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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Contents

A Compilation of the Messages and Papers of the Presidents eBook....1

Contents....2

Table of Contents....14

Page 1....17

Page 2....19

Page 3....21

Page 4....22

Page 5....23

Page 6....24

Page 7....25

Page 8....26

Page 9....27

Page 10....28

Page 11....29

Page 12....30

Page 13....31

Page 14....32

Page 15....34

Page 16....35

Page 17....36

Page 18....37

Page 19....38

Page 20....40

Page 21....42

Page 22....44

Page 23.....45
Page 24.....47
Page 25.....49
Page 26.....51
Page 27.....53
Page 28.....55
Page 29.....57
Page 30.....59
Page 31.....61
Page 32.....63
Page 33.....64
Page 34.....66
Page 35.....68
Page 36.....70
Page 37.....71
Page 38.....72
Page 39.....73
Page 40.....74
Page 41.....76
Page 42.....78
Page 43.....79
Page 44.....80
Page 45.....81
Page 46.....83
Page 47.....85
Page 48.....87

Page 49.....89
Page 50.....91
Page 51.....93
Page 52.....94
Page 53.....95
Page 54.....96
Page 55.....97
Page 56.....99
Page 57.....100
Page 58.....101
Page 59.....102
Page 60.....104
Page 61.....105
Page 62.....107
Page 63.....109
Page 64.....111
Page 65.....113
Page 66.....115
Page 67.....116
Page 68.....117
Page 69.....119
Page 70.....121
Page 71.....122
Page 72.....123
Page 73.....124
Page 74.....125

Page 75.....126
Page 76.....128
Page 77.....130
Page 78.....132
Page 79.....134
Page 80.....136
Page 81.....138
Page 82.....139
Page 83.....140
Page 84.....141
Page 85.....142
Page 86.....143
Page 87.....144
Page 88.....145
Page 89.....147
Page 90.....149
Page 91.....151
Page 92.....153
Page 93.....155
Page 94.....157
Page 95.....158
Page 96.....159
Page 97.....160
Page 98.....161
Page 99.....162
Page 100.....163

Page 101.....164
Page 102.....165
Page 103.....166
Page 104.....168
Page 105.....170
Page 106.....172
Page 107.....174
Page 108.....176
Page 109.....178
Page 110.....180
Page 111.....181
Page 112.....183
Page 113.....185
Page 114.....186
Page 115.....187
Page 116.....188
Page 117.....189
Page 118.....190
Page 119.....191
Page 120.....193
Page 121.....195
Page 122.....197
Page 123.....198
Page 124.....199
Page 125.....201
Page 126.....202

Page 127.....203
Page 128.....204
Page 129.....205
Page 130.....207
Page 131.....209
Page 132.....211
Page 133.....213
Page 134.....215
Page 135.....217
Page 136.....219
Page 137.....221
Page 138.....222
Page 139.....224
Page 140.....225
Page 141.....226
Page 142.....227
Page 143.....228
Page 144.....229
Page 145.....230
Page 146.....231
Page 147.....233
Page 148.....235
Page 149.....236
Page 150.....237
Page 151.....238
Page 152.....239

Page 153.....240
Page 154.....241
Page 155.....242
Page 156.....243
Page 157.....244
Page 158.....245
Page 159.....246
Page 160.....247
Page 161.....248
Page 162.....249
Page 163.....250
Page 164.....251
Page 165.....252
Page 166.....253
Page 167.....254
Page 168.....255
Page 169.....256
Page 170.....257
Page 171.....258
Page 172.....259
Page 173.....260
Page 174.....261
Page 175.....262
Page 176.....263
Page 177.....264
Page 178.....265

Page 179.....266
Page 180.....267
Page 181.....268
Page 182.....269
Page 183.....270
Page 184.....271
Page 185.....272
Page 186.....273
Page 187.....274
Page 188.....275
Page 189.....276
Page 190.....277
Page 191.....278
Page 192.....279
Page 193.....281
Page 194.....283
Page 195.....285
Page 196.....286
Page 197.....287
Page 198.....288
Page 199.....289
Page 200.....290
Page 201.....291
Page 202.....292
Page 203.....294
Page 204.....295

Page 205.....297
Page 206.....299
Page 207.....301
Page 208.....303
Page 209.....305
Page 210.....307
Page 211.....309
Page 212.....311
Page 213.....313
Page 214.....315
Page 215.....317
Page 216.....318
Page 217.....319
Page 218.....320
Page 219.....321
Page 220.....322
Page 221.....323
Page 222.....324
Page 223.....325
Page 224.....326
Page 225.....327
Page 226.....328
Page 227.....329
Page 228.....330
Page 229.....332
Page 230.....333

Page 231.....334
Page 232.....335
Page 233.....336
Page 234.....338
Page 235.....339
Page 236.....340
Page 237.....341
Page 238.....342
Page 239.....344
Page 240.....346
Page 241.....348
Page 242.....350
Page 243.....351
Page 244.....352
Page 245.....353
Page 246.....354
Page 247.....356
Page 248.....358
Page 249.....360
Page 250.....362
Page 251.....364
Page 252.....365
Page 253.....366
Page 254.....367
Page 255.....369
Page 256.....370

Page 257.....371
Page 258.....372
Page 259.....373
Page 260.....374
Page 261.....375
Page 262.....376
Page 263.....377
Page 264.....378
Page 265.....379
Page 266.....380
Page 267.....381
Page 268.....382
Page 269.....383
Page 270.....384
Page 271.....385
Page 272.....387
Page 273.....389
Page 274.....391
Page 275.....393
Page 276.....394
Page 277.....395
Page 278.....396
Page 279.....398
Page 280.....399
Page 281.....401
Page 282.....403

Page 283.....405
Page 284.....407
Page 285.....409
Page 286.....410
Page 287.....412
Page 288.....413
Page 289.....415
Page 290.....417
Page 291.....419
Page 292.....420
Page 293.....422
Page 294.....424
Page 295.....426
Page 296.....428

Table of Contents

Table of Contents

Section	Page
Start of eBook	1
	1
A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS	1
VOLUME II	1
Prefatory Note	1
James Monroe	1
James Monroe	1
LETTER FROM THE PRESIDENT ELECT.	2
FIRST INAUGURAL ADDRESS.	2
PROCLAMATION.	9
FIRST ANNUAL MESSAGE.	10
SPECIAL MESSAGES.	19
DECEMBER 18, 1817.	20
DECEMBER 22, 1817.	20
DECEMBER 29, 1817.	21
DECEMBER 29, 1817.	21
FEBRUARY 27, 1818.	27
MARCH 19, 1818.	28
APRIL 6, 1818.	30
APRIL 10, 1818.	31
PROCLAMATIONS.	31
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	33
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	34
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	34
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.	35
SECOND ANNUAL MESSAGE.	36
SPECIAL MESSAGES.	45
DECEMBER 2, 1818.	45
DECEMBER 2, 1818.	45
DECEMBER 12, 1818.	46
DECEMBER 29, 1818.	46
DECEMBER 31, 1818.	46
DECEMBER 31, 1818.	46

JANUARY 4, 1819. 47
JANUARY 11, 1819. 47
JANUARY 29, 1819. 47
JANUARY 30, 1819. 48
FEBRUARY 2, 1819. 48
FEBRUARY 2, 1819. 48
FEBRUARY 5, 1819. 49
FEBRUARY 6, 1819. 49
FEBRUARY 22, 1819. 49
MARCH 2, 1819. 50
THIRD ANNUAL MESSAGE. 50
SPECIAL MESSAGES. 59
DECEMBER 31, 1819. 62
PROCLAMATION. 68
FOURTH ANNUAL MESSAGE. 69
SPECIAL MESSAGES. 75
DECEMBER 14, 1820. 76
FEBRUARY 5, 1821. 77
FEBRUARY 8, 1821. 78
FEBRUARY 13, 1821. 78
SECOND INAUGURAL ADDRESS. 80
PROCLAMATIONS. 88
BY THE PRESIDENT OF THE UNITED STATES. 89
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. 90
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. 91
FIFTH ANNUAL MESSAGE. 92
SPECIAL MESSAGES. 103
DECEMBER 30, 1821. 104
JANUARY 17, 1822. 105
MARCH 26, 1822. 119
APRIL, 13, 1822. 121
APRIL 15, 1822. 129
VETO MESSAGE. 135
136
PROCLAMATIONS. 192
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. 193
SIXTH ANNUAL MESSAGE. 194
SPECIAL MESSAGES. 204
DECEMBER 4, 1822. 204
JANUARY 6, 1823. 206
JANUARY 22, 1823. 207
JANUARY 22, 1823. 207

JANUARY 28, 1823 208
FEBRUARY 4, 1823. 209
FEBRUARY 6, 1823. 209
FEBRUARY 10, 1823. 209
FEBRUARY 14, 1823. 210
FEBRUARY 17, 1823. 210
FEBRUARY 19, 1823. 211
FEBRUARY 19, 1823. 211
FEBRUARY 22, 1823. 211
FEBRUARY 25, 1823. 212
FEBRUARY 25, 1823. 212
SEVENTH ANNUAL MESSAGE. 214
SPECIAL MESSAGES. 227
FEBRUARY 24, 1824. 238
MARCH 3, 1824. 238
MARCH 4, 1824. 238
MARCH 17, 1824. 239
MARCH 25, 1824. 240
MARCH 28, 1824. 241
MARCH 30, 1824. 241
APRIL 9, 1824. 244
APRIL, 16, 1824. 246
APRIL, 16, 1824. 246
APRIL, 16, 1824. 246
APRIL, 23, 1824. 246
APRIL 27, 1824. 247
APRIL, 28, 1824. 247
APRIL 30, 1824. 249
MAY 11, 1824. 249
MAY 13, 1824. 249
MAY 14, 1824. 249
MAY 24, 1824. 254
MAY 24, 1824. 254
EIGHTH ANNUAL MESSAGE. 254
SPECIAL MESSAGES. 271
DECEMBER 13, 1824. 271
DEPARTMENT OF STATE, 272
JANUARY 17, 1825. 289
PROCLAMATION. 296

Page 1

Title: A Compilation of the Messages and Papers of the Presidents Section 1 (of 3) of Volume 2: James Monroe

Author: James D. Richardson

Release Date: February 3, 2004 [EBook #10919]

Language: English

Character set encoding: ASCII

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A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS

BY JAMES D. RICHARDSON

VOLUME II

1897

Prefatory Note

The first volume of this compilation was given to Congress and the public about May 1, 1896. I believe I am warranted in saying here that it met with much favor by all who examined it. The press of the country was unsparing in its praise. Congress, by a resolution passed on the 22d day of May, ordered the printing of 15,000 additional copies, of the entire publication.

I have inserted in this volume a steel engraving of the Treasury building; the succeeding volumes will contain engravings of other important public buildings.

The resolution authorizing this work required the publication of the annual, special, and veto messages, inaugural addresses, and proclamations of the Presidents. I have found in addition to these documents others which emanated from the Chief Magistrats, called Executive orders; they are in the nature of proclamations, and have like force and effect. I have therefore included in this, and will include in the succeeding volumes, all

such Executive orders as may appear to have national importance or to possess more than ordinary interest.

If this volume meets the same degree of favor as the first, I shall be greatly gratified.

James D. *Richardson*.

July 4, 1896.

James Monroe

March 4, 1817, to March 4, 1825

James Monroe

James Monroe was born April 28, 1758, in Westmoreland County, Va. He was the son of Spence Monroe and Elizabeth Jones, both natives of Virginia. When in his eighteenth year he enlisted as a private soldier in the Army to fight for independence; was in several battles, and was wounded in the engagement at Trenton; was promoted to the rank of captain of infantry. During 1777 and 1778 he acted as aid to Lord Stirling, and distinguished himself. He studied law under the direction of Thomas Jefferson, then governor of Virginia, who in 1780 appointed him to visit the army in South Carolina on an important mission. In 1782 he was elected to the Virginia assembly by the

Page 2

county of King George, and was by that body chosen a member of the executive council. The next year he was chosen a delegate to the Continental Congress, and remained a member until 1786; while a member he married a Miss Kortright, of New York City. Retiring from Congress, he began the practice of law at Fredericksburg, Va., but was at once elected to the legislature. In 1788 was a delegate to the State convention assembled to consider the Federal Constitution. Was a Senator from Virginia from 1790 to 1794. In May, 1794, was appointed by Washington minister to France. He was recalled in 1796 and was again elected to the legislature. In 1799 was elected governor of Virginia. In 1802 was appointed by President Jefferson envoy extraordinary to France, and in 1803 was sent to London as the successor of Rufus King. In 1805 performed a diplomatic mission to Spain in relation to the boundary of Louisiana, returning to London the following year; returned to the United States in 1808. In 1811 was again elected governor of his State, but in the same year resigned that office to become Secretary of State under President Madison. After the capture of Washington, in 1814, he was appointed to the War Department, which position he held until 1815, without relinquishing the office of Secretary of State. He remained at the head of the Department of State until the close of Mr. Madison's term. Was elected President in 1816, and reelected in 1820, retiring March 4, 1825, to his residence in Loudoun County, Va. In 1829 was elected a member of the convention called to revise the constitution of the State, and was unanimously chosen to preside over its deliberations. He was forced by ill health to retire from office, and removed to New York to reside with his son-in-law, Mr. Samuel L. Gouverneur. He died July 4, 1831, and was buried in New York City, but in 1858 his remains were removed to Richmond, Va.

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 1, 1817*.

Hon. *John Gaillard*.

President of the Senate of the United States.

Sir: I beg leave through you to inform the honorable 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 Tuesday, 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 Monroe.

FIRST INAUGURAL ADDRESS.

Page 3

I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification which those who are conscious of having done all that they could to merit it can alone feel. My sensibility is increased by a just estimate of the importance of the trust and of the nature and extent of its duties, with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I can not enter on these duties without great anxiety for the result. From a just responsibility I will never shrink, calculating with confidence that in my best efforts to promote the public welfare my motives will always be duly appreciated and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office it has been the practice of the distinguished men who have gone before me to explain the principles which would govern them in their respective Administrations. In following their venerated example my attention is naturally drawn to the great causes which have contributed in a principal degree to produce the present happy condition of the United States. They will best explain the nature of our duties and shed much light on the policy which ought to be pursued in future.

From the commencement of our Revolution to the present day almost forty years have elapsed, and from the establishment of this Constitution twenty-eight. Through this whole term the Government has been what may emphatically be called self-government. And what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties and marked by very extraordinary events the United States have nourished beyond example. Their citizens individually have been happy and the nation prosperous.

Under this Constitution our commerce has been wisely regulated with foreign nations and between the States; new States have been admitted into our Union; our territory has been enlarged by fair and honorable treaty, and with great advantage to the original States; the States, respectively protected by the National Government under a mild, parental system against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity which are the best proofs of wholesome laws well administered. And if we look to the condition of individuals what a proud spectacle does it exhibit! On whom has

Page 4

oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows in the mode which he prefers to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add with peculiar satisfaction that there has been no example of a capital punishment being inflicted on anyone for the crime of high treason.

Some who might admit the competency of our Government to these beneficent duties might doubt it in trials which put to the test its strength and efficiency as a member of the great community of nations. Here too experience has afforded us the most satisfactory proof in its favor. Just as this Constitution was put into action several of the principal States of Europe had become much agitated and some of them seriously convulsed. Destructive wars ensued, which have of late only been terminated. In the course of these conflicts the United States received great injury from several of the parties. It was their interest to stand aloof from the contest, to demand justice from the party committing the injury, and to cultivate by a fair and honorable conduct the friendship of all. War became at length inevitable, and the result has shown that our Government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people and of the heroic exploits of the Army, the Navy, and the militia I need not speak.

Such, then, is the happy Government under which we live—a Government adequate to every purpose for which the social compact is formed, a Government elective in all its branches, under which every citizen may by his merit obtain the highest trust recognized by the Constitution; which contains within it no cause of discord, none to put at variance one portion of the community with another; a Government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our Union and to cling to the Government which supports it. Fortunate as we are in our political institutions, we have not been less so in other circumstances on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating internally to the Great Lakes and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed, too, with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow-men in other countries. Such is our peculiar felicity that there is not a part of our Union that

Page 5

is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the North engaged in navigation find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronizes domestic industry, and the surplus of our produce a steady and profitable market by local wants in less-favored parts at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist they ought to be ascertained and guarded against.

In explaining my sentiments on this subject it may be asked, What raised us to the present happy state? How did we accomplish the Revolution? How remedy the defects of the first instrument of our Union, by infusing into the National Government sufficient power for national purposes, without impairing the just rights of the States or affecting those of individuals? How sustain and pass with glory through the late war? The Government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state everything will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us, then, look to the great cause, and endeavor to preserve it in full force. Let us by all wise and constitutional measures promote intelligence among the people as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may in that event be the object of the adverse party to overset our Government, to break our Union, and demolish us as a nation. Our distance from Europe and the just, moderate, and pacific policy of our Government may form some security against these dangers, but they ought to be anticipated and guarded against. Many

Page 6

of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience if we did not expect it. We must support our rights or lose our character, and with it, perhaps, our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen is national strength. It ought therefore to be cherished.

To secure us against these dangers our coast and inland frontiers should be fortified, our Army and Navy, regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defense as to secure our cities and interior from invasion will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes—the former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe, and, while constituting the elements of a greater force, to preserve the science as well as all the necessary implements of war in a state to be brought into activity in the event of war; the latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defense and as a powerful engine of annoyance, to diminish the calamities of war and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view that the safety of these States and of everything dear to a free people must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our Government or the circumstances of the United States to maintain. In such cases recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such

Page 7

as to put at the command of the Government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it can not be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people the United States have nothing to dread from foreign invasion. At its approach an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention, among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States we shall add much to the convenience and comfort of our fellow-citizens, much to the ornament of the country, and, what is of greater importance, we shall shorten distances, and, by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States—a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts!

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing as we do all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent the sudden event of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties, it is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

Page 8

The great amount of our revenue and the flourishing state of the Treasury are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

The Executive is charged officially in the Departments under it with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The Legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility every facility should be afforded to the Executive to enable it to bring the public agents intrusted with the public money strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the Administration which will be felt by the whole community. I shall do all I can to secure economy and fidelity in this important branch of the Administration, and I doubt not that the Legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the Executive, on just principles with all nations, claiming nothing unreasonable of any and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended as well by the free and benign principles of our Government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection and a faithful regard to every interest connected with it. To promote this harmony in accord with the principles of our republican Government and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our Union, will be the object of my constant and zealous exertions.

Page 9

Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic, of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our Government has approached to perfection; that in respect to it we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and as a security against foreign dangers to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far and in the path already traced, we can not fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the Administrations of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy in his retirement the affections of a grateful country, the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of the Government, I enter on the trust to which I have been called by the suffrages of my fellow citizens with my fervent prayers to the Almighty that He will be graciously pleased to continue to us that protection which He has already so conspicuously displayed in our favor.

March 4, 1817.

PROCLAMATION.

[From Niles's Weekly Register, vol. 12, p. 176.]

By the president of the united states.

Whereas by an act entitled "An act providing for the sale of the tract of land at the lower rapids of Sandusky River," passed on the 27th day of April, 1816, it was enacted that all the lands in the said tract, except the reservations made in the said act, should be offered for sale to the highest bidder at Wooster, in the State of Ohio, under the direction of the register of the land office and the receiver of public moneys at Wooster, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose; and

Page 10

Whereas by an act entitled “An act providing for the sale of the tract of land at the British fort at the Miami of the Lake, at the foot of the rapids, and for other purposes,” passed the 27th day of April, 1816, it was enacted that all the land contained in the said tract, except the reservations and exceptions made in the said act, should be offered for sale to the highest bidder at Wooster, in the State of Ohio, under the direction of the register of the land office and the receiver of public moneys at Wooster, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose:

Wherefore I, James Monroe, President of the United States, in conformity with the provisions of the acts before recited, do hereby declare and make known that the lands authorized to be sold by the first mentioned act shall be offered for sale to the highest bidder at Wooster, in the State of Ohio, on the first Monday in July next, and continue open for seven days and no longer, and that the lands authorized to be sold by the last-mentioned act shall be offered for sale to the highest bidder at the same place on the third Tuesday in July next, and continue open for seven days and no longer.

Given under my hand this 15th day of April, 1817.

James Monroe.

By the President:
J. *Meigs*,
Commissioner of the General Land Office

FIRST ANNUAL MESSAGE.

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

At no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The public credit has attained an extraordinary elevation. Our preparations for defense in case of future wars, from which, by the experience of all nations, we ought not to expect to be exempted, are advancing under a well-digested system with all the dispatch which so important a work will admit. Our free Government, founded on the interest and affections of the people, has gained and is daily gaining strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous and highly important it is our duty to unite in grateful acknowledgments to that Omnipotent Being from whom they are derived, and in unceasing prayer that He will endow us with virtue and strength to maintain and hand them down in their utmost purity to our latest posterity.

Page 11

I have the satisfaction to inform you that an arrangement which had been commenced by my predecessor with the British Government for the reduction of the naval force by Great Britain and the United States on the Lakes has been concluded, by which it is provided that neither party shall keep in service on Lake Champlain more than one vessel, on Lake Ontario more than one, and on Lake Erie and the upper lakes more than two, to be armed each with one cannon only, and that all the other armed vessels of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed that the force retained shall be restricted in its duty to the internal purposes of each party, and that the arrangement shall remain in force until six months shall have expired after notice given by one of the parties to the other of its desire that it should terminate. By this arrangement useless expense on both sides and, what is of still greater importance, the danger of collision between armed vessels in those inland waters, which was great, is prevented.

I have the satisfaction also to state that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the bay of Passamaquoddy belonged under the treaty of 1783, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent for the settlement of boundaries have also been engaged in the discharge, of their respective duties, but have not yet completed them. The difference which arose between the two Governments under that treaty respecting the right of the United States to take and cure fish on the coast of the British provinces north of our limits, which had been secured by the treaty of 1783, is still in negotiation. The proposition made by this Government to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports in Europe had been placed on a footing of equality, has been declined by the British Government. This subject having been thus amicably discussed between the two Governments, and it appearing that the British Government is unwilling to depart from its present regulations, it remains for Congress to decide whether they will make any other regulations in consequence thereof for the protection and improvement of our navigation.

The negotiation with Spain for spoliations on our commerce and the settlement of boundaries remains essentially in the state it held by the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish Government to keep the negotiation suspended, and in this the United States have acquiesced, from an amicable disposition toward Spain and in the expectation that her Government

Page 12

would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish Government to move in the negotiation, which has been met by this Government, and should the conciliatory and friendly policy which has invariably guided our councils be reciprocated, a just and satisfactory arrangement maybe expected. It is proper, however, to remark that no proposition has yet been made from which such a result can be presumed.

It was anticipated at an early stage that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable also that the prosecution of the conflict along our coast and in contiguous countries would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having as to neutral powers equal rights. Our ports have been open to both, and every article the fruit of our soil or of the industry of our citizens which either was permitted to take has been equally free to the other. Should the colonies establish their independence, it is proper now to state that this Government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent states, free from any obligation to or connection with us which it may not then be their interest to form on the basis of a fair reciprocity.

In the summer of the present year an expedition was set on foot against East Florida by persons claiming to act under the authority of some of the colonies, who took possession of Amelia Island, at the mouth of the St. Marys River, near the boundary of the State of Georgia. As this Province lies eastward of the Mississippi, and is bounded by the United States and the ocean on every side, and has been a subject of negotiation with the Government of Spain as an indemnity for losses by spoliation or in exchange for territory of equal value westward of the Mississippi, a fact well known to the world, it excited surprise that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained whether it had been authorized by

Page 13

them, or any of them. This doubt has gained strength by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private, unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us, the island being made a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring States, and a port for smuggling of every kind.

A similar establishment was made at an earlier period by persons of the same description in the Gulf of Mexico at a place called Galvezton, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked in a more signal manner by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce, and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust and forfeited all claim to consideration. A just regard for the rights and interests of the United States required that they should be suppressed, and orders have been accordingly issued to that effect. The imperious considerations which produced this measure will be explained to the parties whom it may in any degree concern.

To obtain correct information on every subject in which the United States are interested; to inspire just sentiments in all persons in authority, on either side, of our friendly disposition so far as it may comport with an impartial neutrality, and to secure proper respect to our commerce in every port and from every flag, it has been thought proper to send a ship of war with three distinguished citizens along the southern coast with instruction to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries committed by persons acting under them be obtained; by them alone can the commission of the like in future be prevented.

Our relations with the other powers of Europe have experienced no essential change since the last session. In our intercourse with each due attention continues to be paid to the protection of our commerce, and to every other object in which the United States are interested. A strong hope is entertained that, by adhering to the maxims of a just, a candid, and friendly policy, we may long preserve amicable relations with all the powers of Europe on conditions advantageous and honorable to our country.

With the Barbary States and the Indian tribes our pacific relations have been preserved.

Page 14

In calling your attention to the internal concerns of our country the view which they exhibit is peculiarly gratifying. The payments which have been made into the Treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil Government and of the military and naval establishments, embracing suitable provision for fortifications and for the gradual increase of the Navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than $6,000,000 will remain in the Treasury on the 1st day of January applicable to the current service of the ensuing year.

The payments into the Treasury during the year 1818 on account of imposts and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at $20,000,000; the internal revenues at $2,500,000; the public lands at $1,500,000; bank dividends and incidental receipts at $500,000; making in the whole $24,500,000.

The annual permanent expenditure for the support of the civil Government and of the Army and Navy, as now established by law, amounts to $11,800,000, and for the sinking fund to $10,000,000, making in the whole $21,800,000, leaving an annual excess of revenue beyond the expenditure of $2,700,000, exclusive of the balance estimated to be in the Treasury on the 1st day of January, 1818.

In the present state of the Treasury the whole of the Louisiana debt maybe redeemed in the year 1819, after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended until the year 1825, when the loan of 1812 and the stock created by funding Treasury notes will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819 from the proceeds of the public lands assigned to that object, after which the receipts from those lands will annually add to the public revenue the sum of one million and a half, making the permanent annual revenue amount to $26,000,000, and leaving an annual excess of revenue after the year 1819 beyond the permanent authorized expenditure of more than $4,000,000.

By the last returns to the Department of War the militia force of the several States may be estimated at 800,000 men—infantry, artillery, and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitted attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantic and inland frontiers.

Of the naval force it has been necessary to maintain strong squadrons in the Mediterranean and in the Gulf of Mexico.

Page 15

From several of the Indian tribes inhabiting the country bordering on Lake Erie purchases have been made of lands on conditions very favorable to the United States, and, as it is presumed, not less so to the tribes themselves.

By these purchases the Indian title, with moderate reservations, has been extinguished to the whole of the land within the limits of the State of Ohio, and to a part of that in the Michigan Territory and of the State of Indiana. From the Cherokee tribe a tract has been purchased in the State of Georgia and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the land belonging to that tribe eastward of that river in the States of North Carolina, Georgia, and Tennessee, and in the Alabama Territory will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the State of Ohio along Lake Erie into the Michigan Territory, and to connect our settlements by degrees through the State of Indiana and the Illinois Territory to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the States and territory which border on the waters emptying into the Mississippi and the Mobile. In this progress, which the rights of nature demand and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservations of land made by the treaties with the tribes on Lake Erie were made with a view to individual ownership among them and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress whether other provision not stipulated by treaty ought to be made for these tribes and for the advancement of the liberal and humane policy of the United States toward all the tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland frontiers is peculiarly important. With a strong barrier, consisting of our own people, thus planted on the Lakes, the Mississippi, and the Mobile, with the protection to be derived from the regular force, Indian hostilities, if they do not altogether cease, will henceforth lose their

Page 16

terror. Fortifications in those quarters to any extent will not be necessary, and the expense attending them may be saved. A people accustomed to the use of firearms only, as the Indian tribes are, will shun even moderate works which are defended by cannon. Great fortifications will therefore be requisite only in future along the coast and at some points in the interior connected with it. On these will the safety of our towns and the commerce of our great rivers, from the Bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill, and labor be bestowed.

A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations will be dissipated even in the most remote parts. Several new States have been admitted into our Union to the west and south, and Territorial governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration, which has heretofore been great, will probably increase, and the demand for land and the augmentation in its value be in like proportion. The great increase of our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should therefore derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emigrants consistent with a fair competition between them, but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth under any mode of sale which may be adopted. But if, looking forward to the rise in the value of the public lands, they should have the opportunity of amassing at a low price vast bodies in their hands, the profit will accrue to them and not to the public. They would also have the power in that degree to control the emigration and settlement in such a manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such further provision may be made in the sale of the public lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

Page 17

When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend, we can not fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at the present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed from the first formation of our Constitution to the present time among our most enlightened and virtuous citizens respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper after what has passed that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result I can not resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely that if it appears to their satisfaction that the power is necessary, it will always be granted.

In this case I am happy to observe that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our Union promises to such a recommendation the most prompt and favorable result. I think proper to suggest also, in case this measure is adopted, that it be recommended to the States to include in the amendment sought a right in Congress to institute likewise seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow-citizens throughout the United States.

Page 18

Our manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge acquired in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement is connected with the high interests of the nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted that the Capitol is not yet in a state to receive you. There is good cause to presume that the two wings, the only parts as yet commenced, will be prepared for that purpose at the next session. The time seems now to have arrived when this subject may be deemed worthy the attention of Congress on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees, and various offices belonging to it. It is evident that the other public buildings are altogether insufficient for the accommodation of the several Executive Departments, some of whom are much crowded and even subjected to the necessity of obtaining it in private buildings at some distance from the head of the Department, and with inconvenience to the management of the public business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republics. The policy which dictated the establishment of a permanent residence for the National Government and the spirit in which it was commenced and has been prosecuted show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west at the head of a great navigable river which interlocks with the Western waters, prove the wisdom of the councils which established it.

Nothing appears to be more reasonable and proper than that convenient accommodation should be provided on a well-digested plan for the heads of the several Departments and for the Attorney-General, and it is believed that the public ground in the city applied to these objects will be found amply sufficient. I submit this subject to the consideration of Congress, that such further provision may be made in it as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn with peculiar interest to the surviving officers and soldiers of our Revolutionary army, who so eminently contributed by their services to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It is believed that among the survivors there are some not provided for by existing laws, who are reduced to indigence and even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more and the opportunity will be forever lost; indeed, so long already has been the interval that the number to be benefited by any provision which may be made will not be great.

Page 19

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage and from the sale of the public lands will be fully adequate to the support of the civil Government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest of the public debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes when the public exigencies require them is an obligation of the most sacred character, especially with a free people. The faithful fulfillment of it is among the highest proofs of their virtue and capacity for self-government. To dispense with taxes when it may be done with perfect safety is equally the duty of their representatives. In this instance we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add that however gratifying it may be to me regarding the prosperous and happy condition of our country to recommend the repeal of these taxes at this time, I shall nevertheless be attentive to events, and, should any future emergency occur, be not less prompt to suggest such measures and burdens as may then be requisite and proper.

James Monroe.

December 2, 1817.

SPECIAL MESSAGES.

To the Senate of the United States:

I submit to the Senate, for their consideration and advice, the following treaties entered into with several of the Indian tribes, to wit:

A treaty of peace and friendship made and concluded by William Clark, Ninian Edwards, and Auguste Choteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Menomene tribe or nation of Indians, on the 30th of March, 1817, at St. Louis.

A treaty of peace and friendship made and concluded on the 4th June, 1817, at St. Louis, by William Clark, Ninian Edwards, and Auguste Choteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Ottoes tribe of Indians.

A treaty of peace and friendship made and concluded on the 5th June, 1817, at St. Louis, by William Clark, Ninian Edwards, and Auguste Choteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Poncarar tribe of Indians.

A treaty concluded at the Cherokee Agency on the 8th of July, 1817, between Major-General Andrew Jackson, Joseph McMinn, governor of the State of Tennessee, and General David Meriwether, commissioners of the United States of America, of the one part, and the chiefs, headmen, and warriors of the Cherokee Nation east of the Mississippi River and the chiefs, headmen, and warriors of the Cherokees on the Arkansas River, and their deputies, John D. Chisholm and James Rogers.

Page 20

A treaty concluded on the 29th day of September, 1817, at the foot of the Rapids of the Miami of Lake Erie, between Lewis Cass and Duncan McArthur, commissioners of the United States, and the sachems, chiefs, and warriors of the Wyandot, Seneca, Delaware, Shawnese, Potawatamies, Ottawas, and Chippewa tribes of Indians.

The Wyandots and other tribes parties to the treaty lately concluded with them have, by a deputation to this city, requested permission to retain possession of such lands as they actually cultivate and reside on, for the ensuing year. They have also expressed a desire that the reservations made in their favor should be enlarged, representing that they had entered into the treaty in full confidence that that would be done, preferring a reliance on the justice of the United States for such extension rather than that the treaty should fail.

The Wyandots claim an extension of their reservation to 16 miles square, and the other tribes in a proportional degree. Sufficient information is not now in the possession of the Executive to enable it to decide how far it may be proper to comply with the wishes of these tribes in the extent desired. The necessary information may be obtained in the course of the next year, and if they are permitted to remain in the possession of the lands they cultivate during that time such further extension of their reservations may be made by law at the next session as justice and a liberal policy toward these people may require. It is submitted to the consideration of the Senate whether it may not be proper to annex to their advice and consent for the ratification of the treaty a declaration providing for the above objects.

James Monroe.

December 11, 1817.

Washington, *December 15, 1817*.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 8th of this month, I transmit, for the information of the House, a report from the Secretary of State, with the documents referred to in it, containing all the information in the possession of the Executive which it is proper to disclose, relative to certain persons who lately took possession of Amelia Island and Galvezton.

James Monroe.

DECEMBER 18, 1817.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th of this month, I transmit, for the information of the Senate, a report from the Secretary of the Treasury, relating to the progress made in surveying the several tracts of military bounty lands appropriated by Congress for the late army of the United States, and the time at which such survey will probably be completed.

James Monroe.

DECEMBER 22, 1817.

Page 21

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 11th of this month, requesting to be informed of the present strength of the Army of the United States, its distribution among the several military posts which it is designed to protect, and its competency to preserve and defend the fortifications amongst which it is distributed, and to aid in constructing such other military works, if any, as it may be deemed proper to erect for the more effectual security of the United States and of the Territories thereof, I now transmit a report from the Secretary of War which contains the information desired.

James Monroe.

DECEMBER 29, 1817.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th of this month, requesting information touching the execution of so much of the first article of the treaty of Ghent as relates to the restitution of slaves, which has not heretofore been communicated, I now transmit a report of the Secretary of State on that subject.

James Monroe.

DECEMBER 29, 1817.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th of this month, requesting to be informed whether any, and which, of the Representatives in a list thereto annexed have held offices since the 4th of March last, designating the offices, the times of appointment and acceptance, and whether they were at that time so held or when they had been resigned, I now transmit a report from the Secretary of State which contains the information desired.

JAMES MONROE.

WASHINGTON, *January 12, 1818*.

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

The claim of the representatives of the late Caron de Beaumarchais having been recommended to the favorable consideration of the Legislature by my predecessor in

his message to Congress of the 31st of January last, and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it received by the Secretary of State from the minister of France, and of a correspondence on the subject between the minister of the United States at Paris and the Duke of Richelieu, inclosed with that representation.

JAMES MONROE.

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

I have the satisfaction to inform Congress that the establishment at Amelia Island has been suppressed, and without the effusion of blood. The papers which explain this transaction I now lay before Congress.

By the suppression of this establishment and of that at Galveztown, which will soon follow; if it has not already ceased to exist, there is good cause to believe that the consummation of a project fraught with much injury to the United States has been prevented.

Page 22

When we consider the persons engaged in it, being adventurers from different countries, with very few, if any, of the native inhabitants of the Spanish colonies; the territory on which the establishments were made—one on a portion of that claimed by the United States westward of the Mississippi, the other on a part of East Florida, a Province in negotiation between the United States and Spain; the claim of their leader as announced by his proclamation on taking possession of Amelia Island, comprising the whole of both the Floridas, without excepting that part of West Florida which is incorporated into the State of Louisiana; their conduct while in the possession of the island making it instrumental to every species of contraband, and, in regard to slaves, of the most odious and dangerous character, it may fairly be concluded that if the enterprise had succeeded on the scale on which it was formed much annoyance and injury would have resulted from it to the United States.

Other circumstances were thought to be no less deserving of attention. The institution of a government by foreign adventurers in the island, distinct from the colonial governments of Buenos Ayres, Venezuela, or Mexico, pretending to sovereignty and exercising its highest offices, particularly in granting commissions to privateers, were acts which could not fail to draw after them the most serious consequences. It was the duty of the Executive either to extend to this establishment all the advantages of that neutrality which the United States had proclaimed, and have observed in favor of the colonies of Spain who, by the strength of their own population and resources, had declared their independence and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances required.

Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended Government in regard to the United States, but have countenanced a system of privateering in the Gulf of Mexico and elsewhere the ill effects of which might, and probably would, have been deeply and very extensively felt.

