts contained in the President's message is inaccurate, and that the causes assigned for the delay in presenting the law ought to have satisfied them. On their part they contest the facts, deny the accuracy of the conclusions, and appeal to the record, to reason, and to the sense of justice of His Majesty's Government on a more mature consideration of the case for their justification. But I am further instructed to say that there is one expression in the passage I have quoted which in one signification could not be admitted even within the broad limits which are allowed to discussions of this nature, and which, therefore, the President will not believe to have been used in the offensive sense that might be attributed to it. The word "pretendu" sometimes, it is believed, in French, and its translation always in English, implies not only that the assertion which it qualifies is untrue, but that the party making it knows it to be so and uses it for the purposes of deception.

Although the President can not believe that the term was employed in this injurious sense, yet the bare possibility of a construction being put upon it which it would be incumbent on him to repel with indignation obliges him to ask for the necessary explanation.

I have the honor to be, etc.,

EDWARD LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

[Extract.]

WASHINGTON, June 29, 1835.

... Having received my passports, I left Paris on the 29th of April. At the time of my departure the note, of which a copy has been transmitted to you, asking an explanation of the terms used in M. Serurier's communication to the Department, remained unanswered, but I have reason to believe that the answer when given will be satisfactory.

WASHINGTON, January 20, 1836.

Hon. JAMES K. POLK,

Speaker of the House of Representatives.

SIR: I herewith transmit to the House of Representatives a report from the Director of the Mint, exhibiting the operations of that institution during the year 1835.

The report contains also some very useful suggestions as to certain changes in the laws connected with our coinage and with that establishment, which are recommended to your early and careful attention.

Besides some remarks in it on the progress made in the erection of branch mints and procuring machinery therefor, I inclose a report from the Secretary of the Treasury, submitting more detailed statements as to the new buildings from each of the agents appointed to superintend their

erection.

ANDREW JACKSON.

WASHINGTON, \_February 8, 1836\_.

\_To the Senate and House of Representatives\_:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last which proposes a partial nonintercourse with France. While we can not too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country and forget the lessons of experience if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I can not too strongly repeat the recommendation already made to place the seaboard in a proper state for defense and promptly to provide the means for amply protecting our commerce.

ANDREW JACKSON.

WASHINGTON, \_February 9, 1836\_.

\_To the Senate of the United States\_:

In answer to the call made by the Senate in their resolution of the 3d instant, relative to the Indian hostilities in Florida, I transmit herewith a report from the Secretary of War, accompanied by sundry explanatory papers.

ANDREW JACKSON.

WASHINGTON, \_February 10, 1836\_.

\_To the House of Representatives\_:

I transmit herewith a report from the Secretary of War, with copies of so much of the correspondence relating to Indian affairs called for by the resolution of the House of January 23, 1835, as can be furnished by that Department. I also transmit a report on the same subject from the Treasury Department, from which it appears that without a special appropriation or the suspension for a considerable period of much of the urgent and current business of the General Land Office it is impracticable to take copies of all the papers described in the

resolution. Under these circumstances the subject is again respectfully submitted to the consideration of the House of Representatives.

ANDREW JACKSON.

FEBRUARY 11, 1836.

\_To the Senate of the United States\_:

I herewith return to the Senate the resolution of the legislature of the State of Indiana requesting the President to suspend from sale a strip of land 10 miles in width, on a line from Munceytown to Fort Wayne, which resolution was referred to me on the 5th instant.

It appears from the memorial to which the resolution is subjoined that the lands embraced therein have been in market for several years past; that the legislature of the State of Indiana have applied to Congress for the passage of a law giving that State the right to purchase at such reduced prices as Congress may fix, and that their suspension from sale is requested as auxiliary to this application.

By the acts of Congress now in force all persons who may choose to make entries for these lands in the manner prescribed by law are entitled to purchase the same, and as the President possesses no dispensing power it will be obvious to the Senate that until authorized by law he can not rightfully act on the subject referred to him.

ANDREW JACKSON.

WASHINGTON, \_February 15, 1836\_.

\_To the Senate of the United States\_:

I transmit to the Senate, in pursuance of the resolutions passed by that body on the 3d instant, a report from the Secretary of State, accompanied by certain papers, relative to the existing relations between the United States and France.

ANDREW JACKSON.

WASHINGTON, \_February 18, 1836\_.

\_To the House of Representatives of the United States\_:

I transmit to the House of Representatives, in answer to their resolutions of the ---- February instant, reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, relating to the relations between the United States and France. For reasons adverted to by the Secretary of State, the resolutions of the House have not been more fully complied with.

ANDREW JACKSON.

FEBRUARY 22, 1836.

\_To the Senate and House of Representatives\_:

I transmit herewith to Congress copies of the correspondence between the Secretary of State and the charge d'affaires of His Britannic Majesty, relative to the mediation of Great Britain in our disagreement with France and to the determination of the French Government to execute the treaty of indemnification without further delay on the application for payment by the agent of the United States.

The grounds upon which the mediation was accepted will be found fully developed in the correspondence. On the part of France the mediation had been publicly accepted before the offer of it could be received here. Whilst each of the two Governments has thus discovered a just solicitude to resort to all honorable means of adjusting amicably the controversy between them, it is a matter of congratulation that the mediation has been rendered unnecessary. Under such circumstances the anticipation may be confidently indulged that the disagreement between the United States and France will not have produced more than a temporary estrangement. The healing effects of time, a just consideration of the powerful motives for a cordial good understanding between the two nations, the strong inducements each has to respect and esteem the other, will no doubt soon obliterate from their remembrance all traces of that disagreement.

Of the elevated and disinterested part the Government of Great Britain has acted and was prepared to act I have already had occasion to express my high sense. Universal respect and the consciousness of meriting it are with Governments as with men the just rewards of those who faithfully exert their power to preserve peace, restore harmony, and perpetuate good will.

I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. From the nature of our institutions the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war. I submit it, then, to you whether the first duty we owe to the people who have confided to us their power is not to place our country in such an attitude as always to be so amply supplied with the means of self-defense as to afford no inducements to other nations to presume upon our forbearance or to expect important advantages from a sudden assault, either upon our commerce, our seacoast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time inevitably elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger; and if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now, fortunately, so situated that the expenditure for this purpose will not be felt, and if it were it would be approved by those from whom all its means are derived, and for whose benefit only it should be used with a liberal economy and an enlightened forecast.

In behalf of these suggestions I can not forbear repeating the wise precepts of one whose counsels can not be forgotten:

... The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it;

if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

ANDREW JACKSON.

WASHINGTON, \_January 27, 1836\_.

The undersigned, His Britannic Majesty's charge d'affaires, has been instructed to state to Mr. Forsyth, the Secretary of State of the United States, that the British Government has witnessed with the greatest pain and regret the progress of the misunderstanding which has lately grown up between the Governments of France and of the United States. The first object of the undeviating policy of the British cabinet has been to maintain uninterrupted the relations of peace between Great Britain and the other nations of the world, without any abandonment of national interests and without any sacrifice of national honor. The next object to which their anxious and unremitting exertions have been directed has been by an appropriate exercise of the good offices and moral influence of Great Britain to heal dissensions which may have arisen among neighboring powers and to preserve for other nations those blessings of peace which Great Britain is so desirous of securing for herself.

The steady efforts of His Majesty's Government have hitherto been, fortunately, successful in the accomplishment of both these ends, and while Europe during the last five years has passed through a crisis of extraordinary hazard without any disturbance of the general peace, His Majesty's Government has the satisfaction of thinking that it has on more than one occasion been instrumental in reconciling differences which might otherwise have led to quarrels, and in cementing union between friendly powers.

But if ever there could be an occasion on which it would be painful to the British Government to see the relations of amity broken off between two friendly states that occasion is undoubtedly the present, when a rupture is apprehended between two great powers, with both of which Great Britain is united by the closest ties—with one of which she is engaged in active alliance; with the other of which she is joined by community of interests and by the bonds of kindred.

Nor would the grounds of difference on the present occasion reconcile the friends and wellwishers of the differing parties to the misfortune of an open rupture between them.

When the conflicting interests of two nations are so opposed on a particular question as to admit of no possible compromise, the sword may be required to cut the knot which reason is unable to untie.

When passions have been so excited on both sides that no common standard of justice can be found, and what one party insists on as a right the other denounces as a wrong, prejudice may become too headstrong to yield to the voice of equity, and those who can agree on nothing else may consent to abide the fate of arms and to allow that the party which shall prove the weakest in the war shall be deemed to have been wrong in the dispute.

But in the present case there is no question of national interest at issue between France and the United States. In the present case there is no demand of justice made by one party and denied by the other. The disputed claims of America on France, which were founded upon transactions in the early part of the present century and were for many years in litigation, have at length been established by mutual consent and are admitted by a treaty concluded between the two Governments.

The money due by France has been provided by the Chambers, and has been placed at the disposal of the French Government for the purpose of being paid to the United States. But questions have arisen between the two Governments in the progress of those transactions affecting on both sides the feelings of national honor, and it is on this ground that the relations between the parties have been for the moment suspended and are in danger of being more seriously interrupted.

In this state of things the British Government is led to think that the good offices of a third power equally the friend of France and of the United States, and prompted by considerations of the highest order most earnestly to wish for the continuance of peace, might be useful in restoring a good understanding between the two parties on a footing consistent with the nicest feelings of national honor in both.

The undersigned has therefore been instructed by His Majesty's Government formally to tender to the Government of the United States the mediation of Great Britain for the settlement of the differences between the United States and France, and to say that a note precisely similar to the present has been delivered to the French Government by His Majesty's ambassador at Paris. The undersigned has, at the same time, to express the confident hope of His Majesty's Government that if the two parties would agree to refer to the British Government the settlement of the point at issue between them, and to abide by the opinion which that Government might after due consideration communicate to the two parties thereupon, means might be found of satisfying the honor of each without incurring those great and manifold evils which a rupture between two such powers must inevitably entail on both.

The undersigned has the honor to renew to Mr. Forsyth the assurance of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,

\_Washington, February 3, 1836\_.

CHARLES BANKHEAD, Esq.:

The undersigned, Secretary of State of the United States, has had the honor to receive the note of the 27th ultimo of Mr. Charles Bankhead, His Britannic Majesty's charge d'affaires, offering to the Government of the United States the mediation of His Britannic Majesty's Government for the settlement of the differences unhappily existing between the United States and France. That communication having been submitted to the President, and considered with all the care belonging to the importance of the subject and the source from which it emanated, the undersigned has been instructed to assure Mr. Bankhead that the disinterested and honorable motives which have dictated the proposal are fully appreciated. The pacific policy of His Britannic Majesty's cabinet and their efforts to heal dissensions arising among nations are worthy of the character and commanding influence of Great Britain, and the success of those efforts is as honorable to the Government by whose instrumentality it was secured as it has been beneficial to the parties more immediately interested and to the world at large.

The sentiments upon which this policy is founded, and which are so forcibly displayed in the offer that has been made, are deeply impressed upon the mind of the President. They are congenial with the institutions and principles as well as with the interests and habits of the people of the United States, and it has been the constant aim of their Government in its conduct toward other powers to observe and illustrate them.

Cordially approving the general views of His Britannic Majesty's Government, the President regards with peculiar satisfaction the enlightened and disinterested solicitude manifested by it for the welfare of the nations to whom its good offices are now tendered, and has seen with great sensibility, in the exhibition of that feeling, the recognition of that community of interests and those ties of kindred by which the United States and Great Britain are united.

If circumstances did not render it certain, it would have been obvious from the language of Mr. Bankhead's note to the undersigned that the Government of His Britannic Majesty, when the instructions under which it was prepared were given, could not have been apprised of all the steps taken in the controversy between the United States and France. It was necessarily ignorant of the tenor of the two recent messages of the President to Congress—the first communicated at the commencement of the present session, under date of the 7th of December, 1835, and the second under that of the 15th of January, 1836. Could these documents have been within the knowledge of His Britannic Majesty's Government, the President does not doubt that it would have been fully satisfied that the disposition of the United States, notwithstanding their well-grounded and serious causes of complaint against France, to restore friendly relations and cultivate a good understanding with the Government of that country was undiminished, and that all had already been done on their part that could in reason be expected of them to secure that result. The first of these documents, although it gave such a history of the origin and progress of the claims of the United States and of the proceedings of France before and since the treaty of 1831 as to vindicate the statements and recommendations of the message of the 1st of December, 1834, yet expressly disclaimed the offensive interpretation put upon it by the Government of France, and while it insisted on the acknowledged rights of the United States and the obligations of the treaty and maintained the honor and independence of the American Government, evinced an anxious desire to do all that constitutional duty and strict justice would permit to remove every cause of irritation and excitement. The special message of the 15th January last being called for by the extraordinary and inadmissible demands of the Government of France as defined in the last official communications at Paris, and by the continued refusal of France to execute a treaty from the faithful performance of which by the United States it was tranquilly enjoying important advantages, it became the duty of the President to recommend such measures as might be adapted to the exigencies of the occasion. Unwilling to believe that a nation distinguished for honor and intelligence could have determined permanently to maintain a ground so indefensible, and anxious still to leave open the door of reconciliation, the President contented himself with proposing to Congress the mildest of the remedies given by the law and practice of nations in connection with such propositions for defense as were evidently required by the condition of the United States and the attitude assumed by France. In all these proceedings, as well as in every stage of these difficulties with France, it is confidently believed that the course of the United States, when duly considered by other Governments and the world, will be found to have been marked not only by a pacific disposition, but by a spirit of forbearance and conciliation.

For a further illustration of this point, as well as for the purpose of presenting a lucid view of the whole subject, the undersigned has the honor to transmit to Mr. Bankhead copies of all that part of the message of December 7, 1835, which relates to it and of the correspondence referred to therein, and also copies of the message and accompanying documents of the 15th of January, 1836, and of another message of the 18th of the same month, transmitting a report of the Secretary of State and certain documents connected with the subject.

