A Compilation of the Messages and Papers of the Presidents eBook

A Compilation of the Messages and Papers of the Presidents by Grover Cleveland

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A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS.

BY JAMES D. RICHARDSON

James Madison

March 4, 1809, to March 4, 1817

James Madison

James Madison was born in King George County, Va., on the 16th of March, 1751. He was the son of James Madison, the family being of English descent, and among the early settlers of Virginia. Was fitted for college by private tutors, and entered Princeton College in 1769, graduating in 1771; remained a year at college pursuing his studies. After this he returned to Virginia and began the practice of law. In 1776 was elected a member of the general assembly of Virginia, and in 1778 was appointed a member of the executive council. In the winter of 1779-80 was chosen a delegate to the Continental Congress, of which body he continued an active and prominent member till 1784. The legislature of Virginia appointed him in 1786 a delegate to a convention at Annapolis, Md., to devise a system of commercial regulations for all the States. Upon their recommendation a convention of delegates from all the States was held in Philadelphia in May, 1787. This Convention framed the Constitution of the United States, and of it Mr. Madison was a leading member. He was next a member of the convention of his State which met to consider the new Constitution for the United States. Was a member of the House of Representatives in the First Congress, taking

his seat in April, 1789, and continued to be a member of the House during both of Washington's terms as President. He married Mrs. Dolly Paine Todd, of Philadelphia, in 1794, she being the widow of a Pennsylvania lawyer. Her father was a Quaker, and had removed from Virginia to Philadelphia. Declined the office of Secretary of State, vacated by Jefferson, in 1793. He retired from Congress in 1797, and in 1798 accepted a seat in the Virginia assembly. In 1801 was appointed by President Jefferson Secretary of State, which office he held during the eight years of Jefferson's Administration. In 1808 was elected President, and was reelected in 1812. On March 4, 1817, he retired from public life, and passed the remainder of his days at Montpelier, in Orange County, Va. In 1829 was chosen a member of the State convention to revise the constitution of Virginia, and was also chosen president of an agricultural society in his county. He died on the 28th day of June, 1836, and was buried at his home.

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LETTER FROM THE PRESIDENT ELECT.

The President of the Senate communicated the following letter from the President elect of the United States:

City of Washington, *March 2, 1809*.

Hon. *John Milledge*,

President pro tempore of the Senate.

Sir: I beg leave through you to inform the honorable the Senate of the United States that I propose to take the oath which the Constitution prescribes to the President of the United States before he enters on the execution of his office on Saturday, the 4th instant, at 12 o'clock, in the Chamber of the House of Representatives.

I have the honor to be, with the greatest respect, sir, your most obedient and most humble servant,

James Madison.

FIRST INAUGURAL ADDRESS.

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented to express the profound impression made on me by the call of my country to the station to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would under any circumstances have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel, and that of our own country full of difficulties. The pressure of these, too, is the more severely felt because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivaled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture, in the successful enterprises of commerce, in the progress of manufactures and useful arts, in the increase of the public revenue and the use made of it in reducing the public debt,

and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country to the scene which has for some time been distressing us is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity at least will do justice to them.

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This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce a revocation of them, can not be anticipated. Assuring myself that under every vicissitude the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction it is because I find some support in a consciousness of the purposes and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people as equally incorporated with and essential to the success of the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics—that without standing armies their liberty can never be in danger, nor with large ones safe; to promote by authorized means improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life to a participation of the improvements of which the human mind and manners are susceptible in a civilized state—as far as sentiments and intentions such as these can aid the fulfillment of my duty, they will be a resource which can not fail me.

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It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents zealously devoted through a long career to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies is in the well-tried intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

March 4, 1809.

SPECIAL SESSION MESSAGE.

Fellow-Citizens of the Senate and of the House of Representatives:

On this first occasion of meeting you it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations, the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our ministers at London and Paris were without delay instructed to let it be understood by the French and British Governments that the authority vested in the Executive to renew commercial intercourse with their respective nations would be exercised in the case specified by that act.

Soon after these instructions were dispatched it was found that the British Government, anticipating from early proceedings of Congress at their last session the state of our laws, which has had the effect of placing the two belligerent powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here provisional instructions not only to offer satisfaction for the attack on the frigate *Chesapeake*, and to make known the determination of His Britannic Majesty to send an envoy extraordinary with powers to conclude a treaty on all the points between the two countries, but, moreover, to signify his willingness in the

meantime to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

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These steps of the British Government led to the correspondence and the proclamation now laid before you, by virtue of which the commerce between the two countries will be renewable after the 10th day of June next.

Whilst I take pleasure in doing justice to the councils of His Britannic Majesty, which, no longer adhering to the policy which made an abandonment by France of her decrees a prerequisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I can not do less than refer to the proposal heretofore made on the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided during a period of the most trying embarrassments.

The discontinuance of the British orders as they respect the United States having been thus arranged, a communication of the event has been forwarded in one of our public vessels to our minister plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French Government a revocation of its decrees or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws proper to adapt them to the arrangement which has taken place with Great Britain will doubtless engage the early attention of Congress. It will be worthy at the same time of their just and provident care to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs I have thought it not inconsistent with a just precaution to have the gunboats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and conveniency for future service, and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought also that our citizens detached in quotas of militia amounting to 100,000 under the act of March, 1808, might not improperly be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, 1808, together with the disposition of the troops, will appear by a report which the Secretary of War is preparing, and which will be laid before you.

Of the additional frigates required by an act of the last session to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report which the Secretary of the Navy is preparing on the subject, to be laid before Congress, will shew at the same time the progress made in officering and manning these ships. It will shew also the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

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It will rest with the judgment of Congress to decide how far the change in our external prospects may authorize any modifications of the laws relating to the army and navy establishments.

The works of defense for our seaport towns and harbors have proceeded with as much activity as the season of the year and other circumstances would admit. It is necessary, however, to state that, the appropriations hitherto made being found to be deficient, a further provision will claim the early consideration of Congress.

The whole of the 8 per cent stock remaining due by the United States, amounting to $5,300,000, had been reimbursed on the last day of the year 1808; and on the 1st day of April last the sum in the Treasury exceeded $9,500,000. This, together with the receipts of the current year on account of former revenue bonds, will probably be nearly if not altogether sufficient to defray the expenses of the year. But the suspension of exports and the consequent decrease of importations during the last twelve months will necessarily cause a great diminution in the receipts of the year 1810. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session at the present season of the year, I forbear to call the attention of the Legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall cooperate for the welfare and happiness of our country, and to pray that it may experience a continuance of the divine blessings by which it has been so signally favored.

James Madison.

May 23, 1809.

SPECIAL MESSAGES.

MAY 26, 1809.

To the Senate of the United States:

I now lay before Congress the report of the Secretary of War, shewing the progress made in carrying into effect the act of April, 1808, for raising an additional military force, and the disposition of the troops.

James Madison.

JUNE 4, 1809.

To the Senate of the United States:

In compliance with the request of the legislature of Pennsylvania, I transmit to Congress a copy of certain of its proceedings, communicated for the purpose by the governor of that State.

James Madison.

JUNE 15, 1809.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 13th instant, I transmit extracts from letters from Mr. Pinkney to the Secretary of State, accompanied by letters and communications to him from the British secretary of state for the foreign department, all of which have been received here since the last session of Congress.

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To these documents are added a communication just made by Mr. Erskine to the Secretary of State, and his answer.

James Madison.

JUNE 20, 1809.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 19th instant, I transmit such information as has been received respecting exiles from Cuba arrived or expected within the United States; also a letter from General Turreau connected with that subject.

James Madison.

JUNE 26, 1809.

To the Senate of the United States:

The considerations which led to the nomination of a minister plenipotentiary to Russia being strengthened by evidence since received of the earnest desire of the Emperor to establish a diplomatic intercourse between the two countries, and of a disposition in his councils favorable to the extension of a commerce mutually advantageous, as will be seen by the extracts from letters from General Armstrong and Consul Harris herewith confidentially communicated, I nominate John Quincy Adams, of Massachusetts, to be minister plenipotentiary of the United States to the Court of St. Petersburg.

James Madison.

PROCLAMATIONS.

[From Annals of Congress, Eleventh Congress, part 2, 2060.]

By the president of the united states.

A *proclamation*.

Whereas it is provided by the eleventh section of the act of Congress entitled “An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,” that “in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States” the President is authorized to declare the same

by proclamation, after which the trade suspended by the said act and by an act laying an embargo on all ships and vessels in the ports and harbors of the United States and the several acts supplementary thereto may be renewed with the nation so doing; and

Whereas the Honorable David Montague Erskine, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has, by the order and in the name of his Sovereign, declared to this Government that the British orders in council of January and November, 1807, will have been withdrawn as respects the United States on the 10th day of June next:

Now, therefore, I, James Madison, President of the United States, do hereby proclaim that the orders in council aforesaid will have been withdrawn on the said 10th day of June next, after which day the trade of the United States with Great Britain, as suspended by the act of Congress above mentioned and an act laying an embargo on all ships and vessels in the ports and harbors of the United States and the several acts supplementary thereto, may be renewed.

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[*Seal*.]

Given under my hand and the seal of the United States at Washington, the 19th day of April, A.D. 1809, and of the Independence of the United States the thirty-third.

James Madison.

By the President:
R. *Smith*,
Secretary of State.

[From Annals of Congress, Eleventh Congress, part 2, 2076.]

By the president of the united states of America.

A *proclamation*.

Whereas, in consequence of a communication from His Britannic Majesty's envoy extraordinary and minister plenipotentiary declaring that the British orders of council of January and November, 1807, would have been withdrawn on the 10th day of June last, and by virtue of authority given in such event by the eleventh section of the act of Congress entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," I, James Madison, President of the United States, did issue my proclamation bearing date on the 19th of April last, declaring that the orders in council aforesaid would have been so withdrawn on the said 10th day of June, after which the trade suspended by certain acts of Congress might be renewed; and

Whereas it is now officially made known to me that the said orders in council have not been withdrawn agreeably to the communication and declaration aforesaid:

I do hereby proclaim the same, and, consequently, that the trade renewable on the event of the said orders, being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended.

[*Seal*.]

Given under my hand and the seal of the United States at the city of Washington, the 9th day of August, A.D. 1809, and of the Independence of the said United States the thirty-fourth.

James Madison.

By the President:
R. *Smith*,
Secretary of State.

FIRST ANNUAL MESSAGE.

NOVEMBER 29, 1809.

Fellow-Citizens of the Senate and of the House of Representatives:

At the period of our last meeting I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you that the favorable prospect has been overclouded by a refusal of the British Government to abide by the act of its minister plenipotentiary, and by its ensuing policy toward the United States as seen through the communications of the minister sent to replace him.

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Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries in cases where by the terms of the engagements a mutual ratification is reserved, or where notice at the time may have been given of a departure from instructions, or in extraordinary cases essentially violating the principles of equity, a disavowal could not have been apprehended in a case where no such notice or violation existed, where no such ratification was reserved, and more especially where, as is now in proof, an engagement to be executed without any such ratification was contemplated by the instructions given, and where it had with good faith been carried into immediate execution on the part of the United States.

These considerations not having restrained the British Government from disavowing the arrangement by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things from that which had followed an execution of the arrangement by the United States would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury now laid before you were transmitted to the collectors of the several ports. If in permitting British vessels to depart without giving bonds not to proceed to their own ports it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt that no individuals should be injured by so unforeseen an occurrence; and I rely on the regard of Congress for the equitable interests of our own citizens to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted that it would at least be charged with conciliatory explanations of the step which had been taken and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosures of the new minister it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed nor any authority to substitute proposals as to that branch which concerned the British

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orders in council, and, finally, that his proposals with respect to the other branch, the attack on the frigate *Chesapeake*, were founded on a presumption repeatedly declared to be inadmissible by the United States, that the first step toward adjustment was due from them, the proposals at the same time omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws and British practice than to the principles and obligations of the United States.

The correspondence between the Department of State and this minister will show how unessentially the features presented in its commencement have been varied in its progress. It will show also that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to His Britannic Majesty through the minister plenipotentiary of the United States in London; and it would indicate a want of the confidence due to a Government which so well understands and exacts what becomes foreign ministers near it not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British Government will learn at the same time that a ready attention will be given to communications through any channel which may be substituted. It will be happy if the change in this respect should be accompanied by a favorable revision of the unfriendly policy which has been so long pursued toward the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favorable change. The result of the several communications made to her Government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our minister at Paris now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the Legislature how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals unworthy of the American name which has so much favored the real or pretended suspicions under which the honest commerce of their fellow-citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued toward them has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

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From a statement which will be made by the Secretary of War it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defense which was contemplated, and that a further time will be required to render complete the works in the harbor of New York and in some other places. By the enlargement of the works and the employment of a greater number of hands at the public armories the supply of small arms of an improving quality appears to be annually increasing at a rate that, with those made on private contract, may be expected to go far toward providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations authorized by the act of the session preceding the last and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the Treasury, together with the receipts during the year ending on the 30th of September last (and amounting to more than $9,000,000), have enabled us to fulfill all our engagements and to defray the current expenses of Government without recurring to any loan. But the insecurity of our commerce and the consequent diminution of the public revenue will probably produce a deficiency in the receipts of the ensuing year, for which and for other details I refer to the statements which will be transmitted from the Treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the National legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence; and that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

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In the midst of the wrongs and vexations experienced from external causes there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country everywhere presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures of which our own are now taking the place.

Recollecting always that for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

SPECIAL MESSAGES.

DECEMBER 12, 1809.

To the House of Representatives of the United States:

According to the request of the House of Representatives expressed in their resolution of the 11th instant, I now lay before them a printed copy of a paper purporting to be a circular letter from Mr. Jackson to the British consuls in the United States, as received in a Gazette at the Department of State; and also a printed paper received in a letter from our minister in London, purporting to be a copy of a dispatch from Mr. Canning to Mr. Erskine of the 23d of January last.

JAMES MADISON.

DECEMBER 16, 1809.

To the Senate of the United States:

Agreeably to the request in the resolution of the 15th instant, I transmit a copy of the correspondence with the governor of Pennsylvania in the case of Gideon Olmstead,

JAMES MADISON.

DECEMBER 16, 1809.

To the House of Representatives of the United States:

Agreeably to the request expressed in the resolution of the 13th instant, I lay before the House extracts from the correspondence of the minister plenipotentiary of the United States at London.

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JAMES MADISON.

DECEMBER 22, 1809.

To the Senate of the United States:

I lay before the Senate, for their consideration whether they will advise and consent to the ratification thereof, a treaty concluded on the 30th September last with the Delaware, Potawattamie, Miami, and Eel-river Miami Indian tribes northwest of the Ohio; a separate article of the same date, with the said tribes, and a convention with the Weea tribe, concluded on the 26th October last; the whole being accompanied with the explanatory documents,

JAMES MADISON.

JANUARY 3, 1810.

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

The act authorizing a detachment of 100,000 men from the militia will expire on the 30th of March next. Its early revival is recommended, in order that timely steps may be taken for arrangements such as the act contemplated.

Without interfering with the modifications rendered necessary by the defects or the inefficacy of the laws restrictive of commerce and navigation, or with the policy of disallowing to foreign armed vessels the use of our waters, it falls within my duty to recommend also that, in addition to the precautionary measure authorized by that act and to the regular troops for completing the legal establishment of which enlistments are renewed, every necessary provision may be made for a volunteer force of 20,000 men, to be enlisted for a short period and held in a state of organization and readiness for actual service at the shortest warning.

I submit to the consideration of Congress, moreover, the expediency of such a classification and organization of the militia as will best insure prompt and successive aids from that source, adequate to emergencies which may call for them.

It will rest with them also to determine how far further provision may be expedient for putting into actual service, if necessary, any part of the naval armament not now employed.

At a period presenting features in the conduct of foreign powers toward the United States which impose on them the necessity of precautionary measures involving expense, it is a happy consideration that such is the solid state of the public credit that

reliance may be justly placed on any legal provision that may be made for resorting to it in a convenient form and to an adequate amount,

JAMES MADISON.

JANUARY 9, 1810.

To the Senate of the United States:

I lay before the Senate, for their consideration whether they will advise and consent to the ratification thereof, a treaty concluded on the 9th day of December last with the Kickapoo tribe of Indians, accompanied by explanations in an extract of a letter from the governor of the Indiana Territory,

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JAMES MADISON.

JANUARY 15, 1810.

To the Senate of the United States:

I lay before the Senate, for their consideration whether they will advise and consent to the ratification thereof, a treaty concluded with the Great and Little Osage Indians on the 10th day of November, 1808, and the 31st day of August, 1809.

JAMES MADISON.

JANUARY 22, 1810.

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, complying with their resolution of the 27th of December, on the subject of disbursements in the intercourse with the Barbary Powers.

JAMES MADISON.

FEBRUARY 28, 1810.

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

I now lay before you copies of the treaties concluded with the Delaware, Pottawatamie, Miami, Eel River, and Wea tribes of Indians for the extinguishment of their title to the lands therein described, and I recommend to the consideration of Congress the making provision by law for carrying them into execution.

JAMES MADISON.

MARCH 15, 1810.

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

A treaty having been entered into and duly ratified with the Kickapoo tribe of Indians for the extinguishment of their title to certain lands within the Indiana Territory, involving conditions which require legislative provision, I submit copies thereof to both branches for consideration.

JAMES MADISON.

MARCH 27, 1810,

To the House of Representatives of the United States:

In consequence of your resolution of the 26th instant, an inquiry has been made into the correspondence of our minister at the Court of London with the Department of State, from which it appears that no official communication has been received from him since his receipt of the letter of November 23 last from the Secretary of State. A letter of January 4, 1810, has been received from that minister by Mr. Smith, but being stated to be private and unofficial, and involving, moreover, personal considerations of a delicate nature, a copy is considered as not within the purview of the call of the House.

JAMES MADISON.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the territory south of the Mississippi Territory and eastward of the river Mississippi, and extending to the river Perdido, of which possession was not delivered to the United States in pursuance of the treaty concluded at Paris on the 30th April, 1803, has at all times, as is well known, been considered and claimed by them as being within the colony of Louisiana conveyed by the said treaty in the same extent that it had in the hands of Spain and that it had when France originally possessed it; and

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Whereas the acquiescence of the United States in the temporary continuance of the said territory under the Spanish authority was not the result of any distrust of their title, as has been particularly evinced by the general tenor of their laws and by the distinction made in the application of those laws between that territory and foreign countries, but was occasioned by their conciliatory views and by a confidence in the justice of their cause and in the success of candid discussion and amicable negotiation with a just and friendly power; and

Whereas a satisfactory adjustment, too long delayed, without the fault of the United States, has for some time been entirely suspended by events over which they had no control; and

Whereas a crisis has at length arrived subversive of the order of things under the Spanish authorities, whereby a failure of the United States to take the said territory into its possession may lead to events ultimately contravening the views of both parties, whilst in the meantime the tranquillity and security of our adjoining territories are endangered and new facilities given to violations of our revenue and commercial laws and of those prohibiting the introduction of slaves;

Considering, moreover, that under these peculiar and imperative circumstances a forbearance on the part of the United States to occupy the territory in question, and thereby guard against the confusions and contingencies which threaten it, might be construed into a dereliction of their title or an insensibility to the importance of the stake; considering that in the hands of the United States it will not cease to be a subject of fair and friendly negotiation and adjustment; considering, finally, that the acts of Congress, though contemplating a present possession by a foreign authority, have contemplated also an eventual possession of the said territory by the United States, and are accordingly so framed as in that case to extend in their operation to the same:

Now be it known that I, James Madison, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite that possession should be taken of the said territory in the name and behalf of the United States. William C.C. Claiborne, governor of the Orleans Territory, of which the said Territory is to be taken as part, will accordingly proceed to execute the same and to exercise over the said Territory the authorities and functions legally appertaining to his office; and the good people inhabiting the same are invited and enjoined to pay due respect to him in that character, to be obedient to the laws, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance that they will be protected in the enjoyment of their liberty, property, and religion.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

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[SEAL.]