The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case from the moment that the proclamation of the chief of the enterprise was seen, and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimation having been received of the dangerous purposes of these adventurers, timely precautions were taken by the establishment of a force near the St. Marys to prevent their effect, or it is probable that it would have been more sensibly felt.

Page 23

To such establishments, made so near to our settlements in the expectation of deriving aid from them, it is particularly gratifying to find that very little encouragement was given. The example so conspicuously displayed by our fellow-citizens that their sympathies can not be perverted to improper purposes, but that a love of country, the influence of moral principles, and a respect for the laws are predominant with them, is a sure pledge that all the very flattering anticipations which have been formed of the success of our institutions will be realized. This example has proved that if our relations with foreign powers are to be changed it must be done by the constituted authorities, who alone, acting on a high responsibility, are competent to the purpose, and until such change is thus made that our fellow-citizens will respect the existing relations by a faithful adherence to the laws which secure them.

Believing that this enterprise, though undertaken by persons some of whom may have held commissions from some of the colonies, was unauthorized by and unknown to the colonial governments, full confidence is entertained that it will be disclaimed by them, and that effectual measures will be taken to prevent the abuse of their authority in all cases to the injury of the United States.

For these injuries, especially those proceeding from Amelia Island, Spain would be responsible if it was not manifest that, though committed in the latter instance through her territory, she was utterly unable to prevent them. Her territory, however, ought not to be made instrumental, through her inability to defend it, to purposes so injurious to the United States. To a country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her neighbors, her jurisdiction for the time necessarily ceases to exist. The territory of Spain will nevertheless be respected so far as it may be done consistently with the essential interests and safety of the United States. In expelling these adventurers from these posts it was not intended to make any conquest from Spain or to injure in any degree the cause of the colonies. Care will be taken that no part of the territory contemplated by the law of 1811 shall be occupied by a foreign government of any kind, or that injuries of the nature of those complained of shall be repeated; but this, it is expected, will be provided for with every other interest in a spirit of amity in the negotiation now depending with the Government of Spain.

JAMES MONROE.

JANUARY 13, 1818.

WASHINGTON, *January 23, 1818*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th of December last, requesting information of what roads have been made or are in progress under the

authority of the Executive of the United States, the States and Territories through which they pass or are intended to pass, the periods when they were ordered to be made, and how far they have been executed, I now communicate a report from the Secretary of the Treasury, and likewise a report from the Secretary of War, containing the information which is desired.

Page 24

JAMES MONROE.

WASHINGTON, *January 28, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 22d of this month, requesting to be informed “in what manner the troops in the service of the United States now operating against the Seminole tribe of Indians have been subsisted, whether by contract or otherwise, and whether they have been furnished regularly with rations,” I now transmit a report from the Secretary of War containing the information required.

JAMES MONROE.

WASHINGTON, *January 29, 1818*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of December last, requesting information relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, I now transmit to the House a report from the Secretary of State containing the information required.

JAMES MONROE.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th of last month, requesting me to cause to be laid before it the proceedings which may have been had under an act entitled “An act for the gradual increase of the Navy of the United States,” specifying the number of ships put on the stocks and of what class; the quantity of materials procured for shipbuilding, and also the sums of money which may have been paid out of the fund created by said act, and for what objects; and likewise the contracts which may have been entered into in execution of the act aforesaid on which moneys may not yet have been advanced, I now transmit a report of the Secretary of the Navy, accompanied by a report from the Board of Commissioners of the Navy, with documents which contain the information desired.

JAMES MONROE.

FEBRUARY 2, 1818.

WASHINGTON, *February 6, 1818*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, in compliance with the resolution of said House requesting information respecting the ratification of the thirteenth article of the amendments to the Constitution of the United States.

JAMES MONROE.

WASHINGTON, *February 10, 1818*.

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

As the house appropriated for the President of the United States will be finished this year, it is thought to merit the attention of the Congress in what manner it should be furnished and what measures ought to be adopted for the safe-keeping of the furniture in future. All the public furniture provided before 1814 having been destroyed with the public buildings in that year, and little afterwards procured, owing to the inadequacy of the appropriation, it has become necessary to provide

Page 25

almost every article requisite for such an establishment, whence the sum to be expended will be much greater than at any former period. The furniture in its kind and extent is thought to be an object not less deserving attention than the building for which it is intended. Both being national objects, each seems to have an equal claim to legislative sanction. The disbursement of the public money, too, ought, it is presumed, to be in like manner provided for by law. The person who may happen to be placed by the suffrage of his fellow-citizens in the high trust, having no personal interest in these concerns, should be exempted from undue responsibility respecting them.

For a building so extensive, intended for a purpose exclusively national, in which in the furniture provided for it a mingled regard is due to the simplicity and purity of our institutions and to the character of the people who are represented in it, the sum already appropriated has proved altogether inadequate, The present is therefore a proper time for Congress to take the subject into consideration, with a view to all the objects claiming attention, and to regulate it by law. On a knowledge of the furniture procured and the sum expended for it a just estimate may be formed regarding the extent of the building of what will still be wanting to furnish the house. Many of the articles, being of a durable nature, may be handed down through a long series of service, and being of great value, such as plate, ought not to be left altogether and at all times to the care of servants alone. It seems to be advisable that a public agent Should be charged with it during the occasional absences of the President, and have authority to transfer it from one President to another, and likewise to make reports of occasional deficiencies, as the basis on which further provision should be made.

It may also merit consideration whether it may not be proper to commit the care of the public buildings, particularly the President’s house and the Capitol, with the grounds belonging to them, including likewise the furniture of the latter, in a more special manner to a public agent. Hitherto the charge of this valuable property seems to have been connected with the structure of the buildings and committed to those employed in it. This guard will necessarily cease when the buildings are finished, at which time the interest in them will be proportionably augmented. It is presumed that this trust is, in a certain degree at least, incidental to the other duties of the superintendent of the public buildings, but it may merit consideration whether it will not be proper to charge him with it more explicitly, and to give him authority to employ one or more persons under him for these purposes.

JAMES MONROE.

WASHINGTON, *February 12, 1818*.

To the Senate and House of Representatives:

I lay before the House of Representatives copies of two communications received at the Department of State from the minister of Great Britain, and submit to their consideration the propriety of making such legislative provisions as may be necessary for a compliance with the representations contained in them.

Page 26

By the express terms of that compact it was, when ratified by the two Governments, to be in force for the term of four years *from the day of its signature*. The revocation of all the discriminating duties became, therefore, the obligation of both Governments *from that day*, and it is conceived that every individual who has been required to pay, and who has paid, any of the extra duties revoked by the convention has a just and lawful claim upon the respective Governments for its return. From various accidents it has happened that both here and in Great Britain the cessation of the extra duties has been fixed to commence at different times. It is desirable that Congress should pass an act providing for the return of *all* the extra duties *incompatible with the terms of the convention* which have been levied upon British vessels or merchandise after the 3d of July, 1815. The British Parliament have already set the example of fixing that day for the cessation of the extra duties of export by their act of 30th of June last, and the minister of the United States in London is instructed to require the extension of the same principle to *all* the extra duties levied on vessels and merchandise of the United States in the ports of Great Britain since that day. It is not doubted that the British Government will comply with this requisition, and that the act suggested may be passed by Congress with full confidence that the reciprocal measure will receive the sanction of the British Parliament.

JAMES MONROE.

WASHINGTON, *February 23, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate requesting me to cause to be laid before them a statement of all the arms and accouterments which have been manufactured at the different armories of the United States, with the cost of each stand, and the number delivered to each State, respectively, under the act for arming the whole body of militia, I now transmit a report from the Secretary of War, with the documents marked A, B, and C, which, together with a report to him from the Ordnance Department, contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of January, 1818, requesting information of measures which have been taken in pursuance of so much of the act to authorize the appointment of a surveyor for lands in the northern part of the Mississippi Territory, passed the 3d of March, 1817, as relates to the reservation of certain sections for the purpose of laying out and establishing towns thereon, I now transmit a report

from the Secretary of the Treasury, which, with the letters and charts referred to in it, contains all the information which is desired.

JAMES MONROE.

WASHINGTON, *February 25, 1818*.

Page 27

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

The commissioners of the two Governments, under the fourth article of the treaty of Ghent, having come to a decision upon the questions submitted to them, I lay before Congress copies of that decision, together with copies of the declaration signed and reported by the commissioners of this Government.

JAMES MONROE.

FEBRUARY 27, 1818.

To the House of Representatives of the United States:

I communicate herewith to the House of Representatives a copy of a letter from the governor of the State of South Carolina to the Secretary of State, together with extracts from the journals of proceedings in both branches of the legislature of that Commonwealth, relative to a proposed amendment of the Constitution, which letter and extracts are connected with the subject of my communication to the House of the 6th instant.

JAMES MONROE.

WASHINGTON, *February 28, 1818*.

To the House of Representatives of the United States:

I lay before the House a report from the Secretary of State, together with the papers relating to the claims of merchants of the United States upon the Government of Naples, in conformity with the resolution of the House of the 30th January last.

JAMES MONROE.

WASHINGTON, *March 11, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate requesting information respecting the requisitions that were made on the contractors between the 1st of June and the 24th of December, 1817, for deposits of provisions in advance at the several posts on the frontiers of Georgia and the adjoining territory, their conduct in compliance therewith, the amount of money advanced to B. G. Orr, and the extent of his failure, with a copy of the articles of contract entered into with him, I now lay before the Senate a report from the Secretary of War, which, with the documents accompanying it, will afford the information desired.

JAMES MONROE.

WASHINGTON, *March 14, 1818*.

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

In compliance with a resolution of the Senate of the 16th of December and of the House of Representatives of the 24th of February last, I lay before Congress a report of the Secretary of State, and the papers referred to in it, respecting the negotiation with the Government of Spain. To explain fully the nature of the differences between the United States and Spain and the conduct of the parties it has been found necessary to go back to an early epoch. The recent correspondence, with the documents accompanying it, will give a full view of the whole subject, and place the conduct of the United States in every stage and under every circumstance, for justice, moderation, and a firm adherence to their rights, on the high and honorable ground which it has invariably sustained.

Page 28

JAMES MONROE.

WASHINGTON, *March 16, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the United States of the 31st of December last, requesting the President to cause to be laid before them a statement of the proceedings which may have been had under the act of Congress passed on the 3d March, 1817, entitled “An act to set apart and dispose of certain public lands for the encouragement and cultivation of the vine and olive,” I now transmit a report from the Secretary of the Treasury, containing all the information possessed by the Executive relating to the proceedings under the said act.

JAMES MONROE.

WASHINGTON, *March 16, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the United States of the 3d of February last, requesting the President to cause to be laid before them “a statement of the progress made under the act to provide for surveying the coast of the United States, passed February 10, 1807, and any subsequent acts on the same subject, and the expenses incurred thereby,” I transmit a report from the Secretary of the Treasury containing the information required.

JAMES MONROE.

MARCH 19, 1818.

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

In the course of the last summer a negotiation was commenced with the Government of the Netherlands with a view to the revival and modification of the commercial treaty existing between the two countries, adapted to their present circumstances.

The report from the Secretary of State which I now lay before Congress will show the obstacles which arose in the progress of the conferences between the respective plenipotentiaries, and which resulted in the agreement between them then to refer the subject to the consideration of their respective Governments. As the difficulties appear to be of a nature which may, perhaps, for the present be more easily removed by reciprocal legislative regulations, formed in the spirit of amity and conciliation, than by conventional stipulations, Congress may think it advisable to leave the subsisting treaty

in its present state, and to meet the liberal exemption from discriminating tonnage duties which has been conceded in the Netherlands to the vessels of the United States by a similar exemption to the vessels of the Netherlands which have arrived, or may hereafter arrive, in our ports, commencing from the time when the exemption was granted to the vessels of the United States. I would further recommend to the consideration of Congress the expediency of extending the benefit of the same regulation, to commence from the passage of the law, to the vessels of Russia, Hamburg, and Bremen, and of making it prospectively general in favor of every nation in whose ports the vessels of the United States are admitted on the same footing as their own.

Page 29

JAMES MONROE.

WASHINGTON, *March 23, 1818*.

To the Senate of the United States:

I lay before the Senate a report from the Secretary of the Navy, with the estimate of the expense which will be incurred by the establishment of two dockyards for repairing vessels of the largest size.

JAMES MONROE.

WASHINGTON, *March 25, 1818*.

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

I now lay before Congress all the information in the possession of the Executive respecting the war with the Seminoles, and the measures which it has been thought proper to adopt for the safety of our fellow-citizens on the frontier exposed to their ravages. The inclosed documents show that the hostilities of this tribe were unprovoked, the offspring of a spirit long cherished and often manifested toward the United States, and that in the present instance it was extending itself to other tribes and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived the major-general commanding the Southern division of the troops of the United States was ordered to the theater of action, charged with the management of the war and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these savages in case of retreat, may prevent a prompt termination of the war; but it may be fairly presumed that it will not be long before this tribe and its associates receive the punishment which they have provoked and justly merited.

As almost the whole of this tribe inhabits the country within the limits of Florida, Spain was bound by the treaty of 1795 to restrain them from committing hostilities against the United States. We have seen with regret that her Government has altogether failed to fulfill this obligation, nor are we aware that it made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this tribe by her very small and incompetent force in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain to maintain her authority over the territory and Indians within her limits, and in consequence to fulfill the treaty, ought not to expose the United States to other and greater injuries. When the authority of Spain ceases to exist there, the United States have a right to pursue their enemy on a principle of self-defense. In this instance the right is more complete and obvious because we shall perform only what Spain was bound to have performed herself. To

the high obligations and privileges of this great and sacred right of self-defense will the movement of our troops be strictly confined. Orders have been given to the general in command not to enter Florida unless it be in pursuit of the enemy, and in that case to respect the Spanish authority wherever it is maintained; and he will be instructed to withdraw his forces from the Province as soon as he shall have reduced that tribe to order, and secure our fellow-citizens in that quarter by satisfactory arrangements against its unprovoked and savage hostilities in future.

Page 30

JAMES MONROE.

WASHINGTON, *March 25, 1818*.

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 5th of December last, I now transmit a report of the Secretary of State, with a copy of the documents which it is thought proper to communicate relating to the independence and political condition of the Provinces of Spanish America,

JAMES MONROE.

WASHINGTON, *March 26, 1818*.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in compliance with their resolution of March 20, such information not heretofore communicated as is in the possession of the Executive relating to the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the persons who authorized and of those who were engaged in the invasion and previous occupancy of that island, of the unfriendly spirit toward the United States with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromit them with foreign powers in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears by the letter of Mr. Pazos, agent of Commodore Aury, that the project of seizing the Floridas was formed and executed at a time when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding in every stage and circumstance was unlawful. The commission to General M'Gregor was granted at Philadelphia in direct violation of a positive law, and all the measures pursued under it by him in collecting his force and directing its movements were equally unlawful. With the conduct of these persons I have always been unwilling to connect any of the colonial governments, because I never could believe that they had given their sanction either to the project in its origin or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROE.

WASHINGTON, *March 28, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate relative to the pensioners of the United States, the sum annually paid to each, and the States or Territories in which said pensioners are respectively paid, I now transmit a report from the Secretary of War, which, with documents marked A and B, contains all the information required.

JAMES MONROE.

APRIL 6, 1818.

To the Senate of the United States:

Page 31

An arrangement having been made and concluded between this Government and that of Great Britain with respect to the naval armament of the two Governments, respectively, on the Lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties. I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the Constitution, or is such an one as requires the advice and consent of the Senate, and, in the latter case, for their advice and consent should it be approved.

JAMES MONROE.

WASHINGTON, *April 9, 1818*.

To the Senate of the United States:

In compliance with the resolution of the Senate requesting me to cause to be laid before them a list of the names of the several agents of Indian affairs and of agents of Indian trading houses, with the pay and emolument of the agents, respectively, I now transmit a report from the Secretary of War, which contains the information required.

JAMES MONROE.

APRIL 10, 1818.

To the Senate of the United States:

In compliance with a resolution of the Senate respecting the supplies of the Northwestern army, within certain periods therein specified, by contractors, commissaries, and agents, and the expense thereby incurred, I now transmit to them a report from the Secretary of War, which, with the documents accompanying it, will afford the information required.

JAMES MONROE.

WASHINGTON, *April 15, 1818*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 10th instant, relative to the capture and imprisonment of certain persons, citizens of the United States, therein specifically mentioned, I now transmit a report from the Secretary of State, which, with the documents accompanying it, embraces the objects contemplated by the said resolution.

JAMES MONROE.

WASHINGTON, *April 20, 1818*.

To the Senate of the United States:

I transmit to the Senate a copy of the rules, regulations, and instructions for the naval service of the United States, prepared by the Board of Navy Commissioners in obedience to an act of Congress passed 7th of February, 1815, entitled “An act to alter and amend the several acts for establishing a Navy Department by adding thereto a Board of Commissioners.”

JAMES MONROE.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Page 32

Whereas by an act of the lieutenant-governor, council, and assembly of His Britannic Majesty's Province of Nova Scotia, passed in the year 1816, it was, among other things, enacted that from and after the 1st day of May of that year "no plaster of paris, otherwise called gypsum, which should be laden or put on board any ship or vessel at any port or place within the limits of the said Province to be transported from thence to any other port or place within or without the said limits should, directly or indirectly, be unladen or landed or put on shore at any port or place in the United States of America eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American ship, vessel, boat, or shallop of any description at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such ship or vessel from which any such plaster of paris, or gypsum, should be unladen contrary to the provision of the said act, together with her boats, tackle, apparel, and furniture, to be seized and prosecuted in the manner thereinafter mentioned;" and

Whereas by an act of the Congress of the United States passed on the 3d day of March, 1817, it was enacted that from and after the 4th day of July then next no plaster of paris the production of any country or its dependencies from which the vessels of the United States were not permitted to bring the same article should be imported into the United States in any foreign vessel, and that all plaster of paris imported or attempted to be imported into the United States contrary to the true intent and meaning of the said act of Congress, and the vessel in which the same might be imported or attempted to be imported, together with the cargo, tackle, apparel, and furniture, should be forfeited to the United States and liable to be seized, prosecuted, and condemned in the manner therein prescribed; and

Whereas by the said act of Congress it was further enacted that the same should continue and be in force five years from January 31, 1817; provided, nevertheless, that if any foreign nation or its dependencies which at the time of the passage of the said act of Congress had in force regulations on the subject of the trade in plaster of paris prohibiting the exportation thereof to certain ports of the United States should discontinue such regulations, the President of the United States was thereby authorized to declare that fact by his proclamation, and the restrictions imposed by the said act of Congress should from the date of such proclamation cease and be discontinued in relation to the nation or its dependencies discontinuing such regulations; and

Whereas an act of the lieutenant-governor, council, and assembly of His Britannic Majesty's Province of Nova Scotia, repealing the above-mentioned act of the said Province, passed in the year 1816, has been officially communicated by his said Majesty's envoy extraordinary and minister plenipotentiary to this Government; and

Page 33

Whereas by the said repealing act of the said Province of Nova Scotia, one of the dependencies of the United Kingdom of Great Britain and Ireland, the regulations at the time of the passage of the said act of Congress in force in the said Province on the subject of the trade in plaster of paris, prohibiting the exportation thereof to certain ports of the United States, have been and are discontinued:

Now, therefore, I, James Monroe, President of the United States of America, do by this my proclamation declare that fact, and that the restrictions imposed by the said act of Congress do from the date hereof cease and are discontinued in relation to His Britannic Majesty's said Province of Nova Scotia.

Given under my hand, at the city of Washington, this 23d day of April, A. D. 1818, and in the forty-second year of the Independence of the United States.

JAMES MONROE.

By the President:
John Quincy Adams
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an arrangement was entered into at the city of Washington in the month of April, A.D. 1817, between Richard Rush, esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

> The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is—
>
> On Lake Ontario, to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.
>
> On the upper lakes, to two vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burden and armed with like force.

All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

If either party should hereafter be-desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

And whereas the Senate of the United States have approved of the said arrangement and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Page 34

Now, therefore, I, James Monroe, President of the United States, do by this my proclamation make known and declare that the arrangement aforesaid and every stipulation thereof has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this 28th day of April, A.D. 1818, and of the Independence of the United States the forty-second.

JAMES MONROE.

By the President:
John Quincy Adams,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it appears by a proclamation of the lieutenant-governor of His Britannic Majesty's Province of New Brunswick bearing date the 10th day of April last, and officially communicated by his envoy extraordinary and minister plenipotentiary residing in the United States to this Government, that the regulations on the subject of the trade in plaster of paris, prohibiting the exportation thereof to certain ports of the United States, which were in force in the said Province at the time of the enactment of the act of the Congress of the United States entitled "An act to regulate the trade in plaster of paris," passed on the 3d day of March, 1817, have been and are discontinued:

Now, therefore, I, James Monroe, President of the United States, do hereby declare that fact, and that the restrictions imposed by the said act of Congress shall from the date hereof cease and be discontinued in relation to the said Province of New Brunswick.

Given under my hand, at the city of Washington, this 4th day of July, A.D. 1818, and in the forty-third year of the Independence of the United States.

JAMES MONROE.

By the President:
John Quincy Adams,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me from the burgo-masters and senators of the free and Hanseatic city of Bremen that from and after the 12th day of May, 1815, all discriminating or countervailing duties of the said city so far as they operated to the disadvantage of the United States have been and are abolished:

Page 35

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Bremen and vessels of the United States and between goods imported into the United States in vessels of Bremen and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said free Hanseatic city of Bremen.

Given under my hand, at the city of Washington, this 24th day of July, A.D. 1818, and the forty-third year of the Independence of the United States.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me from the burgo-masters and senators of the free and Hanseatic city of Hamburg that from and after the 13th day of November, 1815, all discriminating and countervailing duties of the said city so far as they operated to the disadvantage of the United States have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the free and

Hanseatic city of Hamburg and vessels of the United States and between goods imported into the United States in vessels of Hamburg and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said free Hanseatic city of Hamburg.

Given under my hand, at the city of Washington, this 1st day of August, A.D. 1818, and the forty-third year of the Independence of the United States.

Page 36

JAMES MONROE.

By the President:
John Quincy Adams,
Secretary of State.

SECOND ANNUAL MESSAGE.

NOVEMBER 16, 1818.

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

The auspicious circumstances under which you will commence the duties of the present session will lighten the burdens inseparable from the high trust committed to you. The fruits of the earth have been unusually abundant, commerce has flourished, the revenue has exceeded the most favorable anticipation, and peace and amity are preserved with foreign nations on conditions just and honorable to our country. For these inestimable blessings we can not but be grateful to that Providence which watches over the destiny of nations.

As the term limited for the operation of the commercial convention with Great Britain will expire early in the month of July next, and it was deemed important that there should be no interval during which that portion of our commerce which was provided for by that convention should not be regulated, either by arrangement between the two Governments or by the authority of Congress, the minister of the United States at London was instructed early in the last summer to invite the attention of the British Government to the subject, with a view to that object. He was instructed to propose also that the negotiation which it was wished to open might extend to the general commerce of the two countries, and to every other interest and unsettled difference between them, particularly those relating to impressment, the fisheries, and boundaries, in the hope that an arrangement might be made on principles of reciprocal advantage which might comprehend and provide in a satisfactory manner for all these high concerns. I have the satisfaction to state that the proposal was received by the British Government in the spirit which prompted it, and that a negotiation has been opened at London embracing all these objects. On full consideration of the great extent and magnitude of the trust it was thought proper to commit it to not less than two of our distinguished citizens, and in consequence the envoy extraordinary and minister plenipotentiary of the United States at Paris has been associated with our envoy extraordinary and minister plenipotentiary at London, to both of whom corresponding instructions have been given, and they are now engaged in the discharge of its duties. It is proper to add that to prevent any inconvenience resulting from the delay incident to a negotiation on so many important subjects it was agreed before entering on it that the existing convention should be continued for a term not less than eight years.

Page 37

Our relations with Spain remain nearly in the state in which they were at the close of the last session. The convention of 1802, providing for the adjustment of a certain portion of the claims of our citizens for injuries sustained by spoliation, and so long suspended by the Spanish Government, has at length been ratified by it, but no arrangement has yet been made for the payment of another portion of like claims, not less extensive or well founded, or for other classes of claims, or for the settlement of boundaries. These subjects have again been brought under consideration in both countries, but no agreement has been entered into respecting them. In the meantime events have occurred which clearly prove the ill effect of the policy which that Government has so long pursued on the friendly relations of the two countries, which it is presumed is at least of as much importance to Spain as to the United States to maintain. A state of things has existed in the Floridas the tendency of which has been obvious to all who have paid the slightest attention to the progress of affairs in that quarter. Throughout the whole of those Provinces to which the Spanish title extends the Government of Spain has scarcely been felt. Its authority has been confined almost exclusively to the walls of Pensacola and St. Augustine, within which only small garrisons have been maintained. Adventurers from every country, fugitives from justice, and absconding slaves have found an asylum there. Several tribes of Indians, strong in the number of their warriors, remarkable for their ferocity, and whose settlements extend to our limits, inhabit those Provinces. These different hordes of people, connected together, disregarding on the one side the authority of Spain, and protected on the other by an imaginary line which separates Florida from the United States, have violated our laws prohibiting the introduction of slaves, have practiced various frauds on our revenue, and committed every kind of outrage on our peaceable citizens which their proximity to us enabled them to perpetrate. The invasion of Amelia Island last year by a small band of adventurers, not exceeding 150 in number, who wrested it from the inconsiderable Spanish force stationed there, and held it several months, during which a single feeble effort only was made to recover it, which failed, clearly proves how completely extinct the Spanish authority had become, as the conduct of those adventurers while in possession of the island as distinctly shows the pernicious purposes for which their combination had been formed.

This country had, in fact, become the theater of every species of lawless adventure. With little population of its own, the Spanish authority almost extinct, and the colonial governments in a state of revolution, having no pretension to it, and sufficiently employed in their own concerns, it was in a great measure derelict, and the object of cupidity to every adventurer. A system of buccaneering was rapidly organizing over

Page 38

it which menaced in its consequences the lawful commerce of every nation, and particularly of the United States, while it presented a temptation to every people, on whose seduction its success principally depended. In regard to the United States, the pernicious effect of this unlawful combination was not confined to the ocean; the Indian tribes have constituted the effective force in Florida. With these tribes these adventurers had formed at an early period a connection with a view to avail themselves of that force to promote their own projects of accumulation and aggrandizement. It is to the interference of some of these adventurers, in misrepresenting the claims and titles of the Indians to land and in practicing on their savage propensities, that the Seminole war is principally to be traced. Men who thus connect themselves with savage communities and stimulate them to war, which is always attended on their part with acts of barbarity the most shocking, deserve to be viewed in a worse light than the savages. They would certainly have no claim to an immunity from the punishment which, according to the rules of warfare practiced by the savages, might justly be inflicted on the savages themselves.

If the embarrassments of Spain prevented her from making an indemnity to our citizens for so long a time from her treasury for their losses by spoliation and otherwise, it was always in her power to have provided it by the cession of this territory. Of this her Government has been repeatedly apprised, and the cession was the more to have been anticipated as Spain must have known that in ceding it she would in effect cede what had become of little value to her, and would likewise relieve herself from the important obligation secured by the treaty of 1795 and all other compromitments respecting it. If the United States, from consideration of these embarrassments, declined pressing their claims in a spirit of hostility, the motive ought at least to have been duly appreciated by the Government of Spain. It is well known to her Government that other powers have made to the United States an indemnity for like losses sustained by their citizens at the same epoch.

There is nevertheless a limit beyond which this spirit of amity and forbearance can in no instance be justified. If it was proper to rely on amicable negotiation for an indemnity for losses, it would not have been so to have permitted the inability of Spain to fulfill her engagements and to sustain her authority in the Floridas to be perverted by foreign adventurers and savages to purposes so destructive to the lives of our fellow-citizens and the highest interests of the United States. The right of self-defense never ceases. It is among the most sacred, and alike necessary to nations and to individuals, and whether the attack be made by Spain herself or by those who abuse her power, its obligation is not the less strong. The invaders of Amelia Island had assumed a popular

Page 39

and respected title under which they might approach and wound us. As their object was distinctly seen, and the duty imposed on the Executive by an existing law was profoundly felt, that mask was not permitted to protect them. It was thought incumbent on the United States to suppress the establishment, and it was accordingly done. The combination in Florida for the unlawful purposes stated, the acts perpetrated by that combination, and, above all, the incitement of the Indians to massacre our fellow-citizens of every age and of both sexes, merited a like treatment and received it. In pursuing these savages to an imaginary line in the woods it would have been the height of folly to have suffered that line to protect them. Had that been done the war could never cease. Even if the territory had been exclusively that of Spain and her power complete over it, we had a right by the law of nations to follow the enemy on it and to subdue him there. But the territory belonged, in a certain sense at least, to the savage enemy who inhabited it; the power of Spain had ceased to exist over it, and protection was sought under her title by those who had committed on our citizens hostilities which she was bound by treaty to have prevented, but had not the power to prevent. To have stopped at that line would have given new encouragement to these savages and new vigor to the whole combination existing there in the prosecution of all its pernicious purposes.

In suppressing the establishment at Amelia Island no unfriendliness was manifested toward Spain, because the post was taken from a force which had wrested it from her. The measure, it is true, was not adopted in concert with the Spanish Government or those in authority under it, because in transactions connected with the war in which Spain and the colonies are engaged it was thought proper in doing justice to the United States to maintain a strict impartiality toward both the belligerent parties without consulting or acting in concert with either. It gives me pleasure to state that the Governments of Buenos Ayres and Venezuela, whose names were assumed, have explicitly disclaimed all participation in those measures, and even the knowledge of them until communicated by this Government, and have also expressed their satisfaction that a course of proceedings had been suppressed which if justly imputable to them would dishonor their cause.

In authorizing Major-General Jackson to enter Florida in pursuit of the Seminoles care was taken not to encroach on the rights of Spain. I regret to have to add that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked which evinced their participation in the hostile purposes of that combination and justified the confidence with which it inspired the savages that by those officers they would be protected.

Page 40

A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated and of the protection on which they had relied in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major-General Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the Government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their Government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there to deliver the posts—Pensacola unconditionally to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola to terminate it by proving to the savages and their associates that they should not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those relations were preserved. To a change of them the power of the Executive is deemed incompetent; it is vested in Congress only.

By this measure, so promptly taken, due respect was shown to the Government of Spain. The misconduct of her officers has not been imputed to her. She was enabled to review with candor her relations with the United States and her own situation, particularly in respect to the territory in question, with the dangers inseparable from it, and regarding the losses we have sustained for which indemnity has been so long withheld, and the injuries we have suffered through that territory, and her means of redress, she was likewise enabled to take with honor the course best calculated to do justice to the United States and to promote her own welfare.

Copies of the instructions to the commanding general, of his correspondence with the Secretary of War, explaining his motives and justifying his conduct, with a copy of the proceedings of the courts-martial in the trial of Arbuthnot and Ambristie, and of the correspondence between the Secretary of State and the minister plenipotentiary of

Spain near this Government, and of the minister plenipotentiary of the United States at Madrid with the Government of Spain, will be laid before Congress.

Page 41

The civil war which has so long prevailed between Spain and the Provinces in South America still continues, without any prospect of its speedy termination. The information respecting the condition of those countries which has been collected by the commissioners recently returned from thence will be laid before Congress in copies of their reports, with such other information as has been received from other agents of the United States.

It appears from these communications that the Government at Buenos Ayres declared itself independent in July, 1816, having previously exercised the power of an independent government, though in the name of the King of Spain, from the year 1810; that the Banda Oriental, Entre Rios, and Paraguay, with the city of Santa Fee, all of which are also independent, are unconnected with the present Government of Buenos Ayres; that Chili has declared itself independent and is closely connected with Buenos Ayres; that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Monte Video and such other portions of the eastern bank of the La Plata as are held by Portugal, are still in the possession of Spain or in a certain degree under her influence.

By a circular note addressed by the ministers of Spain to the allied powers, with whom they are respectively accredited, it appears that the allies have undertaken to mediate between Spain and the South American Provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceeding observed by the allied powers in regard to this contest it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied with the greater satisfaction because it is a course more consistent with justice and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States in regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs.

I have great satisfaction in stating that our relations with France, Russia, and other powers continue on the most friendly basis.

In our domestic concerns we have ample cause of satisfaction. The receipts into the Treasury during the three first quarters of the year have exceeded $17,000,000.

After satisfying all the demands which have been made under existing appropriations, including the final extinction of the old 6 per cent stock and the redemption of a moiety

of the Louisiana debt, it is estimated that there will remain in the Treasury on the 1st day of January next more than $2,000,000.

Page 42

It is ascertained that the gross revenue which has accrued from the customs during the same period amounts to $21,000,000, and that the revenue of the whole year may be estimated at not less than $26,000,000. The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year, and there is just reason to expect a progressive improvement in that source of revenue.

It is gratifying to know that although the annual expenditure has been increased by the act of the last session of Congress providing for Revolutionary pensions to an amount about equal to the proceeds of the internal duties which were then repealed, the revenue for the ensuing year will be proportionally augmented, and that whilst the public expenditure will probably remain stationary, each successive year will add to the national resources by the ordinary increase of our population and by the gradual development of our latent sources of national prosperity.

The strict execution of the revenue laws, resulting principally from the salutary provisions of the act of the 20th of April last amending the several collection laws, has, it is presumed, secured to domestic manufactures all the relief that can be derived from the duties which have been imposed upon foreign merchandise for their protection. Under the influence of this relief several branches of this important national interest have assumed greater activity, and although it is hoped that others will gradually revive and ultimately triumph over every obstacle, yet the expediency of granting further protection is submitted to your consideration.

The measures of defense authorized by existing laws have been pursued with the zeal and activity due to so important an object, and with all the dispatch practicable in so extensive and great an undertaking. The survey of our maritime and inland frontiers has been continued, and at the points where it was decided to erect fortifications the work has been commenced, and in some instances considerable progress has been made. In compliance with resolutions of the last session, the Board of Commissioners were directed to examine in a particular manner the parts of the coast therein designated and to report their opinion of the most suitable sites for two naval depots. This work is in a train of execution. The opinion of the Board on this subject, with a plan of all the works necessary to a general system of defense so far as it has been formed, will be laid before Congress in a report from the proper department as soon as it can be prepared.

Page 43

In conformity with the appropriations of the last session, treaties have been formed with the Quapaw tribe of Indians, inhabiting the country on the Arkansaw, and with the Great and Little Osages north of the White River; with the tribes in the State of Indiana; with the several tribes within the State of Ohio and the Michigan Territory, and with the Chickasaws, by which very extensive cessions of territory have been made to the United States. Negotiations are now depending with the tribes in the Illinois Territory and with the Choctaws, by which it is expected that other extensive cessions will be made. I take great interest in stating that the cessions already made, which are considered so important to the United States, have been obtained on conditions very satisfactory to the Indians.

With a view to the security of our inland frontiers, it has been thought expedient to establish strong posts at the mouth of Yellow Stone River and at the Mandan village on the Missouri, and at the mouth of St. Peters on the Mississippi, at no great distance from our northern boundaries. It can hardly be presumed while such posts are maintained in the rear of the Indian tribes that they will venture to attack our peaceable inhabitants. A strong hope is entertained that this measure will likewise be productive of much good to the tribes themselves, especially in promoting the great object of their civilization. Experience has clearly demonstrated that independent savage communities can not long exist within the limits of a civilized population. The progress of the latter has almost invariably terminated in the extinction of the former, especially of the tribes belonging to our portion of this hemisphere, among whom loftiness of sentiment and gallantry in action have been conspicuous. To civilize them, and even to prevent their extinction, it seems to be indispensable that their independence as communities should cease, and that the control of the United States over them should be complete and undisputed. The hunter state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land and to other pursuits tending to dissolve the ties which connect them together as a savage community and to give a new character to every individual. I present this subject to the consideration of Congress on the presumption that it may be found expedient and practicable to adopt some benevolent provisions, having these objects in view, relative to the tribes within our settlements.

It has been necessary during the present year to maintain a strong naval force in the Mediterranean and in the Gulf of Mexico, and to send some public ships along the southern coast and to the Pacific Ocean. By these means amicable relations with the Barbary Powers have been preserved, our commerce has been protected, and our rights respected. The augmentation of our Navy is advancing with a steady progress toward the limit contemplated by law.

Page 44

I communicate with great satisfaction the accession of another State (Illinois) to our Union, because I perceive from the proof afforded by the additions already made the regular progress and sure consummation of a policy of which history affords no example, and of which the good effect can not be too highly estimated. By extending our Government on the principles of our Constitution over the vast territory within our limits, on the Lakes and the Mississippi and its numerous streams, new life and vigor are infused into every part of our system. By increasing the number of the States the confidence of the State governments in their own security is increased and their jealousy of the National Government proportionally diminished. The impracticability of one consolidated government for this great and growing nation will be more apparent and will be universally admitted. Incapable of exercising local authority except for general purposes, the General Government will no longer be dreaded. In those cases of a local nature and for all the great purposes for which it was instituted its authority will be cherished. Each government will acquire new force and a greater freedom of action within its proper sphere. Other inestimable advantages will follow. Our produce will be augmented to an incalculable amount in articles of the greatest value for domestic use and foreign commerce. Our navigation will in like degree be increased, and as the shipping of the Atlantic States will be employed in the transportation of the vast produce of the Western country, even those parts of the United States which are most remote from each other will be further bound together by the strongest ties which mutual interest can create.