These papers, while they will bring down the history of the



misunderstanding between the United States and France to the present date, will also remove an erroneous impression which appears to be entertained by His Britannic Majesty's Government. It is suggested in Mr. Bankhead's note that there is no question of national interest at issue between France and the United States, and that there is no demand of justice made by the one party and denied by the other. This suggestion appears to be founded on the facts that the claims of the United States have been admitted by a treaty concluded between the two Governments and that the money due by France has been provided by the Chambers and placed at the disposal of the French Government for the purpose of being paid to the United States. But it is to be observed that the payment of the money thus appropriated is refused by the French Government unless the United States will first comply with a condition not contained in the treaty and not assented to by them. This refusal to make payment is, in the view of the United States, a denial of justice, and has not only been accompanied by acts and language of which they have great reason to complain, but the delay of payment is highly injurious to those American citizens who are entitled to share in the indemnification provided by the treaty and to the interests of the United States, inasmuch as the reduction of the duties levied on French wines in pursuance of that treaty has diminished the public revenue, and has been and yet is enjoyed by France, with all the other benefits of the treaty, without the consideration and equivalents for which they were granted. But there are other national interests, and, in the judgment of this Government, national interests of the highest order, involved in the condition prescribed and insisted on by France which it has been by the President made the duty of the undersigned to bring distinctly into view. That condition proceeds on the assumption that a foreign power whose acts are spoken of by the President of the United States in a message to Congress, transmitted in obedience to his constitutional duties, and which deems itself aggrieved by the language thus held by him, may as a matter of right require from the Government of the United States a direct official explanation of such language, to be given in such form and expressed in such terms as shall meet the requirements and satisfy the feelings of the offended party, and may in default of such explanation annul or suspend a solemn treaty duly executed by its constitutional organ. Whatever may be the responsibility of those nations whose executives possess the power of declaring war and of adopting other coercive remedies without the intervention of the legislative department, for the language held by the Executive in addressing that department, it is obvious that under the Constitution of the United States, which gives to the Executive no such powers, but vests them exclusively in the Legislature, whilst at the same time it imposes on the Executive the duty of laying before the Legislature the state of the nation, with such recommendations as he may deem proper, no such responsibility can be admitted without impairing that freedom of intercommunication which is essential to the system and without surrendering in this important particular the right of self-government. In accordance with this view of the Federal Constitution has been the practice under it. The statements and recommendations of the President to Congress are regarded by this Government as a part of the purely domestic consultations held by its different departments--consultations in which nothing is addressed to foreign powers, and in which they can not be permitted to interfere, and for which, until consummated and carried out by acts emanating from the proper constitutional organs, the nation is not responsible and the Government not liable to account to other States.

It will be seen from the accompanying correspondence that when the condition referred to was first proposed in the Chamber of Deputies the insuperable objections to it were fully communicated by the American minister at Paris to the French Government, and that he distinctly informed it that the condition, if prescribed, could never be complied with. The views expressed by him were approved by the President, and have been since twice asserted and enforced by him in his messages to

Congress in terms proportioned in their explicitness and solemnity to the conviction he entertains of the importance and inviolability of the principle involved.

The United States can not yield this principle, nor can they do or consent to any measure by which its influence in the action of their political system can be obstructed or diminished. Under these circumstances the President feels that he may rely on the intelligence and liberality of His Britannic Majesty's Government for a correct estimation of the imperative obligations which leave him no power to subject this point to the control of any foreign state, whatever may be his confidence in its justice and impartiality--a confidence which he has taken pleasure in instructing the undersigned to state is fully reposed by him in the Government of His Britannic Majesty.

So great, however, is the desire of the President for the restoration of a good understanding with the Government of France, provided it can be effected on terms compatible with the honor and independence of the United States, that if, after the frank avowal of his sentiments upon the point last referred to and the explicit reservation of that point, the Government of His Britannic Majesty shall believe that its mediation can be useful in adjusting the differences which exist between the two countries and in restoring all their relations to a friendly footing, he instructs the undersigned to inform Mr. Bankhead that in such case the offer of mediation made in his note is cheerfully accepted.

The United States desire nothing but equal and exact justice, and they can not but hope that the good offices of a third power, friendly to both parties, and prompted by the elevated considerations manifested in Mr. Bankhead's note, may promote the attainment of this end.

Influenced by these motives, the President will cordially cooperate, so far as his constitutional powers may enable him, in such steps as may be requisite on the part of the United States to give effect to the proposed mediation. He trusts that no unnecessary delay will be allowed to occur, and instructs the undersigned to request that the earliest information of the measures taken by Great Britain and of their result may be communicated to this Government.

The undersigned avails himself of the occasion to renew to Mr. Bankhead the assurances of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, \_February 15, 1836\_.

Hon. JOHN FORSYTH, etc.:

The undersigned, His Britannic Majesty's charge d'affaires, with reference to his note of the 27th of last month, has the honor to inform Mr. Forsyth, Secretary of State of the United States, that he has been instructed by his Government to state that the British Government has received a communication from that of France which fulfills the wishes that impelled His Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the difference between France and the United States.

The French Government has stated to that of His Majesty that the frank and honorable manner in which the President has in his recent message expressed himself with regard to the points of difference between the Governments of France and of the United States has removed those difficulties, upon the score of national honor, which have hitherto stood in the way of the prompt execution by France of the treaty of the

4th July, 1831, and that consequently the French Government is now ready to pay the installment which is due on account of the American indemnity whenever the payment of that installment shall be claimed by the Government of the United States.

The French Government has also stated that it made this communication to that of Great Britain not regarding the British Government as a formal mediator, since its offer of mediation had then reached only the Government of France, by which it had been accepted, but looking upon the British Government as a common friend of the two parties, and therefore as a natural channel of communication between them.

The undersigned is further instructed to express the sincere pleasure which is felt by the British Government at the prospect thus afforded of an amicable termination of a difference which has produced a temporary estrangement between two nations who have so many interests in common, and who are so entitled to the friendship and esteem of each other; and the undersigned has also to assure Mr. Forsyth that it has afforded the British Government the most lively satisfaction to have been upon this occasion the channel of a communication which they trust will lead to the complete restoration of friendly relations between the United States and France.

The undersigned has great pleasure in renewing to Mr. Forsyth the assurances of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,

\_Washington, February 16, 1836\_.

CHARLES BANKHEAD, Esq.:

The undersigned, Secretary of State of the United States, has had the honor to receive Mr. Bankhead's note of the 15th instant, in which he states by the instructions of his Government that the British Government have received a communication from that of France which fulfills the wishes that impelled His Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the differences between France and the United States; that the French Government, being satisfied with the frank and honorable manner in which the President has in his recent message expressed himself in regard to the points of difference between the two Governments, is ready to pay the installment due on account of the American indemnity whenever it shall be claimed by the Government of the United States, and that this communication is made to the Government of Great Britain not as a formal mediator, but as a common friend of both parties.

The undersigned has submitted this note of His Britannic Majesty's charge d'affaires to the President, and is instructed to reply that the President has received this information with the highest satisfaction—a satisfaction as sincere as was his regret at the unexpected occurrence of the difficulty created by the erroneous impressions heretofore made upon the national sensibility of France. By the fulfillment of the obligations of the convention between the two Governments the great cause of difference will be removed, and the President anticipates that the benevolent and magnanimous wishes of His Britannic Majesty's Government will be speedily realized, as the temporary estrangement between the two nations who have so many common interests will no doubt be followed by the restoration of their ancient ties of friendship and esteem.

The President has further instructed the undersigned to express to His Britannic Majesty's Government his sensibility at the anxious desire it has displayed to preserve the relations of peace between the United States and France, and the exertions it was prepared to make to effectuate that object, so essential to the prosperity and congenial to the wishes of the two nations and to the repose of the world.

Leaving His Majesty's Government to the consciousness of the elevated motives which have governed its conduct and to the universal respect which must be secured to it, the President is satisfied that no expressions, however strong, of his own feelings can be appropriately used which could add to the gratification afforded to His Majesty's Government at being the channel of communication to preserve peace and restore good will between differing nations, each of whom is its friend.

The undersigned avails himself of this occasion to renew to Mr. Bankhead the assurance of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, \_February 23, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith a report of the Secretary of War, on the progress of the improvement of Red River, furnishing information in addition to that communicated with my message at the opening of the present session of Congress.

ANDREW JACKSON.

[The same letter was addressed to the Speaker of the House of Representatives.]

WASHINGTON, \_February 25, 1836\_.

\_To the Senate\_:

I transmit to the Senate a report<sup>[15]</sup> from the Secretary of State, complying as far as practicable with their resolution of the 16th instant.

ANDREW JACKSON.

[Footnote 15: Relating to claims for spoliations under the French treaty of 1831.]

WASHINGTON, \_February 29, 1836\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit a report of the Secretary of State, communicating an application from the charge d'affaires of Portugal for the passage by Congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels imported into the United States from those parts of the dominions of Portugal in which no discriminating duties are charged upon the vessels of the United States or their cargoes, and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced since

the 18th of April, 1834. I also transmit a copy of the correspondence which has taken place upon the subject between the Department of State and the charge d'affaires of Portugal.

The whole matter is submitted to the discretion of Congress, with this suggestion, that if an act should be passed placing the cargoes of Portuguese vessels coming from certain parts of the territories of Portugal on the footing of those imported in vessels of the United States, in deciding upon the propriety of restoring the duties heretofore levied and the time to which they should be restored regard should be had to the fact that the decree of the 18th April, 1834, which is made the basis of the present application, took effect in the islands of Madeira and the Azores many months after its promulgation, and to the more important fact that until the 1st of February instant an indirect advantage was allowed in Portugal to importations from Great Britain over those from other countries, including the United States.

ANDREW JACKSON.

DEPARTMENT OF STATE,

\_February 27, 1836\_.

The PRESIDENT OF THE UNITED STATES:

The undersigned, Secretary of State, has the honor to report to the President that official information was received at this Department some time since from the charge d'affaires of Portugal of the abolition of all discriminating duties upon the cargoes of foreign vessels, including those of the United States, imported into Lisbon and Oporto, by a decree of the Portuguese Government promulgated on the 18th of April, 1834, the operation of which decree was stated by the charge to extend to the island of Madeira. Upon the strength of this decree he applied, by order of his Government, for the suspension, under the fourth section of the act of Congress of January 7, 1824, of discriminating duties upon the cargoes of Portuguese vessels imported into the United States; but being informed that the act alluded to was inapplicable by reason that discriminating duties upon the cargoes of American vessels still existed in a part of the dominions of Portugal, he has requested that the principle acted upon in regard to Holland may be extended to Portugal, and that discriminating duties may be abolished in respect to Portugal proper, the Madeira Islands, the Azores, and such other parts of the Portuguese dominions wherein no discriminating duty is levied upon the vessels of the United States or their cargoes. This request is accompanied by a suggestion that unless some such reciprocity is established the benefits of the decree of April, 1834, will be withdrawn so far as respects this country. Application is also made for a return of the discriminating duties which have been collected since the promulgation of the said decree from the vessels of Portugal arriving in the United States from any of the ports embraced by that decree. In reference to this point it is proper to state that it does not appear that the force or operation of the decree referred to of the 18th April, 1834, was extended by any official act of the Portuguese Government to the islands of Madeira or the Azores until February or April, 1835. It is also to be observed that, notwithstanding the abolition by that decree of discriminating duties upon the importation of goods into Portugal from foreign countries, an exemption existed until the 1st of February instant, according to information received from our charge d'affaires at Lisbon, in favor of various articles when imported from Great Britain, from an excise duty which was exacted upon the same articles when imported from other foreign countries or produced or manufactured at home. This exemption was granted in pursuance of the construction given to a stipulation contained in the late treaty

between Portugal and Great Britain, and ceased, together with that treaty, on the 1st day of the present month.

The undersigned has the honor to transmit with this report a copy of the correspondence between the Department and the charge d'affaires of Portugal upon which it is founded.

JOHN FORSYTH.

WASHINGTON, \_February 29, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith a report from the Secretary of State, correcting an error made in the report recently communicated to the Senate in answer to the resolution of the 16th instant, respecting the number and amount of claims for spoliations presented to the commissioners under the French treaty of 1831 which were rejected.

ANDREW JACKSON.

WASHINGTON, \_March 5, 1836\_.

\_To the Senate\_:

I submit to the Senate, for their advice and consent as to the ratification of the same, the treaty and the supplement to it recently concluded with the Cherokee Indians.

The papers referred to in the accompanying communication from the Secretary of War as necessary to a full view of the whole subject are also herewith submitted.

ANDREW JACKSON.

WASHINGTON, \_March 7, 1836\_.

\_To the Senate of the United States\_:

I transmit to the Senate, for their consideration with a view to its ratification, a treaty of peace, amity, navigation, and commerce between the United States and the Republic of Venezuela, concluded and signed by their plenipotentiaries at the city of Caracas on the 20th of January last.

ANDREW JACKSON.

WASHINGTON, \_March 10, 1836\_.

\_To the Senate and House of Representatives\_:

I transmit herewith a report from the Secretary of State, communicating the proceedings of a convention assembled at Little Rock, in the Territory of Arkansas, for the purpose of forming a constitution and system of government for the State of Arkansas. The constitution adopted by this convention and the documents accompanying it, referred to in the report from the Secretary of State, are respectfully submitted to the

consideration of Congress.

ANDREW JACKSON.

WASHINGTON, \_April 1, 1836\_.

\_To the Senate\_:

I transmit herewith to the Senate, for their advice and consent as to its ratification, a treaty concluded with the Ottawa and Chippewa Indians.

ANDREW JACKSON.

WASHINGTON, \_April 8, 1836\_.

\_To the Senate\_:

I transmit herewith reports from the Secretaries of the War and Navy Departments, to whom were referred the resolutions adopted by the Senate on the 18th of February last, requesting information of the probable amount of appropriations that would be necessary to place the land and naval defenses of the country upon a proper footing of strength and respectability.

In respect to that branch of the subject which falls more particularly under the notice of the Secretary of War, and in the consideration of which he has arrived at conclusions differing from those contained in the report from the Engineer Bureau, I think it proper to add my concurrence in the views expressed by the Secretary.

ANDREW JACKSON.

WASHINGTON, \_April 12, 1836\_.

\_To the Senate\_:

I transmit herewith a report<sup>[16]</sup> from the Secretary of War, communicating the original letter from Major Davis and the statements which accompany it, referred to in the resolution of the Senate of the 8th instant.

ANDREW JACKSON.

[Footnote 16: Relating to the treaty of December 29, 1835, with the Cherokee Indians.]

WASHINGTON, \_April 27, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded with the Wyandot Indians for a cession of a portion of their reservation in the State of Ohio.

In order to prevent any abuse of the power granted to the chiefs in the

fifth article of the treaty, I recommend the adoption of the suggestion contained in the accompanying letter of the Secretary of War; otherwise I shall not feel satisfied in approving that article.

ANDREW JACKSON.

WASHINGTON, \_April 29, 1836\_.

\_To the Senate and House of Representatives\_:

It affords me pleasure to transmit to Congress a copy of the Catalogue of the Arundel Manuscripts in the British Museum, which has been forwarded to me, as will be perceived from the inclosed letter, on behalf of the trustees of that institution, for the purpose of being placed in the United States library.

ANDREW JACKSON.

\_To the Senate and House of Representatives\_:

Believing that the act of the 12th July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I transmit to Congress copies of that article, that the necessary legislative provision may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

MAY 6, 1836.

WASHINGTON, \_May 10, 1836\_.

\_To the Senate and House of Representatives\_:

Information has been received at the Treasury Department that the four installments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized.

No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

WASHINGTON, \_May 14, 1836\_.

\_To the House of Representatives\_:

In compliance with a resolution of the House of Representatives of the 10th instant, I transmit reports[17] from the Secretaries of State and War, with the papers accompanying the same.



ANDREW JACKSON.

[Footnote 17: Relating to affairs with Mexico.]

WASHINGTON, \_May 14, 1836\_.

\_To the Senate of the United States\_:

I transmit, for the consideration of the Senate, three treaties concluded with certain bands of Pottawatamie Indians in the State of Indiana.

I transmit also a report from the Secretary of War, inclosing the instructions under which these treaties were negotiated.