Done at the city of Washington, the 27th day of October, A.D. 1810, and in the thirty-fifth year of the Independence of the said United States.

JAMES MADISON.

By the President:
R. SMITH,
Secretary of State.

[From Annals of Congress, Eleventh Congress, third session, 1248.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the fourth section of the act of Congress passed on the 1st day of May, 1810, entitled “An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,” it is provided “that in case either Great Britain or France shall before the 3d day of March next so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not within three months thereafter so revoke or modify her edicts in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the act entitled ’An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,’ shall from and after the expiration of three months from the date of the proclamation aforesaid be revived and have full force and effect so far as relates to the dominions, colonies, and dependencies, and to the articles the growth, produce, or manufacture of the dominions, colonies, and dependencies, of the nation thus refusing or neglecting to revoke or modify her edicts in the manner aforesaid. And the restrictions imposed by this act shall, from the date of such proclamation cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid;” and

Whereas it has been officially made known to this Government that the edicts of France violating the neutral commerce of the United States have been so revoked as to cease to have effect on the 1st of the present month:

Now, therefore, I, James Madison, President of the United States, do hereby proclaim that the said edicts of France have been so revoked as that they ceased on the said 1st day of the present month to violate the neutral commerce of the United States, and that

from the date of these presents all the restrictions imposed by the aforesaid act shall cease and be discontinued in relation to France and their dependencies.

[SEAL.]

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand, at the city of Washington, this 2d day of November, A.D. 1810, and of the Independence of the United States the thirty-fifth.

JAMES MADISON.

By the President:
R. SMITH,
Secretary of State.

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SECOND ANNUAL MESSAGE.

WASHINGTON, *December 5, 1810*.

Fellow Citizens of the Senate and of the House of Representatives:

The embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty in meeting you to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress concerning the commercial intercourse between the United States and Great Britain and France and their dependencies having invited in a new form a termination of their edicts against our neutral commerce, copies of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British Governments.

By the communication received through our minister at Paris it appeared that a knowledge of the act by the French Government was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the 1st day of November ensuing. These being the only known edicts of France within the description of the act, and the revocation of them being such that they ceased at that date to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation bearing date the 2d day of November.

It would have well accorded with the conciliatory views indicated by this proceeding on the part of France to have extended them to all the grounds of just complaint which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions toward them, restoration would have been immediately made of the property of our citizens seized under a misapplication of the principle of reprisals combined with a misconstruction of a law of the United States. This expectation has not been fulfilled.

From the British Government no communication on the subject of the act has been received. To a communication from our minister at London of a revocation by the French Government of its Berlin and Milan decrees it was answered that the British system would be relinquished as soon as the repeal of the French decrees should have actually taken effect and the commerce of neutral nations have been restored to the condition in which it stood previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude the intention of relinquishing, along with the orders in council, the practice of those novel blockades which have a like effect of interrupting our neutral commerce, and this further justice to the United States is the rather to be looked for, inasmuch as the blockades in question, being not more

contrary to the established law of nations than inconsistent with the rules of blockade formally recognized by

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Great Britain herself, could have no alleged basis other than the plea of retaliation alleged as the basis of the orders in council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is, indeed, scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be in effect comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress not to be comprehended in the explanation of the requisites to a compliance with it. The British Government was accordingly apprised by our minister near it that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that Government no progress has been made from which an early and satisfactory result can be relied on.

In this new posture of our relations with those powers the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition and of difficulties in the execution of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens not having obtained justice for them, a further and more formal interposition with the Danish Government is contemplated. The principles which have been maintained by that Government in relation to neutral commerce, and the friendly professions of His Danish Majesty toward the United States, are valuable pledges in favor of a successful issue.

Among the events growing out of the state of the Spanish Monarchy, our attention was imperiously attracted to the change developing itself in that portion of West Florida which, though of right appertaining to the United States, had remained in the possession of Spain awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union. In such a conjuncture I did not delay the interposition required for the occupancy of the territory west of the river Perdido, to which the title of the United States extends, and to which the laws provided for the Territory of Orleans are applicable. With this view, the proclamation of which a copy is laid before you was confided to the governor of that Territory to be carried into effect. The legality and necessity of the course pursued assure me of the favorable light in which it will present itself to the Legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

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Our amity with the powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received, appears to have been uninterrupted and to have become more firmly established.

With the Indian tribes also the peace and friendship of the United States are found to be so eligible that the general disposition to preserve both continues to gain strength.

I feel particular satisfaction in remarking that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture and the improvements related to it is added a highly interesting extension of useful manufactures, the combined product of professional occupations and of household industry. Such indeed is the experience of economy as well as of policy in these substitutes for supplies heretofore obtained by foreign commerce that in a national view the change is justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement in the distribution of labor by regulations of the commercial tariff is a subject which can not fail to suggest itself to your patriotic reflections.

It will rest with the consideration of Congress also whether a provident as well as fair encouragement would not be given to our navigation by such regulations as would place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity in the existing regulations on this subject operates in our ports as a premium to foreign competitors, and the inconvenience must increase as these may be multiplied under more favorable circumstances by the more than countervailing encouragements now given them by the laws of their respective countries.

Whilst it is universally admitted that a well-instructed people alone can be permanently a free people, and whilst it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I can not presume it to be unseasonable to invite your attention to the advantages of superadding to the means of education provided by the several States a seminary of learning instituted by the National Legislature within the limits of their exclusive jurisdiction, the expense of which might be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within those limits.

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Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the manners of those who might resort to this temple of science, to be redistributed in due time through every part of the community, sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But, above all, a well-constituted seminary in the center of the nation is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundations than to adorn the structure of our free and happy system of government.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct will doubtless be felt by Congress in devising further means of suppressing the evil.

In the midst of uncertainties necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangement. The Secretary of War and Secretary of the Navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval expenditures and the grounds on which they were made.

The fortifications for the defense of our maritime frontier have been prosecuted according to the plan laid down in 1808. The works, with some exceptions, are completed and furnished with ordnance. Those for the security of the city of New York, though far advanced toward completion, will require a further time and appropriation. This is the case with a few others, either not completed or in need of repairs.

The improvements in quality and quantity made in the manufacture of cannon and small arms, both at the public armories and private factories, warrant additional confidence in the competency of these resources for supplying the public exigencies.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that

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they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field at the public expense and for a given time certain portions of the commissioned and noncommissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform.

The Corps of Engineers, with the Military Academy, are entitled to the early attention of Congress. The buildings at the seat fixed by law for the present Academy are so far in decay as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy at the seat of Government or elsewhere. The means by which war, as well for defense as for offense, are now carried on render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a government happily without the other opportunities seminaries where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defense be made at so little expense or more consistently with the public liberty.

The receipts into the Treasury during the year ending on the 30th of September last (and amounting to more than $8,500,000) have exceeded the current expenses of the Government, including the interest on the public debt. For the purpose of reimbursing at the end of the year $3,750,000 of the principal, a loan, as authorized by law, had been negotiated to that amount, but has since been reduced to $2,750,000, the reduction being permitted by the state of the Treasury, in which there will be a balance remaining at the end of the year estimated at $2,000,000. For the probable receipts of the next year and other details I refer to statements which will be transmitted from the Treasury, and which will enable you to judge what further provisions may be necessary for the ensuing years.

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Reserving for future occasions in the course of the session whatever other communications may claim your attention, I close the present by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures at a period particularly calling for united councils and inflexible exertions for the welfare of our country, and by assuring you of the fidelity and alacrity with which my cooperation will be afforded.

JAMES MADISON.

SPECIAL MESSAGES.

DECEMBER 12, 1810.

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

I lay before Congress, and recommend to their early attention, a report of the Secretary of State, from which it will be seen that a very considerable demand beyond the legal appropriations has been incurred for the support of seamen distressed by seizures, in different parts of Europe, of the vessels to which they belonged.

JAMES MADISON.

WASHINGTON, *January 3, 1811*.

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

I communicate to Congress, in confidence, a letter of the 2d of December from Governor Folch, of West Florida, to the Secretary of State, and another of the same date from the same to John McKee.

I communicate in like manner a letter from the British charge d'affaires to the Secretary of State, with the answer of the latter. Although the letter can not have been written in consequence of any instruction from the British Government founded on the late order for taking possession of the portion of West Florida well known to be claimed by the United States; although no communication has ever been made by that Government to this of any stipulation with Spain contemplating an interposition which might so materially affect the United States, and although no call can have been made by Spain in the present instance for the fulfillment of any such subsisting engagement, yet the spirit and scope of the document, with the accredited source from which it proceeds, required that it should not be withheld from the consideration of Congress.

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States eastward of the river Perdido to their security and tranquillity, and the peculiar

interest they otherwise have in its destiny, I recommend to the consideration of Congress the seasonableness of a declaration that the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power.

I recommend to their consideration also the expediency of authorizing the Executive to take temporary possession of any part or parts of the said Territory, in pursuance of arrangements which may be desired by the Spanish authorities, and for making provision for the government of the same during such possession.

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The wisdom of Congress will at the same time determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the Territory in question, and an apprehended occupancy thereof by any other foreign power.

JAMES MADISON.

JANUARY 10, 1811.

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

I communicate to Congress, in confidence, the translation of a letter from Louis de Onis to the captain general of Caraccas.

The tendency of misrepresentations and suggestions which it may be inferred from this specimen enter into more important correspondences of the writer to promote in foreign councils at a critical period views adverse to the peace and to the best interests of our country renders the contents of the letter of sufficient moment to be made known to the legislature,

JAMES MADISON.

JANUARY 30, 1811.

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

I transmit to Congress copies of a letter from the Secretary of the Treasury, accompanied by copies of the Laws, Treaties, and other Documents Relative to the Public Lands, as collected and arranged pursuant to the act passed April 27, 1810.

JAMES MADISON.

JANUARY 31, 1811.

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

I lay before Congress a letter from the charge d’affaires of the United States at Paris to the Secretary of State, and another from the same to the French minister of foreign relations; also two letters from the agent of the American consul at Bordeaux to the Secretary of State.

JAMES MADISON.

FEBRUARY 16, 1811.

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

I now lay before Congress the treaty concluded on the 10th of November, 1808, on the part of the United States with the Great and Little Osage tribes of Indians, with a view to such legal provisions as may be deemed proper for fulfilling its stipulations.

JAMES MADISON.

VETO MESSAGES.

FEBRUARY 21, 1811.

To the House of Representatives of the United States:

Having examined and considered the bill entitled “An act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia,” I now return the bill to the House of Representatives, in which it originated, with the following objections:

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Because the bill exceeds the rightful authority to which governments are limited by the essential distinction between civil and religious functions, and violates in particular the article of the Constitution of the United States which declares that “Congress shall make no law respecting a religious establishment.” The bill enacts into and establishes by law sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the minister of the same, so that no change could be made therein by the particular society or by the general church of which it is a member, and whose authority it recognizes. This particular church, therefore, would so far be a religious establishment by law, a legal force and sanction being given to certain articles in its constitution and administration. Nor can it be considered that the articles thus established are to be taken as the descriptive criteria only of the corporate identity of the society, inasmuch as this identity must depend on other characteristics, as the regulations established are generally unessential and alterable according to the principles and canons by which churches of that denomination govern themselves, and as the injunctions and prohibitions contained in the regulations would be enforced by the penal consequences applicable to a violation of them according to the local law.

Because the bill vests in the said incorporated church an authority to provide for the support of the poor and the education of poor children of the same, an authority which, being altogether superfluous if the provision is to be the result of pious charity, would be a precedent for giving to religious societies as such a legal agency in carrying into effect a public and civil duty.

JAMES MADISON.

FEBRUARY 28, 1811.

To the House of Representatives of the United States:

Having examined and considered the bill entitled “An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist Church at Salem Meeting House, in the Mississippi Territory,” I now return the same to the House of Representatives, in which it originated, with the following objection:

Because the bill in reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that “Congress shall make no law respecting a religious establishment.”

JAMES MADISON.

PROCLAMATION.

[From the National Intelligencer, July 25, 1811]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

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A PROCLAMATION.

Whereas great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them, I do by these presents appoint Monday, the 4th day of November next, for their meeting at the city of Washington, hereby requiring the respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

[SEAL.]

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand, Done at the city of Washington, the 24th day of July, A.D. 1811, and of the Independence of the United States the thirty-sixth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

THIRD ANNUAL MESSAGE.

WASHINGTON, *November 5, 1811*.

Fellow-Citizens of the Senate and of the House of Representatives:

In calling you together sooner than a separation from your homes would otherwise have been required I yielded to considerations drawn from the posture of our foreign affairs, and in fixing the present for the time of your meeting regard was had to the probability of further developments of the policy of the belligerent powers toward this country which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the Government of Great Britain to repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step toward satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived that whilst the revocation of the edicts of France, as officially made known to the British

Government, was denied to have taken place, it was an indispensable condition of the repeal of the British orders that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy, the United States being given to understand that in the meantime a continuance of their non importation act would lead to measures of retaliation.

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At a later date it has indeed appeared that a communication to the British Government of fresh evidence of the repeal of the French decrees against our neutral trade was followed by an intimation that it had been transmitted to the British plenipotentiary here in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hither, instead of founding on it an actual repeal of the orders or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed in the meantime in adapting our measures to the views which have been disclosed through that minister will best consult our whole duty.

In the unfriendly spirit of those disclosures indemnity and redress for other wrongs have continued to be withheld, and our coasts and the mouths of our harbors have again witnessed scenes not less derogatory to the dearest of our national rights than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter by a fire commenced without cause by the former, whose commander is therefore alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry requested by Captain Rodgers are communicated, together with the correspondence relating to the occurrence, between the Secretary of State and His Britannic Majesty's envoy. To these are added the several correspondences which have passed on the subject of the British orders in council, and to both the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceeding of the United States.

The justice and fairness which have been evinced on the part of the United States toward France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected, and which, if not

discontinued, will require at least corresponding restrictions on importations from France into the United States.

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On all those subjects our minister plenipotentiary lately sent to Paris has carried with him the necessary instructions, the result of which will be communicated to you, and, by ascertaining the ulterior policy of the French Government toward the United States, Will enable you to adapt to it that of the United States toward France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions toward our commerce in the councils of that nation also, and the information from our special minister to Denmark shews that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention it became a duty to exert the means committed to the executive department in providing for the general security. The works of defense on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones, and, as particularly suited for cooperation in emergencies, a portion of the gunboats have in particular harbors been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast, and such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force consisting of regulars and militia, embodied in the Indiana Territory and marched toward our northwestern frontier. This measure was made requisite by several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions the Indian tribes retain their peaceable dispositions toward us, and their usual pursuits.

I must now add that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States to substitute for the accumulating dangers to the peace of the two countries all the mutual advantages of reestablished friendship and confidence, we have seen that the British cabinet perseveres not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which under existing circumstances have the character as well as the effect of war on our lawful commerce.

With this evidence of hostile inflexibility in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

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I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments as they may be wanted of other portions of the militia, and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries which in every event will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere and extend into our neighborhood. An enlarged philanthropy and an enlightened forecast concur in imposing on the national councils an obligation to take a deep interest in their destinies, to cherish reciprocal sentiments of good will, to regard the progress of events, and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious everywhere, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the state, attains its utmost guilt when it blends with a pursuit of ignominious gain a treacherous subserviency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular animadversions of the most competent laws.

To secure greater respect to our-mercantile flag, and to the honest interests which it covers, it is expedient also that it be made punishable in our citizens to accept licenses from foreign governments for a trade unlawfully interdicted by them to other American citizens, or to trade under false colors or papers of any sort.

A prohibition is equally called for against the acceptance by our citizens of special licenses to be used in a trade with the United States, and against the admission into

particular ports of the United States of vessels from foreign countries authorized to trade with particular ports only.

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Although other subjects will press more immediately on your deliberations, a portion of them can not but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent, and to our navigation, the fair extent of which is at present abridged by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufactures from sacrifices which a change of circumstances might bring on them, the national interest requires that, with respect to such articles at least as belong to our defense and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect can not be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place the advantages of an independent conveyance of our products to foreign markets and of a growing body of mariners trained by their occupations for the service of their country in times of danger must be diminished.

The receipts into the Treasury during the year ending on the 30th of September last have exceeded $13,500,000, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than $5,000,000 of the principal without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year 1810 has also been reimbursed, and is not included in that amount.

The decrease of revenue arising from the situation of our commerce, and the extraordinary expenses which have and may become necessary, must be taken into view in making commensurate provisions for the ensuing year; and I recommend to your consideration the propriety of insuring a sufficiency of annual revenue at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I can not close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my cooperating duties will be discharged, invoking at the same time the blessing of Heaven on our beloved country and on all the means that may be employed in vindicating its rights and advancing its welfare.

JAMES MADISON.

SPECIAL MESSAGES.

WASHINGTON, *November 13, 1811*.

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

I communicate to Congress copies of a correspondence between the envoy extraordinary and minister plenipotentiary of Great Britain and the Secretary of State relative to the aggression committed by a British ship of war on the United States frigate *Chesapeake*, by which it will be seen that that subject of difference between the two countries is terminated by an offer of reparation, which has been acceded to.

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JAMES MADISON.

WASHINGTON, *December 18, 1811*.

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

I lay before Congress two letters received from Governor Harrison, of the Indiana Territory, reporting the particulars and the issue of the expedition under his command, of which notice was taken in my communication of November 5.

While it is deeply lamented that so many valuable lives have been lost in the action which took place on the 7th ultimo, Congress will see with satisfaction the dauntless spirit and fortitude victoriously displayed by every description of the troops engaged, as well as the collected firmness which distinguished their commander on an occasion requiring the utmost exertions of valor and discipline.

It may reasonably be expected that the good effects of this critical defeat and dispersion of a combination of savages, which appears to have been spreading to a greater extent, will be experienced not only in a cessation of the murders and depredations committed on our frontier, but in the prevention of any hostile incursions otherwise to have been apprehended.

The families of those brave and patriotic citizens who have fallen in this severe conflict will doubtless engage the favorable attention of Congress.

JAMES MADISON.

WASHINGTON, *December 23, 1811*.

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

I communicate to Congress copies of an act of the legislature of New York relating to a canal from the Great Lakes to Hudson River. In making the communication I consult the respect due to that State, in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is no less certain that scarcely any country offers more extensive opportunities for that branch of improvements than the United States, and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration whatever steps may be proper on their part toward its introduction and accomplishment. As some of those advantages have an

intimate connection with the arrangements and exertions for the general security, it is at a period calling for those that the merits of such a system will be seen in the strongest lights.

JAMES MADISON.

WASHINGTON, *December 27, 1811*.

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

I lay before Congress copies of resolutions entered into by the legislature of Pennsylvania, which have been transmitted to me with that view by the governor of that State, in pursuance of one of the said resolutions.

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JAMES MADISON.

WASHINGTON, *January 15, 1812*.

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

I transmit to Congress an account of the contingent expenses of the Government for the year 1811, incurred on the occasion of taking possession of the territory limited eastwardly by the river Perdido, and amounting to $3,396.

JAMES MADISON.

WASHINGTON, *January 16, 1812*.

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

I communicate to Congress a letter from the envoy extraordinary and minister plenipotentiary of Great Britain to the Secretary of State, with the answer of the latter.

The continued evidence afforded in this correspondence of the hostile policy of the British Government against our national rights strengthens the considerations recommending and urging the preparation of adequate means for maintaining them.