The situation of this District, it is thought, requires the attention of Congress. By the Constitution the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislate in all cases directly on the local concerns of the District. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure. The growing population, already considerable, and the increasing business of the District, which it is believed already interferes with the deliberations of Congress on great national concerns, furnish additional motives for recommending this subject to your consideration.

When we view the great blessings with which our country has been favored, those which we now enjoy, and the means which we possess of handing them down unimpaired to our latest posterity, our attention is irresistibly drawn to the source from whence they flow. Let us, then, unite in offering our most grateful acknowledgments for these blessings to the Divine Author of All Good.

Page 45

JAMES MONROE.

SPECIAL MESSAGES.

NOVEMBER 30, 1818.

To the Senate of the United States:

I lay before the Senate, for their advice and consent, the several treaties which have recently been made with the Chickasaws, the Quapaws, the Wyandot, Seneca, Delaware, Shawnese, Potawatamies, Ottawas, and Chippewas, the Peoria, Kaskaskias, Mitchigamia, Cahokia, and Tamarois, the Great and Little Osages, the Weas, Potawatamies, Delaware and Miami, the Wyandot, and the four Pawnees tribes of Indians.

By reference to the journal of the commissioners it appears that George and Levi Colbert have bargained and sold to the United States the reservations made to them by the treaty of September, 1816, and that a deed of trust of the same has been made by them to James Jackson, of Nashville. I would therefore suggest, in case the Chickasaw treaty be approved by the Senate, the propriety of providing by law for the payment of the sum stipulated to be given to them for their reservations.

JAMES MONROE.

DECEMBER 2, 1818.

To the Senate of the United States:

I transmit to the Senate copies of such of the documents referred to in the message of the 17th of last month as have been prepared since that period. They contain a copy of the reports of Mr. Rodney and Mr. Graham, two of the commissioners to South America, who returned first from the mission, and of the papers connected with those reports. They also present a full view of the operations of our troops employed in the Seminole war in Florida.

It would have been gratifying to me to have communicated with the message all the documents referred to in it, but as two of our commissioners from South America made their reports a few days only before the meeting of Congress and the third on the day of its meeting, it was impossible to transmit at that time more than one copy of the two reports first made.

The residue of the documents will be communicated as soon as they are prepared.

JAMES MONROE.

WASHINGTON, *December 2, 1818*.

To the Senate of the United States:

In compliance with a resolution of the Senate of 25th of last month, requesting to be furnished with such information as may be possessed by the Executive touching the execution of so much of the first article of the late treaty of peace and amity between His Britannic Majesty and the United States as relates to the restitution of slaves, and which has not heretofore been communicated, I lay before the Senate a report made by the Secretary of State on the 1st instant in relation to that subject.

JAMES MONROE.

DECEMBER 2, 1818.

To the House of Representatives of the United States:

Page 46

I transmit to the House of Representatives copies of such documents referred to in the message of the 17th ultimo as have been prepared since that period. They present a full view of the operations of our troops employed in the Seminole war who entered Florida.

The residue of the documents, which are very voluminous, will be transmitted as soon as they can be prepared.

JAMES MONROE.

DECEMBER 12, 1818.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 10th instant, I transmit a report of the Secretary of War, with copies of the correspondence between the governor of Georgia and Major-General Andrew Jackson on the subject of the arrest of Captain Obed Wright.

JAMES MONROE.

DECEMBER 29, 1818.

To the Senate of the United States:

I lay before the Senate, for their consideration, a convention, signed at London on the 20th of October last, between the United States and Great Britain, together with the documents showing the course and progress of the negotiation. I have to request that these documents, which are original, may be returned when the Senate shall have acted on the convention.

JAMES MONROE.

DECEMBER 31, 1818.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 24th instant, requesting me to lay before it “copies of the correspondence, if any, between the Department of War and the governor of Georgia, in answer to the letter of the latter to the former dated on the 1st of June of the present year, communicated to the House on the 12th instant; and also the correspondence, if any, between the Department of War

and General Andrew Jackson, in answer to the letter of the latter of the date 7th May, 1818, also communicated to the House on the 12th instant," I transmit a report from the Secretary of War, with a copy of an extract of a letter from Major Van De Venter, chief clerk in the Department of War, in reply to General Jackson's letter of the 7th of May, 1818.

JAMES MONROE.

DECEMBER 31, 1818.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 7th instant, requesting me to lay before it "the proceedings which have been had under the act entitled 'An act for the gradual increase of the Navy of the United States,' specifying the number of ships which have been put on the stocks, and of what class, and the quantity and kind of materials which have been procured in compliance with the provisions of said act; and also the sums of money which have

Page 47

been paid out of the fund created by the said act, and for what objects; and likewise the contracts which have been entered into in execution of said act on which moneys may not yet have been advanced," I transmit a report from the Acting Secretary of the Navy, together with a communication from the Board of Navy Commissioners, which, with the documents accompanying it, comprehends all the information required by the House of Representatives.

JAMES MONROE.

WASHINGTON, *January 4, 1819*.

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

I transmit to Congress a proclamation, dated the 22d of last month, of the convention made and concluded at Madrid between the plenipotentiaries of the United States and His Catholic Majesty on the 11th of August, 1802, the ratifications of which were not exchanged until the 21st ultimo, together with the translation of a letter from the minister of Spain to the Secretary of State.

JAMES MONROE.

JANUARY 4, 1819.

To the Senate of the United States:

I transmit to the Senate, in pursuance of their resolution of the 30th of last month, requesting to be furnished with the instructions, including that of the 28th of July, 1818, to the plenipotentiaries of the United States who negotiated the convention with His Britannic Majesty signed on the 20th day of October in the same year, copies of all these instructions, including that particularly referred to.

JAMES MONROE.

JANUARY 11, 1819.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 5th instant, requesting me "to cause to be laid before it a statement of the effective force composing the military establishment of the United States; also a statement of the different posts and garrisons at and within which troops are stationed, and the actual number of officers,

noncommissioned officers, and privates at each post and garrison, respectively; also to designate in such statement the number of artillerists and the number and caliber of ordnance at each of the said posts and garrisons," I transmit a report from the Secretary of War, which, with the documents accompanying it, contains all the information required.

JAMES MONROE.

JANUARY 29, 1819.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in compliance with their resolution of the 4th of this month, a report from the Secretary of State concerning the applications which have been made by any of the independent Governments of South America to have a minister or consul-general accredited by the Government of the United States, with the answers of this Government to the applications addressed to it.

Page 48

JAMES MONROE.

JANUARY 30, 1819.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th instant, requesting me to cause any information not already communicated to be laid before the House whether Amelia Island, St. Marks, and Pensacola yet remain in the possession of the United States, and, if so, by what laws the inhabitants are governed; whether articles imported therein from foreign countries are subject to any, and what, duties, and by what laws, and whether the said duties are collected and how; whether vessels arriving in the United States from Pensacola and Amelia Island, and in Pensacola and Amelia Island from the United States, respectively, are considered and treated as vessels arriving from foreign countries, I transmit a report from the Secretary of the Treasury, and likewise one from the Secretary of War, which will afford all the information requested by the House of Representatives.

JAMES MONROE.

FEBRUARY 2, 1819.

To the Senate of the United States:

I nominate John Overton, Newton Cannon, and Robert Weakly, of Tennessee, as commissioners to negotiate with the Chickasaw tribe of Indians for the cession of a tract of land 4 miles square, including a salt spring, reserved to the said tribe by the fourth article of a treaty concluded with the said Indians on the 19th day of October, 1818.

JAMES MONROE.

FEBRUARY 2, 1819.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 13th of last month, requesting me “to cause to be laid before it a statement showing the measures that have been taken to collect the balances stated to be due from the several supervisors and collectors of the old direct tax of two millions; also a similar statement of the balances due from the officers of the old internal revenue, and to designate in such statement the persons who have been interested in the collection of the said debts and the sums by them respectively collected, and the time when the same were collected,” I transmit a report

of the Secretary of the Treasury, which, with the documents accompanying it, contains all the information required.

JAMES MONROE.

WASHINGTON, *February 3, 1819*.

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

I communicate to Congress copies of applications received from the minister of Great Britain in behalf of certain British subjects who have suffered in their property by proceedings to which the United States by their military and judicial officers have been parties. These injuries have been sustained under circumstances which appear to recommend strongly to the attention of Congress the claim to indemnity for the losses occasioned by them, which the legislative authority is alone competent to provide.

Page 49

JAMES MONROE.

FEBRUARY 5, 1819.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 25th of last month, requesting me "to cause to be laid before it a copy of the rules and regulations adopted for the government of the Military Academy at West Point; also how many cadets have been admitted into the Academy, the time of the residence of each cadet at that institution, and how many of them have been appointed officers in the Army and Navy of the United States," I transmit a report from the Secretary of War, which, with the accompanying documents, will afford all the information required by the said resolution.

JAMES MONROE.

WASHINGTON, *February 6, 1819*.

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

I transmit to Congress a copy of a letter from Governor Bibb to Major-General Jackson, connected with the late military operations in Florida. This letter has been mislaid, or it would have been communicated with the other documents at the commencement of the session.

JAMES MONROE.

FEBRUARY 6, 1819.

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

I transmit to Congress, for their consideration, applications which have been received from the minister resident of Prussia and from the senates of the free and Hanseatic cities of Hamburg and Bremen, the object of which is that the advantages secured by the act of Congress of 20th of April last to the vessels and merchandise of the Netherlands should be extended to those of Prussia, Hamburg, and Bremen. It will appear from these documents that the vessels of the United States and the merchandise laden in them are in the ports of those Governments, respectively, entitled to the same advantages in respect to imposts and duties as those of the native subjects of the countries themselves.

The principle of reciprocity appears to entitle them to the return of the same favor on the part of the United States, and I recommend it to Congress that provision to that effect may be made.

JAMES MONROE.

FEBRUARY 22, 1819.

To the Senate of the United States:

I transmit to the Senate a treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, concluded and signed this day, for the decision of the Senate as to its ratification. Copies of the correspondence between the Secretary of State and the minister from Spain connected with this subject since the renewal of the negotiation are likewise inclosed.

JAMES MONROE.

WASHINGTON, *February 26, 1819*.

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

Page 50

The treaty of amity, settlement, and limits between the United States and His Catholic Majesty having been on the part of the United States ratified, by and with the advice and consent of the Senate, copies of it are now transmitted to Congress. As the ratification on the part of Spain may be expected to take place during the recess of Congress, I recommend to their consideration the adoption of such legislative measures contingent upon the event of the exchange of the ratifications as may be necessary or expedient for carrying the treaty into effect in the interval between the sessions, and until Congress at their next session may see fit to make further provision on the subject.

JAMES MONROE.

MARCH 2, 1819.

To the Senate of the United States:

A convention having been concluded between John C. Calhoun, Secretary of War, especially authorized therefor by me, and the chiefs and headmen of the Cherokee Nation of Indians, likewise duly authorized and empowered by said nation, I now lay the original instrument before the Senate for the exercise of its constitutional power respecting the ratification thereof.

JAMES MONROE.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 7, 1819*.

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

The public buildings being advanced to a stage to afford accommodation for Congress, I offer you my sincere congratulations on the recommencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention which have occurred since your last session, I regret to have to state that several of our principal cities have suffered by sickness, that an unusual drought has prevailed in the Middle and Western States, and that a derangement has been felt in some of our moneyed institutions which has proportionably affected their credit. I am happy, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant than usual, will not only be amply sufficient for home consumption, but afford a large surplus for the supply of the wants of other nations, and that the derangement in the circulating paper medium, by being left to those remedies

which its obvious causes suggested and the good sense and virtue of our fellow-citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity, settlement, and limits had been concluded in this city between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by His Catholic Majesty with equal promptitude and a like earnest desire to terminate on the conditions of that treaty the differences

Page 51

which had so long existed between the two countries. Every view which the subject admitted of was thought to have justified this conclusion. Great losses had been sustained by citizens of the United States from Spanish cruisers more than twenty years before, which had not been redressed. These losses had been acknowledged and provided for by a treaty as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the Government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was presumed, having been made for them. Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty itself was formed on great consideration and a thorough knowledge of all circumstances, the subject-matter of every article having been for years under discussion and repeated references having been made by the minister of Spain to his Government on the points respecting which the greatest difference of opinion prevailed. It was formed by a minister duly authorized for the purpose, who had represented his Government in the United States and been employed in this long-protracted negotiation several years, and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification. On the part of the United States this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them without becoming a charge on the treasury of Spain. For territory ceded by Spain other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her. This cession was nevertheless received as the means of indemnifying our citizens in a considerable sum, the presumed amount of their losses. Other considerations of great weight urged the cession of this territory by Spain. It was surrounded by the Territories of the United States on every side except on that of the ocean. Spain had lost her authority over it, and, falling into the hands of adventurers connected with the savages, it was made the means of unceasing annoyance and injury to our Union in many of its most essential interests. By this cession, then, Spain ceded a territory in reality of no value to her and obtained concessions of the highest importance by the settlement of long-standing differences with the United States affecting their respective claims and limits, and likewise relieved herself from the obligation of a treaty relating to it which she had failed to fulfill, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights where she could not support her authority.

Page 52

It being known that the treaty was formed under these circumstances, not a doubt was entertained that His Catholic Majesty would have ratified it without delay. I regret to have to state that this reasonable expectation has been disappointed; that the treaty was not ratified within the time stipulated and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession relating to it.

Anxious to prevent all future disagreement with Spain by giving the most prompt effect to the treaty which had been thus concluded, and particularly by the establishment of a government in Florida which should preserve order there, the minister of the United States who had been recently appointed to His Catholic Majesty, and to whom the ratification by his Government had been committed to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State as soon as obtained, by a public ship subjected to his order for the purpose. Unexpected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated in reply that the great importance of the subject, and a desire to obtain explanations on certain points which were not specified, had produced the delay, and that an envoy would be dispatched to the United States to obtain such explanations of this Government. The minister of the United States offered to give full explanation on any point on which it might be desired, which proposal was declined. Having communicated this result to the Department of State in August last, he was instructed, notwithstanding the disappointment and surprise which it produced, to inform the Government of Spain that if the treaty should be ratified and transmitted here at any time before the meeting of Congress it would be received and have the same effect as if it had been ratified in due time. This order was executed, the authorized communication was made to the Government of Spain, and by its answer, which has just been received, we are officially made acquainted for the first time with the causes which have prevented the ratification of the treaty by His Catholic Majesty. It is alleged by the minister of Spain that this Government had attempted to alter one of the principal articles of the treaty by a declaration which the minister of the United States had been ordered to present when he should deliver the ratification by his Government in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that article was understood. It is further alleged that this Government had recently tolerated or protected an expedition from the United States against the Province of Texas, These two imputed acts are stated as the reasons which have induced His Catholic Majesty to withhold his ratification from the treaty, to obtain explanations respecting which it is repeated that an envoy would be forthwith dispatched to the United States. How far these allegations will justify the conduct of the Government of Spain will appear on a view of the following facts and the evidence which supports them:

Page 53

It will be seen by the documents transmitted herewith that the declaration mentioned relates to a clause in the eighth article concerning certain grants of land recently made by His Catholic Majesty in Florida, which it was understood had conveyed all the lands which till then had been ungranted; it was the intention of the parties to annul these latter grants, and that clause was drawn for that express purpose and for none other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article; indeed, it must be obvious to all that if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded and ratified by this Government an intimation was received that these grants were of anterior date to that fixed on by the treaty and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties and the meaning of the article, induced this Government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this Government had tolerated or protected an expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to any such attempt from within the limits of the United States, as is fully evinced by the acts of the Government and the proceedings of the courts. There being cause, however, to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind that the Government of Spain had no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set it aside without the consent of the other, there would be no longer any rules applicable to such transactions between nations. By this proceeding the Government of Spain has rendered to the United States a new and very serious injury. It has been stated that a minister would be sent to ask certain explanations of this Government; but if such were desired, why were they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time and in what manner would a new negotiation terminate? By this proceeding Spain has formed a relation between the two countries which will justify any measures on the part of the United States which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate.

Page 54

In the course to be pursued these objects should be constantly held in view and have their due weight. Our national honor must be maintained, and a new and a distinguished proof be afforded of that regard for justice and moderation which has invariably governed the councils of this free people. It must be obvious to all that if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty. They would have much cause for gratulation at the course which has been pursued by Spain. An ample field for ambition is open before them, but such a career is not consistent with the principles of their Government nor the interests of the nation.

From a full view of all circumstances, it is submitted to the consideration of Congress whether it will not be proper for the United States to carry the conditions of the treaty into effect in the same manner as if it had been ratified by Spain, claiming on their part all its advantages and yielding to Spain those secured to her. By pursuing this course we shall rest on the sacred ground of right, sanctioned in the most solemn manner by Spain herself by a treaty which she was bound to ratify, for refusing to do which she must incur the censure of other nations, even those most friendly to her, while by confining ourselves within that limit we can not fail to obtain their well-merited approbation. We must have peace on a frontier where we have been so long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable.

But His Catholic Majesty has twice declared his determination to send a minister to the United States to ask explanations on certain points and to give them respecting his delay to ratify the treaty. Shall we act by taking the ceded territory and proceeding to execute the other conditions of the treaty before this minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity, and the honor of this people. Much is due to courtesy between nations. By a short delay we shall lose nothing, for, resting on the ground of immutable truth and justice, we can not be diverted from our purpose. It ought to be presumed that the explanations which may be given to the minister of Spain will be satisfactory, and produce the desired result. In any event, the delay for the purpose mentioned, being a further manifestation of the sincere desire to terminate in the most friendly manner all differences with Spain, can not fail to be duly appreciated by His Catholic Majesty as well as by other powers. It is submitted, therefore, whether it will not be proper to make the law proposed for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operation, upon the responsibility of the Executive, in such manner as to afford an opportunity for such friendly explanations as may be desired during the present session of Congress.

Page 55

I communicate to Congress a copy of the treaty and of the instructions to the minister of the United States at Madrid respecting it; of his correspondence with the minister of Spain, and of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish Government have on this occasion thought proper to pursue it is satisfactory to know that they have not been countenanced by any other European power. On the contrary, the opinion and wishes both of France and Great Britain have not been withheld either from the United States or from Spain, and have been unequivocal in favor of the ratification. There is also reason to believe that the sentiments of the Imperial Government of Russia have been the same, and that they have also been made known to the cabinet of Madrid.

In the civil war existing between Spain and the Spanish Provinces in this hemisphere the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have continued to be equally open to both parties and on the same conditions, and our citizens have been equally restrained from interfering in favor of either to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili and the Provinces north of the La Plata bordering on it, and likewise Venezuela.

This contest has from its commencement been very interesting to other powers, and to none more so than to the United States. A virtuous people may and will confine themselves within the limit of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this Government to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state that so strong has been the sense throughout the whole community of what was due to the character and obligations of the nation that very few examples of a contrary kind have occurred.

The distance of the colonies from the parent country and the great extent of their population and resources gave them advantages which it was anticipated at a very early period would be difficult for Spain to surmount. The steadiness, consistency, and success with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments on the part of the United States have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue these Provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination it can not

be doubted that the opinion of friendly powers who have taken no part in the controversy will have their merited influence.

Page 56

It is of the highest importance to our national character and indispensable to the morality of our citizens that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws, no opportunity afforded to any who may be disposed to take advantage of it to compromit the interest or the honor of the nation. It is submitted, therefore, to the consideration of Congress whether it may not be advisable to revise the laws with a view to this desirable result.

It is submitted also whether it may not be proper to designate by law the several ports or places along the coast at which only foreign ships of war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce and of other important interests from abuse without such designation furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the commercial convention between the United States and Great Britain a hope had been entertained that an article might have been agreed upon mutually satisfactory to both countries, regulating upon principles of justice and reciprocity the commercial intercourse between the United States and the British possessions as well in the West Indies as upon the continent of North America. The plenipotentiaries of the two Governments not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this Government the proposals which had been presented to them as the ultimate offer on the part of the British Government, and which they were not authorized to accept. On their transmission here they were examined with due deliberation, the result of which was a new effort to meet the views of the British Government. The minister of the United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of Congress whether further prohibitory provisions in the laws relating to this intercourse may not be expedient. It is seen with interest that although it has not been practicable as yet to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties that each will view any regulations which the other may make respecting it in the most friendly light.

By the fifth article of the convention concluded on the 20th of October, 1818, it was stipulated that the differences which have arisen between the two Governments with regard to the true intent and meaning of the fifth article of the treaty of Ghent, in relation to the carrying away by British officers of slaves from the United States after the exchange of the ratifications of the treaty of peace, should be referred to the decision of some friendly sovereign or state to be named for that purpose. The minister of the United States has been instructed to name to the British Government a foreign sovereign, the common friend to both parties, for the decision of this question. The answer of that Government to the proposal when received will indicate the further measures to be pursued on the part of the United States.

Page 57

Although the pecuniary embarrassments which affected various parts of the Union during the latter part of the preceding year have during the present been considerably augmented, and still continue to exist, the receipts into the Treasury to the 30th of September last have amounted to $19,000,000. After defraying the current expenses of the Government, including the interest and reimbursement of the public debt payable to that period, amounting to $18,200,000, there remained in the Treasury on that day more than $2,500,000, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the Treasury for the same period.

The causes which have tended to diminish the public receipts could not fail to have a corresponding effect upon the revenue which has accrued upon imposts and tonnage during the three first quarters of the present year. It is, however, ascertained that the duties which have been secured during that period exceed $18,000,000, and those of the whole year will probably amount to $23,000,000.

For the probable receipts of the next year I refer you to the statements which will be transmitted from the Treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union.

The great reduction of the currency which the banks have been constrained to make in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction in the prices of the raw materials and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence from the frequent failures which have recently occurred in some of our principal commercial cities.

An additional cause for the depression of these establishments may probably be found in the pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted. Their manufactures, for the want of a ready or profitable market at home, have been shipped by the manufacturers to the United States, and in many instances sold at a price below their current value at the place of manufacture. Although this practice may from its nature be considered temporary or contingent, it is not on that account less injurious in its effects. Uniformity in the demand and price of an article is highly desirable to the domestic manufacturer.

Page 58

It is deemed of great importance to give encouragement to our domestic manufacturers. In what manner the evils which have been adverted to may be remedied, and how far it may be practicable in other respects to afford to them further encouragement, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast for the establishment of fortifications is now nearly completed, and considerable progress has been made in the collection of materials for the construction of fortifications in the Gulf of Mexico and in the Chesapeake Bay. The works on the eastern bank of the Potomac below Alexandria and on the Pea Patch, in the Delaware, are much advanced, and it is expected that the fortifications at the Narrows, in the harbor of New York, will be completed the present year. To derive all the advantages contemplated from these fortifications it was necessary that they should be judiciously posted, and constructed with a view to permanence, The progress hitherto has therefore been slow; but as the difficulties in parts heretofore the least explored and known are surmounted, it will in future be more rapid. As soon as the survey of the coast is completed, which it is expected will be done early in the next spring, the engineers employed in it will proceed to examine for like purposes the northern and northwestern frontiers.

The troops intended to occupy a station at the mouth of the St. Peters, on the Mississippi, have established themselves there, and those who were ordered to the mouth of the Yellow Stone, on the Missouri, have ascended that river to the Council Bluff, where they will remain until the next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of ships of war and in the collection of timber and other materials for shipbuilding. It is not doubted that our Navy will soon be augmented to the number and placed in all respects on the footing provided for by law.

The Board, consisting of engineers and naval officers, have not yet made their final report of sites for two naval depots, as instructed according to the resolutions of March 18 and April 20, 1818, but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean, along the southern Atlantic coast, in the Pacific and Indian oceans, it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe that if any portion of the squadron heretofore stationed in the Mediterranean should be withdrawn our intercourse with the powers bordering on that sea

Page 59

would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that not to protect our commerce there would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave trade, in compliance with a law of the last session. Orders have been given to the commanders of all our public ships to seize all vessels navigated under our flag engaged in that trade, and to bring them in to be proceeded against in the manner prescribed by that law. It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His gallantry in a brilliant exploit in the late war added to the renown of his country. His death is deplored as a national misfortune.

JAMES MONROE.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1819*.

To the Senate of the United States:

I transmit herewith to the Senate a collection of the commercial regulations of the different foreign countries with which the United States have commercial intercourse, which has been compiled in compliance with the resolution of the Senate of 3d March, 1817.

JAMES MONROE.

WASHINGTON, *December 14, 1819*.

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 24th of February last, I now transmit a report of the Secretary of State, with extracts and copies of several letters, touching the causes of the imprisonment of William White, an American citizen, at Buenos Ayres.

JAMES MONROE.

WASHINGTON, *December 17, 1819*.

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

Some doubt being entertained respecting the true intent and meaning of the act of the last session entitled “An act in addition to the acts prohibiting the slave trade,” as to the duties of the agents to be appointed on the coast of Africa, I think it proper to state the interpretation which has been given of the act and the measures adopted to carry it into effect, that Congress may, should it be deemed advisable, amend the same before further proceeding is had under it.

The obligation to instruct the commanders of all our armed vessels to seize and bring into port all ships or vessels of the United States, wheresoever found, having on board any negro, mulatto, or person of color in violation of former acts for the suppression of the slave trade, being imperative, was executed without delay. No seizures have yet been made, but as they were contemplated by the law, and might be presumed, it seemed proper to make the necessary regulations applicable to such seizures for carrying the several provisions of the act into effect.

Page 60

It is enjoined on the Executive to cause all negroes, mulattoes, or persons of color who may be taken under the act to be removed to Africa. It is the obvious import of the law that none of the persons thus taken should remain within the United States, and no place other than the coast of Africa being designated, their removal or delivery, whether carried from the United States or landed immediately from the vessels in which they were taken, was supposed to be confined to that coast. No settlement or station being specified, the whole coast was thought to be left open for the selection of a proper place at which the persons thus taken should be delivered. The Executive is authorized to appoint one or more agents residing there to receive such persons, and $100,000 are appropriated for the general purposes of the law.

On due consideration of the several sections of the act, and of its humane policy, it was supposed to be the intention of Congress that all the persons above described who might be taken under it and landed in Africa should be aided in their return to their former homes, or in their establishment at or near the place where landed. Some shelter and food would be necessary for them there as soon as landed, let their subsequent disposition be what it might. Should they be landed without such provision having been previously made, they might perish.

It was supposed, by the authority given to the Executive to appoint agents residing on that coast, that they should provide such shelter and food, and perform the other beneficent and charitable offices contemplated by the act. The coast of Africa having been little explored, and no persons residing there who possessed the requisite qualifications to entitle them to the trust being known to the Executive, to none such could it be committed. It was believed that citizens only who would go hence well instructed in the views of their Government and zealous to give them effect would be competent to these duties, and that it was not the intention of the law to preclude their appointment. It was obvious that the longer these persons should be detained in the United States in the hands of the marshals the greater would be the expense, and that for the same term would the main purpose of the law be suspended. It seemed, therefore, to be incumbent on me to make the necessary arrangements for carrying this act into effect in Africa in time to meet the delivery of any persons who might be taken by the public vessels and landed there under it.

On this view of the policy and sanctions of the law it has been decided to send a public ship to the coast of Africa with two such agents, who will take with them tools and other implements necessary for the purposes above mentioned. To each of these agents a small salary has been allowed—$1,500 to the principal and $1,200 to the other.

Page 61

All our public agents on the coast of Africa receive salaries for their services, and it was understood that none of our citizens possessing the requisite qualifications would accept these trusts, by which they would be confined to parts the least frequented and civilized, without a reasonable compensation, Such allowance therefore seemed to be indispensable to the execution of the act. It is intended also to subject a portion of the sum appropriated to the order of the principal agent for the special objects above stated, amounting in the whole, including the salaries of the agents for one year, to rather less than one third of the appropriation. Special instructions will be given to these agents, defining in precise terms their duties in regard to the persons thus delivered to them, the disbursement of the money by the principal agent, and his accountability for the same. They will also have power to select the most suitable place on the coast of Africa at which all persons who may be taken under this act shall be delivered to them, with an express injunction to exercise no power founded on the principle of colonization or other power than that of performing the benevolent offices above recited by the permission and sanction of the existing government under which they may establish themselves. Orders will be given to the commander of the public ship in which they will sail to cruise along the coast to give the more complete effect to the principal object of the act.

JAMES MONROE.

WASHINGTON, *December 17, 1819*.

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

In compliance with a resolution of Congress of the 27th March, 1818, the journal, acts, and proceedings of the convention which formed the present Constitution of the United States have been published. The resolution directs that 1,000 copies should be printed, of which one copy should be furnished to each member of the Fifteenth Congress, and the residue to be subject to the future disposition of Congress. The number of copies sufficient to supply the members of the late Congress having been reserved for that purpose, the remainder are now deposited at the Department of State subject to the order of Congress. The documents mentioned in the resolution of the 27th March, 1818, are in the process of publication.

JAMES MONROE.

WASHINGTON, *December 24, 1819*.

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

On the 23d of February. 1803, a message from the President of the United States was transmitted to both Houses of Congress, together with the report of the then Secretary of State, Mr. Madison, upon the case of the Danish brigantine *Henrick* and her cargo, belonging to citizens of Hamburg, recommending the claim to the favorable

consideration of Congress. In February, 1805, it was again presented by a message from the President to the consideration of Congress, but has not since been definitively acted upon.

Page 62

The minister resident from Denmark and the consul-general from Hamburg having recently renewed applications in behalf of the respective owners of the vessel and cargo, I transmit herewith copies of their communications for the further consideration of the Legislature, upon whose files all the documents relating to the claim are still existing.

JAMES MONROE.

DECEMBER 31, 1819.

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, three treaties which have been concluded in the course of the present year with the Kickapoos, the Chippaways, and the Kickapoos of the Vermillion by commissioners who were duly authorized for the purpose.

With the Chippaways there is a supplementary article stipulating certain advantages in their favor on condition that the same shall be ratified by the Executive, with the advice and consent of the Senate, which I likewise submit to your consideration.

JAMES MONROE.

WASHINGTON, *January 8, 1820*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 14th December, 1819, requesting me to cause to be laid before it any information I may possess respecting certain executions which have been inflicted in the Army of the United States since the year 1815 contrary to the laws and regulations provided for the government of the same, I transmit a report from the Secretary of War containing a detailed account in relation to the object of the said resolution.

JAMES MONROE.

WASHINGTON, *January 8, 1820*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th of January, 1819, requesting me “to cause a report to be laid before them at their next session of such facts as may be within the means of the Government to obtain shewing how far it may be expedient or not to provide by law for clothing the Army with articles manufactured in the United

States," I transmit a report from the Secretary of War, which, with the accompanying documents, comprehends all the information required by the Senate in their resolution aforesaid.

JAMES MONROE.

WASHINGTON, *January 19, 1820*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives requesting me "to lay before it at as early a day as may be convenient an account of the expenditure of the several sums appropriated for building fortifications from the year 1816 to the year 1819, inclusive, indicating the places at which works of defense have been begun, the magnitude of the works contemplated at each place, their present condition, the amount already expended, and the estimated amount requisite for the completion of each, also the mode by which the fortifications are built, by contract or otherwise," I now transmit to the House a report from the Secretary of War, to whom the said resolution was referred, which, with the documents accompanying it, contains all the information required.

Page 63

JAMES MONROE.

WASHINGTON, *February 8, 1820*.

To the House of Representatives of the United States:

In conformity with a resolution of the House of Representatives of the 24th January, 1820, requesting me “to inform the House what loans, if any, have been made since the peace, to private citizens, of powder, lead, and other munitions belonging to the Government by officers of any department of the Army or Navy, specifying the times, terms, objects, and extent of such loans, the names of the persons by whom and to whom made, the different times of repayment, and also the amount of the ultimate loss, if any, likely to be incurred by the Government in consequence thereof,” I now transmit a report from the Secretary of War, which, with the accompanying documents, contains all the information that can be furnished on the subject.

JAMES MONROE.

WASHINGTON, *March 1, 1820*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 4th of February last, requesting to be informed what progress has been made in surveying certain parts of the coast of North Carolina and in ascertaining the latitude and longitude of the extreme points of Cape Hatteras, Cape Look Out, and Cape Fear, according to a resolution of the 19th of January, 1819, I have to state that it is intended to carry the resolution of the 19th of March into effect in the present year. The cooperation of the Board of Engineers with Naval Commissioners being necessary in executing that duty, and the Board having been engaged last year in surveying the eastern coast of our Union, it would have interfered with previous arrangements and been attended with increased expense had they been withdrawn from it. The Board will, however, be employed during the present summer in the regular execution of its duties in the survey of the coast of North Carolina, when instructions will be given it to afford the necessary aid to carry the resolution of the 19th of January of the last year into effect.

JAMES MONROE.

WASHINGTON, *March 4, 1820*.

To the Senate of the United States:

I transmit to the Senate, in pursuance of their resolution of the 4th of January last, a report from the Secretary of State, with a list of fines incurred under the act of Congress entitled “An act in addition to the act for the punishment of certain crimes against the

United States," which appear from the records of the Department of State to have been remitted by the Executive authority of the United States.

JAMES MONROE.

WASHINGTON, *March 8, 1820*.

The PRESIDENT PRO TEMPORE OF THE SENATE:

I transmit to the Senate copies of sundry papers having relation to the treaty of 22d February, 1819, between the United States and Spain, which have been received at the Department of State, and have not before been communicated to the Senate.

Page 64

JAMES MONROE.

WASHINGTON, *March 8, 1820*.

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

I transmit to Congress a report from the Secretary of the Treasury, which, with the accompanying documents, will shew that the act of the 20th May, 1812, respecting the northern and western boundaries of the State of Ohio, has been executed.

JAMES MONROE.

WASHINGTON, *March 17, 1820*.

To the House of Representatives of the United States:

It being stipulated by the fourth article of the articles of agreement and cession entered into on the 24th of April, 1802, with the State of Georgia that the United States should at their own expense extinguish for the use of that State, as soon as it might be done on reasonable terms, the Indian title to all the lands within its limits, and the legislature of Georgia being desirous to make a further acquisition of said lands at this time, presuming that it may be done on reasonable terms; and it being also represented that property of considerable value which had been taken by the Creek and Cherokee Indians from citizens of Georgia, the restoration of which had been provided for by different treaties, but which has never been made, it is proposed to hold a treaty with those nations, and more particularly with the Creeks, in the course of this summer. For the attainment of these objects I submit the subject to the consideration of Congress, that a sum adequate to the expenses attending such treaty may be appropriated should Congress deem it expedient.

JAMES MONROE.

WASHINGTON, *March 20, 1820*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th of February, 1820, requesting me to cause to be laid before it “abstracts of the bonds or other securities given under the laws of the United States by the collectors of the customs, receivers of public moneys for lands, and registers of public lands, paymasters in the Army, and pursers in the Navy, who are now in office, or who have heretofore been in office, and whose accounts remain unsettled, together with a statement of such other facts as may tend to shew the expediency or inexpediency of so far altering the laws respecting such officers that they may hereafter be appointed for limited periods, subject to removal as

heretofore," I transmit to the Senate a report from the Secretary of the Treasury, which, with the documents accompanying it, will afford all the information required.

JAMES MONROE.

WASHINGTON, *March 27, 1820*.

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

Page 65

I transmit to Congress an extract of a letter from the minister plenipotentiary of the United States at St. Petersburg, of the 1st of November last, on the subject of our relations with Spain, indicating the sentiments of the Emperor of Russia respecting the nonratification by His Catholic Majesty of the treaty lately concluded between the United States and Spain, and the strong interest which His Imperial Majesty takes in promoting the ratification of that treaty. Of this friendly disposition the most satisfactory assurance has been since given directly to this Government by the minister of Russia residing here.

I transmit also to Congress an extract of a letter from the minister plenipotentiary of the United States at Madrid of a later date than those heretofore communicated, by which it appears that, at the instance of the charge d'affaires of the Emperor of Russia, a new pledge had been given by the Spanish Government that the minister who had been lately appointed to the United States should set out on his mission without delay, with full power to settle all differences in a manner satisfactory to the parties.

I have further to state that the Governments of France and Great Britain continue to manifest the sentiments heretofore communicated respecting the nonratification of the treaty by Spain, and to interpose their good offices to promote its ratification.

It is proper to add that the Governments of France and Russia have expressed an earnest desire that the United States would take no steps for the present on the principle of reprisal which might possibly tend to disturb the peace between the United States and Spain. There is good cause to presume from the delicate manner in which this sentiment has been conveyed that it is founded in a belief as well as a desire that our just objects may be accomplished without the hazard of such an extremity.