I would remark that the fourth article of each treaty provides for the appointment of a commissioner and the payment of the debts due by the Indians. There is no limitation upon the amount of these debts, though it is obvious from these instructions that the commissioner should have limited the amount to be applied to this object; otherwise the whole fund might be exhausted and the Indians left without the means of living. I therefore recommend either that the Senate limit the amount at their discretion or that they provide by resolution that the whole purchase money be paid to the Indians, leaving to them the adjustment of their debts.

ANDREW JACKSON.

WASHINGTON, \_May 21, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith two treaties concluded with bands of Pottawatamies in the State of Indiana, with accompanying papers, for the consideration and action of the Senate.

ANDREW JACKSON.

WASHINGTON, \_May 26, 1836\_.

\_To the House of Representatives\_:

I transmit, in conformity with a resolution of the House of Representatives of the 21st instant, a report of the Secretary of War, containing the information called for on the subject of the causes of the hostilities of the Seminoles and the measures taken to repress them.

ANDREW JACKSON.

WASHINGTON, \_May 27, 1836\_.

\_To the House of Representatives\_:

In further compliance with so much of the resolution of the House of Representatives of the 21st instant as calls for an account of the causes of the hostilities of the Seminole Indians, I transmit a supplementary report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, \_May 28, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith, for the consideration and action of the Senate, a treaty concluded on the 24th instant with the Chippewa Indians of Saganaw.

ANDREW JACKSON.

WASHINGTON, \_May 31, 1836\_.

\_To the Senate\_:

I transmit herewith the response of Samuel Gwin, esq.,[18] to the charges affecting his official conduct and character which were set forth in the evidence taken under the authority of the Senate by the Committee on Public Lands, and which was referred to the President by the resolution of the Senate bearing date the 3d day of March, 1835. This resolution and the evidence it refers to were officially communicated to Mr. Gwin by the Secretary of the Treasury, and the response of Mr. Gwin has been received through the same official channel.

ANDREW JACKSON.

[Footnote 18: Register of the land office for the northwestern district of Mississippi.]

WASHINGTON, \_June 1, 1836\_.

\_To the Senate\_:

I transmit herewith to the Senate a communication which has been received from Mr. B.F. Currey[19] in answer to a call made upon him by the President, through the War Department, in consequence of the serious charges which were preferred against him by one of the honorable members of the Senate. It seems to be due to justice that the Senate should be furnished, agreeably to the request of Mr. Currey, with the explanations contained in this communication, particularly as they are deemed so far satisfactory as would render his dismissal or even censure undeserved and improper.

ANDREW JACKSON.

[Footnote 19: Agent for the removal of the Cherokee Indians.]

WASHINGTON, \_June 3, 1836\_.

\_To the Senate\_:

In compliance with the resolution of the Senate of the 27th ultimo, requesting the President to inform the Senate "whether any increase or improvement of organization is needed in the Ordnance Corps," I have to state that I entertain no doubt of the propriety of increasing the

corps, and that I concur in the plan proposed for this purpose in the accompanying report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, \_June 3, 1836\_.

\_To the House of Representatives\_:

I transmit herewith a supplemental report from the War Department, in answer to the resolution of the House of Representatives of the 21st ultimo, calling for information respecting the causes of the Seminole hostilities and the measures taken to suppress them.

ANDREW JACKSON.

WASHINGTON, \_June 3, 1836\_.

\_To the House of Representatives\_:

I herewith transmit a report from the Secretary of the Treasury, in relation to the injuries sustained by the bridge across the Potomac River during the recent extraordinary rise of water, and would respectfully recommend to the early attention of Congress the legislation, therein suggested.

ANDREW JACKSON.

WASHINGTON, \_June 14, 1836\_.

\_To the Senate of the United States\_:

I transmit a report of the Secretary of State, prepared in compliance with the resolution of the Senate of the 11th instant, upon the subject of the depredations of the Mexicans on the property of Messrs. Chouteau and Demun.

ANDREW JACKSON.

WASHINGTON, \_June 15, 1836\_.

\_To the Senate of the United States\_:

I communicate to the Senate a report from the Secretary of State, with a copy of the correspondence requested by a resolution of the 21st ultimo, relative to the northeastern boundary of the United States.

At the last session of Congress I felt it my duty to decline complying with a request made by the House of Representatives for copies of this correspondence, feeling, as I did, that it would be inexpedient to publish it while the negotiation was pending; but as the negotiation was undertaken under the special advice of the Senate, I deem it improper to withhold the information which that body has requested, submitting to them to decide whether it will be expedient to publish the correspondence before the negotiation has been closed.

ANDREW JACKSON.

WASHINGTON, \_June 23, 1836\_.

\_To the Senate of the United States\_:

In compliance with a resolution of the Senate of the 18th instant, I transmit a report<sup>[20]</sup> from the Secretary of State, with the papers therewith presented. Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it expedient to take the necessary measures, now in progress, to procure it before deciding upon the course to be pursued in relation to the newly declared government.

ANDREW JACKSON.

[Footnote 20: Relating to the political condition of Texas, the organization of its Government, and its capacity to maintain its independence, etc.]

JUNE 28, 1836.

\_To the House of Representatives\_:

I transmit to the House of Representatives a report from the Secretary of War, conveying the information called for by the House in its resolution of yesterday, concerning the Cherokee treaty recently ratified.

ANDREW JACKSON.

WASHINGTON, \_June 28, 1836\_.

\_To the Senate\_:

As it is probable that it may be proper to send a minister to Paris prior to the next meeting of Congress, I nominate Lewis Cass, now Secretary for the Department of War, to be envoy extraordinary and minister plenipotentiary to France, not to be commissioned until notice has been received here that the Government of France has appointed a minister to the United States who is about to set out for Washington.

ANDREW JACKSON.

WASHINGTON, \_June 30, 1836\_.

\_To the Senate and House of Representatives\_:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-President of the United States. He departed this life at half past 6 o'clock on the morning of the 28th instant, full of years and full of honors.

I hasten this communication in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country and the good of mankind.

ANDREW JACKSON.

\_To the Senate and House of Representatives\_:

I transmit to Congress copies of a treaty of peace, friendship, navigation, and commerce between the United States and the Republic of Venezuela, concluded on the 20th of January, and the ratifications of which were exchanged at Caracas on the 31st of May last.

ANDREW JACKSON.

JUNE 30, 1836.

WASHINGTON, \_June 30, 1836\_.

\_To the House of Representatives\_:

I return to the House of Representatives the papers which accompanied their resolution of the 6th of May last, relative to the claim of Don Juan Madrazo, together with a report of the Secretary of State and copies of a correspondence between him and the Attorney-General, showing the grounds upon which that officer declines giving the opinion requested by the resolution.

ANDREW JACKSON.

WASHINGTON, \_July 1, 1836\_.

\_To the Senate of the United States\_:

In answer to the resolution of the Senate of the 21st January last, I transmit a report[21] of the Secretary of War, containing the copies called for so far as relates to his Department.

ANDREW JACKSON.

[Footnote 21: Relating to frauds in sales of public lands or Indian reservations.]

VETO MESSAGE.

WASHINGTON, \_June 9, 1836\_.

\_To the Senate of the United States\_:

The act of Congress "to appoint a day for the annual meeting of Congress," which originated in the Senate, has not received my signature. The power of Congress to fix by law a day for the regular annual meeting of Congress is undoubted, but the concluding part of this act, which is intended to fix the adjournment of every succeeding Congress to the second Monday in May after the commencement of the first session, does not appear to me in accordance with the provisions of the Constitution of the United States.

The Constitution provides, Article I, section 5, that--

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

Article I, section 7, that--

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him. ...

Article II, section 3, that--

He [the President] may, on extraordinary occasions convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper. ...

According to these provisions the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the Senate and House of Representatives, the President has no right to meddle with the question, and in that event his power is exclusive, but confined to fixing the adjournment of the Congress whose branches have disagreed. The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each House for the time being, and is one of those subjects upon which the framers of that instrument did not intend one Congress should act, with or without the Executive aid, for its successors. As a substitute for the present rule, which requires the two Houses by consent to fix the day of adjournment, and in the event of disagreement the President to decide, it is proposed to fix a day by law to be binding in all future time unless changed by consent of both Houses of Congress, and to take away the contingent power of the Executive which in anticipated cases of disagreement is vested in him. This substitute is to apply, not to the present Congress and Executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two Houses of Congress whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the President to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the Senate. I do so with greater reluctance as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable.

ANDREW JACKSON.

PROCLAMATION.

[From Statutes at Large (little, Brown & Co.), Vol. XI, p. 782.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas by an act of 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 hereby 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 the Government of His Imperial and Royal Highness the Grand Duke of Tuscany, through an official communication of Baron Lederer, the consul-general of His Imperial and Royal Highness in the United States, under date of the 6th day of August, 1836, that no discriminating duties of tonnage or impost are imposed or levied in the ports of Tuscany 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:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim 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 Grand Dukedom of Tuscany and the produce, manufactures, or merchandise imported into the United States in the same from the said Grand Dukedom or from any other foreign country, the said suspension to take effect from the 6th day of August, 1836, above mentioned, 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. Given under my hand, at the city of Washington, the 1st day of September, A.D. 1836, and of the Independence of the United States the sixty-first.

ANDREW JACKSON.

By the President:  
JOHN FORSYTH,  
\_Secretary of State\_.

## EXECUTIVE ORDER.

HERMITAGE, \_August 7, 1836\_.

C.A. HARRIS, Esq.,  
\_Acting Secretary of War\_.

SIR: I reached home on the evening of the 4th, and was soon surrounded with the papers and letters which had been sent here in anticipation of my arrival. Amongst other important matters which immediately engaged my attention was the requisition of General Gaines on Tennessee, Kentucky, Mississippi, and Louisiana. Believing that the reasons given for this requisition were not consistent with the neutrality which it is our duty to observe in respect to the contest in Texas, and that it would embarrass the apportionment which had been made of the 10,000 volunteers authorized by the recent act of Congress, I informed Governor Cannon by letter on the 5th instant that it could not receive my sanction. The volunteers authorized by Congress were thought competent, with the aid of the regular force, to terminate the Indian war in the South and protect our western frontier, and they were apportioned in a manner the best calculated to secure these objects. Agreeably to this apportionment, the volunteers raised in Arkansas and Missouri, and ordered to be held in readiness for the defense of the western frontier, should have been called on before any other requisition was made upon Tennessee, who has already more than her proportion in the field. Should an emergency hereafter arise making it necessary to have a greater force on that frontier than was anticipated when the apportionment was made, it will be easy to order the east Tennessee brigade there. All the volunteers under the act are engaged for one year's service, unless sooner discharged. Taking this view of the subject, I regret that as soon as the War Department had information of the requisition made by General Gaines it had not at once notified the governors of the States that the apportionment of the volunteers at first communicated to them would not be departed from, and that of course those in the States nearest to the scene of threatened hostility would be first called on.

I had written thus far when your letter of the 26th of July last, accompanied by one from General Wool of the 15th of July and one from General Townsen of the 25th of July last, was handed to me. The letter from General Wool was unexpected. His guide was the requisition on the State, and I can not well imagine how he could suppose that the Department would authorize a greater number of troops to be mustered and paid than he was specially directed to receive. He was apprised fully of the apportionment which had been made of the 10,000 volunteers, and of the considerations which induced us to require 1,000 from Florida, 2,000 from Georgia, 2,000 from Alabama, and 2,500 from Tennessee. This force was designated in this manner because it was in the country nearest to the Seminoles, Creeks, and Cherokees, and in like manner near the force designated for the western frontier, except a fraction of about 430 men to be hereafter selected when it should be ascertained where it would be most needed. It is therefore unaccountable to me why General Wool would receive and muster into the service a greater number than has been called for and placed under his command, particularly as he knew that Tennessee had already been called upon for more volunteers than her proportion in the general apportionment. He knows that the President can only execute the law, and he ought to have recollected that if the officers charged with the military operations contemplated by the law were to use their own discretion in fixing the number of men to be received and mustered into the service there could be no certainty in the amount of force which would be brought into the field. His guide was the requisition upon Tennessee for 2,500, and he should never have departed from it.

The brave men whose patriotism brought them into the field ought to be paid, but I seriously doubt whether any of the money now appropriated can be used for this purpose, as all the volunteers authorized by the act of Congress have been apportioned, and the appropriations should be first applicable to their payment if they should be ordered into the field. All that we can do is to bring the subject before the next Congress, which I trust will pass an act authorizing the payment. Those men obeyed the summons of their country, and ought not to suffer for the



indiscretion of those who caused more of them to turn out than could be received into the service. The excess would have been avoided had the governor of Tennessee apportioned his requisition to each county or regiment, so as to make the proper number. This, however, can now only be regretted. I can not approve the mustering or reception into the service of the excess further than it may have been done to secure them hereafter the justice which it will be in the power of Congress to extend to them. They ought to be paid for their travel and expense to, at, and from the place of rendezvous, and Congress will doubtless pass the necessary law. Their promptness in tendering their services and equipping themselves for the field is a high evidence of patriotism, and the thanks of their country.

I shall inclose a copy of this letter to General Wool, and write to the governors of Kentucky, Mississippi, and Louisiana to withhold for the present the quota called for under General Gaines's requisition, and if they are concentrated to muster and discharge them and wait for further orders.

I am, yours, respectfully,

ANDREW JACKSON.

#### EIGHTH ANNUAL MESSAGE.

WASHINGTON, \_December 5, 1836\_.

\_Fellow-Citizens of the Senate and House of Representatives\_:

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I can not avoid congratulating you, and my country particularly, on the success of the efforts made during my Administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to Him fervent supplications that His providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war consistently with a just and indispensable regard to the rights and honor of our country. But although the present state of our foreign affairs, standing, without important change, as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting character, at issue with other powers, are yet unadjusted. Amongst the most prominent of these is that of our northeastern boundary. With an undiminished confidence in the sincere desire of His Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse and foster those amicable feelings which are so strongly required by the true interests of the two

countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that Kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil and all our neighbors of this continent we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found on the most severe scrutiny that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should of itself teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated on the sole ground that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our Army to advance into territory claimed as part of Texas if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to reestablish its dominion. The departure of this minister was the more singular as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and there was every reason to suppose that the troops of the United States, their commander having had time to

ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches, would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the meantime the ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance and ample and immediate redress. I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's being soon able to execute the treaty on its part, it is proper that we should be in anticipation prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government will be communicated to you in the course of the session.

Commercial treaties promising great advantages to our enterprising merchants and navigators have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the Department of State. Copies of the treaties will be transmitted to you if received before, or published if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up from our intercourse with the dominions of the Government of the distinguished chief of the Ottoman Empire.

Information has been received at the Department of State that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive from the report of the Secretary of the Treasury that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year will amount to about \$47,691,898; those from customs being estimated at \$22,523,151, those from lands at about \$24,000,000, and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed \$32,000,000, which will leave a balance in the Treasury for public purposes on the 1st day of January next of about \$41,723,959. This sum, with the exception of \$5,000,000, will be transferred to the several States in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation on the 1st day of January next are estimated at \$14,636,062, exceeding by \$9,636,062 the amount which will be left in the deposit banks, subject to the draft of the Treasurer

of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposit act of the last session received a reluctant approval have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State treasuries for safe-keeping until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligations of the deposit act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself can not sanction such a suggestion, and that as it now stands the States have no more authority to receive and use these deposits without intending to return them than any deposit bank or any individual temporarily charged with the safe-keeping or application of the public money would now have for converting the same to their private use without the consent and against the will of the Government. But independently of the violation of public faith and moral obligation which are involved in this suggestion when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.