JAMES MADISON.

MARCH 3, 1812.

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

At the request of the convention assembled in the Territory of Orleans on the 22d day of November last, I transmit to Congress the proceedings of that body in pursuance of the act entitled “An act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, and for other purposes.”

JAMES MADISON.

MARCH 9, 1812.

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

I lay before Congress copies of certain documents which remain in the Department of State. They prove that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality

toward Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public minister here, a secret agent of that Government was employed in certain States, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens that happy union of these States which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquillity, and their prosperity.

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JAMES MADISON.

APRIL 1, 1812.

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

Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.

JAMES MADISON.

APRIL 20, 1812.

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

Among the incidents to the unexampled increase and expanding interests of the American nation under the fostering influence of free constitutions and just laws has been a corresponding accumulation of duties in the several Departments of the Government, and this has been necessarily the greater in consequence of the peculiar state of our foreign relations and the connection of these with our internal administration.

The extensive and multiplied preparations into which the United States are at length driven for maintaining their violated rights have caused this augmentation of business to press on the Department of War particularly, with a weight disproportionate to the powers of any single officer, with no other aids than are authorized by existing laws. With a view to a more adequate arrangement for the essential objects of that Department, I recommend to the early consideration of Congress a provision for two subordinate appointments therein, with such compensations annexed as may be reasonably expected by citizens duly qualified for the important functions which may be properly assigned to them.

JAMES MADISON.

MAY 26, 1812.

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

I communicate to Congress, for their information, copies and extracts from the correspondence of the Secretary of State and the minister plenipotentiary of the United

States at Paris. These documents will place before Congress the actual posture of our relations with France.

JAMES MADISON.

WASHINGTON, *June 1, 1812*.

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

I communicate to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain.

Without going back beyond the renewal in 1803 of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her Government presents a series of acts hostile to the United States as an independent and neutral nation.

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British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it, not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the laws of the country to which the vessels belong, and a self-redress is assumed which, if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign which falls within the definition of war. Could the seizure of British subjects in such cases be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial where the sacred rights of persons were at issue. In place of such a trial these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone that, under the pretext of searching for these, thousands of American citizens, under the safeguard of public law and of their national flag, have been torn from their country and from everything dear to them; have been dragged on board ships of war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations, and that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British Government was formally assured of the readiness of the United States to enter into arrangements such as could not be rejected if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors, and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts and disturbing her commerce are well known. When called on, nevertheless, by the United States to punish the greater offenses committed by her own vessels, her Government has bestowed on their commanders additional marks of honor and confidence.

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Under pretended blockades, without the presence of an adequate force and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures they have been considered as in force from the dates of their notification, a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal these mock blockades have been reiterated and enforced in the face of official communications from the British Government declaring as the true definition of a legal blockade “that particular ports must be actually invested and previous warning given to vessels bound to them not to enter.”

Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Britain resorted at length to the sweeping system of blockades, under the name of orders in council, which has been molded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation the first reply was that the orders were reluctantly adopted by Great Britain as a necessary retaliation on decrees of her enemy proclaiming a general blockade of the British Isles at a time when the naval force of that enemy dared not issue from his own ports. She was reminded without effect that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea; that executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed; that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States until the markets of her enemy should be laid open to British products, thus asserting an obligation on a neutral power to require one belligerent to encourage by its internal regulations the trade of another belligerent, contradicting her own practice toward all nations, in peace as well as in war, and betraying the insincerity of those professions which inculcated a belief that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

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Abandoning still more all respect for the neutral rights of the United States and for its own consistency, the British Government now demands as prerequisites to a repeal of its orders as they relate to the United States that a formality should be observed in the repeal of the French decrees nowise necessary to their termination nor exemplified by British usage, and that the French repeal, besides including that portion of the decrees which operates within a territorial jurisdiction, as well as that which operates on the high seas, against the commerce of the United States should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations unconnected with them may be affected by those decrees. And as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French Government for which the United States are so far from having made themselves responsible that, in official explanations which have been published to the world, and in a correspondence of the American minister at London with the British minister for foreign affairs such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain; not as supplying the wants of her enemies, which she herself supplies; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy—a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favorable consideration they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her Government has been equally inflexible, as if willing to make sacrifices of every sort rather than yield to the claims of justice or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachment of the British cabinet to its unjust edicts that it received every encouragement within the competency of the executive branch of our Government to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed. Even this communication, although silencing forever the plea of a disposition in the United States to acquiesce in those edicts originally the sole plea for them, received no attention.

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If no other proof existed of a predetermination of the British Government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States at London and the British secretary for foreign affairs in 1810, on the question whether the blockade of May, 1806, was considered as in force or as not in force. It had been ascertained that the French Government, which urged this blockade as the ground of its Berlin decree, was willing in the event of its removal to repeal that decree, which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British Government. As that Government admits that an actual application of an adequate force is necessary to the existence of a legal blockade, and it was notorious that if such a force had ever been applied its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it, and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade, and would have enabled the United States to demand from France the pledged repeal of her decrees, either with success, in which case the way would have been opened for a general repeal of the belligerent edicts, or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British Government would, however, neither rescind the blockade nor declare its nonexistence, nor permit its nonexistence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in council, the United States were compelled so to regard it in their subsequent proceedings.

There was a period when a favorable change in the policy of the British cabinet was justly considered as established. The minister plenipotentiary of His Britannic Majesty here proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality corresponding with the invariable professions of this Government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British Government without any explanations which could at that time repress the belief that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States; and it has since come into proof that at the very moment when the public minister was holding the language of friendship and inspiring confidence in the sincerity of the negotiation with which he was charged a secret agent of his Government was employed in intrigues having for their object a subversion of our Government and a dismemberment of our happy union.

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In reviewing the conduct of Great Britain toward the United States our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers—a warfare which is known to spare neither age nor sex and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among tribes in constant intercourse with British traders and garrisons without connecting their hostility with that influence and without recollecting the authenticated examples of such interpositions heretofore furnished by the officers and agents of that Government.

Such is the spectacle of injuries and indignities which have been heaped on our country, and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected that an enlightened nation, if less urged by moral obligations or invited by friendly dispositions on the part of the United States, would have found in its true interest alone a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself as well as to other belligerents; and more especially that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other counsels have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts no longer the organs of public law but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets, whilst arguments are employed in support of these aggressions which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of Great Britain a state of war against the United States, and on the side of the United States a state of peace toward Great Britain.

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Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, avoiding all connections which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable reestablishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.

Having presented this view of the relations of the United States with Great Britain and of the solemn alternative growing out of them, I proceed to remark that the communications last made to Congress on the subject of our relations with France will have shewn that since the revocation of her decrees, as they violated the neutral rights of the United States, her Government has authorized illegal captures by its privateers and public ships, and that other outrages have been practiced on our vessels and our citizens. It will have been seen also that no indemnity had been provided or satisfactorily pledged for the extensive spoliations committed under the violent and retrospective orders of the French Government against the property of our citizens seized within the jurisdiction of France. I abstain at this time from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our minister plenipotentiary at Paris and the French Government will speedily enable Congress to decide with greater advantage on the course due to the rights, the interests, and the honor of our country.

JAMES MADISON.

JUNE 30, 1812.

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

With a view the better to adapt to the public service the volunteer force contemplated by the act passed on the 6th day of February, I recommend to the consideration of Congress the expediency of making the requisite provision for the officers thereof being commissioned by the authority of the United States.

Considering the distribution of the military forces of the United States required by the circumstances of our country, I recommend also to the consideration of Congress the expediency of providing for the appointment of an additional number of general officers, and of deputies in the Adjutant’s, Quartermaster’s, Inspector’s, and Paymaster’s departments of the Army, and for the employment in cases of emergency of additional engineers.

JAMES MADISON.

JULY 1, 1812.

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To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 26th of June, I transmit the information contained in the documents herewith enclosed.

JAMES MADISON.

From the Secretary of State to General George Matthews and Colonel John M'Kee.

DEPARTMENT OF STATE, *January 26, 1811*.

The President of the United States having appointed you jointly and severally commissioners for carrying into effect certain provisions of an act of Congress (a copy of which is inclosed) relative to the portion of the Floridas situated to the east of the river Perdido, you will repair to that quarter with all possible expedition, concealing from general observation the trust committed to you with that discretion which the delicacy and importance of the undertaking require.

Should you find Governor Folk or the local authority existing there inclined to surrender in an amicable manner the possession of the remaining portion or portions of West Florida now held by him in the name of the Spanish Monarchy, you are to accept in behalf of the United States the abdication of his or of the other existing authority and the jurisdiction of the country over which it extends. And should a stipulation be insisted on for the redelivery of the country at a future period, you may engage for such redelivery to the lawful sovereign.

The debts clearly due from the Spanish Government to the people of the Territory surrendered may, if insisted on, be assumed within reasonable limits and under specified descriptions to be settled hereafter as a claim against Spain in an adjustment of our affairs with her. You may also guarantee, in the name of the United States, the confirmation of all such titles to land as are clearly sanctioned by Spanish laws, and Spanish civil functionaries, where no special reasons may require changes, are to be permitted to remain in office with the assurance of a continuation of the prevailing laws, with such alterations only as may be necessarily required in the new situation of the country.

If it should be required and be found necessary, you may agree to advance, as above, a reasonable sum for the transportation of the Spanish troops.

These directions are adapted to one of the contingencies specified in the act of Congress, namely, the amicable surrender of the possession of the Territory by the local ruling authority. But should the arrangement contemplated by the statute not be made, and should there be room to entertain a suspicion of an existing design in any foreign power to occupy the country in question, you are to keep yourselves on the alert, and

on the first undoubted manifestation of the approach of a force for that purpose you will exercise with promptness and vigor the powers with which you are invested by the President to preoccupy by force the Territory, to the entire exclusion of any armament

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that may be advancing to take the possession of it. In this event you will exercise a sound discretion in applying the powers given with respect to debts, titles to lands, civil officers, and the continuation of the Spanish laws, taking care to commit the Government on no point further than may be necessary; and should any Spanish military force remain within the country after the occupancy by the troops of the United States, you may in such case aid in their removal from the same.

The universal toleration which the laws of the United States assure to every religious persuasion will not escape you as an argument for quieting the minds of uninformed individuals who may entertain fears on that head.

The conduct you are to pursue in regard to East Florida must be regulated by the dictates of your own judgments, on a close view and accurate knowledge of the precise state of things there, and of the real disposition of the Spanish Government always recurring to the present instruction as the paramount rule of your proceedings. Should you discover an inclination in the governor of East Florida, or in the existing local authority, amicably to surrender that province into the possession of the United States, you are to accept it on the same terms that are prescribed by these instructions in relation to West Florida. And in case of the actual appearance of any attempt to take possession by a foreign power, you will pursue the same effective measures for the occupation of the Territory and for the exclusion of the foreign force as you are directed to pursue with respect to the country east of the Perdido, forming at this time the extent of Governor Folk's jurisdiction.

If you should, under these instructions, obtain possession of Mobile, you will lose no time in informing Governor Claiborne thereof, with a request that he will without delay take the necessary steps for the occupation of the same.

All ordnance and military stores that may be found in the Territory must be held as the property of the Spanish Government, to be accounted for hereafter to the proper authority, and you will not fail to transmit an inventory thereof to this Department.

If in the execution of any part of these instructions you should need the aid of a military force, the same will be afforded you upon your application to the commanding officer of the troops of the United States on that station, or to the commanding officer of the nearest post, in virtue of orders which have been issued from the War Department. And in case you should, moreover, need naval assistance, you will receive the same upon your application to the naval commander in pursuance of orders from the Navy Department.

From the Treasury Department will be issued the necessary instructions in relation to imposts and duties, and to the slave ships whose arrival is apprehended.

The President, relying upon your discretion, authorizes you to draw upon the collectors of Orleans and Savannah for such sums as may be necessary to defray unavoidable expenses that may be incurred in the execution of these instructions, not exceeding in your drafts on New Orleans $8,000 and in your drafts on Savannah $2,000, without further authority, of which expenses you will hereafter exhibit a detailed account duly supported by satisfactory vouchers.

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POSTSCRIPT.—If Governor Folk should unexpectedly require and pertinaciously insist that the stipulation for the redelivery of the Territory should also include that portion of the country which is situated west of the river Perdido, you are, in yielding to such demand, only to use general words that may by implication comprehend that portion of country; but at the same time you are expressly to provide that such stipulation shall not in any way impair or affect the right or title of the United States to the same.

The Secretary of State to General Matthews.

DEPARTMENT OF STATE, *April 4, 1812*.

General MATTHEWS, *etc*.

SIR: I have had the honor to receive your letter of the 14th of March, and have now to communicate to you the sentiments of the President on the very interesting subject to which it relates.

I am sorry to have to state that the measures which you appear to have adopted for obtaining possession of Amelia Island and other parts of Bast Florida are not authorized by the law of the United States or the instructions founded on it under which you have acted.

You were authorized by the law, a copy of which was communicated to you, and by your instructions, which are strictly conformable to it, to take possession of East Florida only in case one of the following contingencies should happen: Either that the governor or other existing local authority should be disposed to place it amicably in the hands of the United States, or that an attempt should be made to, take possession of it by a foreign power. Should the first contingency happen it would follow that the arrangement, being amicable, would require no force on the part of the United States to carry it into effect. It was only in case of an attempt to take it by a foreign power that force could be necessary, in which event only were you authorized to avail yourself of it.

In neither of these contingencies was it the policy of the law or purpose of the Executive to wrest the Province forcibly from Spain, but only to occupy it with a view to prevent its falling into the hands of any foreign power, and to hold that pledge under the existing peculiarity of the circumstances of the Spanish Monarchy for a just result in an amicable negotiation with Spain.

Had the United States been disposed to proceed otherwise, that intention would have been manifested by a change of the law and suitable measures to carry it into effect; and as it was in their power to take possession whenever they might think that circumstances authorized and required it, it would be the more to be regretted if possession should be effected by any means irregular in themselves and subjecting the Government of the United States to unmerited censure.

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The views of the Executive respecting East Florida are further illustrated by your instructions as to West Florida. Although the United States have thought that they had a good title to the latter Province, they did not take possession until after the Spanish authority had been subverted by a revolutionary proceeding, and the contingency of the country being thrown into foreign hands had forced itself into view. Nor did they then, nor have they since, dispossessed the Spanish troops of the post which they occupied. If they did not think proper to take possession by force of a province to which they thought they were justly entitled, it could not be presumed that they should intend to act differently in respect to one to which they had not such a claim.

I may add that although due sensibility has been always felt for the injuries which were received from the Spanish Government in the last war, the present situation of Spain has been a motive for a moderate and pacific policy toward her.

In communicating to you these sentiments of the Executive on the measures you have lately adopted for taking possession of East Florida, I add with pleasure that the utmost confidence is reposed in your integrity and zeal to promote the welfare of your country. To that zeal the error into which you have fallen is imputed. But in consideration of the part which you have taken, which differs so essentially from that contemplated and authorized by the Government, and contradicts so entirely the principles on which it has uniformly and sincerely acted, you will be sensible of the necessity of discontinuing the service in which you have been employed.

You will therefore consider your powers as revoked on the receipt of this letter. The new duties to be performed will be transferred to the governor of Georgia, to whom instructions will be given on all the circumstances to which it may be proper at the present juncture to call his attention.

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

JAMES MONROE.

The Secretary of State to His Excellency D.B. Mitchell, the governor of Georgia.

DEPARTMENT OF STATE, *April 10, 1812*.

SIR: The President is desirous of availing the public of your services in a concern of much delicacy and of high importance to the United States. Circumstances with which you are in some degree acquainted, but which will be fully explained by the inclosed papers, have made it necessary to revoke the powers heretofore committed to General Matthews and to commit them to you. The President is persuaded that you will not hesitate to undertake a trust so important to the nation, and peculiarly to the State of Georgia. He is the more confident in this belief from the consideration that these new

duties may be discharged without interfering, as he presumes, with those of the station which you now hold.

By the act of the 15th of January, 1811, you will observe that it was not contemplated to take possession of East Florida or any part thereof, unless it should be surrendered to the United States amicably by the governor or other local authority of the Province, or against an attempt to take possession of it by a foreign power, and you will also see that General Matthews's instructions, of which a copy is likewise inclosed, correspond fully with the law.

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By the documents in possession of the Government it appears that neither of these contingencies have happened; that instead of an amicable surrender by the governor or other local authority the troops of the United States have been used to dispossess the Spanish authority by force. I forbear to dwell on the details of this transaction because it is painful to recite them. By the letter to General Matthews which is inclosed, open for your perusal, you will fully comprehend the views of the Government respecting the late transaction, and by the law, the former instructions to the General, and the late letter now forwarded you will be made acquainted with the course of conduct which it is expected of you to pursue in future in discharging the duties heretofore enjoined on him.

It is the desire of the President that you should turn your attention and direct your efforts in the first instance to the restoration of that state of things in the Province which existed before the late transactions. The Executive considers it proper to restore back to the Spanish authorities Amelia Island and such other parts, if any, of East Florida as may have thus been taken from them. With this view it will be necessary for you to communicate *directly* with the governor or principal officer of Spain in that Province, and to act in harmony with him in the attainment of it. It is presumed that the arrangement will be easily and amicably made between you. I inclose you an order from the Secretary of War to the commander of the troops of the United States to evacuate the country when requested so to do by you, and to pay the same respect in future to your order in fulfilling the duties enjoined by the law that he had been instructed to do to that of General Matthews.

In restoring to the Spanish authorities Amelia Island and such other parts of East Florida as may have been taken possession of in the name of the United States there is another object to which your particular attention will be due. In the measures lately adopted by General Matthews to take possession of that Territory it is probable that much reliance has been placed by the people who acted in it on the countenance and support of the United States. It will be improper to expose these people to the resentment of the Spanish authorities. It is not to be presumed that those authorities in regaining possession of the Territory in this amicable mode from the United States will be disposed to indulge any such feeling toward them. You will, however, come to a full understanding with the Spanish governor on this subject, and not fail to obtain from him the most explicit and satisfactory assurance respecting it. Of this assurance you will duly apprise the parties interested, and of the confidence which you repose in it. It is hoped that on this delicate and very interesting point the Spanish governor will avail himself of the opportunity it presents to evince the friendly disposition of his Government toward the United States.

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There is one other remaining circumstance only to which I wish to call your attention, and that relates to General Matthews himself. His gallant and meritorious services in our Revolution and patriotic conduct since have always been held in high estimation by the Government. His errors in this instance are imputed altogether to his zeal to promote the welfare of his country; but they are of a nature to impose on the Government the necessity of the measures now taken, in giving effect to which you will doubtless feel a disposition to consult, as far as may be, his personal sensibility.

I have the honor to be, *etc*.,

JAMES MONROE.

P.S.—Should you find it impracticable to execute the duties designated above in person, the President requests that you will be so good as to employ some very respectable character to represent you in it, to whom you are authorized to allow a similar compensation. It is hoped, however, that you may be able to attend to it in person, for reasons which I need not enter into. The expenses to which you may be exposed will be promptly paid to your draft on this Department.

The Secretary of State to D.B. Mitchell, esq., governor of Georgia.

DEPARTMENT OF STATE, *May 27, 1812*.

SIR: I have had the honor to receive your letter of the 2d instant from St. Marys, where you had arrived in discharge of the trust reposed in you by the President, in relation to East Florida.

My letter by Mr. Isaacs has, I presume, substantially answered the most important of the queries submitted in your letter, but I will give to each a more distinct answer.

By the law of which a copy was forwarded to you it is made the duty of the President to prevent the occupation of East Florida by any foreign power. It follows that you are authorized to consider the entrance, or attempt to enter, especially under existing circumstances, of British troops of any description as the case contemplated by the law, and to use the proper means to defeat it.