On full consideration of all these circumstances, I have thought it my duty to submit to Congress whether it will not be advisable to postpone a decision on the questions now depending with Spain until the next session. The distress of that nation at this juncture affords a motive for this forbearance which can not fail to be duly appreciated. Under such circumstances the attention of the Spanish Government may be diverted from its foreign concerns, and the arrival of a minister here be longer delayed. I am the more induced to suggest this course of proceeding from a knowledge that, while we shall thereby make a just return to the powers whose good offices have been acknowledged, and increase by a new and signal proof of moderation our claims on Spain, our attitude in regard to her will not be less favorable at the next session than it is at the present.

JAMES MONROE.

WASHINGTON, *May 9, 1820*.

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

I communicate to Congress a correspondence which has taken place between the Secretary of State and the envoy extraordinary and minister plenipotentiary of His Catholic Majesty since the message of the 27th March last, respecting the treaty which was concluded between the United States and Spain on the 22d February, 1819.

Page 66

After the failure of His Catholic Majesty for so long a time to ratify the treaty, it was expected that this minister would have brought with him the ratification, or that he would have been authorized to give an order for the delivery of the territory ceded by it to the United States. It appears, however, that the treaty is still unratified and that the minister has no authority to surrender the territory. The object of his mission has been to make complaints and to demand explanations respecting an imputed system of hostility on the part of citizens of the United States against the subjects and dominions of Spain, and an unfriendly policy in their Government, and to obtain new stipulations against these alleged injuries as the condition on which the treaty should be ratified.

Unexpected as such complaints and such a demand were under existing circumstances, it was thought proper, without compromising the Government as to the course to be pursued, to meet them promptly and to give the explanations that were desired on every subject with the utmost candor. The result has proved what was sufficiently well known before, that the charge of a systematic hostility being adopted and pursued by citizens of the United States against the dominions and subjects of Spain is utterly destitute of foundation, and that their Government in all its branches has maintained with the utmost rigor that neutrality in the civil war between Spain and the colonies which they were the first to declare. No force has been collected nor incursions made from within the United States against the dominions of Spain, nor have any naval equipments been permitted in favor of either party against the other. Their citizens have been warned of the obligations incident to the neutral condition of their country; their public officers have been instructed to see that the laws were faithfully executed, and severe examples have been made of some who violated them.

In regard to the stipulation proposed as the condition of the ratification of the treaty, that the United States shall abandon the right to recognize the revolutionary colonies in South America, or to form other relations with them when in their judgment it may be just and expedient so to do, it is manifestly so repugnant to the honor and even to the independence of the United States that it has been impossible to discuss it. In making this proposal it is perceived that His Catholic Majesty has entirely misconceived the principles on which this Government has acted in being a party to a negotiation so long protracted for claims so well founded and reasonable, as he likewise has the sacrifices which the United States have made, comparatively, with Spain in the treaty to which it is proposed to annex so extraordinary and improper a condition.

Page 67

Had the minister of Spain offered an unqualified pledge that the treaty should be ratified by his Sovereign on being made acquainted with the explanations which had been given by this Government, there would have been a strong motive for accepting and submitting it to the Senate for their advice and consent, rather than to resort to other measures for redress, however justifiable and proper; but he gives no such pledge; oil the contrary, he declares explicitly that the refusal of this Government to relinquish the right of judging and acting for itself hereafter, according to circumstances, in regard to the Spanish colonies, a right common to all nations, has rendered it impossible for him under his instructions to make such engagement. He thinks that his Sovereign will be induced by his communications to ratify the treaty, but still he leaves him free either to adopt that measure or to decline it. He admits that the other objections are essentially removed and will not in themselves prevent the ratification, provided the difficulty on the third point is surmounted. The result, therefore, is that the treaty is declared to have no obligation whatever; that its ratification is made to depend not on the considerations which led to its adoption and the conditions which it contains, but on a new article unconnected with it, respecting which a new negotiation must be opened, of indefinite duration and doubtful issue.

Under this view of the subject the course to be pursued would appear to be direct and obvious if the affairs of Spain had remained in the state in which they were when this minister sailed. But it is known that an important change has since taken place in the Government of that country which can not fail to be sensibly felt in its intercourse with other nations. The minister of Spain has essentially declared his inability to act in consequence of that change. With him, however, under his present powers nothing could be done. The attitude of the United States must now be assumed on full consideration of what is due to their rights, their interest and honor, without regard to the powers or incidents of the late mission. We may at pleasure occupy the territory which was intended and provided by the late treaty as an indemnity for losses so long since sustained by our citizens; but still, nothing could be settled definitively without a treaty between the two nations. Is this the time to make the pressure? If the United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor; but they have no objects of that kind to accomplish, none which are not founded in justice and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish nation. The good order, moderation, and humanity which have characterized the movement are the best guaranties of its success.

The United States would not be justified in their own estimation should they take any step to disturb its harmony. When the Spanish Government is completely organized on the principles of this change, as it is expected it soon will be, there is just ground to presume that our differences with Spain will be speedily and satisfactorily settled.

Page 68

With these remarks I submit it to the wisdom of Congress whether it will not still be advisable to postpone any decision on this subject until the next session.

JAMES MONROE.

WASHINGTON, *May 11, 1820*.

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, together with the returns of causes depending in the courts of the United States, collected conformably to a resolution of the Senate of the 18th of January, 1819.

JAMES MONROE.

WASHINGTON, *May 12, 1820*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives a report from the Secretary of State, with the document prepared in pursuance of a resolution of the House of the 14th ultimo, on the subject of claims of citizens of the United States for Spanish spoliations upon their property and commerce.

JAMES MONROE.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me from the burgo-masters and senate of the free and Hanseatic city of Lubeck that from and after the 30th day of October, 1819, all discriminating or countervailing duties of the said city so far as they operated to the disadvantage of the United States have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Lubeck and vessels of the United States and between goods imported into the United States in vessels of Lubeck and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said free Hanseatic city of Lubeck.

[SEAL.]

Page 69

Given under my hand, at the city of Washington, this 4th day of May, A.D. 1820, and forty-fourth year of the Independence of the United states.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *November 14, 1820*.

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

In communicating to you a just view of public affairs at the commencement of your present labors, I do it with great satisfaction, because, taking all circumstances into consideration which claim attention, I see much cause to rejoice in the felicity of our situation. In making this remark I do not wish to be understood to imply that an unvaried prosperity is to be seen in every interest of this great community. In the progress of a nation inhabiting a territory of such vast extent and great variety of climate, every portion of which is engaged in foreign commerce and liable to be affected in some degree by the changes which occur in the condition and regulations of foreign countries, it would be strange if the produce of our soil and the industry and enterprise of our fellow-citizens received at all times and in every quarter an uniform and equal encouragement. This would be more than we would have a right to expect under circumstances the most favorable. Pressures on certain interests, it is admitted, have been felt; but allowing to these their greatest extent, they detract but little from the force of the remarks already made. In forming a just estimate of our present situation it is proper to look at the whole in the outline as well as in the detail. A free, virtuous, and enlightened people know well the great principles and causes on which their happiness depends, and even those who suffer most occasionally in their transitory concerns find great relief under their sufferings from the blessings which they otherwise enjoy and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a government which is founded by, administered for, and supported by the people. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signalized it. The convulsions with which several of the powers of Europe have been shaken and the long and destructive wars in which all were engaged, with their sudden transition to a state of peace, presenting in the first instance unusual encouragement to our commerce and withdrawing it in the second even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we had to support through this long conflict, compelled as we were finally to become a party to it with a principal power, and to make great

exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs by augmenting to a vast amount the circulating medium, and thereby elevating at one time the price of every article above a just standard and depressing it at another below it, had likewise its due effect.

Page 70

It is manifest that the pressures of which we complain have proceeded in a great measure from these causes. When, then, we take into view the prosperous and happy condition of our country in all the great circumstances which constitute the felicity of a nation—every individual in the full enjoyment of all his rights, the Union blessed with plenty and rapidly rising to greatness under a National Government which operates with complete effect in every part without being felt in any except by the ample protection which it affords, and under State governments which perform their equal share, according to a wise distribution of power between them, in promoting the public happiness—it is impossible to behold so gratifying, so glorious a spectacle without being penetrated with the most profound and grateful acknowledgments to the Supreme Author of All Good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I can not regard the pressures to which I have adverted otherwise than in the light of mild and instructive admonitions, warning us of dangers to be shunned in future, teaching us lessons of economy corresponding with the simplicity and purity of our institutions and best adapted to their support, evincing the connection and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social incorporation and adding by its strong ties new strength and vigor to the political; opening a wider range, and with new encouragement, to the industry and enterprise of our fellow-citizens at home and abroad, and more especially by the multiplied proofs which it has accumulated of the great perfection of our most excellent system of government, the powerful instrument in the hands of our All-merciful Creator in securing to us these blessings.

Happy as our situation is, it does not exempt us from solicitude and care for the future. On the contrary, as the blessings which we enjoy are great, proportionably great should be our vigilance, zeal, and activity to preserve them. Foreign wars may again expose us to new wrongs, which would impose on us new duties for which we ought to be prepared. The state of Europe is unsettled, and how long peace may be preserved is altogether uncertain; in addition to which we have interests of our own to adjust which will require particular attention. A correct view of our relations with each power will enable you to form a just idea of existing difficulties, and of the measures of precaution best adapted to them.

Respecting our relations with Spain nothing explicit can now be communicated. On the adjournment of Congress in May last the minister plenipotentiary of the United States at Madrid was instructed to inform the Government of Spain that if His Catholic Majesty should then ratify the treaty this Government would accept the ratification so far as to submit to the decision of the Senate the question whether such ratification

Page 71

should be received in exchange for that of the United States heretofore given. By letters from the minister of the United States to the Secretary of State it appears that a communication in conformity with his instructions had been made to the Government of Spain, and that the Cortes had the subject under consideration. The result of the deliberations of that body, which is daily expected, will be made known to Congress as soon as it is received. The friendly sentiment which was expressed on the part of the United States in the message of the 9th of May last is still entertained for Spain. Among the causes of regret, however, which are inseparable from the delay attending this transaction it is proper to state that satisfactory information has been received that measures have been recently adopted by designing persons to convert certain parts of the Province of East Florida into depots for the reception of foreign goods, from whence to smuggle them into the United States. By opening a port within the limits of Florida, immediately on our boundary where there was no settlement, the object could not be misunderstood. An early accommodation of differences will, it is hoped, prevent all such fraudulent and pernicious practices, and place the relations of the two countries on a very amicable and permanent basis.

The commercial relations between the United States and the British colonies in the West Indies and on this continent have undergone no change, the British Government still preferring to leave that commerce under the restriction heretofore imposed on it on each side. It is satisfactory to recollect that the restraints resorted to by the United States were defensive only, intended to prevent a monopoly under British regulations in favor of Great Britain, as it likewise is to know that the experiment is advancing in a spirit of amity between the parties.

The question depending between the United States and Great Britain respecting the construction of the first article of the treaty of Ghent has been referred by both Governments to the decision of the Emperor of Russia, who has accepted the umpirage.

An attempt has been made with the Government of France to regulate by treaty the commerce between the two countries on the principle of reciprocity and equality. By the last communication from the minister plenipotentiary of the United States at Paris, to whom full power had been given, we learn that the negotiation had been commenced there; but serious difficulties having occurred, the French Government had resolved to transfer it to the United States, for which purpose the minister plenipotentiary of France had been ordered to repair to this city, and whose arrival might soon be expected. It is hoped that this important interest may be arranged on just conditions and in a manner equally satisfactory to both parties. It is submitted to Congress to decide, until such arrangement is made, how far it may be proper, on the principle of the act of the last session which augmented the tonnage duty on French vessels, to adopt other measures for carrying more completely into effect the policy of that act.

Page 72

The act referred to, which imposed new tonnage on French vessels, having been in force from and after the 1st day of July, it has happened that several vessels of that nation which had been dispatched from France before its existence was known have entered the ports of the United States, and been subject to its operation, without that previous notice which the general spirit of our laws gives to individuals in similar cases. The object of that law having been merely to countervail the inequalities which existed to the disadvantage of the United States in their commercial intercourse with France, it is submitted also to the consideration of Congress whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to preserve in their intercourse with other powers, it may not be proper to extend relief to the individuals interested in those cases by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres it is understood still prevail. In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Grenada, the colonies have gained strength and acquired reputation, both for the management of the war in which they have been successful and for the order of the internal administration. The late change in the Government of Spain, by the reestablishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties, to which it was replied that they would willingly open the negotiation provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government to warrant the belief that any of the powers of Europe will take part in the contest, whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

Page 73

In looking to the internal concerns of our country you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these none holds a more important place than the public revenue, from the direct operation of the power by which it is raised on the people, and by its influence in giving effect to every other power of the Government. The revenue depends on the resources of the country, and the facility by which the amount required is raised is a strong proof of the extent of the resources and of the efficiency of the Government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the funded and floating debt of the United States was estimated at $119,635,558. If to this sum be added the amount of 5 per cent stock subscribed to the Bank of the United States, the amount of Mississippi stock and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain States for military services and to individuals for supplies furnished and services rendered during the late war, the public debt may be estimated as amounting at that date, and as afterwards liquidated, to $158,713,049. On the 30th of September, 1820, it amounted to $91,993,883, having been reduced in that interval by payments $66,879,165. During this term the expenses of the Government of the United States were likewise defrayed in every branch of the civil, military, and naval establishments; the public edifices in this city have been rebuilt with considerable additions; extensive fortifications have been commenced, and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our Navy has been considerably augmented, and the ordnance, munitions of war, and stores of the Army and Navy, which were much exhausted during the war, have been replenished.

By the discharge of so large a proportion of the public debt and the execution of such extensive and important operations in so short a time a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources.

The receipts into the Treasury from every source to the 30th of September last have amounted to $16,794,107.66, whilst the public expenditures to the same period amounted to $16,871,534.72, leaving in the Treasury on that day a sum estimated at $1,950,000. For the probable receipts of the following year I refer you to the statement which will be transmitted from the Treasury.

The sum of $3,000,000 authorized to be raised by loan by an act of the last session of Congress has been obtained upon terms advantageous to the Government, indicating not only an increased confidence in the faith of the nation, but the existence of a large amount of capital seeking that mode of investment at a rate of interest not exceeding 5 per cent per annum.

Page 74

It is proper to add that there is now due to the Treasury for the sale of public lands $22,996,545. In bringing this subject to view I consider it my duty to submit to Congress whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the installments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.

Considerable progress has been made during the present season in examining the coast and its various bays and other inlets, in the collection of materials, and in the construction of fortifications for the defense of the Union at several of the positions at which it has been decided to erect such works. At Mobile Point and Dauphin Island, and at the Rigolets, leading to Lake Pontchartrain, materials to a considerable amount have been collected, and all the necessary preparations made for the commencement of the works. At Old Point Comfort, at the mouth of James River, and at the Rip-Rap, on the opposite shore in the Chesapeake Bay, materials to a vast amount have been collected; and at the Old Point some progress has been made in the construction of the fortification, which is on a very extensive scale. The work at Fort Washington, on this river, will be completed early in the next spring, and that on the Pea Patch, in the Delaware, in the course of the next season. Fort Diamond, at the Narrows, in the harbor of New York, will be finished this year. The works at Boston, New York, Baltimore, Norfolk, Charleston, and Niagara have been in part repaired, and the coast of North Carolina, extending south to Cape Fear, has been examined, as have likewise other parts of the coast eastward of Boston. Great exertions have been made to push forward these works with the utmost dispatch possible; but when their extent is considered, with the important purposes for which they are intended—the defense of the whole coast, and, in consequence, of the whole interior—and that they are to last for ages, it will be manifest that a well-digested plan, founded on military principles, connecting the whole together, combining security with economy, could not be prepared without repeated examinations of the most exposed and difficult parts, and that it would also take considerable time to collect the materials at the several points where they would be required. From all the light that has been shed on this subject I am satisfied that every favorable anticipation which has been formed of this great undertaking will be verified, and that when completed it will afford very great if not complete protection to our Atlantic frontier in the event of another war—a protection sufficient to counterbalance in a single campaign with an enemy powerful at sea the expense of all these works, without taking into the estimate the saving of the lives of so many of our citizens, the protection of our towns and other property, or the tendency of such works to prevent war.

Page 75

Our military positions have been maintained at Belle Point, on the Arkansas, at Council Bluffs, on the Missouri, at St. Peters, on the Mississippi, and at Green Bay, on the upper Lakes. Commodious barracks have already been erected at most of these posts, with such works as were necessary for their defense. Progress has also been made in opening communications between them and in raising supplies at each for the support of the troops by their own labor, particularly those most remote.

With the Indians peace has been preserved and a progress made in carrying into effect the act of Congress making an appropriation for their civilization, with the prospect of favorable results. As connected equally with both these objects, our trade with those tribes is thought to merit the attention of Congress. In their original state game is their sustenance and war their occupation, and if they find no employment from civilized powers they destroy each other. Left to themselves their extirpation is inevitable. By a judicious regulation of our trade with them we supply their wants, administer to their comforts, and gradually, as the game retires, draw them to us. By maintaining posts far in the interior we acquire a more thorough and direct control over them, without which it is confidently believed that a complete change in their manners can never be accomplished. By such posts, aided by a proper regulation of our trade with them and a judicious civil administration over them, to be provided for by law, we shall, it is presumed, be enabled not only to protect our own settlements from their savage incursions and preserve peace among the several tribes, but accomplish also the great purpose of their civilization.

Considerable progress has also been made in the construction of ships of war, some of which have been launched in the course of the present year.

Our peace with the powers on the coast of Barbary has been preserved, but we owe it altogether to the presence of our squadron in the Mediterranean. It has been found equally necessary to employ some of our vessels for the protection of our commerce in the Indian Sea, the Pacific, and along the Atlantic coast. The interests which we have depending in those quarters, which have been much improved of late, are of great extent and of high importance to the nation as well as to the parties concerned, and would undoubtedly suffer if such protection was not extended to them. In execution of the law of the last session for the suppression of the slave trade some of our public ships have also been employed on the coast of Africa, where several captures have already been made of vessels engaged in that disgraceful traffic.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 12, 1820.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 6th of December, requesting that the agent employed under the act entitled “An act authorizing the purchase of fire engines and building houses for the safekeeping of the same” should report in the manner stated in the said resolution his conduct in execution of the said act, I now transmit to the Senate a report from the agent, which communicates all the information which has been desired.

Page 76

JAMES MONROE.

DECEMBER 14, 1820.

To the Senate of the United States:

I submit to the consideration of the Senate, for their advice and consent as to the ratification, the following treaties, concluded with the several Indian tribes therein mentioned since the last session of Congress, with their documents, viz: With the Weas, Kickapoos, Chippeways, Ottawas, Choctaws, and Mahas; and also a treaty with the Kickapoos amended as proposed by a resolution of the Senate at their last session.

JAMES MONROE.

WASHINGTON, *December 14, 1820*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 21st November last, requesting the President to lay before the House information relating to the progress and expenditures of the commissioners under the fifth, sixth, and seventh articles of the treaty of Ghent, I now transmit a report from the Secretary of State, with documents containing all the information in the possession of that Department requested by the resolution.

JAMES MONROE.

WASHINGTON, *January 1, 1821*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d of November last, requesting the President to inform that House what naval force has been stationed for the protection of the commerce of our citizens in the West India Islands and parts adjacent during the present year, and whether any depredations by pirates or others upon the property of citizens of the United States engaged in such commerce have been reported to our Government, I now submit for the information of the House a report from the Secretary of the Navy, with accompanying documents, which contains all the information in the possession of the Government required by that resolution.

JAMES MONROE.

WASHINGTON, *January 4, 1821*.

To the House of Representatives:

I communicate to the House of Representatives a report from the Secretary of State, which, with the papers accompanying it, contains all the information in the possession of the Executive requested by a resolution of the House of the 4th December last, on the subject of the African slave trade.

JAMES MONROE.

WASHINGTON, *January 4, 1821*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 15th of December last, requesting the President of the United States to cause to be laid before that House a statement of expenditures and receipts in the Indian Department; also the nature and extent of the contracts entered into, and with whom, from the 2d of March, 1811, to the present period, I now transmit a letter from the Secretary of War, with a report of the superintendent of Indian trade, which contains the information desired.

Page 77

JAMES MONROE.

WASHINGTON, *January 12, 1821*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with the inclosed documents, relating to the negotiation for the suppression of the slave trade, which should have accompanied a message on that subject communicated to the House some time since, but which were accidentally omitted.

JAMES MONROE.

WASHINGTON, *January 18, 1821*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 4th instant, “requesting the President of the United States to communicate to the Senate any information he may have as to the power or authority which belonged to Don John Bonaventure Morales and to the Baron Carondelet to grant and dispose of the lands of Spain in Louisiana previously to the year 1803,” I transmit a report from the Secretary of the Treasury, submitting a letter of the Commissioner of the General Land Office, with the document to which it refers.

JAMES MONROE.

WASHINGTON, *January 18, 1821*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives requesting the President to inform the House, if in his opinion proper, whether any, and, if any, what, negotiations since the 1st of January, 1816, have been had with the Six Nations of Indians, or any portion of them, who the commissioners or agents were, the objects of the negotiation, the expenses of the same, the compensation of each commissioner, secretary, or agent, and to whom the moneys were paid, I now transmit a report from the Secretary of War communicating the information desired.

JAMES MONROE.

WASHINGTON, *January 31, 1821*.

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of the Treasury submitting copies of the instructions given to the commissioners appointed under the act of the 15th of May, 1820, authorizing the location of a road from Wheeling, in the State of Virginia, to a point on the left bank of the Mississippi River between St. Louis and the mouth of the Illinois River, and copies of the report made by the said commissioners to the Treasury Department of the progress they have made in the execution of the duties prescribed by the said act, together with maps of the country through which the location is to be made.

JAMES MONROE.

FEBRUARY 5, 1821.

To the Senate of the United States:

I herewith transmit, in confidence, to the Senate reports from the Secretary of State and of the Treasury, with the papers containing the correspondence and the information in possession of the Government the communication of which was requested by the resolution of the Senate of the 23d of last month. It is desired that the original letters may, when the Senate shall have no further use for them, be returned.

Page 78

JAMES MONROE.

FEBRUARY 8, 1821.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 1st instant, requesting the President of the United States “to cause to be laid before the Senate any information he may have in relation to the claims of citizens of Georgia against the Creek Nation of Indians, and why these claims, if any exist, have not been heretofore adjusted and settled under the provisions of the treaties of 1790 and 1796,” I now transmit a report from the Secretary of War, with accompanying documents, which contains all the information on this subject in the possession of the Executive.

JAMES MONROE.

FEBRUARY 13, 1821.

To the Senate of the United States:

The ratification by the Spanish Government of the treaty of amity, settlement, and limits between the United States and Spain, signed on the 22d of February, 1819, and on the 24th of that month ratified on the part of the United States, has been received by the envoy extraordinary and minister plenipotentiary of that power at this place, who has given notice that he is ready to exchange the ratifications.

By the sixteenth article of that treaty it was stipulated that the ratifications should be exchanged within six months from the day of its signature, which time having elapsed before the ratification of Spain was given, a copy and translation thereof are now transmitted to the Senate for their advice and consent to receive it in exchange for the ratification of the United. States heretofore executed.

The treaty was submitted to the consideration of the Cortes of that Kingdom before its ratification, which was finally given with their assent and sanction. The correspondence between the Spanish minister of foreign affairs and the minister of the United States at Madrid on that occasion is also herewith communicated to the Senate, together with a memorandum by the Secretary of State of his conference with the Spanish envoy here yesterday, when that minister gave notice of his readiness to exchange the ratifications.

The return of the original papers now transmitted, to avoid the delay necessary to the making of copies, is requested.

JAMES MONROE.

WASHINGTON, *February 22, 1821*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th instant, requesting “the President of the United States to cause to be laid before the Senate the original order for building the barracks at Sacketts Harbor, together with all communications between the War Department and Major-General Brown relative thereto, and the amount of public moneys expended thereon,” I now transmit a report from the Secretary of War, with the papers inclosed, which contains the information desired.

Page 79

JAMES MONROE.

WASHINGTON, *February 22, 1821*.

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

The treaty of amity, settlement, and limits between the United States and Spain, signed on the 22d of February, 1819, having been ratified by the contracting parties, and the ratifications having been exchanged, it is herewith communicated to Congress, that such legislative measures may be taken as they shall judge proper for carrying the same into execution.

JAMES MONROE.

WASHINGTON, *February 24, 1821*.

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

I transmit to Congress a letter from the Secretary of War, inclosing an annual return of the militia of the United States, prepared by the Adjutant and Inspector General conformably to the militia laws on that subject.

JAMES MONROE.

WASHINGTON, *February 28, 1821*.

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

I herewith transmit to Congress certain extracts and a copy of letters received by the Secretary of State from the marshal of the United States for the eastern district of Virginia, in relation to the execution of the act of the 14th of March, 1820, to provide for taking the Fourth Census, together with the answers returned to that marshal by the Secretary of State. As the time within which the assistants of the marshals can legally make their returns expired on the first Monday of the present month, it would appear by the information from the marshal at Richmond that the completion of the Fourth Census as it respects the eastern district of Virginia will have been defeated not only as it regards the period contemplated by law, but during the whole of the current year, unless Congress, to whom the case is submitted, should by an act of the present session allow further time for making the returns in question.

As connected with this subject, it is also submitted for the consideration of Congress how far the marshals ought to be liable to the payment of postage on the conveyance of the papers concerning the census and manufactures by the mail. In one instance it has been already ascertained that this item of contingent expense will amount to nearly a moiety of the compensation of the marshal for the whole of his services. If the marshals

are to be relieved from this charge, provision will be necessary by law either for the admission of it in their accounts or the refunding of it by the respective postmasters.

JAMES MONROE.

WASHINGTON, *March 2, 1821*.

To the Congress of the United States:

I communicate to the two Houses of Congress copies of a treaty this day ratified on the part of the United States, concluded and signed at the Indian Springs on the 8th of January last, with the Creek Nation of Indians, in order to such legislative measures as may be necessary for giving effect to it.

Page 80

JAMES MONROE.

WASHINGTON, *March 3, 1821*.

To the House of Representatives of the United States:

The treaty concluded between the United States and the Kickapoo tribe of Indians on the 30th of July, 1820, having been ratified by and with the advice and consent of the Senate, I now lay a copy of the said treaty before the House of Representatives in order to such legislative provisions being made as may be necessary to carry into effect the stipulations therein contained on the part of the United States.

JAMES MONROE.

SECOND INAUGURAL ADDRESS.

Fellow-Citizens: I shall not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my fellow-citizens, evinced by my reelection to this high trust, has excited in my bosom. The approbation which it announces of my conduct in the preceding term affords me a consolation which I shall profoundly feel through life. The general accord with which it has been expressed adds to the great and never-ceasing obligations which it imposes. To merit the continuance of this good opinion, and to carry it with me into my retirement as the solace of advancing years, will be the object of my most zealous and unceasing efforts.

Having no pretensions to the high and commanding claims of my predecessors, whose names are so much more conspicuously identified with our Revolution, and who contributed so preeminently to promote its success, I consider myself rather as the instrument than the cause of the union which has prevailed in the late election. In surmounting, in favor of my humble pretensions, the difficulties which so often produce division in like occurrences, it is obvious that other powerful causes, indicating the great strength and stability of our Union, have essentially contributed to draw you together. That these powerful causes exist, and that they are permanent, is my fixed opinion; that they may produce a like accord in all questions touching, however remotely, the liberty, prosperity, and happiness of our country will always be the object of my most fervent prayers to the Supreme Author of All Good.

In a government which is founded by the people, who possess exclusively the sovereignty, it seems proper that the person who may be placed by their suffrages in this high trust should declare on commencing its duties the principles on which he intends to conduct the Administration. If the person thus elected has served the preceding term, an opportunity is afforded him to review its principal occurrences and to give such further explanation respecting them as in his judgment may be useful to his

constituents. The events of one year have influence on those of another, and, in like manner, of a preceding on the succeeding Administration. The movements of a great nation are connected in all their parts. If errors have been committed they ought to be corrected; if the policy is sound it ought to be supported. It is by a thorough knowledge of the whole subject that our fellow-citizens are enabled to judge correctly of the past and to give a proper direction to the future.

Page 81

Just before the commencement of the last term the United States had concluded a war with a very powerful nation on conditions equal and honorable to both parties. The events of that war are too recent and too deeply impressed on the memory of all to require a development from me. Our commerce had been in a great measure driven from the sea; our Atlantic and inland frontiers were invaded in almost every part; the waste of life along our coast and on some parts of our inland frontiers, to the defense of which our gallant and patriotic citizens were called, was immense, in addition to which not less than $120,000,000 were added at its end to the public debt.

As soon as the war had terminated, the nation, admonished by its events, resolved to place itself in a situation which should be better calculated to prevent the recurrence of a like evil, and, in case it should recur, to mitigate its calamities. With this view, after reducing our land force to the basis of a peace establishment, which has been further modified since, provision was made for the construction of fortifications at proper points through the whole extent of our coast and such an augmentation of our naval force as should be well adapted to both purposes. The laws making this provision were passed in 1815 and 1816, and it has been since the constant effort of the Executive to carry them into effect.

The advantage of these fortifications and of an augmented naval force in the extent contemplated, in a point of economy, has been fully illustrated by a report of the Board of Engineers and Naval Commissioners lately communicated to Congress, by which it appears that in an invasion by 20,000 men, with a correspondent naval force, in a campaign of six months only, the whole expense of the construction of the works would be defrayed by the difference in the sum necessary to maintain the force which would be adequate to our defense with the aid of those works and that which would be incurred without them. The reason of this difference is obvious. If fortifications are judiciously placed on our great inlets, as distant from our cities as circumstances will permit, they will form the only points of attack, and the enemy will be detained there by a small regular force a sufficient time to enable our militia to collect and repair to that on which the attack is made. A force adequate to the enemy, collected at that single point, with suitable preparation for such others as might be menaced, is all that would be requisite. But if there were no fortifications, then the enemy might go where he pleased, and, changing his position and sailing from place to place, our force must be called out and spread in vast numbers along the whole coast and on both sides of every bay and river as high up in each as it might be navigable for ships of war. By these fortifications, supported by our Navy, to which they would afford like support, we should present to other powers an armed front from St. Croix to the Sabine, which would protect in the event of war our whole coast and interior from invasion; and even in the wars of other powers, in which we were neutral, they would be found eminently useful, as, by keeping their public ships at a distance from our cities, peace and order in them would be preserved and the Government be protected from insult.

Page 82

It need scarcely be remarked that these measures have not been resorted to in a spirit of hostility to other powers. Such a disposition does not exist toward any power. Peace and good will have been, and will hereafter be, cultivated with all, and by the most faithful regard to justice. They have been dictated by a love of peace, of economy, and an earnest desire to save the lives of our fellow-citizens from that destruction and our country from that devastation which are inseparable from war when it finds us unprepared for it. It is believed, and experience, has shown, that such a preparation is the best expedient that can be resorted to to prevent war. I add with much pleasure that considerable progress has already been made in these measures of defense, and that they will be completed in a few years, considering the great extent and importance of the object, if the plan be zealously and steadily persevered in.

The conduct of the Government in what relates to foreign powers is always an object of the highest importance to the nation. Its agriculture, commerce, manufactures, fisheries, revenue, in short, its peace, may all be affected by it. Attention is therefore due to this subject.

At the period adverted to the powers of Europe, after having been engaged in long and destructive wars with each other, had concluded a peace, which happily still exists. Our peace with the power with whom we had been engaged had also been concluded. The war between Spain and the colonies in South America, which had commenced many years before, was then the only conflict that remained unsettled. This being a contest between different parts of the same community, in which other powers had not interfered, was not affected by their accommodations.

This contest was considered at an early stage by my predecessor a civil war in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies, and of all other circumstances on which it ought to depend, was in strict accord with the law of nations. Congress has invariably acted on this principle, having made no change in our relations with either party. Our attitude has therefore been that of neutrality between them, which has been maintained by the Government with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one which has not been equally open to the other party, and every exertion has been made in its power to enforce the execution of the laws prohibiting illegal equipments with equal rigor against both.

By this equality between the parties their public vessels have been received in our ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest; our citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

Page 83

Respecting the attitude which it may be proper for the United States to maintain hereafter between the parties, I have no hesitation in stating it as my opinion that the neutrality heretofore observed should still be adhered to. From the change in the Government of Spain and the negotiation now depending, invited by the Cortes and accepted by the colonies, it may be presumed that their differences will be settled on the terms proposed by the colonies. Should the war be continued, the United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it as their honor and interest may require.

Shortly after the general peace a band of adventurers took advantage of this conflict and of the facility which it afforded to establish a system of buccaneering in the neighboring seas, to the great annoyance of the commerce of the United States, and, as was represented, of that of other powers. Of this spirit and of its injurious bearing on the United States strong proofs were afforded by the establishment at Amelia Island, and the purposes to which it was made instrumental by this band in 1817, and by the occurrences which took place in other parts of Florida in 1818, the details of which in both instances are too well known to require to be now recited. I am satisfied had a less decisive course been adopted that the worst consequences would have resulted from it. We have seen that these checks, decisive as they were, were not sufficient to crush that piratical spirit. Many culprits brought within our limits have been condemned to suffer death, the punishment due to that atrocious crime. The decisions of upright and enlightened tribunals fall equally on all whose crimes subject them, by a fair interpretation of the law, to its censure. It belongs to the Executive not to suffer the executions under these decisions to transcend the great purpose for which punishment is necessary. The full benefit of example being secured, policy as well as humanity equally forbids that they should be carried further. I have acted on this principle, pardoning those who appear to have been led astray by ignorance of the criminality of the acts they had committed, and suffering the law to take effect on those only in whose favor no extenuating circumstances could be urged.

Great confidence is entertained that the late treaty with Spain, which has been ratified by both the parties, and the ratifications whereof have been exchanged, has placed the relations of the two countries on a basis of permanent friendship. The provision made by it for such of our citizens as have claims on Spain of the character described will, it is presumed, be very satisfactory to them, and the boundary which is established between the territories of the parties westward of the Mississippi, heretofore in dispute, has, it is thought, been settled on conditions just and advantageous to both. But to the acquisition of Florida too much importance can not be attached.

Page 84

It secures to the United States a territory important in itself, and whose importance is much increased by its bearing on many of the highest interests of the Union. It opens to several of the neighboring States a free passage to the ocean, through the Province ceded, by several rivers, having their sources high up within their limits. It secures us against all future annoyance from powerful Indian tribes. It gives us several excellent harbors in the Gulf of Mexico for ships of war of the largest size. It covers by its position in the Gulf the Mississippi and other great waters within our extended limits, and thereby enables the United States to afford complete protection to the vast and very valuable productions of our whole Western country, which find a market through those streams.

By a treaty with the British Government, bearing date on the 20th of October, 1818, the convention regulating the commerce between the United States and Great Britain, concluded on the 3d of July, 1815, which was about expiring, was revived and continued for the term of ten years from the time of its expiration. By that treaty, also, the differences which had arisen under the treaty of Ghent respecting the right claimed by the United States for their citizens to take and cure fish on the coast of His Britannic Majesty's dominions in America, with other differences on important interests, were adjusted to the satisfaction of both parties. No agreement has yet been entered into respecting the commerce between the United States and the British dominions in the West Indies and on this continent. The restraints imposed on that commerce by Great Britain, and reciprocated by the United States on a principle of defense, continue still in force.

The negotiation with France for the regulation of the commercial relations between the two countries, which in the course of the last summer had been commenced at Paris, has since been transferred to this city, and will be pursued on the part of the United States in the spirit of conciliation, and with an earnest desire that it may terminate in an arrangement satisfactory to both parties.

Our relations with the Barbary Powers are preserved in the same state and by the same means that were employed when I came into this office. As early as 1801 it was found necessary to send a squadron into the Mediterranean for the protection of our commerce, and no period has intervened, a short term excepted, when it was thought advisable to withdraw it. The great interests which the United States have in the Pacific, in commerce and in the fisheries, have also made it necessary to maintain a naval force there. In disposing of this force in both instances the most effectual measures in our power have been taken, without interfering with its other duties, for the suppression of the slave trade and of piracy in the neighboring seas.

Page 85

The situation of the United States in regard to their resources, the extent of their revenue, and the facility with which it is raised affords a most gratifying spectacle. The payment of nearly $67,000,000 of the public debt, with the great progress made in measures of defense and in other improvements of various kinds since the late war, are conclusive proofs of this extraordinary prosperity, especially when it is recollected that these expenditures have been defrayed without a burthen on the people, the direct tax and excise having been repealed soon after the conclusion of the late war, and the revenue applied to these great objects having been raised in a manner not to be felt. Our great resources therefore remain untouched for any purpose which may affect the vital interests of the nation. For all such purposes they are inexhaustible. They are more especially to be found in the virtue, patriotism, and intelligence of our fellow-citizens, and in the devotion with which they would yield up by any just measure of taxation all their property in support of the rights and honor of their country.