Considering the intimate connection of the subject with the financial interests of the country and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it can not be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists to avert it.

Under our present revenue system there is every probability that there will continue to be a surplus beyond the wants of the Government, and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury, as it now is, or distributed among the people or the States.

To retain it in the Treasury unemployed in any way is impracticable; it is, besides, against the genius of our free institutions to lock up in

vaults the treasure of the nation. To take from the people the right of bearing arms and put their weapons of defense in the hands of a standing army would be scarcely more dangerous to their liberties than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy everyone that to require the people to pay taxes to the Government merely that they may be paid back again is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process and in the various losses and depreciations which arise from other causes, and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of or would be likely to be adopted), inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute unequally, and a rule, therefore, that would distribute to them equally would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the Constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from any of the objections which apply to this principle of distribution. The Government had without necessity received from the people a large surplus, which, instead of being employed as heretofore and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital, and in this manner it has tended to multiply bank charters and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people, but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York, but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State who purchases and consumes an article which has paid a duty at that port contributes to the accumulating mass. The surplus collected there must therefore be made up of moneys or property withdrawn from other points

and other States. Thus the wealth and business of every region from which these surplus funds proceed must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus and in making the retransfer which becomes necessary when the time arrives for the distribution of that surplus there is a considerable period when the funds can not be brought into use, and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of the last session we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population--an assumption founded upon the fact that any deficiencies in our future revenue from imposts and public lands must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute this surplus--say \$30,000,000--not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice-President. The effect of a distribution upon that ratio is shown by the annexed table, marked A.

By an examination of that table it will be perceived that in the distribution of a surplus of \$30,000,000 upon that basis there is a great departure from the principle which regards representation as the true measure of taxation, and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation the framers of the Constitution intended to equalize the burdens which are necessary to support the Government, and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the Confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection in the annexed table of the differences produced by the ratio used in the deposit act compared with the results of a distribution according to the ratio of direct taxation must satisfy every unprejudiced mind that the former ratio contravenes the spirit of the Constitution and produces a degree of injustice in the operations of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware in the collection of \$30,000,000 of revenue would pay into the Treasury \$188,716, and in a distribution of \$30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of \$306,122; and similar results would follow the comparison between the small and the large States throughout the Union, thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the Constitution which declares that "all duties, imposts, and excises" shall "be uniform throughout the United States" to make the

burdens of taxation fall equally upon the people in whatever State of the Union they may reside. But what would be the value of such a uniform rule if the moneys raised by it could be immediately returned by a different one which will give to the people of some States much more and to those of others much less than their fair proportions? Were the Federal Government to exempt in express terms the imports, products, and manufactures of some portions of the country from all duties while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how by the operation of such a principle the large States of the Union would not only have to contribute their just share toward the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the Constitution when they conferred on Congress the taxing power, and I feel persuaded that a mature examination of the subject will satisfy everyone that there are insurmountable difficulties in the operation of any plan which can be devised of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes "\_to pay the debts and provide for the common defense and general welfare of the United States\_." There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the Constitution. But however this may be, the only safe rule for us in interpreting the powers granted to the Federal Government is to regard the absence of express authority to touch a subject so important and delicate as this is as equivalent to a prohibition.

Even if our powers were less doubtful in this respect as the Constitution now stands, there are considerations afforded by recent experience which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence when there are extravagant and wasteful appropriations there must be a corresponding increase of taxes, and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest the agents of the people in the State governments are repressed and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State governments as the mainstay of our Union and liberties. The State legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by widespread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the Old World. In all the other aspects in which I have been able to look at the effect of such a

principle of distribution upon the best interests of the country I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are in a great degree the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Everyone must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it, and any system, therefore, into which it enters must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would nevertheless lose none of their force, for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own government and contribute its due share toward the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830 have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the Constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands and place under the control of the General Government all the principal roads and canals of the country, in violation of State rights and in derogation of State authority. At the same time the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not without extensive mischief be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements in derogation of the rights and powers of the States, the suggestion of an amendment of the Constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils--a temporary resort to relieve an overburdened treasury until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people in taxes than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the Constitution. No temporary inconvenience can justify the exercise of a prohibited power or a power not granted by that instrument, and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character that it was suggested only in connection with an appeal to the source of all legal power in the General Government, the States which have established it. No such



appeal has been taken, and in my opinion a distribution of the surplus revenue by Congress either to the States or the people is to be considered as among the prohibitions of the Constitution. As already intimated, my views have undergone a change so far as to be convinced that no alteration of the Constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson that any transient mischief which may attend the reduction of our revenue to the wants of our Government is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent from the whole context of the Constitution, as well as the history of the times which gave birth to it, that it was the purpose of the Convention to establish a currency consisting of the precious metals. These, from their peculiar properties which rendered them the standard of value in all other countries, were adopted in this as well to establish its commercial standard in reference to foreign countries by a permanent rule as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities recognized by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious as not only to suggest the clause in the Constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the Convention which negated the proposition to grant power to Congress to charter corporations—a proposition well understood at the time as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the Convention, the object was afterwards in effect obtained by its ingenious advocates through a strained construction of the Constitution. The debts of the Revolution were funded at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins which made their exportation to foreign countries as a mercantile commodity more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became in effect a substitute for the Mint of the United States.

Such was the origin of a national-bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible by any legislative means within our power to change at once the system which has thus been introduced, and

has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power, and it is to be hoped that the opportunity for effecting this great good will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver as a circulating medium which experience has proved to be necessary not only in this but in all other commercial countries. Where those proportions are not infused into the circulation and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation, of the currency by excessive bank issues is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes can not supply their wants out of their wages that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they can not be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities. The next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States and its repugnance to our Constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by

the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion toward restoring to the country the sound currency provided for in the Constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session forbidding their reception or payment on public account, the true policy of the country has been advanced and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws banishing from circulation bank notes of still higher denominations, and the object may be materially promoted by further acts of Congress forbidding the employment as fiscal agents of such banks as continue to issue notes of low denominations and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and overissues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators. They were paid to the receivers and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land and pay the Government by a credit on the books of the banks. Those credits on the books of some of the Western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely as to alarm considerate men and render it doubtful whether these bank credits if permitted to accumulate would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union and was giving rise to new institutions to aggravate the evil.

The safety of the public funds and the interest of the people generally required that these operations should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the 15th of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system it measurably cut off the means of speculation and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a nonresident proprietorship, one of the greatest obstacles to the advancement of a new country and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at Government prices instead of their being compelled to purchase of speculators at double or triple prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country and place it on a firmer foundation. It is confidently believed that the country will find in the motives which induced that order and the happy consequences which will have ensued much to commend and nothing to condemn.

It remains for Congress if they approve the policy which dictated

this order to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands except to actual settlers at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenues, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general and to the new States in particular which can not fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges performed through discounts by the United States Bank and its twenty-five branches were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions on the broader basis which has been used by the advocates of the United States Bank in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States in 1832 was \$16,000,000. The amount transferred and actually paid by the deposit banks in the year ending the 1st of October last was \$39,319,899; the amount transferred and paid between that period and the 6th of November was \$5,399,000, and the amount of transfer warrants outstanding on that day was \$14,450,000, making an aggregate of \$59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity, and the rates at which the exchanges have been negotiated previously to the passage of the deposit act were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits--a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree with the further steps which may be taken to prevent the excessive issue of other bank paper, but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government your particular attention is invited to those articles which constitute the necessities of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support

of our Government and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury and the accompanying documents that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock and procure the payment as early as possible.

The conduct and present condition of that bank and the great amount of capital vested in it by the United States require your careful attention. Its charter expired on the 3d day of March last, and it has now no power but that given in the twenty-first section, "to use the corporate name, style, and capacity for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate—real, personal, and mixed—but not for any other purpose or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter the stockholders of the bank obtained an act of incorporation from the legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own and again put in circulation. That the old bank had no right to issue or reissue its notes after the expiration of its charter can not be denied, and that it could not confer any such right on its substitute any more than exercise it itself is equally plain. In law and honesty the notes of the bank in circulation at the expiration of its charter should have been called in by public advertisement, paid up as presented, and, together with those on hand, canceled and destroyed. Their reissue is sanctioned by no law and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their reissue by the new corporation for their own profit is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner and without his consent, are again reissued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the Government and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and judiciary. It remains to be seen whether the persons who as managers of the old bank undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects may now as managers of a new bank continue with impunity to flood the country with a spurious currency, use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States can not well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands, and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State governments.

It is believed that the law of the last session regulating the deposit banks operates onerously and unjustly upon them in many respects, and it is hoped that Congress, on proper representations, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War \_ad interim\_ and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the Marine Corps, and of large bodies of militia and volunteers. With all these events so far as they were known at the seat of Government before the termination of your last session you are already acquainted, and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer was on our part chiefly confined to the protection of our frontier settlements from the incursions of the enemy, and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice in respect to the former by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who as commander in chief of the Territorial militia had been temporarily invested with the command, an ample force for the purpose of resuming offensive operations in the most efficient manner so soon as the season should permit. Major-General Jesup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida and assume the command.

The result of the first movement made by the forces under the direction of Governor Call in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the meantime, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major-General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal and the dispositions he has made and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the meantime, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their

speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians and the causes of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last to be made by the President, is now going on through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier and to the fulfillment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches our troops were yet at that station, but the officer who has succeeded General Gaines has recently been advised that from the facts known at the seat of Government there would seem to be no adequate cause for any longer maintaining that position, and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year for the service of militia and volunteers have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the Regular Army. The views of this subject submitted by the Secretary of War in his report meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this arm of defense has been so repeatedly presented to Congress by myself and my predecessors that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session that more presented themselves at the place of rendezvous in Tennessee than were sufficient to meet the requisition which had been made by the Secretary of War upon the governor of that State. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia so as to obtain the proper number of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous under circumstances authorizing them to believe that their services were needed and would be accepted that the expenses incurred by them while absent from their homes should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous and while there; in connection with which it will also be proper to make provision for such other equitable claims growing out of the service of the militia as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama,

and Georgia it became necessary in some cases to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations or by the operations of our own troops.

No time was lost after the making of the requisite appropriations in resuming the great national work of completing the unfinished fortifications on our seaboard and of placing them in a proper state of defense. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the Engineer Corps and for a reorganization of the Topographical Corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced during the present year in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions directed by recent laws have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the Ordnance Corps and to the general staff, the operations of which as they are now organized must either be frequently interrupted or performed by officers taken from the line of the Army, to the great prejudice of the service.

For a general view of the condition of the Military Academy and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents, and among the various proposals contained therein for legislative action I would particularly notice the suggestion of the Secretary of War for the revision of the pay of the Army as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government for the removal of the Indian tribes originally settled on this side of the Mississippi to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty and in relation to our Indian affairs generally will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents in respect to those relations will receive your early and mature deliberation, and that it may issue in the adoption of legislative measures adapted to



the circumstances and duties of the present crisis.

You are referred to the report of the Secretary of the Navy for a satisfactory view of the operations of the Department under his charge during the present year. In the construction of vessels at the different navy-yards and in the employment of our ships and squadrons at sea that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriations for the purpose and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat and to enlarge generally the capacity and force of the Navy. The increase of our commerce and our position in regard to the other powers of the world will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster-General presents a gratifying picture of the condition of the Post-Office Department. Its revenues for the year ending the 30th June last were \$3,398,455.19, showing an increase of revenue over that of the preceding year of \$404,878.53, or more than 13 per cent. The expenditures for the same year were \$2,755,623.76, exhibiting a surplus of \$642,831.43. The Department has been redeemed from embarrassment and debt, has accumulated a surplus exceeding half a million of dollars, has largely extended and is preparing still further to extend the mail service, and recommends a reduction of postages equal to about 20 per cent. It is practicing upon the great principle which should control every branch of our Government of rendering to the public the greatest good possible with the least possible taxation to the people.

The scale of postages suggested by the Postmaster-General recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price; but on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them except such as shall be negotiated before the time of offering or afterwards, and the power of the Postmaster-General to pay them high prices is practically without limitation. It would be a relief to him and no doubt would conduce to the public interest to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British Islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between

New York and Liverpool or other foreign ports, as proposed by the Postmaster-General. On the contrary, it promises, by the security it will afford, to facilitate commercial transactions and give rise to an enlarged intercourse among the people of different nations, which can not but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the provincial post-office asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for as well by our own interest as by comity to the adjoining British provinces.

The expediency of providing a fireproof building for the important books and papers of the Post-Office Department is worthy of consideration. In the present condition of our Treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger when they can so readily be made secure. There are weighty considerations in the location of a new building for that Department in favor of placing it near the other executive buildings.

The important subjects of a survey of the coast and the manufacture of a standard of weights and measures for the different custom-houses have been in progress for some years under the general direction of the Executive and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress the making of a set of weights and measures for each State in the Union was added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole, the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year, with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting. Other claims have been made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction the subject was at the last session, on my suggestion and by request of the immediate superintendent, submitted by the Treasury Department to the Committee on Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers organized specially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the Constitution which will prevent in any event the election of the President and Vice-President of the United States devolving on the House of Representatives and the Senate, and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District

of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper I think it due to the various Executive Departments to bear testimony to their prosperous condition and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I can not omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country, and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my Administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health and so much desired by me in other respects, I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted for the continuance of His blessings on our beloved country.

ANDREW JACKSON.

A.--\_Statement of distribution of surplus revenue of \$30,000,000 among the several States, agreeably to the number of electoral votes for President and according to the constitutional mode of direct taxation by representative population, and the difference arising from those two modes of distribution, as per census of 1830\_.

	Representative population	Electoral vote	Share according to system of direct taxation	Share according to mode of direct tax	Difference in favor of electoral vote	Difference in favor of mode
ME	399,454	10	\$999,371	\$1,020,408		\$21,037
NH	269,327	7	673,813	714,286		40,473
MA	610,408	14	1,527,144	1,428,571	\$98,573	
RI	97,192	4	243,159	408,163		165,004
CT	297,665	8	744,711	816,327		71,616
VT	280,652	7	702,147	714,286		12,139
NY	1,918,578	42	4,799,978	4,285,714	514,264	
NJ	319,921	8	800,392	816,427		15,935
PA	1,348,072	30	3,372,662	3,061,225	311,437	
DE	75,431	3	188,716	306,122		117,406
MD	405,842	10	1,015,352	1,020,408		5,056
VA	1,023,502	23	2,560,640	2,346,939	213,701	
NC	639,747	15	1,600,546	1,530,612	69,934	
SC	455,025	11	1,138,400	1,122,449	15,951	
GA	429,811	11	1,075,319	1,122,449		47,130
AL	262,307	7	656,751	714,286		57,535
MS	110,357	4	276,096	408,163		132,067
LA	171,904	5	430,076	510,204		80,128
TN	625,263	15	1,564,309	1,530,612	33,697	

KY	621,832	15	1,555,725	1,530,612	25,113
OH	937,901	21	2,346,479	2,142,858	203,621
IN	343,030	9	858,206	918,368	60,162
IL	157,146	5	393,154	510,204	117,050
MO	130,419	4	326,288	408,163	81,875
AR	28,557	3	71,445	306,122	234,677
MI	31,625	3	79,121	306,102	227,001
Total	11,991,168	294	30,000,000	30,000,000	1,486,291 1,486,291

[Transcriber's Note: State names abbreviated to reduce column width.]