An instruction will be immediately forwarded to the commander of the naval force of the United States in the neighborhood of East Florida to give you any assistance, in case of emergency, which you may think necessary and require.

It is not expected, if you find it proper to withdraw the troops, that you should interfere to compel the patriots to surrender the country or any part of it to the Spanish authorities. The United States are responsible for their own conduct only; not for that of the inhabitants of East Florida. Indeed, in consequence of the compromitment of the United States to the inhabitants, you have been already instructed not to withdraw the troops,

unless you find that it may be done consistently with their safety, and to report to the Government the result of your conferences with the Spanish authorities, with your opinion of their views, holding in the meantime the ground occupied.

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In the present state of our affairs with Great Britain the course above pointed out is the more justifiable and proper.

I have the honor, *etc*.,

JAMES MONROE.

JULY 6, 1812.

To the Senate of the United States:

I transmit to the Senate copies and extracts of documents in the archives of the Department of State falling within the purview of their resolution of the 4th instant, on the subject of British impressments from American vessels. The information, though voluminous, might have been enlarged with more time for research and preparation. In some instances it might at the same time have been abridged but for the difficulty of separating the matter extraneous to the immediate object of the resolution.

JAMES MADISON.

VETO MESSAGE.

APRIL 3, 1812.

To the House of Representatives of the United States:

Having examined and considered the bill entitled “An act providing for the trial of causes pending in the respective district courts of the United States, in case of the absence or disability of the judges thereof,” which bill was presented to me on the 25th of March past, I now return the same to the House of Representatives, in which it originated, with the following objections:

Because the additional services imposed by the bill on the justices of the Supreme Court of the United States are to be performed by them rather in the quality of other judges of other courts, namely, judges of the district courts, than in the quality of justices of the Supreme Court. They are to hold the said district courts, and to do and perform all acts relating to the said courts which are by law required of the district judges. The bill therefore virtually appoints, for the time, the justices of the Supreme Court to other distinct offices to which, if compatible with their original offices, they ought to be appointed by another than the legislative authority, in pursuance of legislative provisions authorizing the appointments.

Because the appeal allowed by law for the decision of the district courts to the circuit courts, whilst it corroborates the construction which regards a judge of one court as clothed with a new office, by being constituted a judge of the other, submits for correction erroneous judgments, not to superior or other judges, but to the erring individual himself, acting as sole judge in the appellate court.

Because the additional services to be required may, by distances of place and by the casualties contemplated by the bill, become disproportionate to the strength and health of the justices who are to perform them, the additional services being, moreover, entitled to no additional compensation, nor the additional expenses incurred to reimbursement. In this view the bill appears to be contrary to equity, as well as a precedent for modifications and extensions of judicial services encroaching on the constitutional tenure of judicial offices.

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Because, by referring to the President of the United States questions of disability in the district judges and of the unreasonableness of delaying the suits or causes pending in the district courts, and leaving it with him in such causes to require the justices of the Supreme Court to perform additional services, the bill introduces an unsuitable relation of members of the judiciary department to a discretionary authority of the executive department.

JAMES MADISON

PROCLAMATIONS.

[From Niles's Weekly Register, vol. 1, p. 448.]

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been received that a number of individuals who have deserted from the Army of the United States have become sensible of their offense and are desirous of returning to their duty, a full pardon is hereby granted and proclaimed to each and all such individuals as shall within four months from the date hereof surrender themselves to the commanding officer of any military post within the United States or the Territories thereof.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

[SEAL.]

Done at the city of Washington, the 7th day of February, A.D. 1812, and of the Independence of the United States the thirty-sixth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

[From Annals of Congress, Twelfth Congress, part 2, 2223.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States, by virtue of the constituted authority vested in them, have declared by their act bearing date the 18th day of the present month that war exists between the United Kingdom of Great Britain and Ireland and the dependencies thereof and the United States of America and their Territories:

Now, therefore, I, James Madison, President of the United States of America, do hereby proclaim the same to all whom it may concern; and I do specially enjoin on all persons holding offices, civil or military, under the authority of the United States that they be vigilant and zealous in discharging the duties respectively incident thereto; and I do moreover exhort all the good people of the United States, as they love their country, as they value the precious heritage derived from the virtue and valor of their fathers, as they feel the wrongs which have forced on them the last resort of injured nations, and as they consult the best means under the blessing of Divine Providence of abridging its calamities, that they exert themselves in preserving order, in promoting concord, in maintaining the authority and efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, a just, and an honorable peace.

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In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

[SEAL.]

Done at the city of Washington, the 19th day of June, 1812, and of the Independence of the United States the thirty-sixth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

[From Annals of Congress, Twelfth Congress, part 2, 2224.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States, by a joint resolution of the two Houses, have signified a request that a day may be recommended to be observed by the people of the United States with religious solemnity as a day of public humiliation and prayer; and

Whereas such a recommendation will enable the several religious denominations and societies so disposed to offer at one and the same time their common vows and adorations to Almighty God on the solemn occasion produced by the war in which He has been pleased to permit the injustice of a foreign power to involve these United States:

I do therefore recommend the third Thursday in August next as a convenient day to be set apart for the devout purposes of rendering the Sovereign of the Universe and the Benefactor of Mankind the public homage due to His holy attributes; of acknowledging the transgressions which might justly provoke the manifestations of His divine displeasure; of seeking His merciful forgiveness and His assistance in the great duties of repentance and amendment, and especially of offering fervent supplications that in the present season of calamity and war He would take the American people under His peculiar care and protection; that He would guide their public councils, animate their patriotism, and bestow His blessing on their arms; that He would inspire all nations with a love of justice and of concord and with a reverence for the unerring precept of our holy religion to do to others as they would require that others should do to them; and, finally,

that, turning the hearts of our enemies from the violence and injustice which sway their councils against us, He would hasten a restoration of the blessings of peace.

[SEAL.]

Given at Washington, the 9th day of July, A.D. 1812.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

[From Niles's Weekly Register, vol. 3, p. 101.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received that a number of individuals who have deserted from the Army of the United States have become sensible of their offenses and are desirous of returning to their duty, a full pardon is hereby granted and proclaimed to each and all such individuals as shall within four months from the date hereof surrender themselves to the commanding officer of any military post within the United States or the Territories thereof.

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In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

[SEAL.]

Done at the city of Washington, the 8th day of October, A.D. 1812, and of the Independence of the United States the thirty-seventh.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *November 4, 1812*.

Fellow-Citizens of the Senate and of the House of Representatives:

On our present meeting it is my first duty to invite your attention to the providential favors which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion also for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced by the perseverance of a foreign power in its system of injustice and aggression.

Previous to its declaration it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan Territory with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain cooperating relations with such forces as might be most conveniently employed against other parts. Brigadier-General Hull was charged with this provisional service, having under his command a body of troops composed of regulars and of volunteers from the State of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy with a prospect of easy and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and

fort of Detroit, but in the surrender of both and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled

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to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honorable war and against the feelings sacred to humanity the British commanders can not resort to a plea of retaliation, for it is committed in the face of our example. They can not mitigate it by calling it a self-defense against men in arms, for it embraces the most shocking butcheries of defenseless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated, since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation boasting its religion and morality have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs that the national spirit rises according to the pressure on it. The loss of an important post and of the brave men surrendered with it inspired everywhere new ardor and determination. In the States and districts least remote it was no sooner known than every citizen was ready to fly with his arms at once to protect his brethren against the bloodthirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier-General Harrison, who possesses the entire confidence of his fellow-soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations than by their personal merits. The greater portion of this force is proceeding on its destination toward the Michigan Territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy—a seduction the more cruel as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date an attack was made on a post of the enemy near Niagara by a detachment of the regular and other forces under the command of Major-General Van Rensselaer, of the militia of the State of New York. The attack, it appears, was ordered in compliance with the ardor of the troops, who executed it with distinguished gallantry, and were for a time victorious; but not receiving the expected support, they were compelled to yield to reenforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the governor of the Province, and was sustained by veteran troops from unexperienced soldiers, who must daily improve in the duties of the field.

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Our expectation of gaining the command of the Lakes by the invasion of Canada from Detroit having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object everything that can be done may be expected. Should the present season not admit of complete success, the progress made will insure for the next a naval ascendency where it is essential to our permanent peace with and control over the savages.

Among the incidents to the measures of the war I am constrained to advert to the refusal of the governors of Massachusetts and Connecticut to furnish the required detachments of militia toward the defense of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the Constitution relating to the militia. The correspondences which will be laid before you contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the public defense can be thus frustrated, even in a state of declared war and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it, and that the public safety may have no other resource than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts and on the ocean the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having been much favored in it by the course pursued by a squadron of our frigates under the command of Commodore Rodgers, and in the instance in which skill and bravery were more particularly tried with those of the enemy the American flag had an auspicious triumph. The frigate *Constitution*, commanded by Captain Hull, after a close and short engagement completely disabled and captured a British frigate, gaining for that officer and all on board a praise which can not be too liberally bestowed, not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

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Anxious to abridge the evils from which a state of war can not be exempt, I lost no time after it was declared in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification, and our charge d'affaires at London was at the same time authorized to agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules, and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated, and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this Government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this Government, affording an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favorable light or received in a more accommodating spirit remains to be known. It would be unwise to relax our measures in any respect on a presumption of such a result.

The documents from the Department of State which relate to this subject will give a view also of the propositions for an armistice which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British Government itself through Admiral Warren, and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention is the promulgation of a French decree purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered by the time and manner of it liable to many objections.

The final communications from our special minister to Denmark afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish Government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

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With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul-general residing with that Regency has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism or the first act of predetermined hostility is not ascertained. Precautions were taken by the consul on the latter supposition.

The Indian tribes not under foreign instigations remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing more favorably for the private soldier the proportion between his recompense and the term of his enlistment, and it is a subject which can not too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other, and although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration also whether as auxiliary to the security of our frontiers corps may not be advantageously organized with a restriction of their services to particular districts convenient to them, and whether the local and occasional services of mariners and others in the seaport towns under a similar organization would not be a provident addition to the means of their defense.

I recommend a provision for an increase of the general officers of the Army, the deficiency of which has been illustrated by the number and distance of separate commands which the course of the war and the advantage of the service have required.

And I can not press too strongly on the earliest attention of the Legislature the importance of the reorganization of the staff establishment with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success in what appertains to the Army and the war is equally inculcated by the examples of other countries and by the experience of our own.

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A revision of the militia laws for the purpose of rendering them more systematic and better adapting them to emergencies of the war is at this time particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail, a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for shipbuilding, the greater part has been applied to that object and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force and its success, both in restraining insults and depredations on our coasts and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses is not a sufficient guard against the use of them, for purposes favorable to the interests and views of the enemy, further provisions on that subject are highly important. Nor is it less so that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason nor yet embraced by any statutory provisions.

A considerable number of American vessels which were in England when the revocation of the orders in council took place were laden with British manufactures under an erroneous impression that the nonimportation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise on unforeseen cases of such magnitude the ordinary powers vested in the Treasury Department to mitigate forfeitures without previously affording to Congress an opportunity of making on the subject such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the Treasury during the year ending on the 30th of September last have exceeded $16,500,000, which have been sufficient to defray all the demands on the Treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near $5,850,000, received on account of the loans authorized by the acts of the last session; the whole sum actually obtained on loan amounts to $11,000,000, the residue of which, being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

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The situation of our country, fellow-citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies, and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged is a war neither of ambition nor of vainglory; that it is waged not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example under wrongs accumulating without end, and that it was finally not declared until every hope of averting it was extinguished by the transfer of the British scepter into new hands clinging to former councils, and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk under such circumstances from manly resistance would have been a degradation blasting our best and proudest hopes; it would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment and with such an alternative that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the Just and All-powerful Being who holds in His hand the chain of events and the destiny of nations. It remains only that, faithful to ourselves, entangled in no connections with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels and with the ample faculties of the nation until peace be so obtained and as the only means under the Divine blessing of speedily obtaining it.

JAMES MADISON.

SPECIAL MESSAGES.

NOVEMBER, 12, 1812.

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

For the further information of Congress relative to the pacific advances made on the part of this Government to that of Great Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on that subject received from the late charge d’affaires at London.

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JAMES MADISON.

NOVEMBER 17, 1812.

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

I transmit to Congress copies of a letter from the consul general of the United States to Algiers, stating the circumstances preceding and attending his departure from that Regency.

JAMES MADISON

WASHINGTON, *December 11, 1812*.

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

I transmit to Congress copies of a letter to the Secretary of the Navy from Captain Decatur, of the frigate *United States*, reporting his combat and capture of the British frigate *Macedonian*. Too much praise can not be bestowed on that officer and his companions on board for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit also a letter from Captain Jones, who commanded the sloop of war *Wasp*, reporting his capture of the British sloop of war *Frolic*, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation feeling what it owes to itself and to its citizens could never abandon to arbitrary violence on the ocean a class of them which give such examples of capacity and courage in defending their rights on that element, examples which ought to impress on the enemy, however brave and powerful, preference of justice and peace to hostility against a country whose prosperous career may be accelerated but can not be prevented by the assaults made on it.

JAMES MADISON.

JANUARY 22, 1813.

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

I transmit, for the information of Congress, copies of a correspondence between John Mitchell, agent for American prisoners of war at Halifax, and the British admiral commanding at that station.

I transmit, for the like purpose, copies of a letter from Commodore Rodgers to the Secretary of the Navy,

JAMES MADISON.

FEBRUARY 22, 1813.

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

I lay before Congress a letter, with accompanying documents, from Captain Bainbridge, now commanding the United States frigate the *Constitution*, reporting his capture and destruction of the British frigate the *Java*. The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit which prevail in our naval service. The signal display of both by Captain Bainbridge, his officers and crew, commands the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision allowing in such cases, both past and future, a fair proportion of the value which would accrue to the captors on the safe arrival and sale of the prize.

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JAMES MADISON.

FEBRUARY 24, 1813.

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

I lay before Congress copies of a proclamation of the British lieutenant-governor of the island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions by a trade under special licenses, and is accompanied by a circular instruction to the colonial governors which confines licensed importations from ports of the United States to the ports of the Eastern States exclusively.

The Government of Great Britain had already introduced into her commerce during war a system which, at once violating the rights of other nations and resting on a mass of forgery and perjury unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundation of national happiness.

The policy now proclaimed to the world introduces into her modes of warfare a system equally distinguished by the deformity of its features and the depravity of its character, having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts the one from the other.

The general tendency of these demoralizing and disorganizing contrivances will be reprobated by the civilized and Christian world, and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the Eastern States will not fail to call forth all their indignation and resentment, and to attach more and more all the States to that happy Union and Constitution against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever by citizens or inhabitants of the United States under special licenses, whether relating to persons or ports, and in aid thereof a prohibition of all exportations from the United States in foreign bottoms, few of which are actually employed, whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

JAMES MADISON.

MARCH 3, 1813.

To the House of Representatives of the United States:

Conformably to the resolution of the House of Representatives of the 27th of January last, I transmit “rolls of the persons having office or employment of a public nature under the United States,”

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JAMES MADISON.

VETO MESSAGE.

NOVEMBER 5, 1812.

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

The bill entitled “An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization,” which passed the two Houses at the last session of Congress, having appeared to me liable to abuse by aliens having no real purpose of effectuating a naturalization, and therefore not been signed, and having been presented at an hour too near the close of the session to be returned with objections for reconsideration, the bill failed to become a law. I also recommend that provision be now made in favor of aliens entitled to the contemplated benefit, under such regulations as will prevent advantage being taken of it for improper purposes.

JAMES MADISON.

SECOND INAUGURAL ADDRESS.

About to add the solemnity of an oath to the obligations imposed by a second call to the station in which my country heretofore placed me, I find in the presence of this respectable assembly an opportunity of publicly repeating my profound sense of so distinguished a confidence and of the responsibility united with it. The impressions on me are strengthened by such an evidence that my faithful endeavors to discharge my arduous duties have been favorably estimated, and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it I should be compelled to shrink if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice which invites the smiles of Heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment without presumption when we reflect on the characters by which this war is distinguished?

It was not declared on the part of the United States until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions, and either perpetuating a state of disgraceful suffering or regaining by more

costly sacrifices and more severe struggles our lost rank and respect among independent powers.

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On the issue of the war are staked our national sovereignty on the high seas and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake is to surrender our equality with other powers on the element common to all and to violate the sacred title which every member of the society has to its protection. I need not call into view the unlawfulness of the practice by which our mariners are forced at the will of every cruising officer from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive Administration of our Government, and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin and necessary and noble in its objects, we can reflect with a proud satisfaction that in carrying it on no principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity, have been infringed, The war has been waged on our part with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States, incorporated by naturalization into our political family, and fighting under the authority of their adopted country in open and honorable war for the maintenance of its rights and safety. Such is the avowed purpose of a Government which is in the practice of naturalizing by thousands citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre, but they have let loose the savages armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished and to finish the work of torture and death on maimed and defenseless captives. And, what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops by presenting to the sympathy of their chief captives awaiting massacre from their savage associates. And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force by attempts to disorganize our political society, to dismember our confederated Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate counsels from which they emanate, and if they did not belong to a series of unexampled inconsistencies might excite the greater wonder as proceeding from a Government which founded the very

war in which it has been so long engaged on a charge against the disorganizing and insurrectional policy of its adversary.

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To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard before the enemy was apprised of the reasonable terms on which it would be resheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is in number more than half that of the British Isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it have recoiled on themselves; have given to our national faculties a more rapid development, and, draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew, and still know, that without them it could not be carried on through the period which it might last, and the patriotism, the good sense, and the manly spirit of our fellow-citizens are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short and its success sure, animated and systematic exertions alone are necessary, and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also but die discipline and habits which are in daily progress.

MARCH 4, 1813.

SPECIAL SESSION MESSAGE.

WASHINGTON, *May 25, 1813*.

Fellow-Citizens of the Senate and of the House of Representatives:

At an early day after the close of the last session of Congress an offer was formally communicated from His Imperial Majesty the Emperor of Russia of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted, and as a further proof of the disposition on the part of the United States, to meet their adversary in honorable experiments for terminating

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the war it was determined to avoid intermediate delays incident to the distance of the parties by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries as may be mutually advantageous. The two envoys who, were in the United States at the time of their appointment have proceeded to join their colleague already at St. Petersburg.

The envoys have received another commission authorizing them to conclude with Russia a treaty of commerce with a view to strengthen the amicable relations and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian Emperor and this pacific manifestation on the part of the United States time only can decide. That the sentiments of Great Britain toward that Sovereign will have produced an acceptance of his offered mediation must be presumed. That no adequate motives exist to prefer a continuance of war with the United States to the terms on which they are willing to close it is certain. The British cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for or seizure of British persons or property on board neutral vessels on the high seas is not a belligerent right derived from the law of nations, and it is obvious that no visit or search or use of force for any purpose on board the vessels of one independent power on the high seas can in war or peace be sanctioned by the laws or authority of another power. It is equally obvious that, for the purpose of preserving to each State its seafaring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States and now enacted by them as an article of municipal policy, can not for a moment be compared with the mode practiced by Great Britain without a conviction of its title to preference, inasmuch as the latter leaves the discrimination between the mariners of the two nations to officers exposed by unavoidable bias as well as by a defect of evidence to a wrong decision, under circumstances precluding for the most part the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages; whereas the mode assumed by the United States guards with studied fairness and efficacy against errors in such cases and avoids the effect of casual errors on the safety of navigation and the success of mercantile expeditions.