Under the present depression of prices, affecting all the productions of the country and every branch of industry, proceeding from causes explained on a former occasion, the revenue has considerably diminished, the effect of which has been to compel Congress either to abandon these great measures of defense or to resort to loans or internal taxes to supply the deficiency. On the presumption that this depression and the deficiency in the revenue arising from it would be temporary, loans were authorized for the demands of the last and present year. Anxious to relieve my fellow-citizens in 1817 from every burthen which could be dispensed with, and the state of the Treasury permitting it, I recommended the repeal of the internal taxes, knowing that such relief was then peculiarly necessary in consequence of the great exertions made in the late war. I made that recommendation under a pledge that should the public exigencies require a recurrence to them at any time while I remained in this trust, I would with equal promptitude perform the duty which would then be alike incumbent on me. By the experiment now making it will be seen by the next session of Congress whether the revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially should it be probable that it would be permanent, the course to be pursued appears to me to be obvious. I am satisfied that under certain circumstances loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the demands of the current year, especially in time of peace, should be provided for by the revenue of that year.

Page 86

I have never dreaded, nor have I ever shunned, in any situation in which I have been placed making appeals to the virtue and patriotism of my fellow-citizens, well knowing that they could never be made in vain, especially in times of great emergency or for purposes of high national importance. Independently of the exigency of the case, many considerations of great weight urge a policy having in view a provision of revenue to meet to a certain extent the demands of the nation, without relying altogether on the precarious resource of foreign commerce. I am satisfied that internal duties and excises, with corresponding imposts on foreign articles of the same kind, would, without imposing any serious burdens on the people, enhance the price of produce, promote our manufactures, and augment the revenue, at the same time that they made it more secure and permanent.

The care of the Indian tribes within our limits has long been an essential part of our system, but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations, without their having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and in many instances paved the way to their destruction. The progress of our settlements westward, supported as they are by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity and, I may add, on the justice of this nation which we must all feel. We should become their real benefactors; we should perform the office of their Great Father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over vast territories should cease, in lieu of which the right of soil should be secured to each individual and his posterity in competent portions; and for the territory thus ceded by each tribe some reasonable equivalent should be granted, to be vested in permanent funds for the support of civil government over them and for the education of their children, for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

Europe is again unsettled and the prospect of war increasing. Should the flame light up in any quarter, how far it may extend it is impossible to foresee. It is our peculiar felicity to be altogether unconnected with the causes which produce this menacing aspect elsewhere. With every power we are in perfect amity, and it is our interest to remain so if it be practicable on just conditions. I see no reasonable cause to apprehend variance with any power, unless it proceed from a violation of our maritime

Page 87

rights. In these contests, should they occur, and to whatever extent they may be carried, we shall be neutral; but as a neutral power we have rights which it is our duty to maintain. For like injuries it will be incumbent on us to seek redress in a spirit of amity, in full confidence that, injuring none, none would knowingly injure us. For more imminent dangers we should be prepared, and it should always be recollected that such preparation adapted to the circumstances and sanctioned by the judgment and wishes of our constituents can not fail to have a good effect in averting dangers of every kind. We should recollect also that the season of peace is best adapted to these preparations.

If we turn our attention, fellow-citizens, more immediately to the internal concerns of our country, and more especially to those on which its future welfare depends, we have every reason to anticipate the happiest results. It is now rather more than forty-four years since we declared our independence, and thirty-seven since it was acknowledged. The talents and virtues which were displayed in that great struggle were a sure presage of all that has since followed. A people who were able to surmount in their infant state such great perils would be more competent as they rose into manhood to repel any which they might meet in their progress. Their physical strength would be more adequate to foreign danger, and the practice of self-government, aided by the light of experience, could not fail to produce an effect equally salutary on all those questions connected with the internal organization. These favorable anticipations have been realized.

In our whole system, national and State, we have shunned all the defects which unceasingly preyed on the vitals and destroyed the ancient Republics. In them there were distinct orders, a nobility and a people, or the people governed in one assembly. Thus, in the one instance there was a perpetual conflict between the orders in society for the ascendency, in which the victory of either terminated in the overthrow of the government and the ruin of the state; in the other, in which the people governed in a body, and whose dominions seldom exceeded the dimensions of a county in one of our States, a tumultuous and disorderly movement permitted only a transitory existence. In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for all the purposes of free, enlightened, and efficient government. The whole system is elective, the complete sovereignty being in the people, and every officer in every department deriving his authority from and being responsible to them for his conduct.

Page 88

Our career has corresponded with this great outline. Perfection in our organization could not have been expected in the outset either in the National or State Governments or in tracing the line between their respective powers. But no serious conflict has arisen, nor any contest but such as are managed by argument and by a fair appeal to the good sense of the people, and many of the defects which experience had clearly demonstrated in both Governments have been remedied. By steadily pursuing this course in this spirit there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable, and that the movement in all its branches will exhibit such a degree of order and harmony as to command the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. Twenty-five years ago the river Mississippi was shut up and our Western brethren had no outlet for their commerce. What has been the progress since that time? The river has not only become the property of the United States from its source to the ocean, with all its tributary streams (with the exception of the upper part of the Red River only), but Louisiana, with a fair and liberal boundary on the western side and the Floridas on the eastern, have been ceded to us. The United States now enjoy the complete and uninterrupted sovereignty over the whole territory from St. Croix to the Sabine. New States, settled from among ourselves in this and in other parts, have been admitted into our Union in equal participation in the national sovereignty with the original States. Our population has augmented in an astonishing degree and extended in every direction. We now, fellow-citizens, comprise within our limits the dimensions and faculties of a great power under a Government possessing all the energies of any government ever known to the Old World, with an utter incapacity to oppress the people.

Entering with these views the office which I have just solemnly sworn to execute with fidelity and to the utmost of my ability, I derive great satisfaction from a knowledge that I shall be assisted in the several Departments by the very enlightened and upright citizens from whom I have received so much aid in the preceding term. With full confidence in the continuance of that candor and generous indulgence from my fellow-citizens at large which I have heretofore experienced, and with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.

MARCH 5, 1821.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received that an atrocious murder, aggravated by the additional crime of robbery, was, on the 6th or 7th day of this present month, committed in the county of Alexandria and District of Columbia on William Seaver, late of this city; and

Page 89

Whereas the apprehension and punishment of the murderer or murderers and his or their accessary or accessaries will be an example due to justice and humanity and every way salutary in its operation:

I have therefore thought fit to issue this my proclamation, hereby exhorting the citizens of the United States, and particularly those of this District, and requiring all officers, according to their respective stations, to use their utmost endeavors to apprehend and bring the principal or principals, accessary or accessaries, to the said murder to justice.

And I do moreover offer a reward of $300 for each principal, if there be more than one, and $150 for each accessary before the fact, if there be more than one, who shall be apprehended after the day of the date hereof and brought to justice, to be paid upon his conviction of the crime or crimes aforesaid.

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, this 10th day of July, A.D. 1821, and of the Independence of the United States the forty-sixth.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas the Congress of the United States, by a joint resolution of the 2d day of March last, entitled “Resolution providing for the admission of the State of Missouri into the Union on a certain condition,” did determine and declare “that Missouri should be admitted into this Union on an equal footing with the original States in all respects whatever upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That the legislature of said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the

United States on or before the first Monday in November next an authentic copy of said act, upon the receipt whereof the President, by proclamation, shall announce the fact, whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete;" and

Page 90

Whereas by a solemn public act of the assembly of said State of Missouri, passed on the 26th of June, in the present year, entitled “A solemn public act declaring the assent of this State to the fundamental condition contained in a resolution passed by the Congress of the United States providing for the admission of the State of Missouri into the Union on a certain condition,” an authentic copy whereof has been communicated to me, it is solemnly and publicly enacted and declared that that State has assented, and does assent, that the fourth clause of the twenty-sixth section of the third article of the constitution of said State “shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the Constitution of the United States:”

Now, therefore, I, James Monroe, President of the United States, in pursuance of the resolution of Congress aforesaid, have issued this my proclamation, announcing the fact that the said State of Missouri has assented to the fundamental condition required by the resolution of Congress aforesaid, whereupon the admission of the said State of Missouri into this Union is declared to be complete.

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 10th day of August, A.D. 1821, and of the Independence of the said United States of America the forty-sixth.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United

States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me, through the charge d’affaires of the United States in Sweden, under date of the 30th day of January, 1821, that thenceforward all discriminating or countervailing duties in the Kingdom of Norway so far as they operated to the disadvantage of the United States had been and were abolished:

Page 91

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the Kingdom of Norway and vessels of the United States and between goods imported into the United States in vessels of the said Kingdom of Norway and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said Kingdom of Norway.

Given under my hand, at the city of Washington, this 20th day of August, A.D. 1821, and the forty-sixth year of the Independence of the United States.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me, under date of the 11th of May last, that thenceforward all discriminating or countervailing duties of the Dukedom of Oldenburg so far as they might operate to the disadvantage of the United States should be and were abolished upon His Highness the Duke of Oldenburg’s being duly certified of a reciprocal act on the part of the United States:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United

States as imposed a discriminating duty of tonnage between vessels of the Dukedom of Oldenburg and vessels of the United States and between goods imported into the United States in vessels of the said Dukedom of Oldenburg and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said Dukedom of Oldenburg.

Given under my hand, at the city of Washington, this 22d day of November, A.D. 1821, and the forty-sixth year of the Independence of the United States.

Page 92

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

FIFTH ANNUAL MESSAGE.

WASHINGTON, *December 3, 1821*.

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

The progress of our affairs since the last session has been such as may justly be claimed and expected under a Government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws and of the powers vested by the Constitution in the Executive, unremitted attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state that peace and amity are preserved with all by a strict observance on both sides of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed as to the conditions on which it should be placed, each party has pursued its own policy without giving just cause of offense to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view, that errors, if such have been committed, may be corrected; that defects which have become manifest may be remedied; and, on the other hand, that measures which were adopted on due deliberation, and which experience has shewn are just in themselves and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty I shall endeavor to place before you on its merits every subject that is thought to be entitled to your particular attention in as distinct and clear a light as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels and on the manufactures and productions of foreign nations when imported into the United States in foreign vessels than when imported in vessels of the United States were repealed so far as respected the manufactures and productions of the nation to which such vessels belonged, on the condition that the repeal should take effect only in favor of any foreign nation when the Executive should be satisfied that such discriminating duties to the disadvantage of the United States had likewise been repealed by such nation. By this act a proposition was made to all nations to place our commerce with each on a basis which it was presumed

would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports and to take the manufactures

Page 93

and productions of the United States back to their ports in their own vessels on the same conditions that they might be transported in vessels of the United States, and in return it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies in a great extent to the European dominions of every European power and in a certain extent to all the colonies of those powers. By placing, then, the navigation precisely on the same ground in the transportation of exports and imports between the United States and other countries it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and with the greater reason as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe except in cases of great emergency to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then not in favor of any particular country to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies on the payment of equal tonnage a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be

expected. The demand in the present instance would be the more unreasonable in consideration of the great inequality existing in the trade with the parent country.

Page 94

Such was the basis of our system as established by the act of 1815 and such its true character. In the year in which this act was passed a treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent it was not extended, the British Government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return in her own vessels. To this claim the United States could not assent, and in consequence each party suspended the intercourse in the vessels of the other by a prohibition which still exists.

The same conditions were offered to France, but not accepted. Her Government has demanded other conditions more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions in ports of the United States. To these it was thought improper to accede, and in consequence the restrictive regulations which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries in the vessels of each party has been in a great measure suspended. It is much to be regretted that, although a negotiation has been long pending, such is the diversity of views entertained on the various points which have been brought into discussion that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred in this negotiation respecting the construction of the eighth article of the treaty of 1803, by which Louisiana was ceded to the United States, and likewise respecting the seizure of the *Apollo*, in 1820, for a violation of our revenue laws. The claim of the Government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it in either instance. By the eighth article of the treaty referred to it is stipulated that after the expiration of twelve years, during which time it was provided by the seventh or preceding article that the vessels of France and Spain should be admitted into the ports of the ceded territory without paying higher duties on merchandise or tonnage on the vessels than such as were paid by citizens of the United States, the ships of France should forever afterwards be placed on the footing of the most favored nation. By the obvious construction of this article it is presumed that it was intended that no favor should be granted to any power in those ports to which France should not be forthwith entitled, nor should any accommodation be allowed to another power on conditions to which she would not also be entitled on the same conditions. Under this construction no favor or accommodation could be granted to any power to the prejudice of France. By allowing the equivalent allowed by

Page 95

those powers she would always stand in those ports on the footing of the most favored nation. But if this article should be so construed as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions as might be allowed to other powers in return for important concessions made by them, then the whole character of the stipulation would be changed. She would not be placed on the footing of the most favored nation, but on a footing held by no other nation. She would enjoy all advantages allowed to them in consideration of like advantages allowed to us, free from every and any condition whatever.

As little cause has the Government of France to complain of the seizure of the *Apollo* and the removal of other vessels from the waters of the St. Marys. It will not be denied that every nation has a right to regulate its commercial system as it thinks fit and to enforce the collection of its revenue, provided it be done without an invasion of the rights of other powers. The violation of its revenue laws is an offense which all nations punish, the punishment of which gives no just cause of complaint to the power to which the offenders belong, provided it be extended to all equally. In this case every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to have pursued a fair trade he would have entered our ports and paid the duties; or had he intended to carry on a legitimate circuitous commerce with the United States he would have entered the port of some other power, landed his goods at the custom-house according to law, and re-shipped and sent them in the vessel of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river St. Marys, the boundary line between the United States and Florida, and took his position on the Spanish side, on which in the whole extent of the river there was no town, no port or custom-house, and scarcely any settlement. His purpose, therefore, was not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain persons for the violation of our revenue system, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party in such a practice is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy in Spain herself to have established a custom-house there, since it could have subserved no other purpose than to elude our revenue law. But the Government

Page 96

of Spain did not adopt that measure. On the contrary, it is understood that the Captain-General of Cuba, to whom an application to that effect was made by these adventurers, had not acceded to it. The condition of those Provinces for many years before they were ceded to the United States need not now be dwelt on. Inhabited by different tribes of Indians and an inroad for every kind of adventurer, the jurisdiction of Spain may be said to have been almost exclusively confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries governed by laws could not be deemed so to the deserts of Florida and to the occurrences there. It merits attention also that the territory had then been ceded to the United States by a treaty the ratification of which had not been refused, and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United States more at liberty to exercise authority to prevent so great a mischief. The conduct of this Government has in every instance been conciliatory and friendly to France. The construction of our revenue law in its application to the cases which have formed the ground of such serious complaint on her part and the order to the collector of St. Marys, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another power. The application, therefore, to the cases in question was inevitable. As soon as the treaty by which these Provinces were ceded to the United States was ratified, and all danger of further breach of our revenue laws ceased, an order was given for the release of the vessel which had been seized and for the dismission of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the Kingdoms of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws in regard to the Netherlands, Prussia, Hamburg, and Bremen that such produce and manufactures as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The Government of Norway has by an ordinance opened the ports of that part of the dominions of the King of Sweden to the vessels of the United States upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

Page 97

I have presented thus fully to your view our commercial relations with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may in its wisdom decide whether any change ought to be made, and, if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent has been, by a joint act of the representatives of the United States and of Great Britain at the Court of St. Petersburg, submitted to the decision of His Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two Governments, according to the provisions of the treaty, may be expected at an early day.

With Spain the treaty of February 22, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service by an order from His Catholic Majesty, delivered by his minister to the Secretary of State, and transmitted by a special agent to the Captain-General of Cuba, to whom it was directed and in whom the government of those Provinces was vested, have not only omitted, in contravention of the order of their Sovereign, the performance of the express stipulation to deliver over the archives and documents relating to the property and sovereignty of those Provinces, all of which it was expected would have been delivered either before or when the troops were withdrawn, but defeated since every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the documents which will be hereafter communicated.

In every other circumstance the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants for the term specified, all the civil, military, and judicial powers exercised by the existing government of those Provinces an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both Provinces were formed into one Territory, and a governor appointed for it; but in consideration of the pre-existing division and of the distance and difficulty of communication

Page 98

between Pensacola, the residence of the governor of West Florida, and St. Augustine, that of the governor of East Florida, at which places the inconsiderable population of each Province was principally collected, two secretaries were appointed, the one to reside at Pensacola and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States relating to the revenue and the slave trade, which were extended to these Provinces. The whole Territory was divided into three collection districts, that part lying between the river St. Marys and Cape Florida forming one, that from the Cape to the Apalachicola another, and that from the Apalachicola to the Perdido the third. To these districts the usual number of revenue officers were appointed; and to secure the due operation of these laws one judge and a district attorney were appointed to reside at Pensacola, and likewise one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing government of those Provinces, it was thought important, in consideration of the short term for which it was to operate and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from their pursuits, whereby to subject the Government to claims which could not be gratified and the parties to losses which it would be painful to witness.

It has been seen with much concern that in the performance of these duties a collision arose between the governor of the Territory and the judge appointed for the western district. It was presumed that the law under which this transitory government was organized, and the commissions which were granted to the officers who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense by them in which they were understood by the Executive. Much allowance is due to officers employed in each branch of this system, and the more so as there is good cause to believe that each acted under the conviction that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event which would insure complete protection to an important part of our Union, which had suffered much from incursion and invasion, and to the defense of which his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and indeed the necessity, of establishing as soon as may be practicable a well-organized government over that Territory on the principles of our system is apparent. This subject is therefore recommended to the early consideration of Congress.

Page 99

In compliance with an injunction of the law of the 3d of March last, three commissioners have also been appointed and a board organized for carrying into effect the eleventh article of the treaty above recited, making provision for the payment of such of our citizens as have well-founded claims on Spain of the character specified by that treaty. This board has entered on its duties and made some progress therein. The commissioner and surveyor of His Catholic Majesty, provided for by the fourth article of the treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive corresponding appointments will be made and every facility be afforded for the due execution of this service.

The Government of His Most Faithful Majesty since the termination of the last session of Congress has been removed from Rio de Janeiro to Lisbon, where a revolution similar to that which had occurred in the neighboring Kingdom of Spain had in like manner been sanctioned by the accepted and pledged faith of the reigning monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by this important event, has not yet been resumed, but the change of internal administration having already materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success during the present year in the struggle for' their independence. The new Government of Colombia has extended its territories and considerably augmented its strength, and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the Provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests and due to its magnanimity to terminate this exhausting controversy on that basis. To promote this result by friendly counsel with the Government of Spain will be the object of the Government of the United States.

In conducting the fiscal operations of the year it has been found necessary to carry into full effect the act of the last session of Congress authorizing a loan of $5,000,000. This sum has been raised at an average premium of $5.59 per centum upon stock bearing an interest at the rate of 5 per cent per annum, redeemable at the option of the Government after the 1st day of January, 1835.

There has been issued under the provisions of this act $4,735,296.30 of 5 per cent stock, and there has been or will be redeemed during the year $3,197,030.71 of Louisiana 6 per cent deferred stock and Mississippi stock. There has therefore been an actual increase of the public debt contracted during the year of $1,538,266.69.

Page 100

The receipts into the Treasury from the 1st of January to the 30th of September last have amounted to $16,219,197.70, which, with the balance of $1,198,461.21 in the Treasury on the former day, make the aggregate sum of $17,417,658.91. The payments from the Treasury during the same period have amounted to $15,655,288.47, leaving in the Treasury on the last-mentioned day the sum of $1,762,370.44. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the Treasury during the same period, and that the amount in the Treasury on the 30th of September last will be increased on the 1st day of January next.

At the close of the last session it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had in the latter year reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 30th of September last the duties secured have exceeded those of the corresponding quarters of the last year $1,172,000, whilst the amount of debentures issued during the three first quarters of this year is $952,000 less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue during the last-mentioned period will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject by the official reports of the Treasury at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances the revenue for the next and subsequent years to the year 1825 will exceed the demands at present authorized by law.

It may fairly be presumed that under the protection given to domestic manufactures by the existing laws we shall become at no distant period a manufacturing country on an extensive scale. Possessing as we do the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts and in every improvement calculated to lessen the demand for and the price of labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which under a fair competition may be made upon it.

Page 101

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties is raised from other articles than manufactures, the demand for which will increase with our population, it is believed that a fund will still be raised from that source adequate to the greater part of the public expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dockyards, and other public works, by the augmentation of the Navy to the point to which it is proposed to carry it, and by the payment of the public debt, including pensions for military services.

It can not be doubted that the more complete our internal resources and the less dependent we are on foreign powers for every national as well as domestic purpose the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other and the strength of the Union itself be proportionably augmented. In this process, which is very desirable, and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of the Navy, and the protection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity either to abandon those measures of defense or to resort to other means for adequate funds, the course presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested. It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

Page 102

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi, under the resolution of the House of Representatives, from the mouth of the Ohio to the ocean, and likewise of the Ohio from Louisville to the Mississippi. A progress corresponding with the sums appropriated has also been made in the construction of these fortifications at the points designated. As they will form a system of defense for the whole maritime frontier, and in consequence for the interior, and are to last for ages, the greatest care has been taken to fix the position of each work and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have been minutely examined, and positions taken with a view to the best effect, observing in every instance a just regard for economy. Doubts, however, being entertained as to the propriety of the position and extent of the work at Dauphine Island, further progress in it was suspended soon after the last session of Congress, and an order given to the Board of Engineers and Naval Commissioners to make a further and more minute examination of it in both respects, and to report the result without delay.

Due progress has been made in the construction of vessels of war according to the law providing for the gradual augmentation of the Navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed and are now in actual service. None of the larger ships have been or will be launched for the present, the object being to protect all which may not be required for immediate service from decay by suitable buildings erected over them. A squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary Powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfillment of the object intended by it. From past experience and the best information respecting the views of those powers it is distinctly understood that should our squadron be withdrawn they would soon recommence their hostilities and depredations upon our commerce. Their fortifications have lately been rebuilt and their maritime force increased. It has also been found necessary to maintain a naval force on the Pacific for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the Gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter many piracies have been committed on our commerce, and so extensive was becoming the range of those unprincipled adventurers that there was cause to apprehend, without a timely and decisive

Page 103

effort to suppress them, the worst consequences would ensue. Fortunately, a considerable check has been given to that spirit by our cruisers, who have succeeded in capturing and destroying several of their vessels. Nevertheless, it is considered an object of high importance to continue these cruises until the practice is entirely suppressed. Like success has attended our efforts to suppress the slave trade. Under the flag of the United States and the sanction of their papers the trade may be considered as entirely suppressed, and if any of our citizens are engaged in it under the flags and papers of other powers, it is only from a respect to the rights of those powers that these offenders are not seized and brought home to receive the punishment which the laws inflict. If every other power should adopt the same policy and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the great source from whence they proceed and to whom our most grateful acknowledgments are due.

JAMES MONROE.

SPECIAL MESSAGES.

WASHINGTON, *December 16, 1821*.

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

I transmit to Congress a letter from the Secretary of the Treasury, inclosing the report of the commissioners appointed in conformity with the provisions of “An act to authorize the building of light-houses therein mentioned, and for other purposes,” approved the 3d of March, 1821.

JAMES MONROE.

WASHINGTON, *December 16, 1821*.

To the House of Representatives of the United States:

By a resolution of Congress approved on the 27th of March, 1818, it was directed that the journal, acts, and proceedings of the Convention which formed the present Constitution of the United States should be published, under the direction of the President of the United States, together with the secret journals of the acts and proceedings, and the foreign correspondence (with a certain exception), of the Congress of the United States from the first meeting thereof down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States,

in the year 1783, and that 1,000 copies thereof should be printed, of which one copy should be furnished to each member of that (the Fifteenth) Congress, and the residue should remain subject to the future disposition of Congress.

And by a resolution of Congress approved on the 21st April, 1820, it was provided that the secret journal, together with all the papers and documents connected with that journal, and all other papers and documents heretofore considered confidential, of the old Congress, from the date of the ratification of the definitive treaty of the year 1783 to the formation of the present Government, which were remaining in the office of the Secretary of State, should be published under the direction of the President of the United States, and that I,000 copies thereof should be printed and deposited in the Library subject to the disposition of Congress.

Page 104

In pursuance of these two resolutions, 1,000 copies of the journals and acts of the Convention which formed the Constitution have been heretofore printed and placed at the disposal of Congress, and 1,000 copies of the secret journals of the Congress of the Confederation, complete, have been printed, 250 copies of which have been reserved to comply with the direction of furnishing one copy to each member of the Fifteenth Congress; the remaining 750 copies have been deposited in the Library and are now at the disposal of Congress.

By the general appropriation act of 9th April, 1818, the sum of $10,000 was appropriated for defraying the expenses of printing done pursuant to the resolution of the 27th of March of that year. No appropriation has yet been made to defray the expenses incident to the execution of the resolution of 21st April, 1820. The whole expense hitherto incurred in carrying both resolutions into effect has exceeded by $542.56 the appropriation of April, 1818. This balance remains due to the printers, and is included in the estimates of appropriation for the year 1822. That part of the resolution of the 27th March, 1818, which directs the publication of the foreign correspondence of the Congress of the Confederation remains yet to be executed, and a further appropriation will be necessary for carrying it into effect.

JAMES MONROE.

DECEMBER 30, 1821.

To the Senate of the United States:

I transmit to the Senate a treaty of peace and amity concluded between the United States and the Dey and Regency of Algiers on the 23d of December, 1816.

This treaty is in all respects the same in its provisions with that which had been concluded on the 30th of June, 1815, and was ratified, by and with the advice and consent of the Senate, on the 26th of December of that year, with the exception of one additional and explanatory article.

The circumstances which have occasioned the delay in laying the present treaty before the Senate for their advice and consent to its ratification are, that having been received in the spring of the year 1817, during the recess of the Senate, in the interval between the time when the Department of State was vacated by its late Secretary and the entrance of his successor upon the duties of the office, and when a change also occurred of the chief clerk of the Department, it was not recollected by the officers of the Department that it remained without the constitutional sanction of the Senate until shortly before the commencement of the present session. The documents explanatory of the additional articles are likewise herewith transmitted.

JAMES MONROE.

WASHINGTON *January 7, 1822*.

To the Congress of the United States:

I transmit a report of the Secretary of the Navy, together with a survey of the coast of North Carolina, made in pursuance of a resolution of Congress of the 19th January, 1819.

Page 105

JAMES MONROE.

WASHINGTON, *January 8, 1822*.

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

In pursuance of a joint resolution of the two Houses of Congress of the 3d of March, 1821, authorizing the President to cause such number of astronomical observations to be made by methods which might, in his judgment, be best adapted to insure a correct determination of the longitude of the Capitol, in the city of Washington, from Greenwich or some other known meridian in Europe, and that he cause the data, with accurate calculations on statements founded thereon, to be laid before them at their present session, I herewith transmit to Congress the report made by William Lambert, who was selected by me on the 10th of April last to perform the service required by that resolution.

As no compensation is authorized by law for the execution of the duties assigned to Mr. Lambert, it is submitted to the discretion of Congress to make the necessary provision for an adequate allowance to him and to the assistant whom he employed to aid him in his observations.

JAMES MONROE.

JANUARY 17, 1822.

To the Senate of the United States:

I nominate the persons whose names are stated in the inclosed letter from the Secretary of War for the appointments therein respectively proposed for them.

The changes in the Army growing out of the act of the 2d of March, 1821, “to reduce and fix the military peace establishment of the United States,” are exhibited in the Official Register for the year 1822, herewith submitted for the information of the Senate.

Under the late organization of the artillery arm, with the exception of the colonel of the regiment of light artillery, there were no grades higher than lieutenant-colonel recognized. Three of the four colonels of artillery provided for by the act of Congress of the 2d of March, 1821, were considered, therefore, as original vacancies, to be filled, as the good of the service might dictate, from the Army corps.

The Pay Department being considered as a part of the military establishment, and, within the meaning of the above-recited act, constituting one of the corps of the Army, the then Pay master-General was appointed colonel of one of the regiments. A contrary construction, which would have limited the corps specified in the twelfth section of the

act to the line of the Army, would equally have excluded all the other branches of the staff, as well that of the Pay Department, which was expressly comprehended among those to be reduced. Such a construction did not seem to be authorized by the act, since by its general terms it was inferred to have been intended to give a power of sufficient extent to make the reduction by which so many were to be disbanded operate with as little inconvenience as possible to the parties. Acting on these views and on the recommendation of the board of general officers, who were called in on account of their knowledge and experience to aid the Executive in so delicate a service, I thought it proper to appoint Colonel Towson to one of the new regiments of artillery, it being a corps in which he had eminently distinguished himself and acquired great knowledge and experience in the late war.

Page 106

In reconciling conflicting claims provision for four officers of distinction could only be made in grades inferior to those which they formerly held. Their names are submitted, with the nomination for the brevet rank of the grades from which they were severally reduced.

It is proper also to observe that as it was found difficult in executing the act to retain each officer in the corps to which he belonged, the power of transferring officers from one corps to another was reserved in the general orders, published in the Register, till the 1st day of January last, in order that upon vacancies occurring those who had been put out of their proper corps might as far as possible be restored to it. Under this reservation, and in conformity to the power vested in the Executive by the first section of the seventy-fifth article of the general regulations of the Army, approved by Congress at the last session, on the resignation of Lieutenant-Colonel Mitchell, of the corps of artillery, Lieutenant-Colonel Lindsay, who had belonged to this corps before the late reduction, was transferred back to it in the same grade. As an additional motive to the transfer, it had the effect of preventing Lieutenant-Colonel Taylor and Major Woolley being reduced to lower grades than those which they held before the reduction, and Captain Cobb from being disbanded under the act. These circumstances were considered as constituting an extraordinary case within the meaning of the section already referred to of the Regulations of the Army. It is, however, submitted to the Senate whether this is a case requiring their confirmation; and in case that such should be their opinion, it is submitted to them for their constitutional confirmation.

JAMES MONROE.

WASHINGTON, *January 20, 1822*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives “requesting the President of the United States to cause to be laid before this House an account of the expenditures made under the act to provide for the civilization of the Indian tribes, specifying the times when, the persons to whom, and the particular purpose for which such expenditures have been made,” I herewith transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *January 28, 1822*.

To the House of Representatives:

In compliance with the resolution of the 2d instant, I transmit a report of the Secretary of State, with all the documents relating to the misunderstanding between Andrew

Jackson, while acting as governor of the Floridas, and Eligius Fromentin, judge of a court therein; and also of the correspondence between the Secretary of State and the minister plenipotentiary of His Catholic Majesty on certain proceedings in that Territory in execution of the powers vested in the governor by the Executive under the law of the last session for carrying into effect the late treaty between

Page 107

the United States and Spain. Being always desirous to communicate to Congress, or to either House, all the information in the possession of the Executive respecting any important interest of our Union which may be communicated without real injury to our constituents, and which can rarely happen except in negotiations pending with foreign powers, and deeming it more consistent with the principles of our Government in cases submitted to my discretion, as in the present instance, to hazard error by the freedom of the communication rather than by withholding any portion of information belonging to the subject, I have thought proper to communicate every document comprised within this call.

JAMES MONROE.

WASHINGTON, *January 30, 1822*.

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 16th instant, requesting information with regard to outrages and abuses committed upon the persons of the officers and crews of American vessels at The Havannah and other Spanish ports in America, and whether the Spanish authorities have taken any measures to punish, restrain, or countenance such outrages, I herewith transmit to that House a report from the Secretary of State, containing the information called for.

JAMES MONROE.

WASHINGTON, *January 30, 1822*.

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 8th instant, I transmit to the House of Representatives a report of the Secretary of State, containing all the information procured by him in relation to commissions of bankruptcy in certain districts of the United States under the act of 4th of April, 1800, “to establish an uniform system of bankruptcy in the United States.”

JAMES MONROE.

WASHINGTON, *February 7, 1822*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives requesting the President to “cause that House to be informed whether the commissioners appointed to

lay out the continuation of the Cumberland road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana, and Illinois to the Mississippi River, have completed the same, and, if not completed, the reason why their duties have been suspended," I transmit a report from the Secretary of the Treasury, which furnishes the information desired.

JAMES MONROE.

WASHINGTON, *February 10, 1822*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States and the measures hitherto devised and pursued for their civilization," I now transmit a report from the Secretary of War.

Page 108

JAMES MONROE.

WASHINGTON, *February 23, 1822*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives “requesting the President of the United States to cause to be reported to this House whether the Indian title has been extinguished by the United States to any lands the right of soil in which has been or is claimed by any particular State, and, if so, the conditions upon which the same has been extinguished,” I herewith transmit a report from the Secretary of War, furnishing all the information in the possession of that Department embraced by the resolution,

JAMES MONROE.

WASHINGTON, *February 23, 1822*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 14th instant, requesting the President of the United States “to make known to the Senate the annual disposition which has been made of the sum of $15,000 appropriated by an act of Congress of the year 1802 to promote civilization among friendly Indian tribes, showing to what tribes that evidence of the national bounty has been extended, the names of the agents who have been intrusted with the application of the money, the several amounts by them received, and the manner in which they have severally applied it to accomplish the objects of the act,” I herewith transmit a report from the Secretary of War, furnishing all the information upon this subject in the possession of that Department.

JAMES MONROE.

WASHINGTON, *February 25, 1822*.

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

Under the appropriation made by the act of Congress of the 11th of April, 1820, for holding treaties with the Creek and Cherokee nations of Indians for the extinguishment of the Indian title to lands within the State of Georgia, pursuant to the fourth condition of the first article of the articles of agreement and cession concluded between the United States and the State of Georgia on the 24th day of April, 1802, a treaty was held with the Creek Nation, the expense of which upon the settlement of the accounts of the commissioners who were appointed to conduct the negotiation was ascertained to amount to the sum of $24,695, leaving an unexpended balance of the sum appropriated of $5,305, a sum too small to negotiate a treaty with the Cherokees, as was

contemplated by the act making the appropriation. The legislature of Georgia being still desirous that a treaty should be held for further extinguishment of the Indian title to lands within that State, and to obtain an indemnity to the citizens of that State for property of considerable value, which has been taken from them by the Cherokee Indians, I submit the subject to the consideration of Congress, that a further sum, which, in addition to the balance of the former appropriation, will be adequate to the expenses attending a treaty with them, may be appropriated should Congress deem it expedient.

Page 109

JAMES MONROE.

WASHINGTON, *March 4, 1822*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d ultimo, requesting the President of the United States “to cause to be laid before this House a statement showing the amount of woolens purchased for the use of the Army during the years 1820 and 1821, comprising a description of the articles, of whom the purchases were made, at what prices, and what proportion thereof was of American manufacture,” I herewith transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *March 8, 1822*.

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

In transmitting to the House of Representatives the documents called for by the resolution of that House of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

The revolutionary movement in the Spanish Provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the Provinces probable, the rights to which they were entitled by the law of nations as equal parties to a civil war were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the Government has protected it with each in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This contest has now reached such a stage and been attended with such decisive success on the part of the Provinces that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to

it in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810 free from invasion by the parent country. The Provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental

Page 110

law of the 17th of December, 1819. A strong Spanish force occupied at that time certain parts of the territory within their limits and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. The Provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood that the new Government has declared its independence, and that there is now no opposition to it there nor a force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country, nor is there any reason to believe it will send any in future. Thus it is manifest that all those Provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted. Civil wars too often excite feelings which the parties can not control. The opinion entertained by other powers as to the result may assuage those feelings and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights and of their determination not to interfere with them. The Provinces belonging to this hemisphere are our neighbors, and have successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy or other measure in regard to it which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt and frankly acknowledged, but they in themselves could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the Provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the Provinces which have declared their independence and are in the enjoyment of it ought to be recognized.

Page 111

Of the views of the Spanish Government on this subject no particular information has been recently received. It may be presumed that the successful progress of the revolution through such a long series of years, gaining strength and extending annually in every direction, and embracing by the late important events, with little exception, all the dominions of Spain south of the United States on this continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprised; but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these Provinces makes the movement an affair of less interest and excitement to them than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations, that it is just and right as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

JAMES MONROE.

WASHINGTON, *March 9, 1822*.

To the House of Representatives:

I transmit a report from the Secretary of War, together with the annual return of the militia of the United States, and an exhibit of the arms, accouterments, and ammunition of the several States and Territories of the United States, prepared in conformity with the militia laws on that subject.

JAMES MONROE.

WASHINGTON, *March 12, 1822*.

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

I lay before the Senate the copy of a supplementary report, made by William Lambert, in relation to the longitude of the Capitol from Greenwich, in pursuance of a joint resolution of the two Houses of Congress of the 3d of March, 1821, and I subjoin an extract from the letter of Mr. Lambert submitting that report.

Page 112

JAMES MONROE.

WASHINGTON, *March 26, 1822*.

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

Congress having suspended the appropriation, at the last session, for the fortification at Dauphine Island, in consequence of a doubt which was entertained of the propriety of that position, the further prosecution of the work was suspended, and an order given, as intimated in the message of the 3d of December, to the Board of Engineers and Naval Commissioners to examine that part of the coast, and particularly that position, as also the position at Mobile Point, with which it is connected, and to report their opinion thereon, which has been done, and which report is herewith communicated.