#### SPECIAL MESSAGES.

WASHINGTON, \_December 6, 1836\_.

\_To the Senate and House of Representatives\_:

I transmit herewith to Congress copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published in a variety of forms the naked journals of the Revolutionary Congress and of the Convention that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared--long withheld from the public, as it has been, by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away--well deserves to become the property of the nation, and can not fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and all succeeding generations--accurate knowledge of the principles of their Government and the circumstances under which they were recommended and embodied in the Constitution for adoption.

ANDREW JACKSON.

DEPARTMENT OF STATE,

\_July 9, 1836\_.

The Secretary of State has the honor to report to the President that there is no resolution of Congress on the death of Mr. Madison on file in the Department of State. By application at the offices of the Secretary of the Senate and Clerk of the House of Representatives the inclosed certified copy of a set of resolutions has been procured. These resolutions, being joint, should have been enrolled, signed by the presiding officers of the two Houses, and submitted for the Executive approbation. By referring to the proceedings on the death of General Washington such a course appears to have been thought requisite, but in this case it has been deemed unnecessary or has

been omitted accidentally. The value of the public expression of sympathy would be so much diminished by postponement to the next session that the Secretary has thought it best to present the papers, incomplete as they are, as the basis of such a letter as the President may think proper to direct to Mrs. Madison.

JOHN FORSYTH,

\_Secretary of State\_.

WASHINGTON, \_July 9, 1836\_.

Mrs. D.P. MADISON,

\_Montpelier, Va\_.

MADAM: It appearing to have been the intention of Congress to make me the organ of assuring you of the profound respect entertained by both its branches for your person and character, and of their sincere condolence in the late afflicting dispensation of Providence, which has at once deprived you of a beloved companion and your country of one of its most valued citizens, I perform that duty by transmitting the documents herewith inclosed.

No expression of my own sensibility at the loss sustained by yourself and the nation could add to the consolation to be derived from these high evidences of the public sympathy. Be assured, madam, that there is not one of your countrymen who feels more poignantly the stroke which has fallen upon you or who will cherish with a more endearing constancy the memory of the virtues, the services, and the purity of the illustrious man whose glorious and patriotic life has been just terminated by a tranquil death.

I have the honor to be, madam, your most obedient servant,

ANDREW JACKSON.

The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, James Madison, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce:

\_Resolved by the Senate and House of Representatives of the United States of America in Congress assembled\_, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the present session, and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses wear the usual badge of mourning for thirty days.

\_Resolved\_, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

\_Resolved\_, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character and of their sincere condolence on the late afflicting dispensation of Providence.

MONTPELIER, \_August 20, 1836\_.

The PRESIDENT OF THE UNITED STATES:

I received, sir, in due time, your letter conveying to me the resolutions Congress were pleased to adopt on the occasion of the death of my beloved husband—a communication made the more grateful by the kind expression of your sympathy which it contained.

The high and just estimation of my husband by my countrymen and friends and their generous participation in the sorrow occasioned by our irretrievable loss, expressed through their supreme authorities and otherwise, are the only solace of which my heart is susceptible on the departure of him who had never lost sight of that consistency, symmetry, and beauty of character in all its parts which secured to him the love and admiration of his country, and which must ever be the subject of peculiar and tender reverence to one whose happiness was derived from their daily and constant exercise.

The best return I can make for the sympathy of my country is to fulfill the sacred trust his confidence reposed in me, that of placing before it and the world what his pen prepared for their use—a legacy the importance of which is deeply impressed on my mind.

With great respect,

D.P. MADISON.

MONTPELIER, \_November 15, 1836\_.

The PRESIDENT OF THE UNITED STATES.

SIR: The will of my late husband, James Madison, contains the following provision:

"Considering the peculiarity and magnitude of the occasion which produced the Convention at Philadelphia in 1787, the characters who composed it, the Constitution which resulted from their deliberations, its effects during a trial of so many years on the prosperity of the people living under it, and the interest it has inspired among the friends of free government, it is not an unreasonable inference that a careful and extended report of the proceedings and discussions of that body, which were with closed doors, by a member who was constant in his attendance, will be particularly gratifying to the people of the United States and to all who take an interest in the progress of political science and the cause of true liberty."

This provision bears evidence of the value he set on his report of the debates in the Convention, and he has charged legacies on them alone to the amount of \$1,200 for the benefit of literary institutions and for benevolent purposes, leaving the residuary net proceeds for the use of his widow.

In a paper written by him, and which it is proposed to annex as a preface to the Debates, he traces the formation of confederacies and of the Articles of Confederation, its defects which caused and the steps which led to the Convention, his reasons for taking the debates and the manner in which he executed the task, and his opinion of the framers of the Constitution. From this I extract his description of the manner in which they were taken, as it guarantees their fullness and accuracy:

"In pursuance of the task I had assumed, I chose a seat in front of the

presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed I noted down, in terms legible and in abbreviations and marks intelligible to myself, what was read from the chair or spoken by the members, and losing not a moment unnecessarily between the adjournment and reassembling of the Convention, I was enabled to write out my daily notes during the session, or within a few finishing days after its close, in the extent and form preserved in my own hand on my files.

"In the labor and correctness of this I was not a little aided by practice and by a familiarity with the style and the train of observation and reasoning which characterized the principal speakers. It happened also that I was not absent a single day, nor more than the casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one."

However prevailing the restraint which veiled during the life of Mr. Madison this record of the creation of our Constitution, the grave, which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or to them. His anxiety for their early publicity after this was removed may be inferred from his having them transcribed and revised by himself; and, it may be added, the known wishes of his illustrious friend Thomas Jefferson and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfill the pecuniary obligations imposed by his will, urged their appearance without awaiting the preparation of his other works, and early measures were accordingly adopted by me to ascertain from publishers in various parts of the Union the terms on which their publication could be effected.

It was also intended to publish with these debates those taken by him in the Congress of the Confederation in 1782, 1783, and 1787, of which he was then a member, and selections made by himself and prepared under his eye from his letters narrating the proceedings of that body during the periods of his service in it, prefixing the debates in 1776 on the Declaration of Independence by Thomas Jefferson so as to embody all the memorials in that shape known to exist. This expose of the situation of the country under the Confederation and the defects of the old system of government evidenced in the proceedings under it seem to convey such preceding information as should accompany the debates on the formation of the Constitution by which it was superseded.

The proposals which have been received, so far from corresponding with the expectations of Mr. Madison when he charged the first of these works with those legacies, have evidenced that their publication could not be engaged in by me without advances of funds and involving of risks which I am not in a situation to make or incur.

Under these circumstances, I have been induced to submit for your consideration whether the publication of these debates be a matter of sufficient interest to the people of the United States to deserve to be brought to the notice of Congress; and should such be the estimation of the utility of these works by the representatives of the nation as to induce them to relieve me individually from the obstacles which impede it, their general circulation will be insured and the people be remunerated by its more economical distribution among them.

With high respect and consideration,

D.P. MADISON.

WASHINGTON, \_December 6, 1836\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit to Congress a report from the Commissioner of the Public Buildings, showing the progress made in the construction of the public buildings which by the act of the 4th of July last the President was authorized to cause to be erected.

ANDREW JACKSON.

DECEMBER 20, 1836.

\_To the Senate and House of Representatives\_.

GENTLEMEN: Herewith I transmit a report of the Postmaster-General, and recommend the passage of such laws and the making of such appropriations as may be necessary to carry into effect the measures adopted by him for resuming the business of the Department under his charge and securing the public property in the old Post-Office building.

It is understood that the building procured for the temporary use of the Department is far from being fireproof, and that the valuable books and papers saved from the recent conflagration will there be exposed to similar dangers. I therefore feel it my duty to recommend an immediate appropriation for the construction of a fireproof General Post-Office, that the materials may be obtained within the present winter and the buildings erected as rapidly as practicable.

ANDREW JACKSON.

POST-OFFICE DEPARTMENT,

\_December 20, 1836\_.

The PRESIDENT OF THE UNITED STATES.

SIR: On the morning of the 15th instant I performed the painful duty of reporting to you orally the destruction of the General Post-Office building by fire, and received your instructions to inquire into the cause and extent of the calamity, for the purpose of enabling you to make a communication to Congress.

A few hours afterwards I received, through the chairman of the Committee on the Post-Office and Post-Roads of the House of Representatives, an official copy of a resolution adopted by that House, instructing the committee to institute a similar inquiry, and the chairman asked for such information as it was in my power to give. The investigation directed by you was thus rendered unnecessary.

The corporation of the city of Washington with honorable promptitude offered the Department the use of the west wing of the City Hall, now occupied by the mayor and councils and their officers and the officers of the Chesapeake and Ohio Canal Company. The proprietors of the medical college also tendered the use of their building on E street, and offers were made of several other buildings in the central parts of the city. An examination was made of such as promise by their magnitude to afford sufficient room for the force employed in the Department, but none were found equal in the commodiousness of their interior structure and abundant room to Fuller's Hotel, opposite the buildings occupied by the Treasury Department on Pennsylvania avenue. That building has been obtained on terms which the accompanying papers (marked 1 and 2) will



fully exhibit. The business of the Department will be immediately resumed in that building.

The agreement with Mr. Fuller will make necessary an immediate appropriation by Congress, and upon that body will devolve also the duty of providing for the payment of the rent, if they shall approve of the arrangement.

In the meantime steps have been taken to secure all that is valuable in the ruins of the Post-Office building, and to protect from the weather the walls of so much of it as was occupied by the General Post-Office which stand firm.

The Department has no fund at command out of which the services necessary in the accomplishment of these objects can be paid for, nor has it the means to replace the furniture which has been lost and must be immediately obtained to enable the clerks to proceed with their current business.

These facts I deem it my duty to report to you, that you may recommend to Congress such measures thereupon as you may deem expedient.

With the highest respect, your obedient servant,

AMOS KENDALL.

WASHINGTON, \_December 20, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith, for the consideration and action of the Senate, treaties concluded with the Ioways and Sacs of Missouri, with the Sioux, with the Sacs and Foxes, and with the Otoes and Missourias and Omahas, by which they have relinquished their rights in the lands lying between the State of Missouri and the Missouri River, ceded in the first article of the treaty with them of July 15, 1830.

ANDREW JACKSON.

WASHINGTON, \_December 20, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith to the Senate, for their consideration in reference to its ratification, a treaty of peace and friendship between the United States of America and the Emperor of Morocco, concluded at Meccanez on the 16th of September, 1836, with a report of the Secretary of State and the documents therein mentioned.

ANDREW JACKSON.

WASHINGTON, \_December 21, 1836\_.

\_To the Senate and House of Representatives of the United States\_:

During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration extracts from the report of the agent who had been

appointed to collect it relative to the condition of that country.

No steps have been taken by the Executive toward the acknowledgment of the independence of Texas, and the whole subject would have been left without further remark on the information now given to Congress were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas and indication of the views of Congress make it proper that I should somewhat in detail present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or the New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements of those Kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government that we have under the most critical circumstances avoided all censure and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been by force of evidence compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party, without reference to our particular interests and views or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur,

and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

In making these suggestions it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof and waited, not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American States who began or carried on the contest with the parent country united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador only after their independent existence was no longer a subject of dispute or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic under another executive is rallying its forces under a new leader and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended, and were there nothing peculiar in the relative situation of the United States and Texas our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the

same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government--a policy which has secured to us respect and influence abroad and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which after much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

DECEMBER 26, 1836.

\_To the Senate of the United States\_:

I herewith transmit to the Senate the report of the Secretary of the Treasury, giving all the information required by their resolution of the 19th instant, calling for a list of the different appropriations which will leave unexpended balances on the 1st day of January next.

ANDREW JACKSON.

WASHINGTON, \_December 26, 1836\_.

\_To the Senate of the United States\_:

I nominate William Gates, late major of the First Regiment of Artillery, for reappointment in the Army, to be major in the Second Regiment of Artillery, to take rank from the 30th May, 1832, the date of his former commission. This officer was stricken from the rolls of the Army by my order on the 7th of June last, upon a full consideration by me of the proceedings of a court of inquiry held at his request for the purpose of investigating his conduct during and subsequent to the attack on Fort Barnwell, at Volusia, in Florida, in April last, which court, after mature deliberation on the testimony before them, expressed the opinion "that the effective force under the command of Major Gates was much greater than the estimated force of the Indians who attacked him on the

morning of the 14th of April, 1836, and that therefore he was capable of meeting the enemy in the field if necessary; also, that the bodies of two volunteers killed were improperly left exposed, and ought to have been brought in on the morning when they were killed, such exposure necessarily operating injuriously on the garrison." He is now nominated for a reappointment to the end that he may be brought to trial before a court-martial, such a trial being solicited by him.

ANDREW JACKSON.

WASHINGTON, \_December, 1836\_.

\_To the Senate and House of Representatives of the United States\_ :

By the second section of the act "to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June 15, 1836, the constitution and State government which the people of Michigan had formed for themselves was ratified and confirmed and the State of Michigan declared to be one of the United States of America, and admitted into the Union upon an equal footing with the original States, but on the express condition that the said State should consist of and have jurisdiction over all the territory included within certain boundaries described in the act, and over none other. It was further enacted by the third section of the same law that, as a compliance with the fundamental condition of admission, the boundaries of the State of Michigan, as thus described, declared, and established, should "receive the assent of a convention of delegates elected by the people of said State for the sole purpose of giving the assent" therein required; that as soon as such assent should be given the President of the United States should announce the same by proclamation, and that thereupon, and without any further proceeding on the part of Congress, the admission of the State into the Union as one of the United States of America should be considered as complete, and the Senators and Representatives in the Congress of the United States entitled to take their seats without further delay.

In the month of November last I received a communication inclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th of September, 1836, all which (marked A) are herewith laid before you. It will be seen by these papers that the convention therein referred to was elected by the people of Michigan pursuant to an act of the State legislature passed on the 25th of July last in consequence of the above-mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same.

On the 24th instant the accompanying paper (marked B), with its inclosure, containing the proceedings of a convention of delegates subsequently elected and held in the State of Michigan, was presented to me. By these papers, which are also herewith submitted for your consideration, it appears that elections were held in all the counties of the State, except two, on the 5th and 6th days of December instant, for the purpose of electing a convention of delegates to give the assent required by Congress; that the delegates then elected assembled in convention on the 14th day of December instant, and that on the following day the assent of the body to the fundamental condition above stated was formally given.