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If the reasonableness of expectations drawn from these considerations could guarantee their fulfillment a just peace would not be distant. But it becomes the wisdom of the National Legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition that the only course to that happy event is in the vigorous employment of the resources of war. And painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it on one frontier a system of plunder and conflagration on the other, equally forbidden by respect for national character and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms both by land and on the water.

In continuation of the brilliant achievements of our infant Navy, a signal triumph has been gained by Captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war with a celerity so unexampled and with a slaughter of the enemy so disproportionate to the loss in the *Hornet* as to claim for the conquerors the highest praise and the full recompense provided by Congress in preceding cases. Our public ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts to intercept them in returning into port and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the Lakes our superiority is near at hand where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that under a wise organization and efficient direction the Army is destined to a glory not less brilliant than that which already encircles the Navy. The attack and capture of York is in that quarter a presage of future and greater victories, while on the western frontier the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks and enlarging the staff of the Army have had the best effects. It will be for the consideration of Congress whether other provisions depending on their authority may not still further improve the military establishment and the means of defense.

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The sudden death of the distinguished citizen who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications, nor has the French Government taken any measures for bringing the depending negotiations to a conclusion through its representative in the United States. This failure adds to delays before so unreasonably spun out. A successor to our deceased minister has been appointed and is ready to proceed on his mission. The course which he will pursue in fulfilling it is that prescribed by a steady regard to the true interests of the United States, which equally avoids an abandonment of their just demands and a connection of their fortunes with the systems of other powers.

The receipts in the Treasury from the 1st of October to the 31st day of March last, including the sums received on account of Treasury notes and of the loans authorized by the acts of the last and the preceding sessions of Congress, have amounted to $15,412,000. The expenditures during the same period amounted to $15,920,000, and left in the Treasury on the 1st of April the sum of $1,857,000. The loan of $16,000,000, authorized by the act of the 8th of February last, has been contracted for. Of that sum more than $1,000,000 had been paid into the Treasury prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near $15,000,000, with the sum of $5,000,000 authorized to be issued in Treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to $9,300,000, and making, in the whole, $29,300,000, to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized and the engagements contracted in relation to the public debt. These engagements amount during that period to $10,500,000, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and $17,800,000 for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the Treasury at the end of the present year equal to that on the 1st of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law beyond the sums above estimated, and a further resource for any emergency may be found in the sum of $1,000,000, the loan of which to the United States has been authorized by the State of Pennsylvania, but which has not yet been brought into effect.

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This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows at the same time, by the limited amount of the actual revenue and the dependence on loans, the necessity of providing more adequately for the future supplies of the Treasury. This can be best done by a well-digested system of internal revenue in aid of existing sources, which will have the effect both of abridging the amount of necessary loans and, on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about 7 1/2 per cent, and, although other causes may have had an agency, it can not be doubted that, with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the National Legislature this resort to additional taxes I feel great satisfaction in the assurance that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily no people, with local and transitory exceptions never to be wholly avoided, are more able than the people of the United States to spare for the public wants a portion of their private means, whether regard be had to the ordinary profits of industry or the ordinary price of subsistence in our country compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain and commensurate to the public exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue; every hostile hope founded on a calculated failure of our resources will be cut off, and by adding to the evidence of bravery and skill in combats on the ocean and the land, and alacrity in supplying the treasure necessary to give them their fullest effect, and demonstrating to the world the public energy which our political institutions combine, with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged appeals for its support to every motive that can animate an uncorrupted and enlightened people—to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs of a class of citizens who have proved themselves so worthy the protection of their country by their heroic zeal in its defense; and, finally, to the sacred obligation of transmitting entire to future generations that precious patrimony of national rights and independence which is held in trust by the present from the goodness of Divine Providence.

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Being aware of the inconveniences to which a protracted session at this season would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue regard will be had to the same consideration.

JAMES MADISON.

SPECIAL MESSAGES.

MAY 29, 1813.

To the Senate of the United States:

The Swedish Government having repeatedly manifested a desire to interchange a public minister with the United States, and having lately appointed one with that view, and other considerations concurring to render it advisable at this period to make a correspondent appointment, I nominate Jonathan Russell, of Rhode Island, to be minister plenipotentiary of the United States to Sweden.

JAMES MADISON.

WASHINGTON, *July 6, 1813*.

To the Senate of the United States:

I have received from the committee appointed by the resolution of the Senate of the 14th day of June a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a minister plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and through them to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the Constitution has placed the several departments of the Government to each other, it will suffice to remark that the Executive and Senate, in the cases of appointments to office and of treaties, are to be considered as independent of and coordinate with each other. If they agree, the appointments or treaties are made; if the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relations of the Senate and the Executive, has been either to request the Executive to furnish it or to refer the subject to a committee of their body to communicate, either formally or informally, with the head of the proper department. The appointment of a committee of the Senate to confer immediately with the Executive himself appears to lose sight of the coordinate relation

between the Executive and the Senate which the Constitution has established, and which ought therefore to be maintained.

The relation between the Senate and House of Representatives, in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of and coordinate with each other, and the invariable practice of each in appointing committees of conference and consultation is to commission them to confer not

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with the coordinate body itself, but with a committee of that body; and although both branches of the Legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed that if the whole number of either branch were not too large for the purpose the objection to such a conference, being against the principle as derogating from the coordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate in the course they have pursued on this occasion, and with which my view of the subject makes it my duty not to accord, and that they will be cheerfully furnished with all the suitable information in possession of the Executive in any mode deemed consistent with the principles of the Constitution and the settled practice under it.

JAMES MADISON.

WASHINGTON, *July 20, 1813*.

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

There being sufficient ground to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed, keeping in view also the insidious discrimination between the different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation in subserviency to British monopoly, I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports limited to a convenient day in their next session, and removable in the meantime in the event of a cessation of the blockade of our ports.

JAMES MADISON.

PROCLAMATION.

[From Niles’s Weekly Register, vol. 4, p. 345.]

A PROCLAMATION.

Whereas the Congress of the United States, by a joint resolution of the two Houses, have signified a request that a day may be recommended to be observed by the people

of the United States with religious solemnity as a day of public humiliation and prayer; and

Whereas in times of public calamity such as that of the war brought on the United States by the injustice of a foreign government it is especially becoming that the hearts of all should be touched with the same and the eyes of all be turned to that Almighty Power in whose hand are the welfare and the destiny of nations:

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I do therefore issue this my proclamation, recommending to all who shall be piously disposed to unite their hearts and voices in addressing at one and the same time their vows and adorations to the Great Parent and Sovereign of the Universe that they assemble on the second Thursday of September next in their respective religious congregations to render Him thanks for the many blessings He has bestowed on the people of the United States; that He has blessed them with a land capable of yielding all the necessaries and requisites of human life, with ample means for convenient exchanges with foreign countries; that He has blessed the labors employed in its cultivation and improvement; that He is now blessing the exertions to extend and establish the arts and manufactures which will secure within ourselves supplies too important to remain dependent on the precarious policy or the peaceable dispositions of other nations, and particularly that He has blessed the United States with a political Constitution founded on the will and authority of the whole people and guaranteeing to each individual security, not only of his person and his property, but of those sacred rights of conscience so essential to his present happiness and so dear to his future hopes; that with those expressions of devout thankfulness be joined supplications to the same Almighty Power that He would look down with compassion on our infirmities; that He would pardon our manifold transgressions and awaken and strengthen in all the wholesome purposes of repentance and amendment; that in this season of trial and calamity He would preside in a particular manner over our public councils and inspire all citizens with a love of their country and with those fraternal affections and that mutual confidence which have so happy a tendency to make us safe at home and respected abroad; and that as He was graciously pleased heretofore to smile on our struggles against the attempts of the Government of the Empire of which these States then made a part to wrest from them the rights and privileges to which they were entitled in common with every other part and to raise them to the station of an independent and sovereign people, so He would now be pleased in like manner to bestow His blessing on our arms in resisting the hostile and persevering efforts of the same power to degrade us on the ocean, the common inheritance of all, from rights and immunities belonging and essential to the American people as a coequal member of the great community of independent nations; and that, inspiring our enemies with moderation, with justice, and with that spirit of reasonable accommodation which our country has continued to manifest, we may be enabled to beat our swords into plowshares and to enjoy in peace every man the fruits of his honest industry and the rewards of his lawful enterprise.

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If the public homage of a people can ever be worthy the favorable regard of the Holy and Omniscient Being to whom it is addressed, it must be that in which those who join in it are guided only by their free choice, by the impulse of their hearts and the dictates of their consciences; and such a spectacle must be interesting to all Christian nations as proving that religion, that gift of Heaven for the good of man, freed from all coercive edicts, from that unhallowed connection with the powers of this world which corrupts religion into an instrument or an usurper of the policy of the state, and making no appeal but to reason, to the heart, and to the conscience, can spread its benign influence everywhere and can attract to the divine altar those freewill offerings of humble supplication, thanksgiving, and praise which alone can be acceptable to Him whom no hypocrisy can deceive and no forced sacrifices propitiate.

Upon these principles and with these views the good people of the United States are invited, in conformity with the resolution aforesaid, to dedicate the day above named to the religious solemnities therein recommended.

[SEAL.]

Given at Washington, this 23d day of July, A.D. 1813.

JAMES MADISON.

FIFTH ANNUAL MESSAGE.

WASHINGTON, *December 7, 1813*.

Fellow Citizens of the Senate and of the House of Representatives:

In meeting you at the present interesting conjuncture it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation, from the respect due to the distinguished Sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their Legislature for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honorable and desirable to both, for discussing and, if possible, adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no information on the subject

has been received from that source; but it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place or is to be expected.

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Under such circumstances a nation proud of its rights and conscious of its strength has no choice but an exertion of the one in support of the other.

To this determination the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander, the great inland waters on which the enemy were also to be encountered have presented achievements of our naval arms as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under command of Captain Perry having met the British squadron of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals with a victory never surpassed in luster, however much it may have been in magnitude.

On Lake Ontario the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendency on that important theater, and to prove by the manner in which he effected everything possible that opportunities only were wanted for a more shining display of his own talents and the gallantry of those under his command.

The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the Northwestern army transferred the war thither, and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British and dispersion of the savage force.

This result is signally honorable to Major General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy, and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the chief magistrate of Kentucky, at the head of them, whose heroism signalized in the war which established the independence of his country, sought at an advanced age a share in hardships and battles for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom

they were disappointed and abandoned, and to relieve an extensive region of country from a merciless warfare which desolated its frontiers and imposed on its citizens the most harassing services.

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In consequence of our naval superiority on Lake Ontario and the opportunity afforded by it for concentrating our forces by water, operations which had been provisionally planned were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced in the first instance by adverse weather of unusual violence and continuance and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities has not been confined to any one quarter. Wherever they could be turned against us no exertions to effect it have been spared. On our southwestern border the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes and before it could favor enterprises of the enemy into that vicinity. With this view a force was called into the service of the United States from the States of Georgia and Tennessee, which, with the nearest regular troops and other corps from the Mississippi Territory, might not only chastise the savages into present peace but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused, and the best hopes of a satisfactory issue are authorized by the complete success with which a well-planned enterprise was executed against a body of hostile savages by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee, and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed toward the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them has thus been forced upon us. But in yielding to it the retaliation has been mitigated as much as possible, both in its extent and in its character, stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle chiefly to the number of their savage associates, and who have not controlled them either from their usual practice of indiscriminate massacre on defenseless inhabitants or from scenes of carnage without a parallel on prisoners to the British arms, guarded by all the laws of humanity and of honorable war. For these enormities the enemy are equally responsible, whether with the power to prevent them they want the will or with the knowledge of a want of power they still avail themselves of such instruments.

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In other respects the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States, and naturalized subjects are in war employed by her Government in common with native subjects. In a contiguous British Province regulations promulgated since the commencement of the war compel citizens of the United States being there under certain circumstances to bear arms, whilst of the native emigrants from the United States, who compose much of the population of the Province, a number have actually borne arms against the United States within their limits, some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that Province, nevertheless, with the sanction, as appears, of his Government, thought proper to select from American prisoners of war and send to Great Britain for trial as criminals a number of individuals who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society in the modes recognized by the law and the practice of Great Britain, and who were made prisoners of war under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her Government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American, sufferers would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and of humanity, American officers and noncommissioned officers in double the number of the British soldiers confined here were ordered into close confinement, with formal notice that in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial the officers so confined would be put to death also. It was notified at the same time that the commanders of the British fleets and armies on our coasts are instructed in the same event to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement to abide the fate of those confined by the enemy, and the British Government has been apprised of the determination of

this Government to retaliate any other proceedings against us contrary to the legitimate modes of warfare.

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It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French Government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The minister plenipotentiary of the United States at Paris had not been enabled by proper opportunities to press the objects of his mission as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defense and security for free states, and the Constitution having wisely committed to the national authority a use of that force as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment and placed under the Government of the United States.

It will deserve the consideration of Congress also whether among other improvements in the militia laws justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of detachments called into the national service.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the Executive authority, to allow to the cruisers of other powers at war with enemies of the United States such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th of September last the receipts into the Treasury have exceeded $37,500,000, of which near twenty-four millions were the produce of loans. After meeting all demands for the public service there remained in the Treasury on that day near $7,000,000. Under the authority contained in the act of the 2d of August last for borrowing $7,500,000, that sum has been obtained on terms more favorable to the United States than those of the preceding loan made during the present year. Further sums to a considerable amount will be necessary to be obtained in the same way during the ensuing year, and from the increased capital of the country, from the fidelity with which the public engagements have been kept and the public credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanting.

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The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive; but on a just estimate of the campaign in which the mass of them has been incurred the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages in one quarter been less favorable than was expected, but in addition to the importance of our naval success the progress of the campaign has been filled with incidents highly honorable to the American arms.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sacketts Harbor, and on Sandusky have been vigorously and successfully repulsed; nor have they in any case succeeded on either frontier excepting when directed against the peaceable dwellings of individuals or villages unprepared or undefended.

On the other hand, the movements of the American Army have been followed by the reduction of York, and of Forts George, Erie, and Maiden; by the recovery of Detroit and the extinction of the Indian war in the West, and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the South over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness in which all ought to unite for the numerous blessings with which our beloved country continues to be favored; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions, and, above all, for the light of divine truth and the protection of every man’s conscience in the enjoyment of it. And although among our blessings we can not number an exemption from the evils of war, yet these will never be regarded as the greatest of evils by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative when the sword was drawn in the cause which gave birth to our national independence, and none who contemplate the magnitude and feel the value of that glorious event will shrink from a struggle to maintain the high and happy ground on which it placed the American people.

With all good citizens the justice and necessity of resisting wrongs and usurpations no longer to be borne will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that, whilst wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States that the calamities of the contest into which they have been compelled to enter are mitigated by improvements and advantages of which the contest itself is the source.

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If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures so as to make us independent of all other countries for the more essential branches for which we ought to be dependent on none, and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean and to predatory incursions on the land, it has developed the national means of retaliating the former and of providing protection against the latter, demonstrating to all that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction; by augmenting and distributing warlike preparations applicable to future use; by evincing the zeal and valor with which they will be employed and the cheerfulness with which every necessary burden will be borne, a greater respect for our rights and a longer duration of our future peace are promised than could be expected without these proofs of the national character and resources.

The war has proved moreover that our free Government, like other free governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom, and that the union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others, and authorized by its own example to require from all an observance of the laws of justice and reciprocity. Beyond these their claims have never extended, and in contending for these we behold a subject for our congratulations in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

JAMES MADISON.

SPECIAL MESSAGES.

DECEMBER 9, 1813.

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

The tendency of our commercial and navigation laws in their present state to favor the enemy and thereby prolong the war is more and more developed by experience. Supplies of the most essential kinds And their way not only to British ports and British armies at a distance, but the armies in our neighborhood with which our own are contending derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters are by like supplies accommodated and encouraged in their predatory and incursive warfare.

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Abuses having a like tendency take place in our import trade. British fabrics and products find their way into our ports under the name and from the ports of other countries, and often in British vessels disguised as neutrals by false colors and papers.

To these abuses it may be added that illegal importations are openly made with advantage to the violators of the law, produced by undervaluations or other circumstances involved in the course of the judicial proceedings against them.

It is found also that the practice of ransoming is a cover for collusive captures and a channel for intelligence advantageous to the enemy.

To remedy as much as possible these evils, I recommend:

That an effectual embargo on exports be immediately enacted.

That all articles known to be derived, either not at all or in any immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place or in whatever vessels the same may be brought into the United States, and that all violations of the nonimportation act be subjected to adequate penalties.

That among the proofs of the neutral and national character of foreign vessels it be required that the masters and supercargoes and three-fourths at least of the crews be citizens or subjects of the country under whose flag the vessels sail.

That all persons concerned in collusive captures by the enemy or in ransoming vessels or their cargoes from the enemy be subjected to adequate penalties.

To shorten as much as possible the duration of the war it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most who are most ready to sacrifice the interest of their country in pursuit of their own.

JAMES MADISON.

JANUARY 6, 1814.

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

I transmit, for the information of Congress, copies of a letter from the British secretary of state for foreign affairs to the Secretary of State, with the answer of the latter.

In appreciating the accepted proposal of the Government of Great Britain for instituting negotiations for peace Congress will not fail to keep in mind that vigorous preparations for carrying on the war can in no respect impede the progress to a favorable result, whilst a relaxation of such preparations, should the wishes of the United States for a speedy restoration of the blessings of peace be disappointed, would necessarily have the most injurious consequences.

JAMES MADISON.

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FEBRUARY 26, 1814.

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

It has appeared that at the recovery of the Michigan Territory from the temporary possession of the enemy the inhabitants thereof were left in so destitute and distressed a condition as to require from the public stores certain supplies essential to their subsistence, which have been prolonged under the same necessity which called for them.

The deplorable situation of the savages thrown by the same event on the mercy and humanity of the American commander at Detroit drew from the same source the means of saving them from perishing by famine, and in other places the appeals made by the wants and sufferings of that unhappy description of people have been equally imperious.

The necessity imposed by the conduct of the enemy in relation to the savages of admitting their cooperation in some instances with our arms has also involved occasional expense in supplying their wants, and it is possible that a perseverance of the enemy in their cruel policy may render a further expense for the like purpose inevitable.

On these subjects an estimate from the Department of War will be laid before Congress, and I recommend a suitable provision for them.

JAMES MADISON.

MARCH 31, 1814.

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

Taking into view the mutual interests which the United States and the foreign nations in amity with them have in a liberal commercial intercourse, and the extensive changes favorable thereto which have recently taken place; taking into view also the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing, I recommend to the consideration of Congress the expediency of authorizing, after a certain day, exportations, specie excepted, from the United States in vessels of the United States and in vessels owned and navigated by the subjects of powers at peace with them, and a repeal of so much of our laws as prohibits the importation of articles not the property of enemies, but produced or manufactured only within their dominions.

I recommend also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports which are to expire at the end of one year after a peace with Great Britain be prolonged to the end of two years after that event, and that, in favor of our moneyed institutions, the exportation of specie be prohibited throughout the same period.

JAMES MADISON.

PROCLAMATIONS.

[From Niles's Weekly Register, vol. 6, p. 279.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

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A PROCLAMATION.

Whereas information has been received that a number of individuals who have deserted from the Army of the United States have become sensible of their offenses and are desirous of returning to their duty, a full pardon is hereby granted and proclaimed to each and all such individuals as shall within three months from the date hereof surrender themselves to the commanding officer of any military post within the United States or the Territories thereof.

[SEAL.]