By this report it appears to be still the opinion of the Board that the construction of works at both these positions is of great importance to the defense of New Orleans and of all that portion of our Union which is connected with and dependent on the Mississippi and on the other waters which empty into the Gulf of Mexico between that river and Cape Florida. That the subject may be fully before Congress, I transmit also a copy of the former report of the Board, being that on which the work was undertaken and has been in part executed. Approving as I do the opinion of the Board, I consider it my duty to state the reasons on which I adopted the first report, especially as they were in part suggested by the occurrences of the late war.

The policy which induced Congress to decide on and provide for the defense of the coast immediately after the war was founded on the marked events of that interesting epoch. The vast body of men which it was found necessary to call into the field through the whole extent of our maritime frontier, and the number who perished by exposure, with the immense expenditure of money and waste of property which followed, were to be traced in an eminent degree to the defenseless condition of the coast. It was to mitigate these evils in future wars, and even for the higher purpose of preventing war itself, that the decision was formed to make the coast, so far as it might be practicable, impregnable, and that the measures necessary to that great object have been pursued with so much zeal since.

It is known that no part of our Union is more exposed to invasion by the numerous avenues leading to it, or more defenseless by the thinness of the neighboring population, or offers a greater temptation to invasion, either as a permanent acquisition or as a prize to the cupidity of grasping invaders from the immense amount of produce deposited there, than the city of New Orleans. It is known also that the seizure of no part of our Union could affect so deeply and vitally the immediate interests of so many States and of so many of our fellow-citizens, comprising all that extensive territory and numerous population which are connected with and dependent on the Mississippi, as

the seizure of that city. Strong works, well posted, were therefore deemed absolutely necessary for its protection.

Page 113

It is not, however, by the Mississippi only, or the waters which communicate directly with or approach nearest to New Orleans, that the town is assailable. It will be recollected that in the late war the public solicitude was excited not so much by the danger which menaced it in those directions as by the apprehension that, while a feint might be made there, the main force, landing either in the bay of Mobile or other waters between that bay and the Rigolets, would be thrown above the town in the rear of the army which had been collected there for its defense. Full confidence was entertained that that gallant army, led by the gallant and able chief who commanded it, would repel any attack to which it might be exposed in front. But had such a force been thrown above the town, and a position taken on the banks of the river, the disadvantage to which our troops would have been subjected, attacked in front and rear as they might have been, may easily be conceived. As their supplies would have been cut off, they could not long have remained in the city, and, withdrawing from it, it must have fallen immediately into the hands of the force below. In ascending the river to attack the force above, the attack must have been made to great disadvantage, since it must have been on such ground and at such time as the enemy preferred. These considerations shew that defenses other than such as are immediately connected with the city are of great importance to its safety.

An attempt to seize New Orleans and the lower part of the Mississippi will be made only by a great power or a combination of several powers, with a strong naval and land force, the latter of which must be brought in transports which may sail in shallow water. If the defenses around New Orleans are well posted and of sufficient strength to repel any attack which may be made on them, the city can be assailed only by a land force, which must pass in the direction above suggested, between the Rigolets and the bay of Mobile. It becomes, therefore, an object of high importance to present such an obstacle to such an attempt as would defeat it should it be made. Fortifications are useful for the defense of posts, to prevent the approach to cities and the passage of rivers; but as works their effect can not be felt beyond the reach of their cannon. They are formidable in other respects by the body of men within them, which may be removed and applied to other purposes.

Between the Rigolets and the bay of Mobile there is a chain of islands, at the extremity of which is Dauphine Island, which forms, with Mobile Point, from which it is distant about 3-1/4 miles, the entrance into the bay of Mobile, which leads through that part of the State of Alabama to the towns of Mobile and Blakeley. The distance between Dauphine Island and the Rigolets is 90 miles. The principal islands between them are Massacre, Horn, Ship, and Cat islands, near to which there is anchorage for large ships of war.

Page 114

The first object is to prevent the landing of any force for the purposes above stated between the Rigolets and the bay of Mobile; the second, to defeat that force in case it should be landed. When the distance from one point to the other is considered, it is believed that it would be impossible to establish works so near to each other as to prevent the landing of such a force. Its defeat, therefore, should be effectually provided for. If the arrangement should be such as to make that result evident, it ought to be fairly concluded that the attempt would not be made, and thus we should accomplish in the best mode possible and with the least expense the complete security of this important part of our Union, the great object of our system of defense for the whole.

There are some other views of this subject which it is thought will merit particular attention in deciding the point in question. Not being able to establish a chain of posts, at least for the present, along the whole coast from the Rigolets to Dauphine Island, or on all the islands between them, at which point shall we begin? Should an attack on the city be anticipated, it can not be doubted that an adequate force would immediately be ordered there for its defense. If the enemy should despair of making an impression on the works near the town, it may be presumed that they would promptly decide to make the attempt in the manner and in the line above suggested between the Rigolets and the bay of Mobile. It will be obvious that the nearer the fortification is erected to the Rigolets with a view to this object, should it be on Cat or Ship Island, for example, the wider would the passage be left open between that work and the bay of Mobile for such an enterprise. The main army, being drawn to New Orleans, would be ready to meet such an attempt near the Rigolets or at any other point not distant from the city. It is probable, therefore, that the enemy, profiting of a fair wind, would make his attempt at the greatest distance compatible with his object from that point, and at the bay of Mobile should there not be works there of sufficient strength to prevent it. Should, however, strong works be erected there, such as were sufficient not only for their own defense against any attack which might be made on them, but to hold a force connected with that which might be drawn from the neighboring country, capable of cooperating with the force at the city, and which would doubtless be ordered to those works in the event of war, it would be dangerous for the invading force to land anywhere between the Rigolets and the bay of Mobile and to pass toward the Mississippi above the city, lest such a body might be thrown in its rear as to cut off its retreat. These considerations show the great advantage of establishing at the mouth of the bay of Mobile very strong works, such as would be adequate to all the purposes suggested.

Page 115

If fortifications were necessary only to protect our country and cities against the entry of large ships of war into our bays and rivers, they would be of little use for the defense of New Orleans, since that city can not be approached so near, either by the Mississippi or in any other direction, by such vessels for them to make an attack on it. In the Gulf, within our limits west of Florida, which had been acquired since these works were decided on and commenced, there is no bay or river into which large ships of war can enter. As a defense, therefore, against an attack from such vessels extensive works would be altogether unnecessary either at Mobile Point or at Dauphine Island, since sloops of war only can navigate the deepest channel. But it is not for that purpose alone that these works are intended. It is to provide also against a formidable invasion, both by land and sea, the object of which may be to shake the foundation of our system. Should such small works be erected, and such an invasion take place, they would be sure to fall at once into the hands of the invaders and to be turned against us.

Whether the acquisition of Florida may be considered as affording an inducement to make any change in the position or strength of these works is a circumstance which also merits attention. From the view which I have taken of the subject I am of opinion that it should not. The defense of New Orleans and of the river Mississippi against a powerful invasion being one of the great objects of such extensive works, that object would be essentially abandoned if they should be established eastward of the bay of Mobile, since the force to be collected in them would be placed at too great a distance to allow the cooperation necessary for those purposes between it and that at the city; in addition to which, it may be observed that by carrying them to Pensacola or farther to the east that bay would fall immediately, in case of such invasion, into the hands of the enemy, whereby such cooperation would be rendered utterly impossible, and the State of Alabama would also be left wholly unprotected.

With a view to such formidable invasion, of which we should never lose sight, and of the great objects to which it would be directed, I think that very strong works at some point within the Gulf of Mexico will be found indispensable. I think also that those works ought to be established at the bay of Mobile—one at Mobile Point and the other on Dauphine Island—whereby the enemy would be excluded and the complete command of that bay, with all the advantages attending it, be secured to ourselves. In the case of such invasion, it will, it is presumed, be deemed necessary to collect at some point other than at New Orleans a strong force, capable of moving in any direction and affording aid to any part which may be attacked; and, in my judgment, no position presents so many advantages as a point of rendezvous for such force as the mouth of that bay. The fortification at

Page 116

the Rigolets will defend the entrance by one passage into Lake Pontchartrain, and also into Pearl River, which empties into the Gulf at that point. Between the Rigolets and Mobile Bay there are but two inlets which deserve the name, those of St. Louis and Pascagola, the entrance into which is too shallow even for the smallest vessels; and from the Rigolets to Mobile Bay the whole coast is equally shallow, affording the depth of a few feet of water only. Cat Island, which is nearest the Rigolets, is about 7-1/2 miles distant from the coast and 30 from the Rigolets. Ship Island is distant about 10 miles from Cat Island and 12 from the coast. Between these islands and the coast the water is very shallow.

As to the precise depth of water in approaching those islands from the Gulf, the report of the topographical engineers not having yet been received, it is impossible to speak with precision; but admitting it to be such as for frigates and even ships of the line to enter, the anchorage at both is unsafe, being much exposed to northwest winds. Along the coast, therefore, there is no motive for such strong works on our part—no town to guard, no inlet into the country to defend—and if placed on the islands and the entrance to them is such as to admit large ships of war, distant as they are from the coast, it would be more easy for the enemy to assail them with effect.

The position, however, at Mobile Bay is essentially different. That bay takes its name from the Mobile River, which is formed by the junction of the Alabama and Tombigbee, which extend each about 300 miles into the interior, approaching at their head waters near the Tennessee River. If the enemy possessed its mouth, and fortified Mobile Point and Dauphine Island, being superior at sea it would be very difficult for us to dispossess him of either, even of Mobile Point; and holding that position, Pensacola would soon fall, as without incurring great expense in the construction of works there it would present but a feeble resistance to a strong force in its rear. If we had a work at Mobile Point only, the enemy might take Dauphine Island, which would afford him great aid in attacking the point, and enable him, even should we succeed in repelling the attack, to render us great mischief there and throughout the whole Gulf. In every view which can be taken of the subject it appears indispensable for us to command the entrance into Mobile Bay, and that decision being taken, I think the considerations which favor the occupation of Dauphine Island by a strong work are conclusive. It is proper to observe that after the repulse before New Orleans in the late war the British forces took possession of Dauphine Island and held it till the peace. Under neither of the reports of the Board of Engineers and Naval Commissioners could any but sloops of war enter the bay or the anchorage between Dauphine and Pelican islands. Both reports give to that anchorage 18 feet at low water and 20-1/2 at high. The

Page 117

only difference between them consists in this, that in the first a bar leading to the anchorage, reducing the depth of water to 12 feet at low tide, was omitted. In neither case could frigates enter, though sloops of war of larger size might. The whole scope, however, of this reasoning turns on a different principle—on the works necessary to defend that bay and, by means thereof, New Orleans, the Mississippi, and all the surrounding country against a powerful invasion both by land and sea, and not on the precise depth of water in any of the approaches to the bay or to the island.

The reasoning which is applicable to the works near New Orleans and at the bay of Mobile is equally so in certain respects to those which are to be erected for the defense of all the bays and rivers along the other parts of the coast. All those works are also erected on a greater scale than would be necessary for the sole purpose of preventing the passage of our inlets by large ships of war. They are in most instances formed for defense against a more powerful invasion, both by land and sea. There are, however, some differences between the works which are deemed necessary in the Gulf and those in other parts of our Union, founded on the peculiar situation of that part of the coast. The vast extent of the Mississippi, the great outlet and channel of commerce for so many States, all of which may be affected by the seizure of that city, or of any part of the river to a great extent above it, is one of those striking peculiarities which require particular provision. The thinness of the population near the city, making it necessary that the force requisite for its defense should be called from distant parts and States, is another. The danger which the army assembled at New Orleans would be exposed to of being cut off in case the enemy should throw a force on the river above it, from the difficulty of ascending the river to attack it and of making a retreat in any other direction, is a third. For an attack on the city of New Orleans, Mobile Bay, or any part of the intermediate coast ships of war would be necessary only as a convoy to protect the transports against a naval force on their passage, and on their approach to the shore for the landing of the men, and on their return home in case they should be repulsed.

On the important subject of our defenses generally I think proper to observe that the system was adopted immediately after the late war by Congress, on great consideration and a thorough knowledge of the effects of that war—by the enormous expense attending it, by the waste of life, of property, and by the general distress of the country. The amount of debt incurred in that war and due at its conclusion, without taking into the estimate other losses, having been heretofore communicated, need not now be repeated. The interest of the debt thus incurred is four times more than the sum necessary, by annual appropriations, for the completion of our whole system of defense,

Page 118

land and naval, to the extent provided for and within the time specified. When that system shall be completed the expense of construction will cease, and our expenditures be proportionally diminished. Should another war occur before it is completed, the experience of the last marks in characters too strong to be mistaken its inevitable consequences; and should such war occur and find us unprepared for it, what will be our justification to the enlightened body whom we represent for not having completed these defenses? That this system should not have been adopted before the late war can not be a cause of surprise to anyone, because all might wish to avoid every expense the necessity of which might be in any degree doubtful. But with the experience of that war before us it is thought there is no cause for hesitation. Will the completion of these works and the augmentation of our Navy to the point contemplated by law require the imposition of onerous burthens on our fellow-citizens such as they can not or will not bear? Have such, or any, burthens been imposed to advance the system to its present state? It is known that no burthens whatever have been imposed; on the contrary, that all the direct or internal taxes have been long repealed, and none paid but those which are indirect and voluntary, such as are imposed on articles imported from foreign countries, most of which are luxuries, and on the vessels employed in the transportation—taxes which some of our most enlightened citizens think ought to be imposed on many of the articles for the encouragement of our manufactures, even if the revenue derived from them could be dispensed with. It is known also that in all other respects our condition as a nation is in the highest degree prosperous and flourishing, nearly half the debt incurred in the late war having already been discharged, and considerable progress having also been made in the completion of this system of defense and in the construction of other works of great extent and utility, by the revenue derived from these sources and from the sale of the public lands. I may add also that a very generous provision has been made from the same sources for the surviving officers and soldiers of our Revolutionary army. These important facts show that this system has been so far executed, and may be completed without any real inconvenience to the public. Were it, however, otherwise, I have full confidence that any burthens which might be found necessary for the completion of this system in both its branches within the term contemplated, or much sooner should any emergency require it, would be called for rather than complained of by our fellow-citizens.

Page 119

From these views, applicable to the very important subject of our defenses generally as well as to the work at Dauphine Island, I think it my duty to recommend to Congress an appropriation for the latter. I considered the withholding it at the last session as the expression only of a doubt by Congress of the propriety of the position, and not as a definitive opinion. Supposing that that question would be decided at the present session, I caused the position and such parts of the coast as are particularly connected with it to be reexamined, that all the light on which the decision as to the appropriation could depend might be fully before you. In the first survey, the report of which was that on which the works intended for the defense of New Orleans, the Mississippi, the bay of Mobile, and all the country dependent on those waters were sanctioned by the Executive, the commissioners were industriously engaged about six months. I should have communicated that very able and interesting document then but from a doubt how far the interest of our country would justify its publication, a circumstance which I now mention that the attention of Congress may be drawn to it.

JAMES MONROE.

MARCH 26, 1822.

To the Senate of the United States:

Having executed the act entitled “An act to reduce and fix the military peace establishment of the United States” on great consideration and according to my best judgment, and inferring from the rejection of the nomination of Colonel Towson and Colonel Gadsden, officers of very distinguished merit, that the view which I took of that law has not been well understood, I hereby withdraw all the nominations on which the Senate has not decided until I can make a more full communication and explanation of that view and of the principles on which I have acted in the discharge of that very delicate and important duty.

JAMES MONROE.

WASHINGTON, *March 27, 1822*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 1st instant, requesting “the President to communicate such information as he may possess relative to any private claim against the piece of land in the Delaware River known by the name of the Peapatch, and to state if any, and what, process has been instituted in behalf of such claim,” I herewith transmit a report from the Secretary of War, furnishing the information required.

JAMES MONROE.

WASHINGTON, *March 28, 1822*.

To the House of Representatives:

I transmit the original reports on the subject of the fortifications on Dauphin Island and Mobile Point, being those on which the works were undertaken and have been in part executed. The doubt expressed as to the propriety of publication is applicable to this document, which would have accompanied the message of the 26th had it been prepared in time.

Page 120

JAMES MONROE.

WASHINGTON, *March 29, 1822*.

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

I transmit to Congress the translation of two letters from the minister of France to the Secretary of State, relating to the claim of the heirs of Caron de Beaumarchais upon this Government, with the documents therewith inclosed, recommending them to the favorable consideration of Congress.

JAMES MONROE.

WASHINGTON, *April 5, 1822*.

To the House of Representatives of the United States:

I communicate herewith to the House a report from the Secretary of War, containing the information requested by their resolution of the 5th ultimo.

It may be proper further to add that the secretaries of both the Territories have occasionally required and received the aid of the military force of the United States stationed within them, respectively, to carry into effect the acts of their authority.

The government of East and West Florida was under the Spanish dominion almost exclusively military. The governors of both were military officers and united in their persons the chief authority, both civil and military.

The principle upon which the act of Congress of the last session providing for the temporary government of the newly ceded Provinces was carried into execution has been communicated to Congress in my message at the opening of the session. It was to leave the authorities of the country as they were found existing at the time of the cession, to be exercised until the meeting of Congress, when it was known that the introduction of a system more congenial to our own institutions would be one of the earliest and most important subjects of their deliberations. From this, among other obvious considerations, military officers were appointed to take possession of both Provinces. But as the military command of General Jackson was to cease on the 1st of June, General Gaines, the officer next in command, then here, who was first designated to take possession of East Florida, received from me a verbal direction to give such effect to any requisition from the governor for military aid to enforce his authority as the circumstances might require. It was not foreseen that the command in both the Provinces would before further legislation by Congress on that subject devolve upon the secretaries of the Territories, but had it been foreseen the same direction would have been given as applicable to them.

No authority has been given to either of the secretaries to issue commands to that portion of the Army which is in Florida, and whenever the aid of *the military* has been required by them it has been by written requisitions to the officers commanding the troops, who have yielded compliance thereto doubtless under the directions received from General Gaines as understood by him to be authorized.

Page 121

Shortly before the meeting of Congress a letter was received at the War Department from Colonel Brooke, the officer commanding at Pensacola, requesting instructions how far he was to consider these requisitions as authoritative, but the assurance that a new organization of the government was immediately to be authorized by Congress was a motive for superseding any specific decision upon the inquiry.

JAMES MONROE.

WASHINGTON, *April 6, 1822*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives requesting the President of the United States to cause to be furnished to that House certain information relating to the amount of the public money paid to the Attorney-General over and above his salary fixed by law since the 1st of January, 1817, specifying the time when paid and the fund out of which such payments have been made, I transmit a paper, marked A, containing the information desired. I transmit also a paper, marked B, containing a statement of sums paid to Attorney General of the United States prior to the 1st of January, 1817, and in the paper marked C a like statement of sums advanced to district attorneys for services not required of them by law. These latter documents being necessary to a full view of the subject, it is thought proper to comprise them in this communication.

By the act of 24th September, 1789, instituting the office of Attorney General, it was made his duty to prosecute and conduct all suits in the Supreme Court in which the United States should be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the head of any of the Departments, touching any matters that might concern their Departments. It will be seen, therefore, by the statement communicated that no money whatever has been paid to the Attorney General for his services in that character, nor for any duty belonging to his office, beyond his salary as fixed by law.

It will also be shewn by the documents communicated that the construction given of the laws imposing duties on the Attorney General and district attorneys have been invariably the same since the institution of the Government. On the same authority it was thought that the compensation allowed to the present Attorney General for certain services, considering their importance and the time employed in rendering them, did not exceed, regarding precedents, what might fairly be claimed.

JAMES MONROE.

APRIL, 13, 1822.

To the Senate of the United States:

Having cause to infer that the reasons which led to the construction which I gave to the act of the last session entitled “An act to reduce and fix the peace establishment of the United States” have not been well understood, I consider it my duty to explain more fully the view which I took of that act and of the principles on which I executed the very difficult and important duty enjoined on me by it.

Page 122

To do justice to the subject it is thought proper to show the actual state of the Army before the passage of the late act, the force in service, the several corps of which it was composed, and the grades and number of officers commanding it. By seeing distinctly the body in all its parts on which the law operated, viewing also with a just discrimination the spirit, policy, and positive injunctions of that law with reference to precedents established in a former analogous case, we shall be enabled to ascertain with great precision whether these injunctions have or have not been strictly complied with.

By the act of the 3d of March, 1815, entitled “An act fixing the military peace establishment of the United States,” the whole force in service was reduced to 10,000 men—infantry, artillery, and riflemen—exclusive of the Corps of Engineers, which was retained in its then state. The regiment of light artillery was retained as it had been organized by the act of 3d March, 1814. The infantry was formed into 9 regiments, 1 of which consisted of riflemen. The regiments of light artillery, infantry, riflemen, and Corps of Engineers were commanded each by a colonel, lieutenant-colonel, and the usual battalion and company officers; and the battalions of the corps of artillery, of which there were 8—4 for the Northern and 4 for the Southern division—were commanded by lieutenant-colonels or majors, there being 4 of each grade. There were, therefore, in the Army at the time the late law was passed 12 colonels belonging to those branches of the military establishment. Two major-generals and 4 brigadiers were likewise retained in service by this act; but the staff in several of its branches not being provided for, and being indispensable and the omission inadvertent, proceeding from the circumstances under which the act was passed, being at the close of the session, at which time intelligence of the peace was received, it was provisionally retained by the President, and provided for afterwards by the act of the 24th April, 1816. By this act the Ordnance Department was preserved as it had been organized by the act of February 8, 1815, with 1 colonel, 1 lieutenant-colonel, 2 majors, 10 captains, and 10 first, second, and third lieutenants. One Adjutant and Inspector General of the Army and 2 adjutants-general—1 for the Northern and 1 for the Southern division—were retained. This act provides also for a Paymaster-General, with a suitable number of regimental and battalion paymasters, as a part of the general staff, constituting the military peace establishment; and the Pay Department and every other branch of the staff were subjected to the Rules and Articles of War.

Page 123

By the act of March 2, 1821, it was ordained that the military peace establishment should consist of 4 regiments of artillery and 7 of infantry, with such officers of engineers, ordnance, and staff as were therein specified. It is provided that each regiment of artillery should consist of 1 colonel, 1 lieutenant-colonel, 1 major, and 9 companies, with the usual company officers, 1 of which to be equipped as light artillery, and that there should be attached to each regiment of artillery 1 supernumerary captain to perform ordnance duty, thereby merging the regiment of artillery and Ordnance Department into these 4 regiments. It was provided also that each regiment of infantry should consist of 1 colonel, 1 lieutenant colonel, 1 major, and 10 companies, with the usual company officers. The Corps of Engineers, bombardiers excepted, with the topographical engineers and their assistants, were to be retained under the existing organization. The former establishment as to the number of major generals and brigadiers was curtailed one-half, and the office of Inspector and Adjutant General to the Army and of adjutant-general to each division annulled, and that of Adjutant General to the Army instituted. The Quartermaster, Paymaster, and Commissary Departments were also specially provided for, as was every other branch of the staff, all of which received a new modification, and were subjected to the Rules and Articles of War.

The immediate and direct operation of this act on the military peace establishment of 1815 was that of reduction, from which no officer belonging to it was exempt, unless it might be the topographical engineers; for in retaining the Corps of Engineers, as was manifest as well by the clear import of the section relating to it as by the provisions of every other clause of the act, reference was had to the organization, and not to the officers of the Corps. The establishment of 1815 was reduced from 10,000 to about 6,000 men. The 8 battalions of artillery, constituting what was called the corps of artillery, and the regiment of light artillery as established by the act of 1815, were to be incorporated together and formed into 4 new regiments. The regiments of infantry were to be reduced from 9 to 7, the rifle regiment being broken. Three of the general officers were to be reduced, with very many of the officers belonging to the several corps of the Army, and particularly of the infantry. All the provisions of the act declare of what number of officers and men the several corps provided for by it should thenceforward consist, and not that any corps as then existing or any officer of any corps, unless the topographical engineers were excepted, should be retained. Had it been intended to reduce the officers by corps, or to exempt the officers of any corps from the operation of the law, or in the organization of the several new corps to confine the selection of the officers to be placed in them to the several corps of the like kind then

Page 124

existing, and not extend it to the whole military establishment, including the staff, or to confine the reduction to a proportional number of each corps and of each grade in each corps, the object in either instance might have been easily accomplished by a declaration to that effect. No such declaration was made, nor can such intention be inferred. We see, on the contrary, that every corps of the Army and staff was to be reorganized, and most of them reduced in officers and men, and that in arranging the officers from the old to the new corps full power was granted to the President to take them from any and every corps of the former establishment and place them in the latter. In this latter grant of power it is proper to observe that the most comprehensive terms that could be adopted were used, the authority being to cause the arrangement to be made from the officers of the several *corps* then in the service of the United States, comprising, of course, every corps of the staff, as well as of artillery and infantry, and not from the *corps of troops*, as in the former act, and without any limitation as to grades.

It merits particular attention that although the object of this latter act was reduction and such its effect on an extensive scale, 5 new offices were created by it—4 of the grade of colonel for the 4 regiments of artillery and that of Adjutant-General for the Army. Three of the first mentioned were altogether new, the corps having been newly created, and although 1 officer of that grade as applicable to the corps of light artillery had existed, yet as that regiment was reduced and all its parts reorganized in another form and with other duties, being incorporated into the 4 new regiments, the commander was manifestly displaced and incapable of taking the command of either of the new regiments or any station in them until he should be authorized to do so by a new appointment. The same remarks are applicable to the office of Adjutant-General to the Army. It is an office of new creation, differing from that of Adjutant and Inspector General, and likewise from that of adjutant-general to a division, which were severally annulled. It differs from the first in title, rank, and pay, and from the two latter because they had been created by law each for a division, whereas the new office, being instituted without such special designation, could have relation only to the whole Army. It was manifest, therefore, that neither of those officers had any right to this new station nor to any other station unless he should be specially appointed to it, the principle of reduction being applicable to every officer in every corps. It is proper also to observe that the duties of Adjutant-General under the existing arrangement correspond in almost every circumstance with those of the late Adjutant and Inspector General, and not with those of an adjutant-general of a division.

To give effect to this law the President was authorized by the twelfth section to cause the officers, noncommissioned officers, artificers, musicians, and privates of the several corps then in the service of the United States to be arranged in such manner as to form and complete out of the same the force thereby provided for, and to cause the

supernumerary officers, noncommissioned officers, artificers, musicians, and privates to be discharged from the service.

Page 125

In executing this very delicate and important trust I acted with the utmost precaution. Sensible of what I owed to my country, I felt strongly the obligation of observing the utmost impartiality in selecting those officers who were to be retained. In executing this law I had no personal object to accomplish or feeling to gratify—no one to retain, no one to remove. Having on great consideration fixed the principles on which the reduction should be made, I availed myself of the example of my predecessor by appointing through the proper department a board of general officers to make the selection, and whose report I adopted.

In transferring the officers from the old to the new corps the utmost care was taken to place them in the latter in the grades and corps to which they had respectively belonged in the former, so far as it might be practicable. This, though not enjoined by the law, appearing to be just and proper, was never departed from except in peculiar cases and under imperious circumstances.

In filling the original vacancies in the artillery and in the newly created office of Adjutant-General I considered myself at liberty to place in them any officer belonging to any part of the whole military establishment, whether of the staff or line. In filling original vacancies—that is, offices newly created—it is my opinion, as a general principle, that Congress have no right under the Constitution to impose any restraint by law on the power granted to the President so as to prevent his making a free selection of proper persons for these offices from the whole body of his fellow-citizens. Without, however, entering here into that question, I have no hesitation in declaring it as my opinion that the law fully authorized a selection from any branch of the whole military establishment of 1815. Justified, therefore, as I thought myself in taking that range by the very highest sanction, the sole object to which I had to direct my attention was the merit of the officers to be selected for these stations. Three generals of great merit were either to be dismissed or otherwise provided for. The very gallant and patriotic defender of New Orleans had intimated his intention to retire, but at my suggestion expressed his willingness to accept the office of commissioner to receive the cession of the Floridas and of governor for a short time of that Territory. As to one, therefore, there was no difficulty. For the other two provision could only be made in the mode which was adopted. General Macomb, who had signalized himself in the defense of Plattsburg, was placed at the head of the Corps of Engineers, to which he had originally belonged, and in which he had acquired great experience, Colonel Armistead, then at the head of that corps, having voluntarily accepted one of the new regiments of artillery, for which he possessed very suitable qualifications. General Atkinson, likewise an officer of great merit, was appointed to

Page 126

the newly created office of Adjutant-General. Brevet General Porter, an officer of great experience in the artillery, and merit, was appointed to the command of another of those regiments. Colonel Fenwick, then the oldest lieutenant-colonel of artillery, and who had suffered much in the late war by severe wounds, was appointed to a third, and Colonel Towson, who had served with great distinction in the same corps and been twice brevetted for his gallantry in the late war, was appointed to the last remaining one. General Atkinson having declined the office of Adjutant General, Colonel Gadsden, an officer of distinguished merit and believed to possess qualifications suitably adapted to it, was appointed in his stead. In making the arrangement the merits of Colonel Butler and Colonel Jones were not overlooked. The former was assigned to the place which he would have held in the line if he had retained his original lineal commission, and the latter to his commission in the line, which he had continued to hold with his staff appointment.

That the reduction of the Army and the arrangement of the officers from the old to the new establishment and the appointments referred to were in every instance strictly conformable to law will, I think, be apparent. To the arrangement generally no objection has been heard; it has been made, however, to the appointments to the original vacancies, and particularly to those of Colonel Towson and Colonel Gadsden. To those appointments, therefore, further attention is due. If they were improper it must be either that they were illegal or that the officers did not merit the offices conferred on them. The acknowledged merit of the officers and the peculiar fitness for the offices to which they were respectively appointed must preclude all objection on that head. Having already suggested my impression that in filling offices newly created, to which on no principle whatever anyone could have a claim of right, Congress could not under the Constitution restrain the free selection of the President from the whole body of his fellow-citizens, I shall only further remark that if that impression is well founded all objection to these appointments must cease. If the law imposed such restraint, it would in that case be void. But, according to my judgment, the law imposed none. An objection to the legality of those appointments must be founded either on the principle that those officers were not comprised within the corps then in the service of the United States—that is, did not belong to the peace establishment—or that the power granted by the word “arrange” imposed on the President the necessity of placing in these new offices persons of the same grade only from the old. It is believed that neither objection is well founded. Colonel Towson belonged to one of the corps then in the service of the United States, or, in other words, of the military peace establishment. By the act of 1815-16 the Pay Department, of which the Paymaster General was the chief, was made one of the branches of the staff, and he and all those under him were subjected to the Rules and Articles of War. The appointment, therefore, of him, and especially to a new office, was strictly conformable to law.

Page 127

The only difference between the fifth section of the act of 1815 for reducing the Army and the twelfth section of the act of 1821 for still further reducing it, by which the power to carry those laws into effect was granted to the President in each instance, consists in this, that by the former he was to cause the arrangement to be made of the officers, noncommissioned officers, musicians, and privates of the several *corps of troops* then in the service of the United States, whereas in the latter the term *troops* was omitted. It can not be doubted that that omission had an object, and that it was thereby intended to guard against misconstruction in so very material and important a circumstance by authorizing the application of the act unequivocally to every corps of the staff as well as of the line. With that word a much wider range was given to the act of 1815 on the reduction which then took place than under the last act. The omission of it from the last act, together with all the sanctions which were given by Congress to the construction of the law in the reduction made under the former, could not fail to dispel all doubt as to the extent of the power granted by the last law and of the principles which ought to guide, and on which it was thereby made the duty of the President to execute it. With respect to the other objection—that is, that officers of the same grade only ought to have been transferred to these new offices—it is equally unfounded. It is admitted that officers may be taken from the old corps and reduced and arranged in the new in inferior grades, as was done under the former reduction. This admission puts an end to the objection in this case; for if an officer may be reduced and arranged from one corps to another by an entire change of grade, requiring a new commission and a new nomination to the Senate, I see no reason why an officer may not be advanced in like manner. In both instances the grade in the old corps is alike disregarded. The transfer from it to the new turns on the merit of the party, and it is believed that the claim in this instance is felt by all with peculiar sensibility. The claim of Colonel Towson is the stronger because the arrangement of him to the office to which he is now nominated is not to one from which any officer has been removed, and to which any other officer may in any view of the case be supposed to have had a claim. As Colonel Gadsden held the office of Inspector-General, and as such was acknowledged by all to belong to the staff of the Army, it is not perceived on what ground his appointment can be objected to.

Page 128

If such a construction is to be given to the act of 1821 as to confine the transfer of officers from the old to the new establishment to the *corps of troops*—that is, to the line of the Army—the whole staff of the Army in every branch would not only be excluded from any appointment in the new establishment, but altogether disbanded from the service. It would follow also that all the offices of the staff under the new arrangement must be filled by officers belonging to the new establishment after its organization and their arrangement in it. Other consequences not less serious would follow. If the right of the President to fill these original vacancies by the selection of officers from any branch of the whole military establishment was denied, he would be compelled to place in them officers of the same grade whose corps had been reduced, and they with them. The effect, therefore, of the law as to those appointments would be to legislate into office men who had been already legislated out of office, taking from the President all agency in their appointment. Such a construction would not only be subversive of the obvious principles of the Constitution, but utterly inconsistent with the spirit of the law itself, since it would provide offices for a particular grade, and fix every member of that grade in those offices, at a time when every other grade was reduced, and among them generals and other officers of the highest merit. It would also defeat every object of selection, since colonels of infantry would be placed at the head of regiments of artillery, a service in which they might have had no experience, and for which they might in consequence be unqualified.

Having omitted in the message to Congress at the commencement of the session to state the principles on which this law had been executed, and having imperfectly explained them in the message to the Senate of the 17th of January last, I deem it particularly incumbent on me, as well from a motive of respect to the Senate as to place my conduct in the duty imposed on me by that act in a clear point of view, to make this communication at this time. The examples under the law of 1815, whereby officers were reduced and arranged from the old corps to the new in inferior grades, fully justify all that has been done under the law of 1821. If the power to arrange under the former law authorized the removal of one officer from a particular station and the location of another in it, reducing the latter from a higher to an inferior grade, with the advice and consent of the Senate, it surely justifies under the latter law the arrangement of these officers, with a like sanction, to offices of new creation, from which no one had been removed and to which no one had a just claim. It is on the authority of these examples, supported by the construction which I gave to the law, that I have acted in the discharge of this high trust. I am aware that many officers of great merit, having the strongest claims on their

Page 129

country, have been reduced and others dismissed, but under the law that result was inevitable. It is believed that none have been retained who had not, likewise, the strongest claims to the appointments which have been conferred on them. To discriminate between men of acknowledged merit, especially in a way to affect so sensibly and materially their feelings and interests, for many of whom I have personal consideration and regard, has been a most painful duty; yet I am conscious that I have discharged it with the utmost impartiality. Had I opened the door to change in any case, even where error might have been committed, against whom could I afterwards have closed it, and into what consequences might not such a proceeding have led? The same remarks are applicable to the subject in its relation to the Senate, to whose calm and enlightened judgment, with these explanations, I again submit the nominations which have been rejected.

JAMES MONROE.

APRIL 15, 1822.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 12th instant, requesting the President of the United States “to cause to be laid before the Senate the original proceedings of the board of general officers charged with the reduction of the Army under the act of the 2d of March, 1821, together with all communications to and from said board on the subject of reducing the Army, including the case submitted to the Attorney-General, and his opinion thereon,” I now transmit a report from the Secretary of War, furnishing the information requested.

JAMES MONROE.

WASHINGTON, *April 15, 1822*.

To the Senate of the United States:

In compliance with a resolution of the Senate requesting the President of the United States to lay before that House any report or information which may be in his possession as to the most eligible situation on the Western waters for the erection of a national arsenal, I herewith transmit a report from the Secretary of War, containing all the information on that subject in the possession of the Executive.

JAMES MONROE.

WASHINGTON, *April 15, 1822*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 16th of February last, requesting the President of the United States “to communicate to that House whether any foreign government has made any claim to any part of the territory of the United States upon the coast of the Pacific Ocean north of the forty-second degree of latitude, and to what extent; whether any regulations have been made by foreign powers affecting the trade on that coast, and how it affects the interest of this Republic, and whether any communications have been made to this Government by foreign powers touching the contemplated occupation of Columbia River,” I now transmit a report from the Secretary of State, containing the information embraced by that resolution.

Page 130

JAMES MONROE.

WASHINGTON, *April 18, 1822*.

To the House of Representatives:

I communicate to the House of Representatives copies of sundry papers having relation to the transactions in East and West Florida, which have been received at the Department of State since my message to the two Houses of Congress of the 28th of January last, together with copies of two letters from the Secretary of State upon the same subject.

JAMES MONROE.

[The same message was sent to the Senate.]