This latter convention was not held or elected by virtue of any act of the Territorial or State legislature; it originated from the people themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties. The act of

Congress, however, does not prescribe by what authority the convention shall be ordered, or the time when or the manner in which it shall be chosen. Had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State for the purpose required, to have issued my proclamation thereon as provided by law; but as the authority conferred on the President was evidently given to him under the expectation that the assent of the convention might be laid before him during the recess of Congress and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case are in other respects peculiar and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper for other reasons, that the whole subject should be submitted to the decision of Congress. The importance of your early action upon it is too obvious to need remark.

ANDREW JACKSON.

WASHINGTON, \_December 28, 1836\_.

\_To the House of Representatives of the United States\_:

In compliance with the resolution of the House of Representatives of the 23d instant, I herewith transmit a report[22] from the Secretary of State, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

[Footnote 22: Relating to the bequest of James Smithson.]

\_To the Senate of the United States\_:

I transmit to the Senate a report[23] of the Secretary of the Navy, complying with their resolution of the 24th of May, 1836.

ANDREW JACKSON.

DECEMBER 29, 1836.

[Footnote 23: Relating to the survey of the harbors south of the Chesapeake.]

WASHINGTON, \_December 30, 1836\_.

\_To the Senate and House of Representatives\_:

I transmit herewith a communication from the Secretary of War ad interim, with certain accompanying papers[24] from the Engineer Department, required to complete the annual report from that Department.

ANDREW JACKSON.

[Footnote 24: Reports of the superintendents of the Cumberland road in Indiana and Illinois and of the improvement of the Ohio River above the Falls.]

WASHINGTON, \_December 30, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith, for your consideration and action, four treaties with bands of Potawatamie Indians in Indiana, accompanied by a report from the War Department and sundry other papers.

ANDREW JACKSON.

WASHINGTON, \_December 30, 1836\_.

\_To the Senate of the United States\_:

I transmit herewith, for your consideration and action, a treaty with the Menomonie tribe of Indians, accompanied by a report from the War Department. I recommend the modifications proposed in the report.

ANDREW JACKSON.

WASHINGTON, \_January 7, 1837\_.

\_To the House of Representatives of the United States\_:

I herewith transmit to Congress a report of the Secretary of State, with the accompanying letter, addressed to him by the commission appointed under the act of Congress of the last session for carrying into effect the convention between the United States and Spain.

ANDREW JACKSON.

WASHINGTON, \_January 9, 1837\_.

\_To the Senate of the United States\_:

Immediately after the passage by the Senate, at a former session, of the resolution requesting the President to consider the expediency of opening negotiations with the governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by equitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as ought to be established to compensate the capitalists who might engage in such undertaking and complete the work, an agent was employed to obtain information in respect to the situation and character of the country through which the line of communication, if established, would necessarily pass, and the state of the projects which were understood to be contemplated for opening such communication by a canal or a railroad. The agent returned to the United States in September last, and although the information collected by him is not as full as could have been desired, yet it is sufficient to show that the probability of an early execution of any of the projects which have been set on foot for the construction of the communication alluded to is not

so great as to render it expedient to open a negotiation at present with any foreign government upon the subject.

ANDREW JACKSON.

WASHINGTON, \_January 17, 1837\_.

\_To the House of Representatives of the United States\_:

I hereby submit to the House of Representatives certain communications from the Secretary of the Treasury and the attorney of the United States for the District of Columbia. They relate to the difficulties which have been interposed under the existing laws in bringing to conviction and punishment the supposed incendiaries of the Treasury buildings in the year 1833.

The peculiar circumstances of this case, so long concealed, and of the flagrant frauds by persons disconnected with the Government, which were still longer concealed, and to screen some of which forever was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of the public property, but to repeal entirely the statute of limitation in all criminal cases, except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the commission of the crime was kept concealed or the persons on trial were not suspected of having perpetrated the offense.

It must be manifest to Congress that the exposed state of the public records here, without fireproof buildings, imperatively requires the most ample remedies for their protection, and the greatest vigilance and fidelity in all officers, whether executive or judicial, in bringing to condign punishment the real offenders.

Without these the public property is in that deplorable situation which depends quite as much on accident and good fortune as the laws, for safety.

ANDREW JACKSON.

[The same message was sent to the Senate.]

WASHINGTON, \_January 17, 1837\_.

\_To the Senate and House of Representatives of the United States\_:

I transmit to Congress herewith the copy of an act of the State of Missouri passed on the 16th ultimo, expressing the assent of that State to the several provisions of the act of Congress entitled "An act to extend the western boundary of the State of Missouri to the Missouri River," approved June 7, 1836. A copy of the act, duly authenticated, has been deposited in the Department of State.

ANDREW JACKSON.

JANUARY 18, 1837.

\_To the Senate of the United States\_:



In compliance with a resolution of the Senate at their last session, I herewith transmit the inclosed documents, which contain all the information on the subject of the claim of the heirs of George Galphin within the power of the Executive.

ANDREW JACKSON.

WASHINGTON, \_January 18, 1837\_.

\_To the Senate of the United States\_:

In compliance with the resolution of the Senate dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last by the President of the Mexican Republic, and a copy of my reply to the same on the 4th of September. No other communication on the subject of the resolution referred to has been made to the Executive by any other foreign government, or by any person claiming to act in behalf of Mexico.

ANDREW JACKSON.

\_The President of the Mexican Republic to the President of the United States\_.

COLUMBIA, IN TEXAS, \_July 4, 1836\_.

His Excellency General ANDREW JACKSON,

\_President of the United States of America\_.

MUCH ESTEEMED SIR: In fulfillment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of 6,000 Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander in chief of the Texan army, and by his successor, General Thomas J. Rusk, for the termination of the war; the decision of the President and cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies inclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brasos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfill the other engagements, and with that intent I embarked on board the schooner \_Invincible\_, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and in consequence of it the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola and has ordered his successor, General Urrea, to continue its operations, in obedience to which order that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation and of my going to Mexico according to the convention; but the excitement of the public mind has

increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war and of its disasters is therefore inevitable unless the voice of reason be heard in proper time from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country which I did not possess four months ago. I have too much zeal for the interests of my country to wish for anything which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death rather than consent to any compromise if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation. That conviction alone determined me sincerely to agree to what has been stipulated, and in the same spirit I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part. Afford me the satisfaction of avoiding approaching evils and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world, and who, under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted you will see the sentiments which animate me, and with which I remain, your most humble and obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

\_The President of the United States to the President of the Mexican Republic\_.

HERMITAGE, \_September 4, 1836\_.

General ANTONIO LOPEZ DE SANTA ANNA.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th day of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations; but it proceeds on the principle that all nations have the right to alter, amend, or change their own government as the sovereign power--the people--may direct. In this respect it never interferes with the policy of other powers, nor can it

permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations or remove the causes of misunderstanding is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister from considering it. That Government has notified us that as long as you are a prisoner no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war and in substituting in their stead the blessings of peace is a divine privilege. Every government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander in chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 15th of October. In the meantime I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken and can add to the number of those scenes of bloodshed which have already marked the progress of their contest and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

JANUARY 19, 1837.

\_To the Senate and House of Representatives of the United States\_:

I herewith transmit a copy of the annual report of the Director of the Mint, showing the operations of the institution during the past year and also the progress made toward completion of the branch mints in North Carolina, Georgia, and Louisiana.

ANDREW JACKSON.

WASHINGTON, \_January 20, 1837\_.

\_To the Senate and House of Representatives\_:

In compliance with the act of Congress of the 3d of March, 1829, I herewith transmit to Congress the report of the board of inspectors of

the penitentiary of Washington, and beg leave to draw their attention to the fact presented with the report, "that the inspectors have received no compensation for their services for two years, viz, 1829 and 1830," and request that an appropriation be made for the same.

ANDREW JACKSON.

WASHINGTON, \_January 21, 1837\_.

\_To the Senate of the United States\_:

I transmit, for your constitutional action, a report from the War Department, accompanied by a treaty with the Stockbridge and Munsee Indians.

ANDREW JACKSON.

WASHINGTON, \_January 21, 1837\_.

\_To the Senate of the United States\_:

I transmit, for your constitutional action, a report from the War Department, accompanied by a treaty with a portion of the New York Indians.

ANDREW JACKSON.

WASHINGTON, \_January 25, 1837\_.

\_To the House of Representatives of the United States\_:

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report<sup>[25]</sup> from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

[Footnote 25: Relating to the condition of the political relations between the United States and Mexico, and to the condition of Texas.]

WASHINGTON, \_January 27, 1837\_.

\_To the Senate and House of Representatives\_:

I transmit herewith certain papers from the War Department, relative to the improvement of Brunswick Harbor, Georgia.

ANDREW JACKSON.

WASHINGTON, \_January 30, 1837\_.

\_To the House of Representatives of the United States\_:

I herewith transmit to the House the copy of a letter addressed to me by the governor of the State of Maine on the 30th of June last, communicating sundry resolutions of the legislature of that State and

claiming the reimbursement of certain moneys paid to John and Phineas R. Harford for losses and expenses incurred by them under circumstances explained in the accompanying papers.

ANDREW JACKSON.

WASHINGTON, \_February 6, 1837\_.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of Representatives of the 3d instant, I herewith transmit the report[26] of the Secretary of the Navy, which affords all the information required by said resolution. The President begs leave to add that he trusts that all facilities will be given to this exploring expedition that Congress can bestow and the honor of the nation demands.

ANDREW JACKSON.

[Footnote 26: Relating to the South Sea exploring expedition.]

WASHINGTON, \_February 6, 1837\_.

\_To the Senate and House of Representatives of the United States\_ :

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo,

will enable Congress to judge of the propriety of the course heretofore pursued and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my cooperation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, \_February 7, 1837\_.

\_To the Senate of the United States\_:

I transmit communications from the War Department relating to the treaty with the Sacs and Foxes recently submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, \_February 7, 1837\_.

\_To the Senate of the United States\_:

I transmit herewith, for the constitutional action of the Senate, a report from the War Department, accompanied by a treaty with the Saganaw tribe of Chippewa Indians.

ANDREW JACKSON.

WASHINGTON, \_February, 1837\_.

\_To the Senate of the United States\_:

I transmit, for your consideration and action, a treaty with certain Potawatamie Indians, accompanied by a report from the War Department.

ANDREW JACKSON.

WASHINGTON, \_February 9, 1837\_.

\_To the Senate and House of Representatives of the United States\_:

I communicate to Congress printed copies of the treaty of peace and commerce between the United States and the Empire of Morocco, concluded at Meccanez on the 16th day of September last, and duly ratified by the respective Governments.

ANDREW JACKSON.

WASHINGTON, \_February 11, 1837\_.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a letter addressed to me on the 30th ultimo by the governor of the State of New Hampshire, communicating several resolutions of the legislature of that Commonwealth and claiming the reimbursement of certain expenses incurred by that State in maintaining jurisdiction over that portion of its territory north of the forty-fifth degree of north latitude, known by the name of Indian Stream, under circumstances explained in his excellency's letter.

ANDREW JACKSON.

WASHINGTON, February 13, 1837.

To the Senate of the United States:

I herewith transmit to the Senate a report[27] from the Secretary of State, with accompanying papers, embracing a copy of the correspondence requested by the resolution of the 7th instant, and such additional documents as were deemed necessary to a correct understanding of the whole subject.

ANDREW JACKSON.

[Footnote 27: Relating to the seizure of slaves on board the brigs Encomium and Enterprise by the authorities of Bermuda and New Providence.]

WASHINGTON CITY, February 14, 1837.

To the House of Representatives:

I transmit herewith a copy of the instructions, prepared under my direction by the War Department, for the commissioners appointed by me, in pursuance of the request contained in the resolution adopted by the House of Representatives on the 1st of July last, to investigate the causes of the hostilities then existing with the Creek Indians, and also copies of the reports on that subject received from the commissioners.

ANDREW JACKSON.

FEBRUARY 15, 1837.

To the Senate of the United States:

I herewith transmit to the Senate a report of the Postmaster-General, on the subject of the claims of Messrs. Stockton and Stokes, with a review of that report by the Solicitor of the Treasury, to whom, under a law of the last session of Congress, all the suspended debts of those contractors had been submitted; also a supplemental rejoinder by the Postmaster-General since the report of the Solicitor of the Treasury was made, with the papers accompanying the same, all of which are respectfully submitted for the consideration of the Senate.

ANDREW JACKSON.

WASHINGTON, \_February 15, 1837\_.

\_To the Senate of the United States\_:

I transmit herewith, for your consideration and action, a treaty lately made with the Sioux of the Mississippi, accompanied by a report from the War Department.

ANDREW JACKSON.

WASHINGTON, \_February, 1837\_.

\_To the Senate of the United States\_:

I transmit herewith a convention between the Choctaws and Chickasaws, which meets my approbation, and for which I ask your favorable consideration and action.

ANDREW JACKSON.

WASHINGTON, \_February 20, 1837\_.

\_To the House of Representatives of the United States\_:

In compliance with the resolution of the House of Representatives of the 9th ultimo, I transmit a report from the Secretary of State and the documents[28] by which it was accompanied.

ANDREW JACKSON.

[Footnote 28: Correspondence of William Tudor, Jr., while consul, etc., of the United States to Peru and charge d'affaires at Rio de Janeiro.]

WASHINGTON, \_February 24, 1837\_.

\_To the House of Representatives\_:

I transmit a letter from the Secretary of War ad interim, accompanied by various documents, in relation to a survey recently made of the mouths of the Mississippi River under a law of the last session of Congress.

ANDREW JACKSON.

WASHINGTON, \_March 3, 1837\_.

\_To the Senate of the United States\_:

In the month of October last, the office of Secretary of War being vacant, I appointed Benjamin F. Butler, of the State of New York, to perform the duties thereof during the pleasure of the President, but with the expectation that the office would be otherwise filled, on the nomination of my successor, immediately on the commencement of his term of service. This expectation I have reason to believe will be fulfilled, but as it is necessary in the present state of the public service that the vacancy should actually occur, and as it is doubtful whether Mr. Butler can act under his present appointment after the expiration of the present session of the Senate, I hereby nominate the said Benjamin



F. Butler to be Secretary of War of the United States, to hold the said office during the pleasure of the President until a successor duly appointed shall accept such office and enter on the duties thereof.

ANDREW JACKSON.

WASHINGTON, \_March 3, 1837\_.

\_To the Senate of the United States\_:

In my message to Congress of the 21st of December last I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation law passed by both Houses providing for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the Senate, the constitutional advisers of the Executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that "the State of Texas having established and maintained an independent government capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper and in conformity with the laws of nations and the practice of this Government in like cases that the independent political existence of said State be acknowledged by the Government of the United States." Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcee La Branche, of Louisiana, to be charge d'affaires to the Republic of Texas.

ANDREW JACKSON.

VETO MESSAGE.[29]

[Footnote 29: Pocket veto. This message was never sent to Congress, but was deposited in the Department of State.]

MARCH 3, 1837--11.45 p.m.