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the 17th day of June, A.D. 1814, and of the Independence of the United States the thirty eighth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is manifest that the blockade which has been proclaimed by the enemy of the whole Atlantic coast of the United States, nearly 2,000 miles in extent, and abounding in ports, harbors, and navigable inlets, can not be carried into effect by any adequate force actually stationed for the purpose, and it is rendered a matter of certainty and notoriety by the multiplied and daily arrivals and departures of the public and private armed vessels of the United States and of other vessels that no such adequate force has been so stationed; and

Whereas a blockade thus destitute of the character of a regular and legal blockade as defined and recognized by the established law of nations, whatever other purposes it may be made to answer, forms no lawful prohibition or obstacle to such neutral and friendly vessels as may choose to visit and trade with the United States; and

Whereas it accords with the interest and the amicable views of the United States to favor and promote as far as may be the free and mutually beneficial commercial

intercourse of all friendly nations disposed to engage therein, and with that view to afford to their vessels destined to the United States a more positive and satisfactory security against all interruptions, molestations, or vexations whatever from the cruisers of the United States:

Now be it known that I, James Madison, President of the United States of America, do by this my proclamation strictly order and instruct all the public armed vessels of the United States and all private armed vessels commissioned as privateers or with letters of marque and reprisal not to interrupt, detain, or otherwise molest or vex any vessels whatever belonging to neutral powers or the subjects or citizens thereof, which vessels shall be actually bound and proceeding to any port or place within the jurisdiction of the United States, but, on the contrary, to render to all such vessels all the aid and kind offices which they may need or require.

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[SEAL.]

Given under my hand and the seal of the United States at the city of Washington, the 29th day of June, A.D. 1814, and of the Independence of the United States the thirty-eighth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

[From Annals of Congress, Thirteenth Congress, vol. 3, 9.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them, I do by these presents appoint Monday, the 19th day of September next, for their meeting at the city of Washington, hereby requiring the respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand,

[SEAL.]

Done at the city of Washington, the 8th day of August, A.D. 1814, and of the Independence of the United States the thirty-ninth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

[From Nile's Weekly Register, vol. 7, p. 2.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the enemy by a sudden incursion have succeeded in invading the capital of the nation, defended at the moment by troops less numerous than their own and almost entirely of the militia, during their possession of which, though for a single day only, they wantonly destroyed the public edifices, having no relation in their structure to operations of war nor used at the time for military annoyance, some of these edifices being also costly monuments of taste and of the arts, and others depositories of the public archives, not only precious to the nation as the memorials of its origin and its early transactions, but interesting to all nations as contributions to the general stock of historical instruction and political science; and

Whereas advantage has been taken of the loss of a fort more immediately guarding the neighboring town of Alexandria to place the town within the range of a naval force too long and too much in the habit of abusing its superiority wherever it can be applied to require as the alternative of a general conflagration an undisturbed plunder of private property, which has been executed in a manner peculiarly distressing to the inhabitants, who had inconsiderately cast themselves upon the justice and generosity of the victor; and

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Whereas it now appears by a direct communication from the British commander on the American station to be his avowed purpose to employ the force under his direction “in destroying and laying waste such towns and districts upon the coast as may be found assailable,” adding to this declaration the insulting pretext that it is in retaliation for a wanton destruction committed by the army of the United States in Upper Canada, when it is notorious that no destruction has been committed, which, notwithstanding the multiplied outrages previously committed by the enemy was not unauthorized, and promptly shown to be so, and that the United States have been as constant in their endeavors to reclaim the enemy from such outrages by the contrast of their own example as they have been ready to terminate on reasonable conditions the war itself; and

Whereas these proceedings and declared purposes, which exhibit a deliberate disregard of the principles of humanity and the rules of civilized warfare, and which must give to the existing war a character of extended devastation and barbarism at the very moment of negotiations for peace, invited by the enemy himself, leave no prospect of safety to anything within the reach of his predatory and incendiary operations but in manful and universal determination to chastise and expel the invader:

Now, therefore, I, James Madison, President of the United States, do issue this my proclamation, exhorting all the good people thereof to unite their hearts and hands in giving effect to the ample means possessed for that purpose. I enjoin it on all officers, civil and military, to exert themselves in executing the duties with which they are respectively charged; and more especially I require the officers commanding the respective military districts to be vigilant and alert in providing for the defense thereof, for the more effectual accomplishment of which they are authorized to call to the defense of exposed and threatened places portions of the militia most convenient thereto, whether they be or be not parts of the quotas detached for the service of the United States under requisitions of the General Government.

On an occasion which appeals so forcibly to the proud feelings and patriotic devotion of the American people none will forget what they owe to themselves, what they owe to their country and the high destinies which await it, what to the glory acquired by their fathers in establishing the independence which is now to be maintained by their sons with the augmented strength and resources with which time and Heaven had blessed them.

[SEAL.]

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents. Done at the city of Washington, the 1st day of September, A.D. 1814 and of the Independence of the United States the thirty-ninth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

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SPECIAL MESSAGE.

WASHINGTON, *September 17, 1814*.

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: The destruction of the Capitol by the enemy having made it necessary that other accommodations should be provided for the meeting of Congress, chambers for the Senate and for the House of Representatives, with other requisite apartments, have been fitted up, under the direction of the superintendent of the city, in the public building heretofore allotted for the post and other public offices.

With this information, be pleased, sir, to accept assurances of my great respect and consideration.

JAMES MADISON.

SIXTH ANNUAL MESSAGE.

WASHINGTON, *September 20, 1814*.

Fellow-Citizens of the Senate and of the House of Representatives:

Notwithstanding the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the Treasury might be supplied as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on the one hand, the repeal of the orders in council and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practiced, suggest expectations that peace and amity may be reestablished, we are compelled, on the other hand, by the refusal of the British Government to accept the offered mediation of the Emperor of Russia, by the delays in giving effect to its own proposal of a direct negotiation, and, above all, by the principles and manner in which the war is now avowedly carried on to infer that a spirit of hostility is indulged more violent than ever against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances that the great contest in Europe for an equilibrium guaranteeing all its States against the ambition of any has been closed without any check on the overbearing power of Great Britain on the ocean, and it has left in her hands disposable armaments, with which,

forgetting the difficulties of a remote war with a free people, and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power already formidable in its abuses to the tranquillity of the civilized and commercial world.

But whatever may have inspired the enemy with these more violent purposes, the public councils of a nation more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions with which alone the war can now be pursued against us.

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In the events of the present campaign the enemy, with all his augmented means and wanton use of them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria, from both of which his retreats were as precipitate as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals and in dishonoring his arms than in promoting any object of legitimate warfare; and in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary public business at the seat of Government, no compensation for the loss of character with the world by his violations of private property and by his destruction of public edifices protected as monuments of the arts by the laws of civilized warfare.

On our side we can appeal to a series of achievements which have given new luster to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara by the American forces under Major-General Brown and Brigadiers Scott and Gaines have gained for these heroes and their emulating companions the most unfading laurels, and, having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts the more certain and decisive will be his final discomfiture.

On our southern border victory has continued also to follow the American standard. The bold and skillful operations of Major-General Jackson, conducting troops drawn from the militia of the States least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their cooperation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our northwestern frontier have also acceded to stipulations which bind them to the interests of the United States and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships, whilst a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack by a powerful force on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat, with our gallant bands pressing upon him.

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On the Lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On Lake Ontario our squadron is now and has been for some time in a condition to confine that of the enemy to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on Lake Erie has been extended into Lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On Lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory which immortalized another officer and established at a critical moment our command of another lake.

On the ocean the pride of our naval arms had been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force which sufficiently vindicates the reputation of their commanders, whilst two others, one commanded by Captain Warrington, the other by Captain Blakely, have captured British ships of the same class with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce and to bring their rich prizes into our ports, contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral powers with the United States.

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To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public defense, and great expenses incurred. That the defense everywhere may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the Regular Army and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.

The moneys received into the Treasury during the nine months ending on the 30th day of June last amounted to $32,000,000, of which near eleven millions were the proceeds of the public revenue and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded $34,000,000, and left in the Treasury on the 1st day of July near $5,000,000. The demands during the remainder of the present year already authorized by Congress and the expenses incident to an extension of the operations of the war will render it necessary that large sums should be provided to meet them.

From this view of the national affairs Congress will be urged to take up without delay as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and in money, on the land and on the water. Availing himself of fortuitous advantages, he is aiming with his undivided force a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnests of it in the plunder and wanton destruction of private property. In his pride of maritime dominion and in his thirst of commercial monopoly he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste with which our country had enriched and embellished its infant metropolis. From such an adversary hostility in its greatest force and in its worst forms may be looked for. The American people will face it with the undaunted spirit which in their revolutionary struggle defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary the National Legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind which the safety and honor of the nation demand. We have seen them everywhere paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood they give the surest pledge that no other tribute will be withheld.

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Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the Government of Great Britain that her hostile orders against our commerce would not be revoked but on conditions as impossible as unjust, whilst it was known that these orders would not otherwise cease but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested on every occasion and in every proper mode a sincere desire to arrest the effusion of blood and meet our enemy on the ground of justice and reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition toward peace and friendship on honorable terms, must carry with it the good wishes of the impartial world and the best hopes of support from an omnipotent and kind Providence.

JAMES MADISON.

SPECIAL MESSAGES.

SEPTEMBER 26, 1814.

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

I transmit to Congress, for their information, copies of a letter from Admiral Cochrane, commanding His Britannic Majesty's naval forces on the American station, to the Secretary of State, with his answer, and of a reply from Admiral Cochrane.

JAMES MADISON.

WASHINGTON, *October 10, 1814*.

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

I lay before Congress communications just received from the plenipotentiaries of the United States charged with negotiating peace with Great Britain, showing the conditions on which alone that Government is willing to put an end to the war.

The instructions to those plenipotentiaries, disclosing the grounds on which they were authorized to negotiate and conclude a treaty of peace, will be the subject of another communication.

JAMES MADISON.

WASHINGTON, *October 13, 1814*.

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

I now transmit to Congress copies of the instructions to the plenipotentiaries of the United States charged with negotiating a peace with Great Britain, as referred to in my message of the 10th instant.

JAMES MADISON.

DECEMBER 1, 1814.

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

I transmit, for the information of Congress, the communications last received from the ministers extraordinary and plenipotentiary of the United States at Ghent, explaining the course and actual state of their negotiations with the plenipotentiaries of Great Britain.

JAMES MADISON.

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FEBRUARY 15, 1815.

To the Senate of the United States:

I have received from the American commissioners a treaty of peace and amity between His Britannic Majesty and the United States of America, signed by those commissioners and by the commissioners of His Britannic Majesty at Ghent on the 24th of December, 1814. The termination of hostilities depends upon the time of the ratification of the treaty by both parties. I lose no time, therefore, in submitting the treaty to the Senate for their advice and approbation.

I transmit also a letter from the American commissioners, which accompanied the treaty.

JAMES MADISON.

WASHINGTON, *February 18, 1815*.

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

I lay before Congress copies of the treaty of peace and amity between the United States and His Britannic Majesty, which was signed by the commissioners of both parties at Ghent on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act I congratulate you and our constituents upon an event which is highly honorable to the nation, and terminates with peculiar felicity a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the legislative councils, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when the causes for the war have ceased to operate, when the Government has demonstrated the efficiency of its powers of defense, and when the nation can review its conduct without regret and without reproach.

I recommend to your care and beneficence the gallant men whose achievements in every department of the military service, on the land and on the water, have so essentially contributed to the honor of the American name and to the restoration of peace. The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit, but their country performs a duty to itself when it bestows those testimonials of approbation and applause which are at once the reward and the incentive to great actions.

The reduction of the public expenditures to the demands of a peace establishment will doubtless engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacific dispositions of the American people nor the pacific character of their political institutions

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can altogether exempt them from that strife which appears beyond the ordinary lot of nations to be incident to the actual period of the world, and the same faithful monitor demonstrates that a certain degree of preparation for war is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advancement of the naval establishment; for improving all the means of harbor defense; for adding discipline to the distinguished bravery of the militia, and for cultivating the military art in its essential branches, under the liberal patronage of Government.

The resources of our country were at all times competent to the attainment of every national object, but they will now be enriched and invigorated by the activity which peace will introduce into all the scenes of domestic enterprise and labor. The provision that has been made for the public creditors during the present session of Congress must have a decisive effect in the establishment of the public credit both at home and abroad. The reviving interests of commerce will claim the legislative attention at the earliest opportunity, and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy toward other nations, if met by corresponding dispositions, will in this respect be found the most beneficial policy toward ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress than a consideration of the means to preserve and promote the manufactures which have sprung into existence and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope that the peace which has been just declared will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be everywhere powerful, and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws and fidelity to the Union as constituting the palladium of the national independence and prosperity.

JAMES MADISON.

WASHINGTON, *February 22, 1815*.

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

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I lay before Congress copies of two ratified treaties which were entered into on the part of the United States, one on the 22d day of July, 1814, with the several tribes of Indians called the Wyandots, Delawares, Shawanees, Senakas, and Miamies; the other on the 9th day of August, 1814, with the Creek Nation of Indians.

It is referred to the consideration of Congress how far legislative provisions may be necessary for carrying any part of these stipulations into effect.

JAMES MADISON.

WASHINGTON, *February 23, 1815*.

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

Congress will have seen by the communication from the consul-general of the United States at Algiers laid before them on the 17th of November, 1812, the hostile proceedings of the Dey against that functionary. These have been followed by acts of more overt and direct warfare against the citizens of the United States trading in the Mediterranean, some of whom are still detained in captivity, notwithstanding the attempts which have been made to ransom them, and are treated with the rigor usual on the coast of Barbary.

The considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States being now terminated by the peace with Great Britain, which opens the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers, I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the Dey and Regency of Algiers, and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.

JAMES MADISON.

WASHINGTON, *February 25, 1815*.

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

Peace having happily taken place between the United States and Great Britain, it is desirable to guard against incidents which during periods of war in Europe might tend to interrupt it, and it is believed in particular that the navigation of American vessels exclusively by American seamen, either natives or such as are already naturalized, would not only conduce to the attainment of that object, but also to increase the number of our seamen, and consequently to render our commerce and navigation independent of the service of foreigners who might be recalled by their governments under circumstances the most inconvenient to the United States. I recommend the subject, therefore, to the consideration of Congress, and in deciding upon it I am persuaded that

they will sufficiently estimate the policy of manifesting to the world a desire on all occasions to cultivate harmony with other nations by any reasonable accommodations which do not impair the enjoyment of any of the essential rights of a free and independent people. The example on the part of the American Government will merit and may be expected to receive a reciprocal attention from all the friendly powers of Europe.

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JAMES MADISON.

VETO MESSAGE.

WASHINGTON, *January 30, 1815*.

To the Senate of the United States:

Having bestowed on the bill entitled “An act to incorporate the subscribers to the Bank of the United States of America” that full consideration which is due to the great importance of the subject, and dictated by the respect which I feel for the two Houses of Congress, I am constrained by a deep and solemn conviction that the bill ought not to become a law to return it to the Senate, in which it originated, with my objections to the same.

Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank as being precluded in my judgment by repeated recognitions under varied circumstances of the validity of such an institution in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation, the proposed bank does not appear to be calculated to answer the purposes of reviving the public credit, of providing a national medium of circulation, and of aiding the Treasury by facilitating the indispensable anticipations of the revenue and by affording to the public more durable loans.

1. The capital of the bank is to be compounded of specie, of public stock, and of Treasury notes convertible into stock, with a certain proportion of each of which every subscriber is to furnish himself.

The amount of the stock to be subscribed will not, it is believed, be sufficient to produce in favor of the public credit any considerable or lasting elevation of the market price, whilst this may be occasionally depressed by the bank itself if it should carry into the market the allowed proportion of its capital consisting of public stock in order to procure specie, which it may find its account in procuring with some sacrifice on that part of its capital.

Nor will any adequate advantage arise to the public credit from the subscription of Treasury notes. The actual issue of these notes nearly equals at present, and will soon exceed, the amount to be subscribed to the bank. The direct effect of this operation is simply to convert fifteen millions of Treasury notes into fifteen millions of 6 per cent stock, with the collateral effect of promoting an additional demand for Treasury notes beyond what might otherwise be negotiable.

Public credit might indeed be expected to derive advantage from the establishment of a national bank, without regard to the formation of its capital, if the full aid and cooperation of the institution were secured to the Government during the war and during the period of its fiscal embarrassments. But the bank proposed will be free from all legal obligation to cooperate with the public measures, and whatever might be the patriotic disposition of its directors to contribute

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to the removal of those embarrassments, and to invigorate the prosecution of the war, fidelity to the pecuniary and general interest of the institution according to their estimate of it might oblige them to decline a connection of their operations with those of the National Treasury during the continuance of the war and the difficulties incident to it. Temporary sacrifices of interest, though overbalanced by the future and permanent profits of the charter, not being requirable of right in behalf of the public, might not be gratuitously made, and the bank would reap the full benefit of the grant, whilst the public would lose the equivalent expected from it; for it must be kept in view that the sole inducement to such a grant on the part of the public would be the prospect of substantial aids to its pecuniary means at the present crisis and during the sequel of the war. It is evident that the stock of the bank will on the return of peace, if not sooner, rise in the market to a value which, if the bank were established in a period of peace, would authorize and obtain for the public a bonus to a very large amount. In lieu of such a bonus the Government is fairly entitled to and ought not to relinquish or risk the needful services of the bank under the pressing circumstances of war.

2. The bank as proposed to be constituted can not be relied on during the war to provide a circulating medium nor to furnish loans or anticipations of the public revenue.

Without a medium the taxes can not be collected, and in the absence of specie the medium understood to be the best substitute is that of notes issued by a national bank. The proposed bank will commence and conduct its operations under an obligation to pay its notes in specie, or be subject to the loss of its charter. Without such an obligation the notes of the bank, though not exchangeable for specie, yet resting on good pledges and performing the uses of specie in the payment of taxes and in other public transactions, would, as experience has ascertained, qualify the bank to supply at once a circulating medium and pecuniary aids to the Government. Under the fetters imposed by the bill it is manifest that during the actual state of things, and probably during the war, the period particularly requiring such a medium and such a resource for loans and advances to the Government, notes for which the bank would be compellable to give specie in exchange could not be kept in circulation. The most the bank could effect, and the most it could be expected to aim at, would be to keep the institution alive by limited and local transactions which, with the interest on the public stock in the bank, might yield a dividend sufficient for the purpose until a change from war to peace should enable it, by a flow of specie into its vaults and a removal of the external demand for it, to derive its contemplated emoluments from a safe and full extension of its operations.

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On the whole, when it is considered that the proposed establishment will enjoy a monopoly of the profits of a national bank for a period of twenty years; that the monopolized profits will be continually growing with the progress of the national population and wealth; that the nation will during the same period be dependent on the notes of the bank for that species of circulating medium whenever the precious metals may be wanted, and at all times for so much thereof as may be an eligible substitute for a specie medium, and that the extensive employment of the notes in the collection of the augmented taxes will, moreover, enable the bank greatly to extend its profitable issues of them without the expense of specie capital to support their circulation, it is as reasonable as it is requisite that the Government, in return for these extraordinary concessions to the bank, should have a greater security for attaining the public objects of the institution than is presented in the bill, and particularly for every practicable accommodation, both in the temporary advances necessary to anticipate the taxes and in those more durable loans which are equally necessary to diminish the resort to taxes.

In discharging this painful duty of stating objections to a measure which has undergone the deliberations and received the sanction of the two Houses of the National Legislature I console myself with the reflection that if they have not the weight which I attach to them they can be constitutionally overruled, and with a confidence that in a contrary event the wisdom of Congress will hasten to substitute a more commensurate and certain provision for the public exigencies.

JAMES MADISON.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION.