WASHINGTON, *April 23, 1822*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 29th January last, requesting the President of the United States to cause to be communicated to that House certain information relative to the claim made by Jonathan Carver to certain lands within the United States near the Falls of St. Anthony. I now transmit a report of the Secretary of the Treasury, which, with the accompanying documents, contains all the information on this subject in the possession of the Executive.

JAMES MONROE.

WASHINGTON, *April 26, 1822*.

To the Senate of the United States:

I transmit to the Senate, agreeably to their resolution of yesterday, a report from the Secretary of State, with copies of the papers requested by that resolution, in relation to the recognition of the South American Provinces.

JAMES MONROE.

WASHINGTON, *April 29, 1822*.

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, in pursuance of their resolution of the 20th instant,[A] “requesting to be furnished with a

copy of the judicial proceedings in the United States court for the district of Louisiana in the case of the French slave ship *La Pensee*."

JAMES MONROE.

[Footnote: A: An error; so in the original message. The date of the resolution is the 18th of April.]

WASHINGTON, *April 30, 1822*.

To the Senate of the United States:

In compliance with a resolution of the Senate, requesting the President of the United States to cause to be laid before the Senate certain information respecting the practical operation of the system of subsisting the Army under the provisions of the act passed the 14th of April, 1818, *etc*., I herewith transmit a report from the Secretary of War, furnishing the information required.

JAMES MONROE.

WASHINGTON, *May 1, 1822*.

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

In the message to both Houses of Congress at the commencement of their present session it was mentioned that the Government of Norway had issued an ordinance for admitting the vessels of the United States and their cargoes into the ports of that Kingdom upon the payment of no other or higher duties than are paid by Norwegian vessels, of whatever articles the said cargoes may consist and from whatever ports the vessels laden with them may come.

Page 131

In communicating this ordinance to the Government of the United States that of Norway has requested the benefit of a similar and reciprocal provision for the vessels of Norway and their cargoes which may enter the ports of the United States.

This provision being within the competency only of the legislative authority of Congress, I communicate to them herewith copies of the communications received from the Norwegian Government in relation to the subject, and recommend the same to their consideration.

JAMES MONROE.

WASHINGTON, *May 1, 1822*.

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

I transmit herewith to Congress copies of letters received at the Department of State from the minister of Great Britain on the subject of the duties discriminating between imported rolled and hammered iron. I recommend them particularly to the consideration of Congress, believing that although there may be ground for controversy with regard to the application of the engagements of the treaty to the case, yet a liberal construction of those engagements would be compatible at once with a conciliatory and a judicious policy.

JAMES MONROE.

WASHINGTON, *May 4, 1822*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th of April, requesting the President “to cause to be communicated to the House, if not injurious to the public interest, any letter which may have been received from Jonathan Russell, one of the ministers who concluded the treaty of Ghent, in conformity with the indications contained in his letter of the 25th of December, 1814,” I have to state that having referred the resolution to the Secretary of State, and it appearing, by a report from him, that no such document had been deposited among the archives of the Department, I examined and found among my private papers a letter of that description marked “private” by himself. I transmit a copy of the report of the Secretary of State, by which it appears that Mr. Russell, on being apprised that the document referred to by the resolution had not been deposited in the Department of State, delivered there “a paper purporting to be the duplicate of a letter written by him from Paris on the 11th of February, 1815, to the then Secretary of State, to be communicated to the House as the letter called for by the resolution.”

On the perusal of the document called for I find that it communicates a difference of opinion between Mr. Russell and a majority of his colleagues in certain transactions which occurred in the negotiations at Ghent, touching interests which have been since satisfactorily adjusted by treaty between the United States and Great Britain. The view which Mr. Russell presents of his own conduct and that of his colleagues in those transactions will, it is presumed, call from the two

Page 132

surviving members of that mission who differed from him a reply containing their view of those transactions and of the conduct of the parties in them, and who, should his letter be communicated to the House of Representatives, will also claim that their reply should be communicated in like manner by the Executive—a claim which, on the principle of equal justice, could not be resisted. The Secretary of State, one of the ministers referred to, has already expressed a desire that Mr. Russell's letter should be communicated, and that I would transmit at the same time a communication from him respecting it.

On full consideration of the subject I have thought it would be improper for the Executive to communicate the letter called for unless the House, on a knowledge of these circumstances, should desire it, in which case the document called for shall be communicated, accompanied by a report from the Secretary of State, as above suggested. I have directed a copy to be delivered to Mr. Russell, to be disposed of as he may think proper, and have caused the original to be deposited in the Department of State, with instruction to deliver a copy to any person who may be interested.

JAMES MONROE.

WASHINGTON, *May 6, 1822*.

To the Senate and House of Representatives:

I transmit to Congress translations of two letters from Don Joaquin d'Anduaga to the Secretary of State, which have been received at the Department of State since my last message communicating copies of big correspondence with this Government.

JAMES MONROE.

Don Joaquin de Anduaga to the Secretary of State.

[Translation.]

PHILADELPHIA, *April 24, 1822*.

SIR: As soon as the news was received in Madrid of the recent occurrences in New Spain after the arrival at Vera Cruz of the Captain-General and supreme political chief appointed for those Provinces, Don Juan O. Donoju, and some papers were seen relative to those same transactions, it was feared that for forming the treaty concluded in Cordova on the 24th of August last between the said General and the traitor, Colonel Dr. Augustine Iturbide, it had been falsely supposed that the former had power from His Catholic Majesty for that act, and in a little time the correctness of those suspicions was found, as, among other things, the said O. Donoju, when on the 26th of the same

August he sent this treaty to the governor of Vera Cruz, notifying him of its prompt and punctual observance, he told him that at his sailing from the Peninsula preparation for the independence of Mexico was already thought of, and that its bases were approved of by the Government and by a commission of the Cortes. His Majesty, on sight of this and of the fatal impression which so great an imposture had produced in some ultramarine Provinces, and what must without difficulty be the consequence among the rest, thought proper to order that, by means of a circular to all the chiefs and corporations beyond seas, this atrocious falsehood should be disbelieved; and now he has deigned to command me to make it known to the Government of the United States that it is false as far as General O. Donoju published beyond his instructions, by pointing out to it that he never could have been furnished with other instructions than those conformable to constitutional principles.

Page 133

In compliance with this order of His Majesty, I can do no less than observe to you, sir, how unfounded one of the reasons is in your note of the 6th instant for the recognition by this Government of those of the insurgent Provinces of Spanish-America—that it was founded on the treaty made by O. Donoju with Iturbide—since not having had that power nor instruction to conclude it it is clearly null and of no value.

I repeat to you, sir, the sentiments of my distinguished consideration, and pray God that you live many years.

JOAQUIN DE ANDUAGA.

Don Joaquin de Anduaga to the Secretary of State.

[Translation.]

PHILADELPHIA, *April 26, 1822*.

JOHN QUINCY ADAMS,
Secretary of State.

SIR: I have received your note of the 15th instant, in which you are pleased to communicate to me the reasons which induce the President not only to refuse to His Catholic Majesty the satisfaction which he demanded in his royal name for the insults offered by General Jackson to the Spanish commissaries and officers, but to approve fully of the said chief's conduct.

Before answering the contents of the said note I thought it my duty to request instructions from my Government, and therefore without delay I have laid it before them. Until they arrive, therefore, I have confined myself to two observations:

First. If in my note of the 18th of November last I said that as General Jackson had not specified the actions which had induced him to declare the Spanish officers expelled from the Floridas criminal, nor given proof of them, I thought myself authorized to declare the accusation false, I did not this through inadvertency, but upon the evident principle that every person accused has a right to declare an accusation destitute of proof false, and, much more, an accusation not pretended to be proved. This assertion of mine does not presume that I am not persuaded of the merit of the said General and of the claim which he has upon the gratitude of his country; but although it is believed the duty of his country to eulogize and reward his eminent services, yet it will be lawful for the representative of a power outraged by him to complain of his conduct. I can not persuade myself that to aggravate my said expression you could have thought that I had been wanting in due respect, it not being possible for that opinion to have entered your mind, when by his orders Mr. Forsyth had sent to the Spanish minister on the 1st of September last a note, in which, complaining of the Captain-General of the island of

Cuba, he accuses him of dishonorable pecuniary motives in not having delivered the archives, without giving any proof of so injurious an assertion; and I must remark that the rank of General Mabry in Spain is at least as elevated as that of General Jackson in the United States, and that the services performed by him to his country have rendered him as worthy as he of its consideration and respect.

Page 134

Second. Although you are pleased to tell me that part of the papers taken from Colonel Coppinger are ready to be delivered, which the American commissioners, *after having examined them*, have adjudged to be returned to Spain, I do not think myself authorized to admit their return in this manner, but in the mode which I demanded in my note of the 22d of November last.

As I have seen by the public papers that the President has communicated to Congress the note which you were pleased to address to me, dated the 15th instant, and that it has been ordered to be printed, I take the liberty of requesting that you will have the goodness to use your influence that this my answer may be treated in the same manner, that Congress and the public may be informed that if I have not answered the first part of it as respects the general business, it is only to wait for the instructions of my Government, but that I have answered what was personal.

I renew to you, sir, the sentiments of my distinguished consideration.

JOAQUIN DE ANDUAGA.

WASHINGTON, *May 6, 1822*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 26th of April, requesting the President of the United States “to communicate to the Senate the report of the Attorney-General relative to any persons (citizens of the United States) who have been charged with or suspected of introducing any slaves into the United States contrary to existing laws,” I transmit herewith two reports from the Attorney-General.

JAMES MONROE.

WASHINGTON, *May 7, 1822*.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 25th of April, requesting certain information concerning lead mines on lands of the United States, I herewith transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *May 7, 1822*.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 23d of April, requesting the President of the United States to cause to be communicated to that House certain information respecting the lead mines of the State of Missouri, I herewith transmit a report of the Secretary of War.

JAMES MONROE.

WASHINGTON, *May 7, 1822*.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 7th of May, requesting the President to communicate to that House a letter of Jonathan Russell, esq., referred to in his message of the 4th instant, together with such communications as he may have received relative thereto from any of the other ministers of the United States who negotiated the treaty of Ghent, I herewith transmit a report from the Secretary of State, with the documents called for by that resolution.

Page 135

JAMES MONROE.

VETO MESSAGE.

WASHINGTON, *May 4, 1822*.

To the House of Representatives:

Having duly considered the bill entitled “An act for the preservation and repair of the Cumberland road,” it is with deep regret, approving as I do the policy, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exist as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it, for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

If the power exist, it must be either because it has been specifically granted to the United States or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power we do not find it among them, nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post-offices and post-roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the

common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

Page 136

According to my judgment it can not be derived from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having at the commencement of my service in this high trust considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the States an amendment to the Constitution to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which in many of its bearings has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

WASHINGTON, *May 4, 1822*.

To the House of Representatives:

I transmit the paper alluded to in the message of this day, on the subject of internal improvements.

JAMES MONROE.

VIEWS OF THE PRESIDENT OF THE UNITED STATES ON THE SUBJECT OF INTERNAL IMPROVEMENTS.

It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

The inquiry confined to its proper objects and within the most limited scale is extensive. Our Government is unlike other governments both in its origin and form. In analyzing it the differences in certain respects between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences so far as they are connected with the object of inquiry, and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will in every instance be short and the transition to the main object immediate and direct.

Page 137

To do justice to the subject it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the State governments and the General Government. If there was a perfect accord in every instance as to the precise extent of the powers granted to the General Government, we should then know with equal certainty what were the powers which remained to the State governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists, and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

Before the Revolution the present States, then colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the colonies, each having a government consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary, nor did any title under the Crown give rank or office in any of the colonies. In resisting the encroachments of the parent country and abrogating the power of the Crown the authority which had been held by it vested exclusively in the people of the colonies, By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself in 1783.

Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches —legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving

Page 138

their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest governments of the Old World not vested in Congress were imparted to these State governments without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, being representative, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore while they are in the highest degree efficient they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

In every stage of the conflict from its commencement until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony and the Congress by delegates from each colonial assembly, the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage that although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it after obtained. A plan of confederation was in consequence proposed and taken into consideration by Congress even at the moment when the other great act which severed them from Great Britain and declared their independence was proclaimed to the world. This compact was ratified on the 21st March, 1781, by the last State, and thereupon carried into immediate effect.

The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution with important additions, it is thought that a correct view of those powers and of the manner in which they are executed may shed light on the subject under consideration. It may fairly be presumed that where certain powers were transferred from one instrument to the other and in the same terms, or terms descriptive only of the

same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former.

Page 139

Article I declares that the style of the Confederacy shall be “The United States of America.”

Article II. Each State retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

Article III. The States severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them on account of religion, sovereignty, trade, *etc*.

Article IV. The free inhabitants of each State, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, *etc*. Fugitives from justice into any of the States shall be delivered up on the demand of the executive of the State from which they fled. Full faith and credit shall be given in each State to the records and acts of every other State.

Article V. Delegates shall be annually appointed by the legislature of each State to meet in Congress on the first Monday in November, with a power to recall, *etc*. No State shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each State shall maintain its own delegates. Each State shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, *etc*.

Article VI. No State shall send or receive an embassy or enter into a treaty with a foreign power. Nor shall any person holding any office of profit or trust under the United States or any State accept any present, emolument, office, or title from a foreign power. Nor shall the United States or any State grant any title of nobility. No two States shall enter into any treaty without the consent of Congress. No State shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No State shall engage in war unless it be invaded or menaced with invasion by some Indian tribe, nor grant letters of marque or reprisal unless it be against pirates, nor keep up vessels of war nor any body of troops in time of peace without the consent of Congress; but every State shall keep up a well regulated militia, *etc*.

Article VII. When land forces are raised by any State for the common defense, all officers of and under the rank of colonel shall be appointed by the legislature of each State.

Article VIII. All charges of war and all other expenses which shall be incurred for the common defense or general welfare shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all the land in each State granted to individuals. The taxes for paying each proportion shall be levied by the several States.

Page 140

Article IX. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into alliances, except, *etc*.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the States and between individuals claiming lands under two or more States whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post offices from one State to another and throughout all the States, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the land forces except the regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States and appropriate the same; to borrow money and emit bills of credit; to build and equip a Navy; to agree on the number of land forces and to make requisitions on each State for its quota; that the assent of nine States shall be requisite to these great acts.

Article X regulates the powers of the committee of the States to sit in the recess of Congress.

Article XI provides for the admission of Canada into the Confederation.

Article XII pledges the faith of the United States for the payment of all bills of credit issued and money borrowed on their account.

Article XIII. Every State shall abide by the determination of the United States on all questions submitted to them by the Confederation, the Articles of the Confederation to be perpetual and not to be altered without the consent of every State.

This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

Page 141

The Constitution of the United States was formed by a convention of delegates from the several States, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each State which was especially called to consider and decide on the same. In this progress the State governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the General Government in the way in which they might be most adequate and efficient. It is believed that no other example can be found of a Government exerting its influence to lessen its own powers, of a policy so enlightened, of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each State, in obedience to whose will and under whose control the State governments acted.

The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, formed it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government, and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their Constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

Page 142

This Constitution was adopted for the purpose of remedying all defects of the Confederation, and in this it has succeeded beyond any calculation that could have been formed of any human institution. By binding the States together the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond; and in all other respects in which the Confederation failed the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments. But the great office of the Constitution, by incorporating the people of the several States to the extent of its powers into one community and enabling it to act directly on the people, was to annul the powers of the State governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the General Government. The Government of the United States relies on its own means for the execution of its powers, as the State governments do for the execution of theirs, both governments having a common origin or sovereign, the people—the State governments the people of each State, the National Government the people of every State—and being amenable to the power which created it. It is by executing its functions as a Government thus originating and thus acting that the Constitution of the United States holds the States together and performs the office of a league. It is owing to the nature of its powers and the high source from whence they are derived—the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the State governments did not form, to which they are not parties, and which executes its own powers independently of them.

There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

Page 143

The history of the world affords no such example of two separate and independent governments established over the same people, nor can it exist except in governments founded on the sovereignty of the people. In monarchies and other governments not representative there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments alliances and leagues alone are practicable. But with us individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system taken in its twofold character and in all its great principles of two governments, completely distinct from and independent of each other, each constitutional, founded by and acting directly on the people, each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory not only without weakening either government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing also this additional advantage, that while the several States enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the Federal Government, which acts directly on the people, against the failure of the others to bear their equal share of the public burdens, and thereby enjoys in a more perfect degree all the advantages of a league, it holds them together by a bond altogether different and much stronger than the late Confederation or any league that was ever known before—a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere, descended from the same ancestors, speaking the same language, having the same religion and universal toleration, born equal and educated in the same principles of free government, made independent by a common struggle and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people, and it affords inexpressible consolation to find that these motives had their merited influence.

Page 144

In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown it passed directly to the people. The second, that it passed directly to the people of each colony and not to the people of all the colonies in the aggregate; to thirteen distinct communities and not to one. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people it vested in a community every individual of which had equal rights and a common interest. There was no family dethroned among us, no banished pretender in a foreign country looking back to his connections and adherents here in the hope of a recall; no order of nobility whose hereditary rights in the Government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were therefore all on the side of the Revolution and of free republican government.

Had distinct orders existed, our fortune might and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every State and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders, of revolutions attempted which proved abortive, of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center, that every change has tended to cement the union, and, in short, that we have been blessed with such glorious and happy success.

Page 145

And that the power wrested from the British Crown passed to the people of each colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each colony or to the people of all the colonies as a single community? We know that no such community as the aggregate existed, and of course that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by colonies and not individually, all the members from one colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and secured success to all our measures has proceeded.

Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious that the people in mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

Page 146

I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

By the eighth section of the first article of the Constitution it is declared that Congress shall have power—

First. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States;

Second. To borrow money;

Third. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Fourth. To establish an uniform rule of naturalization and uniform laws respecting bankruptcies;

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

Sixth. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Seventh. To establish post offices and post-roads;

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

Ninth. To constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations;

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

Eleventh. To raise and support armies;

Twelfth. To provide and maintain a navy;

Thirteenth. To make rules for the government of the land and naval forces;

Fourteenth. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

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

Sixteenth. To exercise exclusive legislation in all cases whatever over such district (not exceeding 10 miles square) as may, by the cession of particular States and the acceptance of by Congress, become the seat of Government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;

Page 147

Seventeenth. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

To the other branches of the Government the powers properly belonging to each are granted. The President, in whom the executive power is vested, is made commander in chief of the Army and Navy, and militia when called into the service of the United States. He is authorized, with the advice and consent of the Senate, two-thirds of the members present concurring, to form treaties, to nominate and, with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It is made his duty to give to Congress from time to time information of the state of the Union, to recommend to their consideration such measures as he may judge necessary and expedient, to convene both Houses on extraordinary occasions, to receive ambassadors, and to take care that the laws be faithfully executed.

The judicial power is vested in one Supreme Court and in such inferior courts as Congress may establish; and it is made to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters, cases of admiralty and maritime jurisdiction, causes in which the United States are a party, between two or more States, between citizens of different States, between citizens of the same State claiming grants of land under different States, between a State or the citizens thereof and foreign States, are specially assigned to these tribunals.

Other powers have been granted in other parts of the Constitution which, although they relate to specific objects, unconnected with the ordinary administration, yet, as they form important features in the Government and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

By Article I, section 9, clause 1, it is provided that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

By Article III, section 3, clause 1, new States may be admitted by Congress into the Union, but that no new State shall be formed within the jurisdiction of another State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislature of the States concerned as well as of the United States. And by the next clause of the same article and section power is vested in Congress to dispose of and make all needful rules and regulations respecting the territory or other

property belonging to the United. States, with a proviso that nothing in the Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Page 148

By Article IV, section 4, the United States guarantee to every State a republican form of government and engage to protect each of them against invasion; and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

Of the other parts of the Constitution relating to power, some form restraints on the exercise of the powers granted to Congress and others on the exercise of the powers remaining to the States. The object in both instances is to draw more completely the line between the two governments and also to prevent abuses by either. Other parts operate like conventional stipulations between the States, abolishing between them all distinctions applicable to foreign powers and securing to the inhabitants of each State all the rights and immunities of citizens in the several States.

By the fifth article it is provided that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode may be proposed by Congress: *Provided*, That no State, without its consent, shall be deprived of its equal vote in the Senate, and that no amendment which may be made prior to the year 1808 shall affect the first and fourth clauses in the ninth section of the first article.

By the second section of the sixth article it is declared that the Constitution, and laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding. This right in the National Government to execute its powers was indispensable to its existence. If the State governments had not been restrained from encroaching on the powers vested in the National Government, the Constitution, like the Confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object other than by making a national constitution which should be to the extent of its powers the supreme law of the land. This right in the National Government would have existed under the Constitution to the full extent provided for by this declaration had it not been made. To prevent the possibility of a doubt, however, on so important a subject it was proper to make the declaration.

Page 149

Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the States. It is by fixing the great powers which are admitted to belong to each government that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the National Government, this task was easy because its powers were to be found in specific grants in the Constitution; but it is more difficult to give a detail of the powers of the State governments, as their constitutions, containing all powers granted by the people not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately, a precise detail of all the powers remaining to the State governments is not necessary in the present instance. A knowledge of their great powers only will answer every purpose contemplated, and respecting these there can be no diversity in opinion. They are sufficiently recognized and established by the Constitution of the United States itself. In designating the important powers of the State governments it is proper to observe, first, that the territory contemplated by the Constitution belongs to each State in its separate character and not to the United States in their aggregate character. Bach State holds territory according to its original charter, except in cases where cessions have been made to the United States by individual States. The United States had none when the Constitution was adopted which had not been thus ceded to them and which they held on the conditions on which such cession had been made. Within the individual States it is believed that they held not a single acre; but if they did it was as citizens held it, merely as private property. The territory acquired by cession lying without the individual States rests on a different principle, and is provided for by a separate and distinct part of the Constitution. It is the territory within the individual States to which the Constitution in its great principles applies, and it applies to such territory as the territory of a State and not as that of the United States. The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property

Page 150

and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid, For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid, seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State, and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen after the tour of duty is performed is restored to his former station in society, with his equal share in the common sovereignty of the nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

Page 151

To the other powers of the General Government the same remarks are applicable and with greater force. The right to regulate commerce with foreign powers was necessary as well to enable Congress to lay and collect duties and imposts as to support the rights of the nation in the intercourse with foreign powers. It is executed at the ports of the several States and operates almost altogether externally. The right to borrow and coin money and to fix its value and that of foreign coin are important to the establishment of a National Government, and particularly necessary in support of the right to declare war, as, indeed, may be considered the right to punish piracy and felonies on the high seas and offenses against the laws of nations. The right to establish an uniform rule of naturalization and uniform laws respecting bankruptcies seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual States. It is accomplished by granting patents to inventors and preserving models, which may be done exclusively within the Federal district. The right to constitute courts inferior to the Supreme Court was a necessary consequence of the judiciary existing as a separate branch of the General Government. Without such inferior court in every State it would be difficult and might even be impossible to carry into effect the laws of the General Government. The right to establish post-offices and post-roads is essentially of the same character. For political, commercial, and social purposes it was important that it should be vested in the General Government. As a mere matter of regulation, and nothing more, I presume, was intended by it, it is a power easily executed and involving little authority within the States individually. The right to exercise exclusive legislation in all cases whatsoever over the Federal district and over forts, magazines, arsenals, dockyards, and other needful buildings with the consent of the State within which the same may be is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the General Government. Of this particular grant further notice will hereafter be taken.

I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is-necessary to guard against abuse, in the form of bills of right. But in instituting the National Government an entirely different principle

Page 152

was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States. By this section it is declared that Congress shall have power, first, to lay and collect taxes, duties, imposts, and excises, *etc*.

Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it, and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

If the power existed it would, it is presumed, be executed by a board of skillful engineers, on a view of the whole Union, on a plan which would secure complete effect to all the great purposes of our Constitution. It is not my intention, however, to take up the subject here on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to Baltimore and to connect the Chesapeake Bay with the Delaware and the Delaware with the Raritan by a canal, what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route in the most direct line, paying due regard to heights, water courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to after the road and canal are laid out and made is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries, of pulling down walls that are made to sustain the road, of breaking the bridges over water courses,

Page 153

and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands and commit these acts of violence and waste from revenge or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed and are still complained of on the road from Cumberland to the Ohio. To accomplish this object Congress should have a right to pass laws to punish offenders wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night and fly far off before the sun appeared. The power to punish these culprits must therefore reach them wherever they go. They must also be amenable to competent tribunals, Federal or State. The power must likewise extend to another object not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements and the repairs which they necessarily require. Congress must therefore have power to make such an establishment and to support it by such regulations, with fines and penalties in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the States individually, and it must be possessed by the United States or the pretension must be abandoned.

Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the State governments that in cases of this kind the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

The next object is to preserve these improvements from injury. The locks of the canal are broken, the walls which sustained the road are pulled down, the bridges are broken, the road itself is plowed up, toll is refused to be paid, the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier that may serve to screen them from punishment. They will plead that the law under which they stand arraigned is unconstitutional, and that question must be decided by the court, whether Federal or State, on a fair investigation of the powers vested in the General Government by the Constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted, and by their acquittal all claim to the right to establish such a system is at an end.

Page 154

I have supposed an opposition to be made to the right in Congress by the owner of the land and other individuals charged with breaches of laws made to protect the works from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A State, also, may contest the right, and then the controversy assumes another character. Government might contend against government, for to a certain extent both the Governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them respecting their rights and the people sustain it with anything like an equal division of numbers the worst consequences might ensue.

It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may by the command and application of the public revenue purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post-offices and post-roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

Page 155

The first of these grants is in the following words: "Congress shall have power to establish post-offices and post-roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post-offices and post-roads" are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, court-houses, and other places throughout our Union at which there should be post-offices, the routes by which the mails should be carried from one post-office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post-office and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or postboy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of Government, the Confederation, we find a grant for the same purpose expressed in the following words: "The United States in Congress assembled shall have the sole and exclusive right and power of establishing and regulating post-offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office." The term "establish" was likewise the ruling one in that instrument, and was evidently intended and understood to give a power simply and solely to fix where there should be post-offices. By transferring this term from the Confederation into the Constitution it was doubtless intended that it should be understood in the same sense in the latter that it was in the

Page 156

former instrument, and to be applied alike to post-offices and post-roads. In whatever sense it is applied to post-offices it must be applied in the same sense to post-roads. But it may be asked, If such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The Confederation being a bond of union between independent States, it was necessary in granting the powers which were to be exercised over them to be very explicit and minute in defining the powers granted. But the Constitution to the extent of its powers having incorporated the States into one Government like the government of the States individually, fewer words in defining the powers granted by it were not only adequate, but perhaps better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the Constitution than had been granted in the Confederation, surely the same controlling term would not have been used, or other words would have been added, to show such intention and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the Constitution by this term to include in it all the powers that were granted in the Confederation by terms which specifically defined and, as was supposed, extended their limits. It would be absurd to say that by omitting from the Constitution any portion of the phraseology which was deemed important in the Confederation the import of that term was enlarged, and with it the powers of the Constitution, in a proportional degree, beyond what they were in the Confederation. The right to exact postage and to protect the post-offices and mails from robbery by punishing the offenders may fairly be considered as incidents to the grant, since without it the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this the doctrine of incidental power can not be carried.

If we go back to the origin of our settlements and institutions and trace their progress down to the Revolution, we shall see that it was in this sense, and in none other, that the power was exercised by all our colonial governments. Post-offices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made, after which the progress is uniform and simple, extending to objects in regular order most necessary to the comfort of man—schools, places of public worship, court-houses, and markets; post-offices follow. Roads may, indeed, be said to be coeval with settlements; they lead to all the places mentioned, and to every other which the various and complicated interests of society require.

Page 157

It is believed that not one example can be given, from the first settlement of our country to the adoption of this Constitution, of a post-office being established without a view to existing roads or of a single road having been made by pavement, turnpike, *etc*., for the sole purpose of accommodating a post-office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States it was undoubtedly intended by the framers and ratifiers of the Constitution to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns and in other places where the population is dense stages are preferred because they afford an additional opportunity to make a profit from passengers; but where the population is sparse and on crossroads it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the Union in which stages can be preferred the roads are sufficiently good provided those which serve for every other purpose will accommodate them. In every other part where horses alone are used if other people pass them on horseback surely the mail carrier can. For an object so simple and so easy in its execution it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post-offices and post-roads; that the common roads of the country only were contemplated by that grant and are fully competent to all its purposes.

Page 158

The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first by granting the power to Congress, and secondly by prohibiting the exercise of it by the States. "Congress shall have a right to declare war." This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner.

The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier on the side of Canada by Great Britain, and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan, to raise and support armies and a navy, to provide for calling forth, arming, disciplining, and governing the militia when in the service of the United States, establishing fortifications and governing the troops stationed in them independently of the State authorities, and

Page 159

to perform many other acts is indispensable to the maintenance of war—no war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers, then, would of necessity and by common consent have fallen within the right to declare war had it been intended to convey by way of incident to that right the necessary powers to maintain war. But these powers have all been granted specifically with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers it is manifest that every power was thus granted which it was intended to grant for military purposes, and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

By the sixteenth of the enumerated powers, Article I, section 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may by cession of particular States and the acceptance of Congress, not exceeding 10 miles square, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of other parts of the Constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown after the most liberal construction of all the enumerated powers of the General Government that the territory within the limits of the respective States belonged to them; that the United States had no right under the powers granted to them, with the exception specified in this grant, to any the smallest portion of territory within a State, all those powers operating on a different principle and having their full effect without impairing in the slightest degree this right in the States; that those powers were in every instance means to ends, which being accomplished left the subject—that is, the property, in which light only land could be regarded—where it was before, under the jurisdiction and subject to the laws of the State governments.

The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions of territory as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

Page 160

It may be said that although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the state. More freedom of action and a wider range of power in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

Whether any power short of that stated would be adequate to the purposes of internal improvement is denied. In the case of territory one government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the State in all cases and for all purposes not necessary to the execution of the proposed power; but the right of the General Government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, *etc*. It must be a complete right to the extent above stated or it will be of no avail. That right does not exist.

The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, *etc*., do not apply to any other places. The safety of such works and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: First, the ground must be requisite for and be applied to those purposes; second, it must be purchased; third, it must be purchased by the consent of the State in which it may be. When we find that so much care has been taken to protect the sovereignty of the States over the territory within their respective limits, admitting that of the United States over such small portions and for such special and important purposes only, the conclusion is irresistible not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

Page 161

I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States respectively and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States, and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

Page 162

Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution as to commerce into one community equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution.

In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

Page 163

The fourth claim is founded on the right of Congress to “pay the debts and provide for the common defense and general welfare” of the United States. This claim has less reason on its side than either of those which we have already examined. The power of which this forms a part is expressed in the following words: “Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.” That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: First. If the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except the two following: First, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years; and, second, the declaration of the sixth member or clause of the ninth section of the first article that no money shall be drawn from the Treasury but in consequence of appropriations made by law. Second. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first part of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises, a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together (as they must be, for the one follows immediately after the other in the same sentence), it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States, an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated. Third. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever or one of much greater extent than the first part. This presumption is evidently groundless in both instances. In the first because no part of the Constitution can be considered useless; no sentence or clause in it without a meaning. In the second because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally

Page 164

observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter.

The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with and independent of the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part; but if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word, in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised—that is, of appropriating it to the purposes specified according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the States, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the States as to taxes and excises must necessarily do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to

Page 165

take power from the States or in any sense in which power can be controverted, or become a question between the two Governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other power, since the only complaint which any State can make of such partiality and abuse is that some other State or States have obtained greater benefit from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore from its nature secondary and incidental to the right of raising money, and it was proper to place it in the same grant and same clause with that right. By rinding them, then, in that order we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate, the rule by which the fourth—that is, taxes—should be laid being already provided for in another part of the Constitution. The object of this provision is to secure a just equality among the States in the exercise of that power by Congress. By placing it after both the grants—that is, after that to raise and that to appropriate the public money—and making it apply to the first only it shows that it was not intended that the power granted in the second should be paramount to and destroy that granted in the first. It shows also that no such formidable power as that suggested had been granted in the second, or any power against the abuse of which it was thought necessary specially to provide. Surely if it was deemed proper to guard a specific power of limited extent and well-known import against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent and so indefinite as would have been granted by the second part of the clause if considered as a distinct and original grant.

With this construction all the other enumerated grants, and, indeed, all the grants of power contained in the Constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a Government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of the revenue, and proceeding

Page 166

in regular order to the others with which it was deemed proper to endow it, all, too, drawn with the utmost circumspection and care. How much more consistent is this construction with the great objects of the institution and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws everything into confusion.

I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to *appropriate* the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

It is contended on the one side that as the National Government is a government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Bach branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post-offices and post-roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know —and from the best evidence, our own experience—that in great emergencies the boldest measures, such as

Page 167

form the strongest appeals to the virtue and patriotism of the people, are sure to obtain the most decided approbation. But should the representative act corruptly and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises is alike unqualified, nor do I see any check on the exercise of it other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too far; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to in the first instance. From the commencement of the Government two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the Government in its various branches and met its other ordinary engagements. In great emergencies the other two, taxes and excises, have likewise been resorted to, and neither was the right or the policy ever called in question.

If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to “pay the debts and provide for the common defense and general welfare” could not have been used. So intimately connected with and dependent on each other are these two branches of power that had either been limited the limitation would have had the like effect on the other. Had the power to raise money been conditional or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence.

Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

Page 168

It was evidently impossible to have subjected this grant in either branch to such restriction without exposing the Government to very serious embarrassment. How carry it into effect? If the grant had been made in any degree dependent upon the States, the Government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished. Had the Supreme Court been authorized, or should any other tribunal distinct from the Government be authorized, to impose its veto, and to say that more money had been raised under either branch of this power—that is, by taxes, duties, imposts, or excises—than was necessary, that such a tax or duty was useless, that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended and the whole system disorganized. It was impossible to have created a power within the Government or any other power distinct from Congress and the Executive which should control the movement of the Government in this respect and not destroy it. Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government and often on its most important measures. Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that if the right of appropriation be confined to that limit, measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objections to it. If it be established, it follows that the words “to provide for the common defense and general welfare” have a definite, safe, and useful meaning. The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress.

Page 169

By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that to whatever extent any specified power may be carried the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant is a wrong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is coextensive with the great scheme of the Government itself. It is the lever which raises and puts the whole machinery in motion and continues the movement. Should either of the other grants fail in consequence of any condition or limitation attached to it or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself; this, by the nature of the Government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the Government and with all its purposes.

If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely if ever apply money to national purposes without making it a charge to the nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two Governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

Page 170

Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will by being properly directed to these objects enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns no State interests can be affected, no State rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers, to regulate by law our commerce with them, to determine on peace or war, to raise armies and a navy, to call forth the militia and direct their operations belongs to the General Government. These great powers, embracing the whole scope of our foreign relations, being granted, on what principle can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings they soften the intercourse between nations and tend to prevent war. Surely if the United States have a right to make war they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

Page 171

To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish custom-houses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it, in quarters best adapted to the purpose, to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained, or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post-offices and post-roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town, or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

Page 172

It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights. Shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

The measures of Congress have been in strict accord with the view taken of the right of appropriation both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first from Cumberland, at the head waters of the Potomac, in the State of Maryland, through Pennsylvania and Virginia, to the State of Ohio (March 29, 1806; see vol. 4, p. 13, of the late edition of the laws). The second from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the thirty-first degree of north latitude (April 31, 1806, p. 58). The third from the Mississippi at a point and by a route described to the Ohio (same act). The fourth from Nashville, in Tennessee, to Natchez (same act). The fifth from the thirty-first degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the Executive and the Spanish Government (March 3, 1807, p. 117). The sixth from the foot of the rapids of the river Miami, of Lake Erie, to the western line of the Connecticut Reserve (December 12, 1811, p. 364). The seventh from the Lower Sandusky to the boundary line established by the treaty of Greenville (same act). The eighth from a point where the United States road leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the State of Ohio (January 8, 1812, p. 367). The ninth for repairing and keeping in repair the road between Columbia, on Duck River, in Tennessee, and Madisonville, in Louisiana, and also the road between Fort Hawkins, in Georgia, and Fort Stoddard (April 27, 1816, p. 104 of the acts of that year). The tenth from the Shawneetown, on the Ohio River, to the Sabine, and to Kaskaskias, in Illinois (April 27, 1816, p. 112). The eleventh from Reynoldsburg, on Tennessee River, in the State of Tennessee, through the Chickasaw Nation, to intersect the Natchez road near the Chickasaw old town (March 3, 1817, p. 252).

Page 173

The twelfth: By this act authority was given to the President to appoint three commissioners for the purpose of examining the country and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the States of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois River, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act that nothing was thereby intended to imply an obligation on the part of the United States to make or defray the expense of making the said road or any part thereof.