The bill from the Senate entitled "An act designating and limiting the funds receivable for the revenues of the United States" came to my hands yesterday at 2 o'clock p. m. On perusing it I found its provisions so complex and uncertain that I deemed it necessary to obtain the opinion of the Attorney-General of the United States on several important questions touching its construction and effect before I could decide on the disposition to be made of it. The Attorney-General took up the subject immediately, and his reply was reported to me this day at 5 o'clock p. m., and is hereunto annexed. As this officer, after a careful and laborious examination of the bill and a distinct expression of his opinion on the points proposed to him still came to the conclusion that the construction of the bill, should it become a law, would yet be a subject of much perplexity and doubt (a view of the bill entirely coincident with my own), and as I can not think it proper, in a matter

of such vital interest and of such constant application, to approve a bill so liable to diversity of interpretations, and more especially as I have not had time, amid the duties constantly pressing on me, to give the subject that deliberate consideration which its importance demands, I am constrained to retain the bill, without acting definitively thereon; and to the end that my reasons for this step may be fully understood I shall cause this paper, with the opinion of the Attorney-General and the bill in question, to be deposited in the Department of State.

ANDREW JACKSON.

ATTORNEY-GENERAL'S OFFICE,

\_March 3, 1837\_.

The PRESIDENT OF THE UNITED STATES.

SIR: I have had the honor to receive the several questions proposed to me by you on the bill which has just passed the two Houses of Congress, entitled "An act designating and limiting the funds receivable for the revenues of the United States," and which is now before you for consideration. These questions may be arranged under three general heads, and in that order I shall proceed to reply to them.

I. Will the proposed bill, if approved, repeal or alter the laws now in force designating the currency required to be received in payment of the public dues, for lands or otherwise?

Will it compel the Treasury officers to receive the notes of specie-paying banks having the characteristics described in its first and second sections?

In what respect does it differ from and how far will it change the joint resolution of April 30, 1816?

\_Answer\_. In order to a correct reply to this question, and indeed to any other question arising on this obscurely penned bill, we must first obtain a general view of all its provisions.

The first section requires the Secretary of the Treasury to take measures for collecting the public revenue, first, in the legal currency of the United States (i.e., gold and silver), or, second, in the notes of such specie-paying banks as shall from time to time conform to certain conditions in regard to small bills, described in the section. This section does not expressly give the Secretary power to direct that any particular notes shall be received for lands or for duties, but it forbids the receipt of any paper currency other than such bank notes as are described in the section; and it requires the Secretary to adopt measures, in his discretion, to effectuate that prohibition.

The second section extends the prohibition still further, by forbidding the receipt of any notes which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash; to which is added a proviso authorizing the Secretary to withdraw the public deposits from any bank which shall refuse to receive as cash from the United States any notes receivable under the law which such bank receives in the ordinary course of business on general deposit.

The third and last section allows the receipt, as heretofore, of land scrip and Treasury certificates for public lands, and forbids the

Secretary of the Treasury to make any discrimination in the funds receivable (other than such as results from the receipt of land scrip or Treasury certificates) between the different branches of the public revenue.

From this analysis of the bill it appears that, so far as regards bank notes, the bill designates and limits then: receivableness for the revenues of the United States, first, by forbidding the receipts of any except such as have all the characteristics described in the first and second sections of the bill, and, secondly, by restraining the Secretary of the Treasury from making any discrimination in this respect between the different branches of the public revenue. In this way the bill performs, to a certain extent, the office of "designating and limiting the funds receivable for the revenues of the United States," as mentioned in its title; but it would seem from what has been stated that it is only in this way that any such office is performed. This impression will be fully confirmed as we proceed.

The bill, should it be approved, will be supplementary to the laws now in force relating to the same subject, but as it contains no repealing clause no provision of those former laws, except such as may be plainly repugnant to the present bill, will be repealed by it.

The existing laws embraced in the above question, and applicable to the subject, are:

First. As to duties on goods imported.--The seventy-fourth section of the collection law of the 2d of March, 1799, the first of which, reenacting in this respect the act of the 31st of July, 1789, provides "that all duties and fees to be collected shall be payable in money of the United States or in foreign gold and silver coins at the following rates," etc. The residue of the section, as to rates, has been altered by subsequent laws, and the clause quoted was varied during the existence of the Bank of the United States, the notes of which were expressly made receivable in all payments to the United States, and during the existence of the act making Treasury notes receivable by such act; but in no other respects has it ever been repealed.

Second. As to public lands.--The general land law of the 10th of May, 1800, section 5, provided that no lands should be sold, "at either public or private sale, for less than \$2 per acre, and payment may be made for the same by all purchasers either in specie or in evidences of the public debt of the United States," at the rates prescribed" by a prior law. This provision was varied by the acts relative to Treasury notes and the Bank of the United States in like manner as above mentioned. The second section of the general land law of the 24th of April, 1820, abrogated the allowance of credits on the sale of public lands after the its day of July then next; required every purchaser at public sale to make complete payment on the day of purchase, and the purchaser at private sale to produce to the register a receipt from the Treasurer of the United States or from the receiver of the district for the amount of the purchase money. The proviso to the fourth section of the same law enacted, in respect to reverted lands and lands remaining unsold, that they should not be sold for less price than \$1.25 per acre, "nor on any other terms than that of cash payment." This latter act has been further modified by the allowing Virginia land scrip to be received in payment for public lands.

Third. As to both duties and lands.--The joint resolution of the 30th of April, 1816, provides that the Secretary of the Treasury "be required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in

notes of banks which are payable and paid on demand in the said legal currency of the United States, and that from and after the 20th day of February next no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the legal currency of the United States." According to the opinion given by me as a member of your Cabinet in the month of July last, and to which I still adhere, this resolution was mandatory only as it respected the legal currency of the United States, Treasury notes, and notes of the Bank of the United States, and in respect to the notes of the State banks, though payable and paid in specie, was permissive merely in the discretion of the Secretary; and in accordance with this opinion has been the practical construction given to the resolution by the Treasury Department. It is known to you, however, that distinguished names have been vouched for the opinion that the resolution was mandatory as to the notes of all specie-paying banks; that the debtor had the right, at his option, to make payment in such notes, and that if tendered by him the Treasury officers had no discretion to refuse them.

It is thus seen that the laws now in force, so far as they \_positively\_ enjoin\_ the receipt of any particular currency in payment of public dues, are confined to gold and silver, except that in certain cases Virginia land scrip and Treasury certificates are directed to be received on the sale of public lands. In my opinion, there is nothing in the bill before me repugnant to those laws. The bill does not \_expressly\_ declare and enact that any particular species of currency \_shall\_ be receivable \_in\_ payment of the public revenue. On the contrary, as the provisions of the first and second sections are chiefly of a \_negative\_ character, I think they do not take away the power of the Secretary, previously possessed under the acts of Congress, and as the agent of the President, to \_forbid\_ the receipt of any bank notes which are not by some act of Congress expressly made absolutely receivable in payment of the public dues.

The above view will, I think, be confirmed by a closer examination of the bill. It sets out with the assumption that there is a currency established by law (i. e., gold and silver); and it further assumes that the public revenue of all descriptions ought to be collected exclusively in such legal currency, or in bank notes of a certain character; and therefore it provides that the Secretary of the Treasury \_shall\_ take measures to effect a collection of the revenue "in the legal currency of the United States, \_or\_ in notes of banks which are payable and paid on demand in the said legal currency," under certain restrictions, afterwards mentioned in the act.

The question then arises: Are bank notes having the requisite characteristics placed by the clause just quoted on the same footing with the legal currency, so as to make it the duty of the Secretary of the Treasury to allow the receipt of them when tendered by the debtor? In my judgment, such is not the effect of the provision.

If Congress had intended to make so important an alteration of the existing law as to compel the receiving officers to take payment in the bank notes described in the bill, the natural phraseology would have been, "in the legal currency of the United States \_and\_ in notes of banks which are payable and paid in the legal currency," etc. And it is reasonable to presume that Congress would have used such phraseology, or would have gone on to make a distinct provision expressly declaring that such bank notes \_should\_ be receivable, \_as\_ was done in the bank charters of 1790 and 1816, and as was also done by the acts relative to evidences of debt, Treasury notes, and Virginia land scrip. The form of one of these provisions (the fourteenth section of the act incorporating the late Bank of the United States) will illustrate the idea I desire

to present:

"SEC. 14. \_And be it further enacted, \_That the bills or notes of the said corporation, originally made payable, or which shall have become payable, on demand, \_shall be receivable \_in all payments to the United States, unless otherwise directed by act of Congress."

The difference between the language there used and that employed in the present bill is too obvious to require comment. It is true that the word "or," when it occurs in wills and agreements, is sometimes construed to mean "and," in order to give effect to the plain intent of the parties; and such a construction of the word may sometimes be given when it occurs in statutes, where the general intent of the lawmakers evidently requires it. But this construction of the word in the present case is not only unnecessary, but, in my opinion, repugnant to the whole scope of the bill, which, so far from commanding the public officers to receive bank notes in cases not required by the existing laws, introduces several new prohibitions on the receipt of such notes.

Nor do I think this one of those cases in which a choice is given to the debtor to pay in one or other of two descriptions of currency, both of which are receivable by law. Such a choice was given by the land law of the 10th of May, 1800, section 5, between specie and the evidences of the public debt of the United States then receivable by law, and also by the joint resolution of the 30th of April, 1816, between "the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared." The option given by that resolution continued in force so long as the laws providing and declaring that Treasury notes and notes of the Bank of the United States should be receivable in payments to the United States, and ceased when those laws expired. The distinction between that description of paper currency which is by law expressly made receivable in payment of public dues, and the notes of the State banks, which were only \_permitted\_ to be received, is plainly marked in the resolution of 1816. While the former are placed on the same footing with the legal currency, because by previous laws it had been so "\_provided and declared\_" the latter were left to be received or not received, at the discretion of the Secretary of the Treasury, except that he was restricted from allowing any to be received which were not payable and paid on demand in the legal currency. The bank notes spoken of in the bill before me, having never been made receivable by law, must be regarded as belonging to the latter class, and not to the former; and there can therefore be no greater obligation under the present bill, should it become a law, to receive them in payment than there was to receive the paper of the State banks under the resolution of 1816.

As to the difference between this bill and the joint resolution of 1816, the bill differs from that resolution in the following particulars:

First. It says nothing of Treasury notes and the notes of the Bank of the United States, which by the resolution of 1816 are recognized as having been made receivable by laws then in force in payment of public dues of all descriptions.

Second. It abridges the discretion left with the Secretary of the Treasury by that resolution, by positively forbidding the receipt of bank notes not having the characteristics described in the first and second sections of the bill; whereas the receipt of some of the notes so forbidden might, under the resolution of 1816, have been allowed by the Secretary.

Third. It forbids the making of any discrimination in respect to the receipt of bank notes between the different branches of the public revenue; whereas the Secretary of the Treasury, under the resolution of 1816, was subject to no such restraint, and had the power to make the

discrimination forbidden by the bill, except as to the notes of the Bank of the United States and Treasury notes.

This bill, if approved, will change the resolution of 1816, so far as it now remains in force, in the second and third particulars just mentioned, but in my opinion, as already suggested, will change it in no other respect.

II. What is the extent of the supervision and control allowed by this bill to the Secretary of the Treasury over the notes to be received by the deposit banks?

And does it allow him to direct what particular notes shall or shall not be received for lands or for duties?

Answer. After maturely considering, so far as time has been allowed me, the several provisions of the bill, I think the following conclusions may fairly be drawn from them when taken in connection with the laws now in force, and above referred to, and that should it become a law they will probably express its legal effect.

First. That the Secretary of the Treasury can not direct the receipt of any notes except such as are issued by banks which conform to the first section of the law and such as will be passed by the proper deposit bank to the credit of the United States as cash.

Second. That he may direct the receipt of notes issued by banks which conform to the first section, provided the deposit bank in which the notes are to be deposited shall agree to credit them as cash.

Third. That if the deposit bank in which the money is to be deposited shall refuse to receive as cash the notes designated by the Secretary, and which such bank receives in the ordinary course of business on general deposit, he may withdraw the public deposits and select another depository which will agree to receive them.

Fourth. That if he can not find a depository which will so agree, then that the Secretary can not direct or authorize the receipt of any notes except such as the deposit bank primarily entitled to the deposits will agree to receive and deposit as cash.

Fifth. That although a deposit bank might be willing to receive from the collectors and receivers, and to credit as cash, notes of certain banks which conform to the first section, yet, for the reasons before stated, I am of opinion that the Secretary is not obliged to allow the receipt of such notes.

Sixth. The Secretary is forbidden to make any discrimination in the funds receivable "between the different branches of the public revenue," and therefore, though he may forbid the receipt of the notes of any particular bank or class of banks not excluded by the bill, and may forbid the receipt of notes of denominations larger than those named in the bill, yet when he issues any such prohibition it must apply to all the branches of the public revenue.

Seventh. If I am right in the foregoing propositions, the result will be that the proposed law will leave in the Secretary of the Treasury power to prohibit the receipt of particular notes provided his prohibition apply to both lands and duties, and power to direct what particular notes allowed by the law shall be received provided he can find a deposit bank which will agree to receive and [credit] them as cash.

III. Are the deposit banks the sole judges under this bill of what notes they will receive, or are they bound to receive the notes of every specie-paying bank, chartered or unchartered, wherever situated, in any

part of the United States?

Answer. In my opinion the deposit banks, under the bill in question, will be the sole judges of the notes to be received by them from any collector or receiver of public money, and they will not be bound to receive the notes of any other bank whose notes they may choose to reject, provided they apply the same rule to the United States which they apply to their own depositors. In other words, the general rule as to what notes are to be received as cash, prescribed by each deposit bank for the regulation of its ordinary business, must be complied with by the collectors and receivers whose moneys are to be deposited with that bank. But it will not therefore follow that those officers will be bound to receive what the bank generally receives, because, as already stated, they may refuse of their own accord, or under the direction of the Secretary of the Treasury, any bank notes not expressly directed by act of Congress to be received in payment of the public dues.

I have thus answered the several questions proposed on the bill before me; and though I have been necessarily obliged to examine the subject with much haste, I have no other doubts as to the soundness of the construction above given than such as belong to discussions of this nature and to a proper sense of the fallibility of human judgment. It is, however, my duty to remind you that very different opinions were expressed in the course of the debates on the proposed law by some of the members who took part therein. It would seem from these debates that the bill, in some instances at least, was supported under the impression that it would compel the Treasury officers to receive all bank notes possessing all the characteristics described in the first and second sections, and that the Secretary of the Treasury would have no power to forbid their receipt. It must be confessed that the language is sufficiently ambiguous to give some plausibility to such a construction, and that it seems to derive some support from the refusal of the House of Representatives to consider an amendment reported by the Committee of Ways and Means of that House, which would substantially have given the bill, in explicit terms, the interpretation I have put on it, and have removed the uncertainty which now pervades it. Under these circumstances it may reasonably be expected that the true meaning of the bill, should it be passed into a law, will become a subject of discussion and controversy, and probably remain involved in much perplexity and doubt until it shall have been settled by a judicial decision. How far these latter considerations are to be regarded by you in your decision on the bill is a question which belongs to another place, and on which, therefore, I forbear to enlarge in this communication. I have the honor to be, sir, with high respect, your obedient servant,

B.F. BUTLER.