The two Houses of the National Legislature having by a joint resolution expressed their desire that in the present time of public calamity and war a day may be recommended to be observed by the people of the United States as a day of public humiliation and fasting and of prayer to Almighty God for the safety and welfare of these States, His blessing on their arms, and a speedy restoration of peace, I have deemed it proper by this proclamation to recommend that Thursday, the 12th of January next, be set apart as a day on which all may have an opportunity of voluntarily offering at the same time in their respective religious assemblies their humble adoration to the Great Sovereign of the Universe, of confessing their sins and transgressions, and of strengthening their vows of repentance and amendment. They will be invited by the same solemn occasion to call to mind the distinguished favors conferred on the American people in the general health which has been enjoyed, in the abundant fruits of the season, in the progress of the arts instrumental to their comfort, their prosperity, and their security,

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and in the victories which have so powerfully contributed to the defense and protection of our country, a devout thankfulness for all which ought to be mingled with their supplications to the Beneficent Parent of the Human Race that He would be graciously pleased to pardon all their offenses against Him; to support and animate them in the discharge of their respective duties; to continue to them the precious advantages flowing from political institutions so auspicious to their safety against dangers from abroad, to their tranquillity at home, and to their liberties, civil and religious; and that He would in a special manner preside over the nation in its public councils and constituted authorities, giving wisdom to its measures and success to its arms in maintaining its rights and in overcoming all hostile designs and attempts against it; and, finally, that by inspiring the enemy with dispositions favorable to a just and reasonable peace its blessings may be speedily and happily restored.

[SEAL.]

Given at the city of Washington, the 16th day of November, 1814, and of the Independence of the United States the thirty-eighth.

JAMES MADISON.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Among the many evils produced by the wars which with little intermission have afflicted Europe and extended their ravages into other quarters of the globe for a period exceeding twenty years, the dispersion or a considerable portion of the inhabitants of different countries in sorrow and in want has not been the least injurious to human happiness nor the least severe in the trial of human virtue.

It had been long ascertained that many foreigners, flying from the dangers of their own home, and that some citizens, forgetful of their duty, had cooperated in forming an establishment on the island of Barrataria, near the mouth of the river Mississippi, for the purposes of a clandestine and lawless trade. The Government of the United States caused the establishment to be broken up and destroyed, and having obtained the means of designating the offenders of every description, it only remained to answer the demands of justice by inflicting an exemplary punishment.

But it has since been represented that the offenders have manifested a sincere penitence; that they have abandoned the prosecution of the worse cause for the support of the best, and particularly that they have exhibited in the defense of New Orleans unequivocal traits of courage and fidelity. Offenders who have refused to become the

associates of the enemy in the war upon the most seducing terms of invitation and who have aided to repel his hostile invasion of the territory of the United States can no longer be considered as objects of punishment, but as objects of a generous forgiveness.

It has therefore been seen with great satisfaction that the general assembly of the State of Louisiana earnestly recommend those offenders to the benefit of a full pardon.

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And in compliance with that recommendation, as well as in consideration of all the other extraordinary circumstances of the case, I, James Madison, President of the United States of America, do issue this proclamation, hereby granting, publishing, and declaring a free and full pardon of all offenses committed in violation of any act or acts of the Congress of the said United States touching the revenue, trade, and navigation thereof or touching the intercourse and commerce of the United States with foreign nations at any time before the 8th day of January, in the present year 1815, by any person or persons whomsoever being inhabitants of New Orleans and the adjacent country or being inhabitants of the said island of Barrataria and the places adjacent: *Provided*, That every person claiming the benefit of this full pardon in order to entitle himself thereto shall produce a certificate in writing from the governor of the State of Louisiana stating that such person has aided in the defense of New Orleans and the adjacent country during the invasion thereof as aforesaid.

And I do hereby further authorize and direct all suits, indictments, and prosecutions for fines, penalties, and forfeitures against any person or persons who shall be entitled to the benefit of this full pardon forthwith to be stayed, discontinued, and released; and all civil officers are hereby required, according to the duties of their respective stations, to carry this proclamation into immediate and faithful execution.

[SEAL.]

Done at the city of Washington, the 6th day of February, in the year 1815, and of the Independence of the United States the thirty-ninth.

JAMES MADISON.

By the President:
JAMES MONROE,
Acting as Secretary of State.

[From Niles's Weekly Register, vol. 7, p. 397.]

JAMES MADISON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, greeting:

Whereas a treaty of peace and amity between the United States of America and His Britannic Majesty was signed at Ghent on the 24th day of December, 1814, by the plenipotentiaries respectively appointed for that purpose; and the said treaty having been, by and with the advice and consent of the Senate of the United States, duly accepted, ratified, and confirmed on the 17th day of February, 1815, and ratified copies

thereof having been exchanged agreeably to the tenor of the said treaty, which is in the words following, to wit:

[Here follows the treaty.]

Now, therefore, to the end that the said treaty of peace and amity may be observed with good faith on the part of the United States, I, James Madison, President as aforesaid, have caused the premises to be made public; and I do hereby enjoin all persons bearing office, civil or military, within the United States and all others citizens or inhabitants thereof or being within the same faithfully to observe and fulfill the said treaty and every clause and article thereof.

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[SEAL.]

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, this 18th day of February, A.D. 1815, and of the Sovereignty and Independence of the United States the thirty-ninth.

JAMES MADISON.

By the President:
JAMES MONROE,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The Senate and House of Representatives of the United States have by a joint resolution signified their desire that a day may be recommended to be observed by the people of the United States with religious solemnity as a day of thanksgiving and of devout acknowledgments to Almighty God for His great goodness manifested in restoring to them the blessing of peace.

No people ought to feel greater obligations to celebrate the goodness of the Great Disposer of Events and of the Destiny of Nations than the people of the United States. His kind providence originally conducted them to one of the best portions of the dwelling place allotted for the great family of the human race. He protected and cherished them under all the difficulties and trials to which they were exposed in their early days. Under His fostering care their habits, their sentiments, and their pursuits prepared them for a transition in due time to a state of independence and self-government. In the arduous struggle by which it was attained they were distinguished by multiplied tokens of His benign interposition. During the interval which succeeded He reared them into the strength and endowed them with the resources which have enabled them to assert their national rights and to enhance their national character in another arduous conflict, which is now so happily terminated by a peace and reconciliation with those who have been our enemies. And to the same Divine Author of Every Good and Perfect Gift we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land.

It is for blessings such as these, and more especially for the restoration of the blessing of peace, that I now recommend that the second Thursday in April next be set apart as

a day on which the people of every religious denomination may in their solemn assemblies unite their hearts and their voices in a freewill offering to their Heavenly Benefactor of their homage of thanksgiving and of their songs of praise.

[SEAL.]

Given at the city of Washington on the 4th day of March, A.D. 1815, and of the Independence of the United States the thirty-ninth.

JAMES MADISON.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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Whereas information has been received that sundry persons citizens of the United States or residents within the same, and especially within the State of Louisiana, are conspiring together to begin and set on foot, provide, and prepare the means for a military expedition or enterprise against the dominions of Spain, with which the United States are happily at peace; that for this purpose they are collecting arms, military stores, provisions, vessels, and other means; are deceiving and seducing honest and well-meaning citizens to engage in their unlawful enterprises; are organizing, officering, and arming themselves for the same contrary to the laws in such cases made and provided:

I have therefore thought fit to issue this my proclamation, warning and enjoining all faithful citizens who have been led without due knowledge or consideration to participate in the said unlawful enterprises to withdraw from the same without delay, and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril. And I hereby enjoin and require all officers, civil and military, of the United States or of any of the States or Territories, all judges, justices, and other officers of the peace, all military officers of the Army or Navy of the United States, and officers of the militia, to be vigilant, each within his respective department and according to his functions, in searching out and bringing to punishment all persons engaged or concerned in such enterprises, in seizing and detaining, subject to the disposition of the law, all arms, military stores, vessels, or other means provided or providing for the same, and, in general, in preventing the carrying on such expedition or enterprise by all the lawful means within their power. And I require all good and faithful citizens and others within the United States to be aiding and assisting herein, and especially in the discovery, apprehension, and bringing to justice of all such offenders, in preventing the execution of their unlawful combinations or designs, and in giving information against them to the proper authorities.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

[SEAL.]

Done at the city of Washington, the 1st day of September, A.D. 1815, and of the Independence of the said United States of America the fortieth.

JAMES MADISON.

SEVENTH ANNUAL MESSAGE.

WASHINGTON, *December 5, 1815*.

Fellow-Citizens of the Senate and of the House of Representatives:

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I have the satisfaction on our present meeting of being able to communicate to you the successful termination of the war which had been commenced against the United States by the Regency of Algiers. The squadron in advance on that service, under Commodore Decatur, lost not a moment after its arrival in the Mediterranean in seeking the naval force of the enemy then cruising in that sea, and succeeded in capturing two of his ships, one of them the principal ship, commanded by the Algerine admiral. The high character of the American commander was brilliantly sustained on the occasion which brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated the rights and honor of the United States were particularly consulted by a perpetual relinquishment on the part of the Dey of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been by subsequent transactions with the Regencies of Tunis and of Tripoli by the appearance of the larger force which followed under Commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford a reasonable prospect of future security for the valuable portion of our commerce which passes within reach of the Barbary cruisers.

It is another source of satisfaction that the treaty of peace with Great Britain has been succeeded by a convention on the subject of commerce concluded by the plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation corresponding with the disposition of the United States, which it may be hoped will be improved into liberal arrangements on other subjects on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel by giving effect to the measure of confining the American navigation to American seamen—a measure which, at the same time that it might have that conciliatory tendency, would have the further advantage of increasing the independence of our navigation and the resources for our maritime defense.

In conformity with the articles in the treaty of Ghent relating to the Indians, as well as with a view to the tranquillity of our western and northwestern frontiers, measures were taken to establish an immediate peace with the several tribes who had been engaged in hostilities against the United States. Such of them as were invited to Detroit acceded readily to a renewal of the former treaties of friendship. Of the other tribes who were invited to a station on the Mississippi the greater number have also accepted the peace offered to them. The residue, consisting of the more distant tribes or parts of tribes, remain to be brought over by further explanations, or by such other means as may be adapted to the dispositions they may finally disclose.

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The Indian tribes within and bordering on the southern frontier, whom a cruel war on their part had compelled us to chastise into peace, have latterly shown a restlessness which has called for preparatory measures for repressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution.

The execution of the act for fixing the military peace establishment has been attended with difficulties which even now can only be overcome by legislative aid. The selection of officers, the payment and discharge of the troops enlisted for the war, the payment of the retained troops and their reunion from detached and distant stations, the collection and security of the public property in the Quartermaster, Commissary, and Ordnance departments, and the constant medical assistance required in hospitals and garrisons rendered a complete execution of the act impracticable on the 1st of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable consistently with the public interests, the reduction of the Army has been accomplished; but the appropriations for its pay and for other branches of the military service having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing upon the peace establishment the staff officers who have hitherto been provisionally retained is also recommended to the consideration of Congress.

In the performance of the Executive duty upon this occasion there has not been wanting a just sensibility to the merits of the American Army during the late war; but the obvious policy and design in fixing an efficient military peace establishment did not afford an opportunity to distinguish the aged and infirm on account of their past services nor the wounded and disabled on account of their present sufferings. The extent of the reduction, indeed, unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal as well as so numerous were the claims to attention that a decision by the standard of comparative merit could seldom be attained. Judged, however, in candor by a general standard of positive merit, the Army Register will, it is believed, do honor to the establishment, while the case of those officers whose names are not included in it devolves with the strongest interest upon the legislative authority for such provision as shall be deemed the best calculated to give support and solace to the veteran and the invalid, to display the beneficence as well as the justice of the Government, and to inspire a martial zeal for the public service upon every future emergency.

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Although the embarrassments arising from the want of an uniform national currency have not been diminished since the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the public credit and the efficiency of the public resources. The receipts into the Treasury from the various branches of revenue during the nine months ending on the 30th of September last have been estimated at $12,500,000; the issues of Treasury notes of every denomination during the same period amounted to the sum of $14,000,000, and there was also obtained upon loan during the same period a sum of $9,000,000 of which the sum of $6,000,000 was subscribed in cash and the sum of $3,000,000 in Treasury notes. With these means, added to the sum of $1,500,000, being the balance of money in the Treasury on the 1st day of January, there has been paid between the 1st of January and the 1st of October on account of the appropriations of the preceding and of the present year (exclusively of the amount of the Treasury notes subscribed to the loan and of the amount redeemed in the payment of duties and taxes) the aggregate sum of $33,500,000, leaving a balance then in the Treasury estimated at the sum of $3,000,000. Independent, however, of the arrearages due for military services and supplies, it is presumed that a further sum of $5,000,000, including the interest on the public debt payable on the 1st of January next, will be demanded at the Treasury to complete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The national debt, as it was ascertained on the 1st of October last, amounted in the whole to the sum of $120,000,000, consisting of the unredeemed balance of the debt contracted before the late war ($39,000,000), the amount of the funded debt contracted in consequence of the war ($64,000,000), and the amount of the unfunded and floating debt, including the various issues of Treasury notes, $17,000,000, which is in a gradual course of payment. There will probably be some addition to the public debt upon the liquidation of various claims which are depending, and a conciliatory disposition on the part of Congress may lead honorably and advantageously to an equitable arrangement of the militia expenses incurred by the several States without the previous sanction or authority of the Government of the United States; but when it is considered that the new as well as the old portion of the debt has been contracted in the assertion of the national rights and independence, and when it is recollected that the public expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American Navy, in the military works for the defense of our harbors and our frontiers, and in the supplies of our arsenals and magazines the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

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The arrangements of the finances with a view to the receipts and expenditures of a permanent peace establishment will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not only afford the means of maintaining the faith of the Government with its creditors inviolate, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances that the benefits of an uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil, but until they can again be rendered the general medium of exchange it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence and accommodate the wants of the citizens throughout the Union. If the operation of the State banks can not produce this result, the probable operation of a national bank will merit consideration; and if neither of these expedients be deemed effectual it may become necessary to ascertain the terms upon which the notes of the Government (no longer required as an instrument of credit) shall be issued upon motives of general policy as a common medium of circulation.

Notwithstanding the security for future repose which the United States ought to find in their love of peace and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defense, both fixed and floating, on our maritime frontier, and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement in our military establishment, it will deserve the consideration of Congress whether a corps of invalids might not be so organized and employed as at once to aid in the support of meritorious individuals excluded by age or infirmities from the existing establishment, and to procure to the public the benefit of their stationary services and of their exemplary discipline. I recommend also an enlargement of the Military Academy already established, and the establishment of others in other sections of the Union; and I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free state. If experience has shewn in the recent splendid achievements of militia the value of this resource for the public defense, it has shewn also the importance of that skill in the use of arms and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws in every respect to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution.

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The signal services which have been rendered by our Navy and the capacities it has developed for successful cooperation in the national defense will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all governments. To preserve the ships now in a sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments for the construction, the repairs, and the security of vessels of war is dictated by the soundest policy.

In adjusting the duties on imports to the object of revenue the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this as in other cases exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry it has made among us a progress and exhibited an efficiency which justify the belief that with a protection not more than is due to the enterprising citizens whose interests are now at stake it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In selecting the branches more especially entitled to the public patronage a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defense or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded.

Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country

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which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work; and it is a happy reflection that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out.

The present is a favorable season also for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the General Government. Such an institution claims the patronage of Congress as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty can not be fully enjoyed or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors, and as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments, and those congenial manners which contribute cement to our Union and strength to the great political fabric of which that is the foundation.

In closing this communication I ought not to repress a sensibility, in which you will unite, to the happy lot of our country and to the goodness of a superintending Providence, to which we are indebted for it. Whilst other portions of mankind are laboring under the distresses of war or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honorable peace. In reviewing the scenes through which it has been attained we can rejoice in the proofs given that our political institutions, founded in human rights and framed for their preservation, are equal to the severest trials of war, as well as adapted to the ordinary periods of repose. As fruits of this experience and of the reputation acquired by the American arms on the land and on the water, the nation finds itself possessed of a growing respect abroad and of a just confidence in itself, which are among the best pledges for its peaceful career. Under other aspects of our country the strongest features of its flourishing condition are seen in a population rapidly increasing on a territory as productive as it is extensive; in a general industry and fertile ingenuity which find their ample rewards, and in an affluent revenue which admits a reduction of the public burdens without withdrawing the means of sustaining the public credit, of gradually discharging the public debt, of providing for the necessary defensive and precautionary establishments, and of patronizing in every authorized mode undertakings conducive to the aggregate wealth and individual comfort of our citizens.

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It remains for the guardians of the public welfare to persevere in that justice and good will toward other nations which invite a return of these sentiments toward the United States; to cherish institutions which guarantee their safety and their liberties, civil and religious; and to combine with a liberal system of foreign commerce an improvement of the national advantages and a protection and extension of the independent resources of our highly favored and happy country.

In all measures having such objects my faithful cooperation will be afforded.

JAMES MADISON.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1815*.

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to a ratification, a treaty of peace with the Dey of Algiers concluded on the 30th day of June, 1815, with a letter relating to the same from the American commissioners to the Secretary of State.

JAMES MADISON.

DECEMBER 6, 1815.

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to a ratification, a convention to regulate the commerce between the United States and Great Britain, signed by their respective plenipotentiaries on the 3d of July last, with letters relating to the same from the American plenipotentiaries to the Secretary of State, and also the declaration with which it is the intention of the British Government to accompany the exchange of the ratification of the convention.

JAMES MADISON.

WASHINGTON, *December 6, 1815*.

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to a ratification, treaties which have been concluded with the following Indian tribes, viz: Iaway tribe, Kickapoo tribe, Poutawatamie, Siouxs of the Lakes, Piankeshaw tribe, Siouxs of the River St.

Peters, Great and Little Osage tribes, Yancton tribe, Mahas, Fox tribe, Teeton, Sac Nation, Kanzas tribe, Chippewa, Ottawa, Potawatamie, Shawanoe, Wyandot, Miami, Delaware, and Seneca.

I communicate also the letters from the commissioners on the part of the United States relating to their proceedings on those occasions.

JAMES MADISON.

WASHINGTON, *December 11, 1815*.

To the Senate of the United States:

I transmit the original of the convention between the United States and Great Britain, as signed by their respective plenipotentiaries, on the 3d day of July last, a copy of which was laid before the Senate on the 5th instant.

I transmit also a copy of the late treaty of peace with Algiers, as certified by one of the commissioners of the United States, an office copy of which was laid before the Senate on the 5th instant, the original of the treaty not having been received.

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JAMES MADISON.

DECEMBER 23, 1815.

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

I lay before Congress copies of a proclamation notifying the convention concluded with Great Britain on the 3d day of July last, and that the same has been duly ratified; and I recommend to Congress such legislative provisions as the convention may call for on the part of the United States.

JAMES MADISON.

JANUARY 18, 1816.

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

The accompanying extract from the occurrences at Fort Jackson in August, 1814, during the negotiation of a treaty with the Indians shows that the friendly Creeks, wishing to give to General Jackson, Benjamin Hawkins, and others a national mark of their gratitude and regard, conveyed to them, respectively, a donation of land, with a request that the grant might be duly confirmed by the Government of the United States.

Taking into consideration the peculiar circumstances of the case, the expediency of indulging the Indians in wishes which they associated with the treaty signed by them, and that the case involves an inviting opportunity for bestowing on an officer who has rendered such illustrious services to his country a token of its sensibility to them, the inducement to which can not be diminished by the delicacy and disinterestedness of his proposal to transfer the benefit from himself, I recommend to Congress that provision be made for carrying into effect the wishes and request of the Indians as expressed by them.

JAMES MADISON.

FEBRUARY 6, 1816.

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

It is represented that the lands in the Michigan Territory designated by law toward satisfying land bounties promised the soldiers of the late army are so covered with swamps and lakes, or otherwise unfit for cultivation, that a very inconsiderable

proportion can be applied to the intended grants. I recommend, therefore, that other lands be designated by Congress for the purpose of supplying the deficiency.