AN ACT designating and limiting the funds receivable for the revenues of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided; that is, that no such duties, taxes, debts, or sums of money, payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States under the following restrictions and conditions in regard to such notes, to wit: From and after the passage of this act the notes of no bank which shall issue or circulate bills or notes of a less denomination than five

dollars shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

SEC. 2. \_And be it further enacted, \_That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: \_Provided\_, That if any deposit bank shall refuse to receive and pass to the credit of the United States as cash any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank.

SEC. 3. \_And be it further enacted, \_That this act shall not be so construed as to prohibit receivers or collectors of the dues of the Government from receiving for the public lands any kind of land scrip or Treasury certificates now authorized by law, but the same shall hereafter be received for the public lands in the same way and manner as has heretofore been practiced; and it shall not be lawful for the Secretary of the Treasury to make any discrimination in the funds receivable between the different branches of the public revenue, except as is provided in this section.

JAMES K. POLK,

\_Speaker of the House of Representatives\_.

W.R. KING,

\_President of the Senate pro tempore\_.

I certify that this act did originate in the Senate.

ASBURY DICKINS,

\_Secretary\_.

PROCLAMATION.

[From Senate Journal, Twenty-fourth Congress, second session, p. 355.]

DECEMBER 20, 1836.

\_The President of the United States to -----, Senator for the State of -----\_.

By virtue of the power vested in me by the Constitution, I hereby convene the Senate of the United States to meet in the Senate Chamber on the 4th day of March next, at 10 o'clock in the forenoon, to receive any communication the President of the United States may think it his duty to make.

ANDREW JACKSON.



EXECUTIVE ORDERS.

WAR DEPARTMENT,

\_February 15, 1837\_.

Major-General ALEXANDER MACOMB,

\_President of the Court of Inquiry, etc.\_

SIR: I have the honor to inclose a copy of the opinion of the President of the United States on the proceedings of the court of inquiry of which you are president, relative to the campaign against the Creek Indians, and, in compliance with the direction at the close thereof, to transmit herewith those proceedings, with the documentary evidence referred to therein, for the further action of the court.

Very respectfully, your most obedient servant,

B.F. BUTLER,

\_Secretary of War ad interim\_.

P.S.--The proceedings and a portion of the documents accompany this. The balance of the documents (except Nos. 204 and 209, which will be sent to-morrow) are in a separate package, and sent by the same mail.

WASHINGTON, \_February 14, 1837\_.

The President has carefully examined the proceedings of the court of inquiry recently held at the city of Frederick, by virtue of Orders Nos. 65 and 68, so far as the same relate to the causes of the delay in opening and prosecuting the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and has maturely considered the opinion of the court on this part of the subject referred to it.

The order constituting the court directs it, among other things--

To inquire and examine into the causes of the delay in opening and prosecuting the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and into every subject connected with the military operations in the campaign aforesaid, and, after fully investigating the same, to report the facts, together with its opinion on the whole subject, for the information of the President.

It appears from the proceedings that after the testimony of nine witnesses had been received by the court, and after more than one hundred documents bearing on the subject had also been produced in evidence, and after Major-General Scott had addressed the court on the subject, the court proceeded to pronounce its opinion, as follows:

Upon a careful examination of the abundant testimony taken in the foregoing case the court is of opinion that no delay which it was practicable to have avoided was made by Major-General Scott in opening the campaign against the Creek Indians. On the contrary, it appears that he took the earliest measures to provide arms, munitions, and provisions for his forces, who were found almost wholly destitute; and as soon as arms could be put into the hands of the volunteers they

were, in succession, detached and placed in position to prevent the enemy from retiring upon Florida, and whence they could move against the main body of the enemy as soon as equipped for offensive operations.

From the testimony of the governor of Georgia, of Major-General Sanford, commander of the Georgia volunteers, and many other witnesses of high rank and standing who were acquainted with the topography of the country and the position and strength of the enemy, the court is of opinion that the plan of campaign adopted by Major-General Scott was well calculated to lead to successful results, and that it was prosecuted by him, as far as practicable, with zeal and ability, until recalled from the command upon representations made by Major-General Jesup, his second in command, from Fort Mitchell, in a letter bearing date the 20th of June, 1836, addressed to F.P. Blair, esq., at Washington, marked "private," containing a request that it be shown to the President; which letter was exposed and brought to light by the dignified and magnanimous act of the President in causing it to be placed on file in the Department of War as an official document, and which forms part of the proceedings. (See Document No. 214.) Conduct so extraordinary and inexplicable on the part of Major-General Jesup, in reference to the character of said letter, should, in the opinion of the court, be investigated.

The foregoing opinion is not accompanied by any report of the facts in the case, as required by the order constituting the court; on the contrary, the facts are left to be gathered from the mass of oral and documentary evidence contained in the proceedings, and thus a most important part of the duty assigned to the court remains unexecuted. Had the court stated the facts of the case as established to its satisfaction by the evidence before it, the President, on comparing such state of facts found by the court with its opinion, would have distinctly understood the views entertained by the court in respect to the degree of promptitude and energy which ought to be displayed in a campaign against Indians--and one which the President's examination of the evidence has not supplied, inasmuch as he has no means of knowing whether the conclusions drawn by him from the evidence agree with those of the court.

The opinion of the court is also argumentative, and wanting in requisite precision, inasmuch as it states that "no delay which it was practicable to have avoided was made by Major-General Scott in opening the campaign against the Creek Indians," etc.; thus leaving it to be inferred, but not distinctly finding, that there was some delay, and that it was made by some person other than Major-General Scott, without specifying in what such delay consisted, when it occurred, how long it continued, nor by whom it was occasioned. Had the court found a state of facts, as required by the order constituting it, the uncertainty now existing in this part of the opinion would have been obviated and the justice of the opinion itself readily determined.

That part of the opinion of the court which animadverts on the letter addressed by Major-General Jesup to F.P. Blair, esq., bearing date the 20th of June, 1836, and which presents the same as a subject demanding investigation, appears to the President to be wholly unauthorized by the order constituting the court, and by which its jurisdiction was confined to an inquiry into the causes of the delay in opening and prosecuting the campaign against the hostile Creeks and into such subjects as were connected with the military operations in that campaign. The causes of the recall of Major-General Scott from the command and the propriety or impropriety of the conduct of General Jesup in writing the letter referred to were not submitted to the court as subjects of inquiry. The court itself appears to have been of this opinion, inasmuch as no notice was given to General Jesup of the pendency of the proceedings, nor had

he any opportunity to cross-examine and interrogate the witnesses, nor to be heard in respect to his conduct in the matter remarked on by the court.

For the several reasons above assigned, the President disapproves the opinion of the court, and remits to it the proceedings in question, to the end that the court may resume the consideration of the evidence and from the same, and from such further evidence as shall be taken (in case the court shall deem it necessary to take further evidence), may ascertain and report with distinctness and precision, especially as to time, place, distances, and other circumstances, all the facts touching the opening and prosecuting of the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and the military operations in the said campaign, and touching the delay, if any there was, in the opening or prosecuting of said campaign, and the causes of such delay; and to the end, also, that the court, whilst confining its opinion to the subject-matters submitted to it, may fully and distinctly express its opinion on those matters for the information of the President.

The Secretary of War \_ad interim\_ will cause the proceedings of the court on the subject of the campaign against the Creek Indians, with the documentary evidence referred to therein and a copy of the foregoing opinion, to be transmitted to Major-General Alexander Macomb, president of the court, for the proper action thereon.

ANDREW JACKSON.

WASHINGTON, \_February 18, 1837\_.

The proceedings of the court of inquiry recently assembled and still sitting at Frederick by virtue of Orders Nos. 65 and 68, so far as the same relate to the causes of the failure of the campaign of Major-General Scott against the Seminole Indians in 1836, were heretofore submitted to the President, and the examination thereof suspended in consequence of the necessary connection between the case of Major-General Scott and that of Major-General Gaines, also referred to the same court, and not yet reported on. Certain other proceedings of the same court having been since examined by the President, and having been found defective, and therefore remitted to the court for reconsideration, the President has deemed it proper, in order to expedite the matter, to look into the first-mentioned proceedings for the purpose of ascertaining whether or not the like defects existed therein. On this inspection of the record he perceives that the court has not reported, except in a few instances, the facts of the case, as required by the order constituting the court, and in those instances the facts found by the court are stated in a very general form and without sufficient minuteness and precision; and he therefore remits the said proceedings to the court, to the end that the court may resume the consideration of the evidence, and from the same, and from such further evidence as may be taken (in case the court shall deem it necessary to take further evidence), may ascertain and report with distinctness and precision all the facts touching the subject to be inquired of, established to the satisfaction of the court by the evidence before it, and especially the times when and places where the several occurrences which are deemed material by the court in the formation of its opinion actually took place, with the amount of force on both sides at the different periods of time embraced in the transactions, and the positions thereof, and such other circumstances as are deemed material by the court; together with its opinion on the whole subject, for the information of the President.

The Secretary of War \_ad interim\_ will cause the proceedings of the

court in the case of Major-General Scott, first above mentioned, with the documentary evidence referred to therein and a copy hereof, to be transmitted to Major-General Alexander Macomb, president of the court, for the proper action thereon.

ANDREW JACKSON.

FAREWELL ADDRESS.

MARCH 4, 1837.

FELLOW-CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I can not hope that it has at all times been free from errors; but I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve, and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns, but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me, and will at least see in them an earnest desire to perpetuate in this favored land the blessings of liberty and equal law.

We have now lived almost fifty years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war against each other, and our intimate commercial connections with every part of the civilized world rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called upon to put forth its whole strength without the lights of experience to guide it or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us, and if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil, and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness; and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just, and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary, exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects and these multiplied favors we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it, and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union was earnestly pressed upon his fellow-citizens by the Father of his Country in his Farewell Address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment; for when we look upon the scenes that are passing around us and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy, foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment—and he so speaks of it in his Address—but an experiment upon the success of which the best hopes of his country depended; and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and a fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely

extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States and to place party divisions directly upon geographical distinctions; to excite the South against the North and the North against the South, and to force into the controversy the most delicate and exciting topics--topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion. Appeals, too, are constantly made to sectional interests in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten, or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride and local attachments finds a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren, and that however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe, the memory of victories won by their united valor, the prosperity and happiness they have enjoyed under the present Constitution, the proud name they bear as citizens of this great Republic--if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off, new leaders would spring up, and this great and glorious Republic would soon be broken into a multitude of petty States, without commerce, without credit, jealous of one another, armed for mutual aggression, loaded with taxes to pay armies and leaders, seeking aid against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States argument will soon make them sensible of their errors, and when convinced they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others, as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within the reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the Government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people. And no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union and with it an end to the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution can not be maintained nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people, in the security it gives to life, liberty, character, and property in every quarter of the country, and in the fraternal attachment which the citizens of the several States bear to one another as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States, and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars, and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted—principles which had taken deep root in their social relations before the

Revolution, and therefore of necessity influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure, and while it does not interfere with the rights of the people of other States or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference, and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism, and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered it naturally provokes resentments which can not always be easily allayed. Justice—full and ample justice—to every portion of the United States should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government, and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed, for one evil example will lead to other measures still more mischievous; and if the principle of constructive powers or supposed advantages or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States and to confine the action of the General Government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the



taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the taxgatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them, and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Plain as these principles appear to be, you will yet find there is a constant effort to induce the General Government to go beyond the limits of its taxing power and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce and to swell the revenue beyond the real necessities of the public service, and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress, and in order to fasten upon the people this unjust and unequal system of taxation extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support. Thus one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You can not have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government by its veto endeavored to arrest this prodigal scheme of injustice and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people when the subject was brought before them sustained the course of the Executive, and this plan of unconstitutional expenditures for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury, notwithstanding the tariff was reduced and is now very far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters; and since the people have decided that the Federal Government can not be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States; and if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish

expenditures exceeding their resources, they will before long find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff in order to obtain a surplus for distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal Government can not collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted. It is, moreover, a system of injustice, and if persisted in will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading State politicians, who have friends to favor and political partisans to gratify? It will certainly not be returned to those who paid it and who have most need of it and are honestly entitled to it. There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burden of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States and the policy pursued since the adoption of our present form of Government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper, and we ought not on that account to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain. The corporations which create the paper money can not be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain or by the influence of those who hope to profit by it to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business; and when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given, suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency and these indiscreet extensions of credit naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock which within the last year or two seized upon such a multitude of our citizens and

threatened to pervade all classes of society and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue and promote the true interests of our country; but if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils and destroy at no distant day the purity of your Government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine note. These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business, and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the Government is emphatically the Government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth and their bravery in war has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests can not be effectually protected unless silver and gold are restored to circulation.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions, and that those who desire to engross all power in the hands of the few and to govern by corruption or force are aware of its power and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although in the present state of the currency these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society, yet, from their number and dispersed situation, they can not combine for the purposes of political influence, and whatever may be the dispositions of some of them their power of mischief must necessarily be confined to a narrow space and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and it

undoubtedly possessed) the power to make money plenty or scarce at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks necessarily went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few, and this organized money power from its secret conclave would have dictated the choice of your highest officers and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States, and the evil consequences which followed may warn us of the danger of departing from the true rule of construction and of permitting temporary circumstances or the hope of better promoting the public welfare to influence in any degree our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty, and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated under a single head and with

our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages and State interests and State pride they will endeavor to establish in the different States one moneyed institution with overgrown capital and exclusive privileges sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined, and in the State in which it is chartered the money power will be able to embody its whole strength and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society, and over those whose engagements in trade or speculation render them dependent on bank facilities the dominion of the State monopoly will be absolute and their obedience unlimited. With such a bank and a paper currency the money power would in a few years govern the State and control its measures, and if a sufficient number of States can be induced to create such establishments the time will soon come when it will again take the field against the United States and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city or in a small district of country by means of personal communications with each other, but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them who hope to grow rich without labor by their countenance and favor, and who are therefore always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country—men who love liberty and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them. The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States and check this spirit of monopoly and thirst for exclusive privileges you will in the end find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system and its natural associations—monopoly and exclusive privileges—have already struck their roots too deep in the

soil, and it will require all your efforts to check its further growth and to eradicate the evil. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you everyone placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed; and while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared during my administration of the Government to restore the constitutional currency of gold and silver, and something, I trust, has been done toward the accomplishment of this most desirable object; but enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance in the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation and to avoid by every honorable means the calamities of war, and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape occasional collisions with other powers, and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will in the end be found to be the cheapest and most effectual, and now is the time, in a season of peace and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy, for your Navy will not only protect your rich and flourishing commerce in distant seas, but will enable you to reach and annoy the enemy and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object, but they are indispensable to protect cities from bombardment, dockyards and naval arsenals from destruction, to give shelter to merchant vessels in time of war and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description can not be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess can not be applied in any manner more useful to the country, and when this is done and our naval force sufficiently strengthened and our militia armed we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

ANDREW JACKSON.

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