JAMES MADISON.

MARCH 5, 1816.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 2d instant, they are informed that great losses having been sustained by citizens of the United States from unjust seizures and confiscations of their property by the late Government of Naples, it was deemed expedient that indemnification should be claimed by a special mission for that purpose. The occasion may be proper, also, for securing the use and accommodations of the Neapolitan ports, which may at any time be needed by the public ships of the United States, and for obtaining relief for the American commerce from the disadvantageous and unequal regulations now operating against it in that Kingdom,

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JAMES MADISON.

MARCH 9, 1816.

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

I lay before Congress a statement of the militia of the United States according to the latest returns received by the Department of War.

JAMES MADISON.

APRIL 11, 1816.

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

With a view to the more convenient arrangement of the important and growing business connected with the grant of exclusive rights to inventors and authors, I recommend the establishment of a distinct office within the Department of State to be charged therewith, under a director with a salary adequate to his services, and with the privilege of franking communications by mail from and to the office. I recommend also that further restraints be imposed on the issue of patents to wrongful claimants, and further guards provided against fraudulent exactions of fees by persons possessed of patents.

JAMES MADISON.

APRIL 16, 1816.

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

I lay before Congress copies of a convention concluded between the United States and the Cherokee Indians on the 2d day of March last, as the same has been duly ratified and proclaimed; and I recommend that such provision be made by Congress as the stipulations therein contained may require,

JAMES MADISON.

APRIL 17, 1816.

To the Senate of the United States:

It being presumed that further information may have changed the views of the Senate relative to the importance and expediency of a mission to Naples for the purpose of

negotiating indemnities to our citizens for spoliations committed by the Neapolitan Government, I nominate William Pinkney, envoy extraordinary and minister plenipotentiary to Russia, to be minister plenipotentiary to Naples, specially charged with that trust.

JAMES MADISON.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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

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

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Now, therefore, I, James Madison, President of the United States, have thought proper to issue my proclamation commanding and strictly enjoining all persons who have unlawfully taken possession of or made any settlement on the public lands as aforesaid forthwith to remove therefrom; and I do hereby further command and enjoin the marshal, or officer acting as marshal, in any State or Territory where such possession shall have been taken or settlement made to remove, from and after the 10th day of March, 1816, all or any of the said unlawful occupants; and to effect the said service I do hereby authorize the employment of such military force as may become necessary in pursuance of the provisions of the act of Congress aforesaid, warning the offenders, moreover, that they will be prosecuted in all such other ways as the law directs.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

[SEAL.]

Done at the city of Washington, the 12th day of December, A.D. 1815, and of the Independence of the said United States of America the fortieth.

JAMES MADISON.

By the President:
JAMES MONROE,
Secretary of State.

[From Niles's Weekly Register, vol. 10, p. 208.]

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the act entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," passed the 5th March, 1816, it was enacted that the locations of the land warrants of the said volunteers should "be subject to such regulations as to priority of choice and manner of location as the President of the United States shall direct:"

Wherefore I, James Madison, President of the United States, in conformity with the provisions of the act before recited, do hereby make known that the land warrants of the said Canadian volunteers may be located agreeably to the said act at the land offices at Vincennes or Jeffersonville, in the Indiana Territory, on the first Monday in June next, with the registers of the said land offices; that the warrantees may, in person or by their attorneys or other legal representatives, in the presence of the register and receiver of the said land district, draw lots for the priority of location; and that should any of the

warrants not appear for location on that day they may be located afterwards, according to their priority of presentation, the locations in the district of Vincennes to be made at Vincennes and the locations in the district of Jeffersonville to be made at Jeffersonville.

Given under my hand the 1st day of May, 1816.

JAMES MADISON.

By the President:
JOSIAH MEIGS,
Commissioner of the General Land Office.

EIGHTH ANNUAL MESSAGE.

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DECEMBER 3, 1816.

Fellow-Citizens of the Senate and of the House of Representatives:

In reviewing the present state of our country, our attention can not be withheld from the effect produced by peculiar seasons which have very generally impaired the annual gifts of the earth and threatened scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products within our extensive limits that the aggregate resources for subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures and by a portion of our navigation. As the first proceeds in an essential degree from an excess of imported merchandise, which carries a check in its own tendency, the cause in its present extent can not be of very long duration. The evil will not, however, be viewed by Congress without a recollection that manufacturing establishments, if suffered to sink too low or languish too long, may not revive after the causes shall have ceased, and that in the vicissitudes of human affairs situations may recur in which a dependence on foreign sources for indispensable supplies may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed in a material degree to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London between the United States and Great Britain the relative state of the navigation laws of the two countries, growing out of the treaty of 1794, had given to the British navigation a material advantage over the American in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries relating to those ports, leaving the intercourse between our ports and the ports of the British colonies subject, as before, to the respective regulations of the parties. The British Government enforcing now regulations which prohibit a trade between its colonies and the United States in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly, and the loss is augmented by the advantage which is given to the British competition over the American in the navigation between our ports and British ports in Europe by the circuitous voyages enjoyed by the one and not enjoyed by the other.

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The reasonableness of the rule of reciprocity applied to one branch of the commercial intercourse has been pressed on our part as equally applicable to both branches; but it is ascertained that the British cabinet declines all negotiation on the subject, with a disavowal, however, of any disposition to view in an unfriendly light whatever countervailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the Legislature will decide on the course which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign powers.

An occurrence has indeed taken place in the Gulf of Mexico which, if sanctioned by the Spanish Government, may make an exception as to that power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force under a Spanish commander, and the American flag, with the officers and crew, insulted in a manner calling for prompt reparation. This has been demanded. In the meantime a frigate and a smaller vessel of war have been ordered into that Gulf for the protection of our commerce. It would be improper to omit that the representative of His Catholic Majesty in the United States lost no time in giving the strongest assurances that no hostile order could have emanated from his Government, and that it will be as ready to do as to expect whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers at the present moment is not known. The Dey, drawing pretexts from circumstances for which the United States were not answerable, addressed a letter to this Government declaring the treaty last concluded with him to have been annulled by our violation of it, and presenting as the alternative war or a renewal of the former treaty, which stipulated, among other things, an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary States our affairs have undergone no change.

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The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of lands have been made particularly favorable to the wishes and security of our frontier settlements, as well as to the general interests of the nation. In some instances the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice or to the enforcement of justice against a feeble and untutored people by means involving or threatening an effusion of blood. I am happy to add that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization which had made an encouraging progress among some tribes, and that the facility is increasing for extending that divided and individual ownership, which exists now in movable property only, to the soil itself, and of thus establishing in the culture and improvement of it the true foundation for a transit from the habits of the savage to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the consideration of Congress a reorganization of the militia on a plan which will form it into classes according to the periods of life more or less adapted to military services. An efficient militia is authorized and contemplated by the Constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with most convenience and equity, it will now be aided by the experience of a recent war in which the militia bore so interesting a part.

Congress will call to mind that no adequate provision has yet been made for the uniformity of weights and measures also contemplated by the Constitution. The great utility of a standard fixed in its nature and founded on the easy rule of decimal proportions is sufficiently obvious. It led the Government at an early stage to preparatory steps for introducing it, and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a university within this District on a scale and for objects worthy of the American nation induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite again their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and

improvements and by increasing the share of every part in the common stock of national prosperity.

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Occurrences having taken place which shew that the statutory provisions for the dispensation of criminal justice are deficient in relation both to places and to persons under the exclusive cognizance of the national authority, an amendment of the law embracing such cases will merit the earliest attention of the Legislature. It will be a seasonable occasion also for inquiring how far legislative interposition maybe further requisite in providing penalties for offenses designated in the Constitution or in the statutes, and to which either no penalties are annexed or none with sufficient certainty. And I submit to the wisdom of Congress whether a more enlarged revisal of the criminal code be not expedient for the purpose of mitigating in certain cases penalties which were adopted into it antecedent to experiment and examples which justify and recommend a more lenient policy.

The United States, having been the first to abolish within the extent of their authority the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves and by punishing their citizens participating in the traffic, can not but be gratified at the progress made by concurrent efforts of other nations toward a general suppression of so great an evil. They must feel at the same time the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which it is suggested are chargeable on unworthy citizens who mingle in the slave trade under foreign flags and with foreign ports, and by collusive importations of slaves into the United States through adjoining ports and territories. I present the subject to Congress with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character in the trade between the several States ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a remodification of the judiciary establishment, and of an additional department in the executive branch of the Government.

The first is called for by the accruing business which necessarily swells the duties of the Federal courts, and by the great and widening space within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the Supreme Court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained as with the researches and preparations which are due to their stations and to the juridical reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

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The extent and variety of executive business also accumulating with the progress of our country and its growing population call for an additional department, to be charged with duties now overburdening other departments and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the executive establishment, that the provision for the station of Attorney-General, whose residence at the seat of Government, official connections with it, and the management of the public business before the judiciary preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments, and that, with a view to his reasonable accommodation and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the legislative attention to the state of the finances it is a subject of great gratification to find that even within the short period which has elapsed since the return of peace the revenue has far exceeded all the current demands upon the Treasury, and that under any probable diminution of its future annual products which the vicissitudes of commerce may occasion it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated that during the year 1816 the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of $47,000,000; that during the same year the actual payments at the Treasury, including the payment of the arrearages of the War Department as well as the payment of a considerable excess beyond the annual appropriations, will amount to about the sum of $38,000,000, and that consequently at the close of the year there will be a surplus in the Treasury of about the sum of $9,000,000.

The operations of the Treasury continued to be obstructed by difficulties arising from the condition of the national currency, but they have nevertheless been effectual to a beneficial extent in the reduction of the public debt and the establishment of the public credit. The floating debt of Treasury notes and temporary loans will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and 1812, has been estimated with reference to the 1st of January next at a sum not exceeding $110,000,000. The ordinary annual expenses of the Government for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than $20,000,000, and the permanent revenue to be derived from all the existing sources has been estimated at a sum of about $25,000,000,

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Upon this general view of the subject it is obvious that there is only wanting to the fiscal prosperity of the Government the restoration of an uniform medium of exchange. The resources and the faith of the nation, displayed in the system which Congress has established, insure respect and confidence both at home and abroad. The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most of the States, and it is expected that the same cause will produce the same effect throughout the Union; but for the interests of the community at large, as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use wherever it may circulate. The Constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description, and the measures which were taken during the last session in execution of the power give every promise of success. The Bank of the United States has been organized under auspices the most favorable, and can not fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the Department were executed during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service being at little distance, I shall find no occasion more proper than the present for expressing to my fellow-citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease, and with the consciousness that, if I have not served my country with greater ability, I have served it with a sincere devotion will accompany me as a source of unfailing gratification.

Happily, I shall carry with me from the public theater other sources, which those who love their country most will best appreciate. I shall behold it blessed with tranquillity and prosperity at home and with peace and respect abroad. I can indulge the proud reflection that the American people have reached in safety and success their fortieth year as an independent nation; that for nearly an entire generation they have had experience of their present Constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances: to contain in its combination of the federate and elective principles a reconcilement

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of public strength with individual liberty, of national power for the defense of national rights with a security against wars of injustice, of ambition, and of vainglory in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this Constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle that I shall read in the character of the American people, in their devotion to true liberty and to the Constitution which is its palladium, sure presages that the destined career of my country will exhibit a Government pursuing the public good as its sole object, and regulating its means by the great principles consecrated in its charter and by those moral principles to which they are so well allied; a Government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against encroachments and compacts between religion and the state; which maintains inviolably the maxims of public faith, the security of persons and property, and encourages in every authorized mode that general diffusion of knowledge which guarantees to public liberty its permanency and to those who possess the blessing the true enjoyment of it; a Government which avoids intrusions on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age and the sentiments of a virtuous people, seeks by appeals to reason and by its liberal examples to infuse into the law which governs the civilized world a spirit which may diminish the frequency or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace; a Government, in a word, whose conduct within and without may bespeak the most noble of all ambitions——that of promoting peace on earth and good will to man.

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

JAMES MADISON.

SPECIAL MESSAGES.

DECEMBER 6, 1816.

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

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The ninth section of the act passed at the last session of Congress “to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes,” having received a construction giving to it a scope of great and uncertain extent, I thought it proper that proceedings relative to claims under that part of the act should be suspended until Congress should have an opportunity of defining more precisely the cases contemplated by them. With that view I now recommend the subject to their consideration. They will have an opportunity at the same time of considering how far other provisions of the act may be rendered more clear and precise in their import.

JAMES MADISON.

DECEMBER 10, 1816.

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to a ratification, treaties concluded with the several Indian tribes according to the following statement:

A LIST OF INDIAN TRIBES WITH WHOM TREATIES HAVE BEEN MADE SINCE THE LAST SESSION OF CONGRESS.

Weas and Kickapoos tribes of Indians.—Treaty concluded at Fort Harrison between Benjamin Parke and the chiefs and headmen of those tribes the 4th June, 1816.

Ottawas, Chippewas, and Pottowotomees.—Treaty concluded at St. Louis between Governors Clarke, Edwards, and Colonel Choteau and the chiefs and headmen of those tribes on the 24th August, 1816.

Winnebago tribes.—Made by the same persons on part United States and the headmen of this tribe at St. Louis 3d June, 1816.

Sacks of Rock River.—Made by same at St. Louis 13th May, 1816.

Siouxs composing three tribes, the Siouxs of the Leaf, the Siouxs of the Broad Leaf, and the Siouxs who Shoot on the Pine-tops.—Made and concluded by the same at St. Louis 1st June, 1816.

Chickasaw tribe.—Treaty made by General Jackson, David Merrewether, esq., and Jesse Franklin, esq., and the headmen of that nation at Chickasaw council house 20th September, 1816.

Cherokee tribe.—Treaty made by General Jackson, David Merrewether, esq., and Jesse Franklin, esq., and the headmen of that nation at Turkey Town on the 4th October, 1816.

Choctaw tribe.—Treaty made by General John Coffee, John Rhea, and John McKee, esquires, and the headmen and warriors of that nation at the Choctaw trading house on the 24th of October, 1816.

JAMES MADISON.

DECEMBER 13, 1816.

To the Senate of the United States:

A treaty of commerce between the United States and the King of Sweden and Norway having been concluded and signed on the 4th day of September last by their plenipotentiaries, I lay the same before the Senate for their consideration and advice as to a ratification.

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JAMES MADISON.

DECEMBER 21, 1816.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 6th instant, I transmit to them the proceedings of the commissioner appointed under the act “to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes,” as reported by the commissioner to the Department of War.

JAMES MADISON.

DECEMBER 26, 1816.

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

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace toward belligerent parties and other unlawful acts on the high seas by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force within the jurisdiction of the United States, or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit.

JAMES MADISON.

JANUARY 25, 1817.

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

I lay before Congress copies of ratified treaties between the United States and the following Indian tribes:

First. The Wea and Kickapoo.

Second. The united tribes of Ottawas, Chippawas, and Potowotomies residing on the Illinois and Melwakee rivers and their waters and on the southwestern parts of Lake Michigan.

Third. That portion of the Winnebago tribe or nation residing on the Ouisconsin River,

Fourth. The Sacs of Rock River and the adjacent country.

Fifth. Eight bands of the Siouxs, composing the three tribes called the Siouxs of the Leaf, the Siouxs of the Broad Leaf, and the Siouxs who Shoot in the Pine Tops.

Sixth. The Chickasaw tribe of Indians.

Seventh. The Cherokee tribe of Indians.

Eighth. The Chactaw tribe of Indians.

Congress will take into consideration how far legislative provisions may be necessary for carrying into effect stipulations contained in the said treaties,

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JAMES MADISON.

JANUARY 31, 1817.

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

The envoy extraordinary and minister plenipotentiary of His Most Christian Majesty having renewed, under special instructions from his Government, the claim of the representative of Baron de Beaumarchais for 1,000,000 livres, which were debited to him in the settlement of his accounts with the United States, I lay before Congress copies of the memoir on that subject addressed by the said envoy to the Secretary of State.

Considering that the sum of which the million of livres in question made a part was a gratuitous grant from the French Government to the United States, and the declaration of that Government that that part of the grant was put into the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering also the concurring opinions of two Attorneys-General of the United States that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it.

JAMES MADISON.

FEBRUARY 3, 1817.

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

The Government of Great Britain, induced by the posture of the relations with the United States which succeeded the conclusion of the recent commercial convention, issued an order on the 17th day of August, 1815, discontinuing the discriminating duties payable in British ports on American vessels and their cargoes. It was not until the 22d of December following that a corresponding discontinuance of discriminating duties on British vessels and their cargoes in American ports took effect under the authority vested in the Executive by the act of March, 1816. During the period between those two dates there was consequently a failure of reciprocity or equality in the existing regulations of the two countries. I recommend to the consideration of Congress the expediency of paying to the British Government the amount of the duties remitted during the period in question to citizens of the United States, subject to a deduction of the amount of whatever discriminating duties may have commenced in British ports after the signature of that convention and been collected previous to the 17th of August, 1815.

JAMES MADISON.

FEBRUARY 6, 1817.

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

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On comparing the fourth section of the act of Congress passed March 31, 1814, providing for the indemnification of certain claimants of public lands in the Mississippi Territory, with the article of agreement and cession between the United States and State of Georgia, bearing date April 30, 1802, it appears that the engagements entered into with the claimants interfere with the rights and interests secured to that State. I recommend to Congress that provision be made by law for payments to the State of Georgia equal to the amount of Mississippi stock which shall be paid into the Treasury until the stipulated sum of $1,250,000 shall be completed.

JAMES MADISON.

VETO MESSAGE.

MARCH 3, 1817.

To the House of Representatives of the United States:

Having considered the bill this day presented to me entitled “An act to set apart and pledge certain funds for internal improvements,” and which sets apart and pledges funds “for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense,” I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States to return it with that objection to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers, or that it falls by any just interpretation within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

“The power to regulate commerce among the several States” can not include a power to construct roads and canals, and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause “to provide for the common defense and general welfare” would be contrary to the established and consistent rules of interpretation, as rendering the special and careful enumeration of powers which follow the clause nugatory and improper. Such a view of the Constitution would have the

effect of giving to Congress a general power of legislation instead of the defined and limited one hitherto understood to belong to them, the terms “common defense and general welfare” embracing every object and act within the purview of a legislative

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trust. It would have the effect of subjecting both the Constitution and laws of the several States in all cases not specifically exempted to be superseded by laws of Congress, it being expressly declared “that the Constitution of the United States and laws made in pursuance thereof shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.” Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the General and the State Governments, inasmuch as questions relating to the general welfare, being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power “to provide for the common defense and general welfare” to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill can not confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution.

I am not unaware of the great importance of roads and canals and the improved navigation of water courses, and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the Constitution, and believing that it can not be deduced from any part of it without an inadmissible latitude of construction and a reliance on insufficient precedents; believing also that the permanent success of the Constitution depends on a definite partition of powers between the General and the State Governments, and that no adequate landmarks would be left by the constructive extension of the powers of Congress as proposed in the bill, I have no option but to withhold my signature from it, and to cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers to the same wisdom and virtue in the nation which established the Constitution in its actual form and providently marked out in the instrument itself a safe and practicable mode of improving it as experience might suggest.

JAMES MADISON.

PROCLAMATION.

[From Annals of Congress, Fourteenth Congress, second session, 218.]

WASHINGTON, *January 1, 1817*.

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To the Senators of the United States, respectively:

SIR: Objects interesting to the United States requiring that the Senate should be in session on the 4th of March next to receive such communications as may be made to it on the part of the Executive, your attendance in the Senate Chamber in this city on that day is accordingly requested.

JAMES MADISON.