In the late war two other roads were made by the troops for military purposes—one from the Upper Sandusky, in the State of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatauga woods toward Sacketts Harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads was advanced in the first instance from the appropriation to the Quartermaster's Department and afterwards provided for by a specific appropriation by Congress. The necessity of keeping those roads open and in good repair, being on the frontier, to facilitate a communication between our posts, is apparent.

All of these roads except the first were formed merely by cutting down the trees and throwing logs across, so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the Eastern with the Western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland, Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures to obtain their sanction, which was granted by each State by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the State of Ohio, under which that State came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that State. In this instance, which is by far the strongest in respect to the expense,

Page 174

extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary and unqualified admission that the sovereignty belonged to the State and not to the United States, and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed, for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then Territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

By an act of April 30, 1802, entitled “An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes,” after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles’ reservation, including the salt springs commonly called the Sciota Salt Springs, the salt springs near the Muskingum River and in the military tract, with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe: *Provided*, That it should never sell or lease the same for more than ten years. Third, that one twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

Page 175

These three propositions were made on the condition that the convention of the State should provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new States would be settled by the inhabitants of the original States and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union in equal participation in the national sovereignty with the original States. It was foreseen at the early period at which that ordinance passed that the expansion of our Union to the Lakes and to the Mississippi and all its waters would not only make us a greater power, but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township for free schools, and of the salt springs to the State, which were within its limits, for the use of its citizens, with 5 per cent of the money to be raised from the sale of lands within the State for the construction of roads between the original States and the new State, and of other roads within the State, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was that the new State should not tax the public lands which might be sold by the United States within it for the term of five years after they should be sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new State would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it and without regarding it as an onerous condition.

Since, then, it appears that the whole of the money to be employed in making this road was to be raised from the sale of the public lands, and which would still belong to the United States, although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same ground as if such compact had not been made, and in consequence that the example in favor of the right of appropriation is in no manner affected by it.

Page 176

The same rule of construction of the right of appropriation has been observed and the same liberal policy pursued toward the other new States, with certain modifications adapted to the situation of each, which were adopted with the State of Ohio. As, however, the reasoning which is applicable to the compact with Ohio in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new States, I deem it unnecessary to take a particular notice of them.

It is proper to observe that the money which was employed in the construction of all the other roads was taken directly from the Treasury. This fact affords an additional proof that in the contemplation of Congress no difference existed in the application of money to those roads between that which was raised by the sale of lands and that which was derived from taxes, duties, imposts, and excises.

So far I have confined my remarks to the acts of Congress respecting the right of appropriation to such measures only as operate internally and affect the territory of the individual States. In adverting to those which operate externally and relate to foreign powers I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress—the first in 1794 to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second in 1812 to the people of Caracas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

In this examination of the right of appropriation I thought it proper to present to view also the practice of the Government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the Constitution; and where the right to raise it is granted without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there we must then look to the general powers of the Government as designated by the specific grants and to the purposes contemplated by them, allowing to this (the right to raise money), the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the Government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation and produces a manifest and positive good. A practical construction, thus supported, shows that it has reason on its side and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will surely be better to admit that the construction given by these examples has been just arid proper than to deny that construction and still to practice on it—to say one thing and to do another.

Page 177

Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the States from encroachment and greater harmony in the political movement between the two governments, while it enlarges to a certain extent in the most harmless way the useful agency of the General Government for all the purposes of its institution. Is not the responsibility of the representative to his constituent in every branch of the General Government equally strong and as sensibly felt as in the State governments, and is not the security against abuse as effectual in the one as in the other government? The history of the General Government in all its measures fully demonstrates that Congress will never venture to impose unnecessary burdens on the people or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures had there been no occasion for the revenue arising from them; and taxes and excises have never been laid except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process and the sale of some hundreds of millions of acres of good land the Government will be possessed of money, which may be applied with great advantage to national purposes. Within the States only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instances of the inhabitants of St. Domingo and Caracas will often occur. How, then, shall this revenue be applied? Should it be idle in the Treasury? That our resources will be equal to such useful purposes I have no doubt, especially if by completing our fortifications and raising and maintaining our Navy at the point provided for immediately after the war we sustain our present altitude and preserve by means thereof for any length of time the peace of the Union.

When we hear charges raised against other governments of breaches of their constitutions, or, rather, of their charters, we always anticipate the most serious consequences—communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can anything mark more strongly the great characteristics of that difference than the grounds on which like charges are raised against this Government. It is not alleged that any portion of the community or any individual has been oppressed or that money has been raised under a doubtful title. The principal charges are that a work of great utility to the Union and affecting immediately and with like advantage many of the States has been constructed; that pensions to the surviving patriots of our Revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression, but almost without being felt, and under an acknowledged constitutional power.

Page 178

From this view of the right to appropriate and of the practice under it I think that I am authorized to conclude that the right to make internal improvements has not been granted by the power “to pay the debts and provide for the common defense and general welfare,” included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the Government itself being limited, both branches of the power to raise and appropriate the public money are also limited, the extent of the Government as designated by the specific grants marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money than to extend by a forced construction the grant itself; that although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is nevertheless deficient as a power in the great characteristics on which its execution depends.

The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.

I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably that this power would have existed substantially if this grant had not been made; for why is any power granted unless it be to be executed when required, and how can it be executed under our Government unless it be by laws necessary and proper for the purpose—that is, well adapted to the end? It is a principle universally admitted that a grant of a power conveys

Page 179

as a necessary consequence or incident to it the means of carrying it into effect by a fair construction of its import. In the formation, however, of the Constitution, which was to act directly upon the people and be paramount to the extent of its powers to the constitutions of the States, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all governments with which we have any acquaintance; and it was reasonable to presume that under our system, where there was a division of the sovereignty between the two independent governments, the measures of the General Government would excite equal jealousy and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy by the framers of our Government of securing by a fundamental declaration in the Constitution a principle which in all other governments had been left to implication only. The terms “necessary” and “proper” secure to the powers of all the grants to which the authority given in this is applicable a fair and sound construction, which is equally binding as a rule on both Governments and on all their departments.

In examining the right of the General Government to adopt and execute under this grant a system of internal improvement the sole question to be decided is whether the power has been granted under any of the other grants. If it has, this power is applicable to it to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants (one only excepted, which will next claim attention) and shown, as I presume, on the most liberal construction of their powers that the right has not been granted by any of them; hence it follows that in regard to them it has not been granted by this.

I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State, nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

Page 180

If we recur to the condition of our country at the commencement of the Revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies limits by latitude and other descriptions were assigned to each. In commencing the Revolution the colonies, as has already been observed, claimed by those limits, although their population extended in many instances to a small portion of the territory lying within them. It was contended by some of the States after the declaration of independence that the vacant lands lying within any of the States should become the property of the Union, as by a common exertion they would be acquired. This claim was resisted by the others on the principle that all the States entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily this controversy was settled, as all interfering claims and pretensions between the members of our Union and between the General Government and any of these members have been, in the most amicable manner and to the satisfaction of all parties. On the recommendation of Congress the individual States having such territory within their chartered limits ceded large portions thereof to the United States on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States, and that the districts be admitted into the Union when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory and this the property referred to in the second clause of the fourth article of the Constitution.

All the States which had made cessions of vacant territory except Georgia had made them before the adoption of the Constitution, and that State had made a proposition to Congress to that effect which was under consideration at the time the Constitution was adopted. The cession was completed after the adoption of the Constitution. It was made on the same principle and on similar conditions with those which had been already made by the other States. As differences might arise respecting the right or the policy in Congress to admit new States into the Union under the new Government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above-recited clause in the Constitution.

Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the territory became a State the jurisdiction over it as it had before existed ceased. It extended afterwards only to the unsold lands, and as soon as the whole were sold it ceased in that sense also altogether. From that moment the United States have no jurisdiction or power in the new States other than in the old, nor can it be obtained except by an amendment of the Constitution.

Page 181

Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that grant nor under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

It need scarcely be remarked that this power will operate, like many others now existing, without affecting the sovereignty of the States except in the particular offices to be performed. The jurisdiction of the several States may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right, being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works by laws imposing penalties would operate on the same principles as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and even absurd.

Page 182

In the preceding inquiry little has been said of the advantages which would attend the exercise of such a power by the General Government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow-citizens to that effect. Still, it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will at least show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

The advantages of such a system must depend upon the interests to be affected by it and the extent to which they may be affected, and those must depend on the capacity of our country for improvement and the means at its command applicable to that object.

I think that I may venture to affirm that there is no part of our globe comprehending so many degrees of latitude on the main ocean and so many degrees of longitude into the interior that admits of such great improvement and at so little expense. The Atlantic on the one side, and the Lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence and determine in that of the Mississippi, traversing from north to south almost the whole interior, with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline. The details are to be seen on the valuable maps of our country.

It appears by the light already before the public that it is practicable and easy to connect by canals the whole coast from its southern to its northern extremity in one continued inland navigation, and to connect in like manner in many parts the Western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the Western country by improving the navigation of many of the rivers which have their sources near to each other in the mountains on each side, and by good roads across the mountains between the highest navigable points of those rivers. In addition to the example of the Cumberland road, already noticed, another of this kind is now in train from the head waters of the river James to those of the Kanawha; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the Eastern and Western waters may be connected together directly by canals. One great work of this kind is now in its progress and far advanced in the State of New York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other some of the most important of the Western rivers with those emptying into the Gulf of Mexico, the advantage of which will be seen at the first glance by an enlightened observer.

Page 183

Great improvements may also be made by good roads in proper directions through the interior of the country. As these roads would be laid out on principle on a full view of the country, its mountains, rivers, *etc*., it would be useless, if I had the knowledge, to go into detail respecting them. Much has been done by some of the States, but yet much remains to be done with a view to the Union.

Under the colonial governments improvements of this kind were not thought of. There was, it is believed, not one canal and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from North to South at the commencement of the Revolution, and that a very imperfect one. The existence and principle of our Union point out the necessity of a very different policy.

The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important, Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments, on such a commerce can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post-Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow-citizens on every portion of our soil be better rewarded.

Page 184

It is natural in so great a variety of climate that there should be a corresponding difference in the produce of the soil; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper and manufactures succeed better in one part than in another; that were the climate the most severe and the soil less productive, navigation, the fisheries, and commerce should be most relied on. Hence the motive for an exchange for mutual accommodation and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

There is another view in which these improvements are of still more vital importance. The effect which they would have on the bond of union itself affords an inducement for them more powerful than any which have been urged or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our union is not held together by standing armies or by any ties other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change, and by practicing upon the sectional interests, feelings, and prejudices endeavor under various pretexts to promote it. The history of the world is replete with examples of this kind—of military commanders and demagogues becoming usurpers and tyrants, and of their fellow-citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is and who the people are who are thus held together; but still, it is proper to look at and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision than would be made by the proposed improvements. With their aid and the intercourse which would grow out of them the parts would soon become so compacted and bound together that nothing could break it.

The expansion of our Union over a vast territory can not operate unfavorably to the States individually. On the contrary, it is believed that the greater the expansion within practicable limits—and it is not easy to say what are not so—the greater the advantage which the States individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown that in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone—that is, from their distance from each other. In every other way the expansion of our system must operate favorably for every State in proportion as it operates

Page 185

favorably for the Union. It is in that sense only that it can become a question with the States, or, rather, with the people who compose them. As States they can be affected by it only by their relation to each other through the General Government and by its effect on the operations of that Government. Manifest it is that to any extent to which the General Government can sustain and execute its functions with complete effect will the States—that is, the people who compose them—be benefited. It is only when the expansion shall be carried beyond the faculties of the General Government so as to enfeeble its operations to the injury of the whole that any of the parts can be injured. The tendency in that stage will be to dismemberment and not to consolidation. This danger should, therefore, be looked at with profound attention as one of a very serious character. I will remark here that as the operations of the National Government are of a general nature, the States having complete power for internal and local purposes, the expansion may be carried to very great extent and with perfect safety. It must be obvious to all that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both Governments and the more perfect their security, and in all other respects the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

To what extent it may be proper to expand our system of government is a question which does not press for a decision at this time. At the end of the Revolutionary war, in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi, but it was not until after the expiration of twelve years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred in the bustling of a contentious world when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the Province of Louisiana, with the free navigation of the river from its source to the ocean and a liberal boundary on the western side. To this Florida has since been added, so that we now possess all the territory in which the original States had any interest, or in which the existing States can be said, either in a national or local point of view, to be in any way interested. A range of States on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of States beyond the Mississippi or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so on the present scale. The further we go the greater will be the necessity for them.

Page 186

It can not be doubted that improvements for great national purposes would be better made by the National Government than by the governments of the several States. Our experience prior to the adoption of the Constitution demonstrated that in the exercise by the individual States of most of the powers granted to the United States a contracted rivalry of interest and misapplied jealousy of each other had an important influence on all their measures to the great injury of the whole. This was particularly exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the State governments, proceeding from these and other causes, to act as a nation and to perform all the duties which the nation owed to itself under any system which left the General Government dependent on the States, which produced the transfer of these powers to the United States by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress is likewise so, at least to a certain extent, to that in question. It is natural that the States individually in making improvements should look to their particular and local interests, The members composing their respective legislatures represent the people of each State only, and might not feel themselves at liberty to look to objects in these respects beyond that limit. If the resources of the Union were to be brought into operation under the direction of the State assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual States, who may also add such others as their own particular interests may require.

The situation of the Cumberland road requires the particular and early attention of Congress. Being formed over very lofty mountains and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly unless timely and effectual measures are adopted to prevent it.

Page 187

The declivities from the mountains and all the heights must suffer from the frequent and heavy falls of water and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls and other works, committed by worthless people either from a desire to render the road impassable or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show that an active and strict police ought to be established over the whole road, with power to make repairs when necessary, to establish turnpikes and tolls as the means of raising money to make them, and to prosecute and punish those who commit waste and other injuries.

Should the United States be willing to abandon this road to the States through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the Western States, and in a line with the seat of the National Government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each State and in a route not essentially connected with the commerce of either.

If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution, and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

Page 188

I have now essentially executed that part of the task which I imposed on myself of examining the right of Congress to adopt and execute a system of internal improvement, and, I presume, have shown that it does not exist. It is, I think, equally manifest that such a power vested in Congress and wisely executed would have the happiest effect on all the great interests of our Union. It is, however, my opinion that the power should be confined to great national works only, since if it were unlimited it would be liable to abuse and might be productive of evil. For all minor improvements the resources of the States individually would be fully adequate, and by the States such improvements might be made with greater advantage than by the Union, as they would understand better such as their more immediate and local interests required.

In the view above presented I have thought it proper to trace the origin of our institutions, and particularly of the State and National Governments, for although they have a common origin in the people, yet, as the point at issue turned on what were the powers granted to the one government and what were those which remained to the other, I was persuaded that an analysis which should mark distinctly the source of power in both governments, with its progress in each, would afford the best means for obtaining a sound result. In our political career there are, obviously, three great epochs. The colonial state forms the first; the Revolutionary movement from its commencement to the adoption of the Articles of Confederation the second, and the intervening space from that event to the present day the third. The first may be considered the infant state. It was the school of morality, of political science and just principles. The equality of rights enjoyed by the people of every colony under their original charters forms the basis of every existing institution, and it was owing to the creation by those charters of distinct communities that the power, when wrested from the Crown, passed directly and exclusively to the people of each colony. The Revolutionary struggle gave activity to those principles, and its success secured to them a permanent existence in the governments of our Union, State and National. The third epoch comprises the administration under the Articles of Confederation, with the adoption of the Constitution and administration under it. On the first and last of these epochs it is not necessary to enlarge for any purpose connected with the object of this inquiry. To the second, in which we were transferred by a heroic exertion from the first to the third stage, and whose events give the true character to every institution, some further attention is due. In tracing in greater detail the prominent acts of a movement to which we owe so much I shall perform an office which, if not useful, will be gratifying to my own feelings, and I hope not unacceptable to my readers.

Page 189

Of the Revolutionary movement itself sentiments too respectful, too exalted, can not be entertained. It is impossible for any citizen having a just idea of the dangers which we had to encounter to read the record of our early proceedings and to see the firmness with which they were met and the wisdom and patriotism which were displayed in every stage without being deeply affected by it. An attack on Massachusetts was considered an attack on every colony, and the people of each moved in her defense as in their own cause. The meeting of the General Congress in Philadelphia on the 6th of September, 1774, appears to have been the result of a spontaneous impulse in every quarter at the same time. The first public act proposing it, according to the Journals of the First Congress, was passed by the house of representatives of Connecticut on the 3d of June of that year; but it is presumed that the first suggestion came from Massachusetts, the colony most oppressed, and in whose favor the general sympathy was much excited. The exposition which that Congress made of grievances, in the petition to the King, in the address to the people of Great Britain, and in that to the people of the several colonies, evinced a knowledge so profound of the English constitution and of the general principles of free government and of liberty, of our rights founded on that constitution and on the charters of the several colonies, and of the numerous and egregious violations which had been committed of them, as must have convinced all impartial minds that the talent on this side of the Atlantic was at least equal to that on the other. The spirit in which those papers were drawn, which was known to be in strict accord with the public sentiment, proved that, although the whole people cherished a connection with the parent country and were desirous of preserving it on just principles, they nevertheless stood embodied at the parting line, ready to separate forever if a redress of grievances, the alternative offered, was not promptly rendered. That alternative was rejected, and in consequence war and dismemberment followed.

The powers granted to the delegates of each colony who composed the First Congress looked primarily to the support of rights and to a redress of grievances, and, in consequence, to the restoration of harmony, which was ardently desired. They justified, however, any extremity in case of necessity. They were ample for such purposes, and were executed in every circumstance with the utmost fidelity. It was not until after the meeting of the Second Congress, which took place on the 10th May, 1775, when full proof was laid before it of the commencement of hostilities in the preceding month by a deliberate attack of the British troops on the militia and inhabitants of Lexington and Concord, in Massachusetts, that war might be said to be decided on, and measures were taken to support it. The progress even then was slow and reluctant, as will be seen by their second petition to the King and their second address to the people of Great Britain, which were prepared and forwarded after that event. The arrival, however, of large bodies of troops and the pressure of war in every direction soon dispelled all hope of accommodation.

Page 190

On the 15th of June, 1775, a commander in chief of the forces raised and to be raised for the defense of American liberty was appointed by the unanimous vote of Congress, and his conduct in the discharge of the duties of that high trust, which he held through the whole of the war, has given an example to the world for talents as a military commander; for integrity, fortitude, and firmness under the severest trials; for respect to the civil authority and devotion to the rights and liberties of his country, of which neither Rome nor Greece have exhibited the equal. I saw him in my earliest youth, in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always next the enemy, and his countenance and manner made an impression on me which time can never efface. A lieutenant then in the Third Virginia Regiment, I happened to be on the rear guard at Newark, and I counted the force under his immediate command by platoons as it passed me, which amounted to less than 3,000 men. A deportment so firm, so dignified, so exalted, but yet so modest and composed, I have never seen in any other person.

On the 6th July, 1775, Congress published a declaration of the causes which compelled them to take up arms, and immediately afterwards took measures for augmenting the Army and raising a navy; for organizing the militia and providing cannon and small arms and military stores of every kind; for raising a revenue and pushing the war offensively with all the means in their power. Nothing escaped the attention of that enlightened body. The people of Canada were invited to join the Union, and a force sent into the province to favor the Revolutionary party, which, however, was not capable of affording any essential aid. The people of Ireland were addressed in terms manifesting due respect for the sufferings, the talents, and patriotism of that portion of the British Empire, and a suitable acknowledgment was made to the assembly of Jamaica for the approbation it had expressed of our cause and the part it had taken in support of it with the British Government.

On the 2d of June, 1775, the convention of Massachusetts, by a letter signed by their president, of May the 10th, stated to Congress that they labored under difficulties for the want of a regular form of government, and requested to be favored with explicit advice respecting the taking up and exercising the powers of civil government, and declaring their readiness to submit to such a general plan as the Congress might direct for the colonies, or that they would make it their great study to establish such a form of government there as should not only promote their own advantage, but the union and interest of all America. To this application an answer was given on the 9th, by which it was recommended to the convention “to write letters to the inhabitants of the several places entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect councilors, and that said assembly or council should exercise the powers of government until a governor of His Majesty’s appointment will consent to govern the colony according to its charter.”

Page 191

On the 18th October of the same year the delegates from New Hampshire laid before Congress an instruction from their convention “to use their utmost endeavors to obtain the advice and direction of Congress with respect to a method for administering justice and regulating their civil police.” To this a reply was given on the 3d November, by which it was recommended to the convention “to call a full and free representation of the people, and that the representatives, if they thought it necessary, should establish such a form of government as in their judgment would best promote the happiness of the people and most effectually secure peace and good order in the Province during the continuance of the present dispute between Great Britain and the colonies.”

On the 4th November it was resolved by Congress “that if the convention of South Carolina shall find it necessary to establish a form of government in that colony it be recommended to that convention to call a full and free representation of the people; and the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will best promote the happiness of the people and most effectually secure peace and good order in the colony during the continuance of the present dispute between Great Britain and the colonies.”

On the 4th December following a resolution passed recommending the same measure, and precisely in the same words, to the convention of Virginia.

On the 10th May, 1776, it was recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs had been established, “to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general.”

On the 7th June resolutions respecting independence were moved and seconded, which were referred to a committee of the whole on the 8th and 10th, on which latter day it was resolved to postpone a decision on the first resolution or main question until the 1st July, but that no time might be lost in case the Congress agree thereto that a committee be appointed to prepare a declaration to the effect of that resolution. On the 11th June, 1776, Congress appointed a committee to prepare and digest a plan of confederation for the colonies. On the 12th July the committee reported a draft of articles, which were severally afterwards debated and amended until the 15th November, 1777, when they were adopted. These articles were then proposed to the legislatures of the several States, with a request that if approved by them they would authorize their delegates to ratify the same in Congress, and, which being done, to become conclusive. It was not until the 21st of March, 1781, as already observed, that they were ratified by the last State and carried into effect.

Page 192

On the 4th July, 1776, independence was declared by an act which arrested the attention of the civilized world and will bear the test of time. For force and condensation of matter, strength of reason, sublimity of sentiment and expression, it is believed that no document of equal merit exists. It looked to everything, and with a reach, perspicuity, and energy of mind which seemed to be master of everything.

Thus it appears, in addition to the very important charge of managing the war, that Congress had under consideration at the same time the Declaration of Independence, the adoption of a confederation for the States, and the propriety of instituting State governments, with the nature of those governments, respecting which it had been consulted by the conventions of several of the colonies. So great a trust was never reposed before in a body thus constituted, and I am authorized to add, looking to the great result, that never were duties more ably or faithfully performed.

The distinguishing characteristic of this movement is that although the connection which had existed between the people of the several colonies before their dismemberment from the parent country was not only not dissolved but increased by that event, even before the adoption of the Articles of Confederation, yet the preservation and augmentation of that tie were the result of a new creation, and proceeded altogether from the people of each colony, into whose hands the whole power passed exclusively when wrested from the Crown. To the same cause the greater change which has since occurred by the adoption of the Constitution is to be traced.

The establishment of our institutions forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow-citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanting.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the second section of an act of Congress of the 6th of May last, entitled “An act in addition to the act concerning navigation, and also to authorize the appointment of deputy collectors,” it is provided that in the event of the signature of any treaty or convention concerning the navigation or commerce between the United States and France the President of the United States, if he should deem the same expedient, may suspend by proclamation until the end of the next session of Congress the operation of the act entitled “An act to impose a new tonnage duty on French ships and vessels, and

for other purposes," and also to suspend, as aforesaid, all other duties on French vessels or the goods imported in the same which may exceed the duties on American vessels and on similar goods imported in the same; and

Page 193

Whereas a convention of navigation and commerce between the United States of America and His Majesty the King of France and Navarre has this day been duly signed by John Quincy Adams, Secretary of State, on the part of the United States, and by the Baron Hyde de Neuville, envoy extraordinary and minister plenipotentiary from France, on the part of His Most Christian Majesty, which convention is in the words following:

[Here follows the treaty.]

Now, therefore, be it known that I, James Monroe, President of the United States, in pursuance of the authority aforesaid, do hereby suspend from and after the 1st day of October next until the end of the next session of Congress, the operation of the act aforesaid, entitled “An act to impose a new tonnage duty on French ships and vessels, and for other purposes,” and also all other duties on French vessels and the goods being the growth, produce, and manufacture of France imported in the same which may exceed the duties on American vessels and on similar goods imported in the same, saving only the discriminating duties payable on French vessels and on articles the growth, produce, and manufacture of France imported in the same stipulated by the said convention to be paid.

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 Washington, the 24th day of June, A.D. 1822, and of the Independence of the-United States the forty-sixth.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States passed on the 6th day of May last it was provided that on satisfactory evidence being given to the President of the United States that the ports in the islands or colonies in the West Indies under the dominion of Great Britain have been opened to the vessels of the United States the President should be, and thereby was, authorized to issue his proclamation declaring

that the ports of the United States should thereafter be open to the vessels of Great Britain employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the President of the United States might by such proclamation make and publish, anything in the laws entitled “An act concerning navigation” or an act entitled “An act supplementary to an act concerning navigation” to the contrary notwithstanding; and

Page 194

Whereas satisfactory evidence has been given to the President of the United States that the ports hereinafter named in the islands or colonies in the West Indies under the dominion of Great Britain have been opened to the vessels of the United States; that is to say, the ports of Kingston, Savannah le Mar, Montego Bay, Santa Lucia, Antonio, St. Ann, Falmouth, Maria, Morant Bay, in Jamaica; St. George, Grenada; Roseau, Dominica; St. Johns, Antigua; San Josef, Trinidad; Scarborough, Tobago; Road Harbour, Tortola; Nassau, New Providence; Pittstown, Crooked Island; Kingston, St. Vincent; Port St. George and Port Hamilton, Bermuda; any port where there is a custom-house, Bahamas; Bridgetown, Barbadoes; St. Johns, St. Andrews, New Brunswick; Halifax, Nova Scotia; Quebec, Canada; St. Johns, Newfoundland; Georgetown, Demerara; New Amsterdam, Berbice; Castries, St. Lucia; Besseterre, St. Kitts; Charlestown, Nevis; and Plymouth, Montserrat:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that the ports of the United States shall hereafter, and until the end of the next session of the Congress of the United States, be open to the vessels of Great Britain employed in the trade and intercourse between the United States and the islands and colonies hereinbefore named, anything in the laws entitled “An act concerning navigation” or an act entitled “An act supplementary to an act concerning navigation” to the contrary notwithstanding, under the following reciprocal rules and restrictions, namely:

To vessels of Great Britain, bona fide British built, owned and the master and three-fourths of the mariners of which at least shall belong to Great Britain, or any United States built ship or vessel which has been sold to and become the property of British subjects, such ship or vessel being also navigated with a master and three-fourths of the mariners at least belonging to Great Britain: *And provided always*, That no articles shall be imported into the United States in any such British ship or vessel other than articles of the growth, produce, or manufacture of the British islands and colonies in the West Indies when imported in British vessels coming from any such island or colony, and articles of the growth, produce, or manufacture of the British colonies in North America or of the island of Newfoundland in vessels coming from the port of St. Johns, in that island, or from any of the aforesaid ports of the British colonies in North America.

Given under my hand, at the city of Washington, this 24th day of August, A.D. 1822, and in the forty-seventh year of the Independence of the United States.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

SIXTH ANNUAL MESSAGE.

WASHINGTON, *December 3, 1822*.

Fellow-Citizens of the Senate and House of Representatives:

Page 195

Many causes unite to make your present meeting peculiarly interesting to our constituents. The operation of our laws on the various subjects to which they apply, with the amendments which they occasionally require, imposes annually an important duty on the representatives of a free people. Our system has happily advanced to such maturity that I am not aware that your cares in that respect will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United States. Of these causes and of their bearing on the interests of our Union I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention in the first instance to those concerns respecting which legislative provision is thought to be particularly urgent.

On the 24th of June last a convention of navigation and commerce was concluded in this city between the United States and France by ministers duly authorized for the purpose. The sanction of the Executive having been given to this convention under a conviction that, taking all its stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the Executive by the second section of the act of the last session of the 6th of May, concerning navigation, to suspend by proclamation until the end of the next session of Congress the operation of the act entitled “An act to impose a new tonnage duty on French ships and vessels, and for other purposes,” and to suspend likewise all other duties on French vessels or the goods imported in them which exceeded the duties on American vessels and on similar goods imported in them. I shall submit this convention forthwith to the Senate for its advice and consent as to the ratification.

Since your last session the prohibition which had been imposed on the commerce between the United States and the British colonies in the West Indies and on this continent has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British Parliament bearing date on the 24th of June last, on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session above recited, to declare, by proclamation bearing date on the 24th of August last, that the ports of the United States should thenceforward and until the end of the next session of Congress be opened to the vessels of Great Britain employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of Congress applied to the British colonies on this continent as well as to those in the West Indies, but as the act of Parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of the United States, that the provisions of the act of Parliament should be met in equal extent on the part of the United States, and as also the act of Congress was supposed to vest in the President some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Page 196

Should the constitutional sanction of the Senate be given to the ratification of the convention with France, legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been opened between the United States and the British colonies. Every light in the possession of the Executive will in due time be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the Executive in transactions with other powers to meet the propositions of each with a liberal spirit, believing that thereby the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the Legislature. A confident hope is entertained that by the arrangement thus commenced with each all differences respecting navigation and commerce with the dominions in question will be adjusted, and a solid foundation be laid for an active and permanent intercourse which will prove equally advantageous to both parties.

The decision of His Imperial Majesty the Emperor of Russia on the question submitted to him by the United States and Great Britain, concerning the construction of the first article of the treaty of Ghent, has been received. A convention has since been concluded between the parties, under the mediation of His Imperial Majesty, to prescribe the mode by which that article shall be carried into effect in conformity with that decision. I shall submit this convention to the Senate for its advice and consent as to the ratification, and, if obtained, shall immediately bring the subject before Congress for such provisions as may require the interposition of the Legislature.

In compliance with an act of the last session a Territorial government has been established in Florida on the principles of our system. By this act the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union, with equal participation in the Government with the original States on the conditions heretofore prescribed to other Territories. By a clause in the ninth article of the treaty with Spain, by which that Territory was ceded to the United States, it is stipulated that satisfaction shall be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of our troops in Florida. No provision having yet been made to carry that stipulation into effect, it is submitted to the consideration of Congress whether it will not be proper to vest the competent power in the district court at Pensacola, or in some tribunal to be specially organized for the purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of Congress.

Page 197

The receipts into the Treasury during the three first quarters of the year have exceeded the sum of $14,745,000. The payments made at the Treasury during the same period have exceeded $12,279,000, leaving in the Treasury on the 30th day of September last, including $1,168,592.24 which were in the Treasury on the 1st day of January last, a sum exceeding $4,128,000.

Besides discharging all demands for the current service of the year, including the interest and reimbursement of the public debt, the 6 per cent stock of 1796, amounting to $80,000, has been redeemed. It is estimated that, after defraying the current expenses of the present quarter and redeeming the two millions of 6 per cent stock of 1820, there will remain in the Treasury on the 1st of January next nearly $3,000,000. It is estimated that the gross amount of duties which have been secured from the 1st of January to the 30th of September last has exceeded $19,500,000, and the amount for the whole year will probably not fall short of $23,000,000.

Of the actual force in service under the present military establishment, the posts at which it is stationed, and the condition of each post, a report from the Secretary of War which is now communicated will give a distinct idea. By like reports the state of the Academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coast and at the national armories and arsenals.

The position on the Red River and that at the Sault of St. Marie are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force not placed in the garrisons along the coast and in the ordnance depots, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the Army is such as to admit its expansion to a great extent in case of emergency, the officers carrying with them all the light which they possess to the new corps to which they might be appointed.

With the organization of the staff there is equal cause to be satisfied. By the concentration of every branch with its chief in this city, in the presence of the Department, and with a grade in the chief military station to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the Military Academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the institution. They are also well trained and disciplined in the practical parts of the profession. It has been always found difficult to control the ardor inseparable from that early age in such manner as to give it a proper direction. The rights of manhood are too often claimed prematurely, in pressing which too far the respect which is due

Page 198

to age and the obedience necessary to a course of study and instruction in every such institution are sometimes lost sight of. The great object to be accomplished is the restraint of that ardor by such wise regulations and government as, by directing all the energies of the youthful mind to the attainment of useful knowledge, will keep it within a just subordination and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this institution, and with great advantage to the Union.

The Military Academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the Army, while others who retire to private life carry with them such attainments as, under the right reserved to the several States to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia. Thus by the mutual and harmonious cooperation of the two governments in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, can not fail to be secured. I have to add that in proportion as our regular force is small should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the Secretary of the Navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details respecting the actual state of the affairs of that Department. It has been found necessary for the protection of our commerce to maintain the usual squadrons on the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade, and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of recent date, which may explain the cause why other powers have not combined against it. By the documents communicated it will be seen that the efforts of the United States to suppress it have had a very salutary effect. The benevolent provision of the act under which the protection has been extended alike to the commerce of other nations can not fail to be duly appreciated by them.

Page 199

In compliance with the act of the last session entitled “An act to abolish the United States trading establishments,” agents were immediately appointed and instructed, under the direction of the Secretary of the Treasury, to close the business of the trading houses among the Indian tribes and to settle the accounts of the factors and subfactors engaged in that trade, and to execute in all other respects the injunctions of that act in the mode prescribed therein. A final report of their proceedings shall be communicated to Congress as soon as it is received.

It is with great regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola and checked the progress of some of those arrangements which are important to the Territory. This effect has been sensibly felt in respect to the Indians who inhabit that Territory, consisting of the remnants of several tribes who occupy the middle ground between St. Augustine and Pensacola, with extensive claims but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the eastern and western parts of the Territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the Territory, as well as to the interests of the Union, that these Indians should be removed, by special compact with them, to some other position or concentrated within narrower limits where they are. With the limited means in the power of the Executive, instructions were given to the governor to accomplish this object so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect in either mode additional funds will be necessary, to the provision of which the powers of Congress alone are competent. With a view to such provision as may be deemed proper, the subject is submitted to your consideration, and in the interim further proceedings are suspended.

It appearing that so much of the act entitled “An act regulating the staff of the Army,” which passed on the 14th April, 1818, as relates to the commissariat will expire in April next, and the practical operation of that department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defense, makes it expedient that they should be managed with peculiar care. It is therefore suggested whether it will not comport with the public interest to provide by law for the appointment of an agent skilled in mineralogy to superintend them, under the direction of the proper department.

Page 200

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendence and of those repairs which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the Western and the Atlantic States. Through it the whole country from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of Government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the Post-Office Department, can not be estimated too highly. This great work is likewise an ornament and an honor to the nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution to that effect should be recommended to the several States. A bill which assumed the right to adopt and execute such a system having been presented for my signature at the last session, I was compelled, from the view which I had taken of the powers of the General Government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair by providing for the superintendence of it and appropriating the money necessary for repairs. Surely if they had the right to appropriate money to make the road they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible for the faithful discharge of their duties within their constitutional limits; and that the people will confine their public agents of every station to the strict line of their constitutional duties there is no cause to doubt. Having, however, communicated my sentiments to Congress at the last session fully in the document to which I have referred, respecting the right of appropriation as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

Page 201

From the best information that I have been able to obtain it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816 and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would, concur in it and it was not liable to be interrupted by war, which has never occurred and can not be expected, that there are other strong reasons applicable to our situation and relations with other countries which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I likewise am that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject in all its relations I am persuaded that a further augmentation may now be made of the duties on certain foreign articles in favor of our own and without affecting injuriously any other interest. For more precise details I refer you to the communications which were made to Congress during the last session.

So great was the amount of accounts for moneys advanced during the late war, in addition to others of a previous date which in the regular operations of the Government necessarily remained unsettled, that it required a considerable length of time for their adjustment. By a report from the First Comptroller of the Treasury it appears that on the 4th of March, 1817, the accounts then unsettled amounted to $103,068,876.41, of which, on the 30th of September of the present year, $93,175,396.56 had been settled, leaving on that day a balance unsettled of $9,893,479.85. That there have been drawn from the Treasury, in paying the public debt and sustaining the Government in all its operations and disbursements, since the 4th of March, 1817, $157,199,380.96, the accounts for which have been settled to the amount of $137,501,451.12, leaving a balance unsettled of $19,697,929.84. For precise details respecting each of these balances I refer to the report of the Comptroller and the documents which accompany it.

From this view it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement on conditions fair and honorable in both instances to each party; that our finances are in a very productive state, our revenue being at present fully competent to all the demands upon it; that our military force is well organized in all its branches and capable of rendering the most important service in case of emergency that its number will admit of; that due progress has been made, under existing appropriations, in the construction of fortifications and in the operations of the Ordnance Department; that due progress has in like manner been made in the

Page 202

construction of ships of war; that our Navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount and improved in quality; that great progress has been made in the settlement of accounts and in the recovery of the balances due by individuals, and that the utmost economy is secured and observed in every Department of the Administration.

Other objects will likewise claim your attention, because from the station which the United States hold as a member of the great community of nations they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would ere this have been concluded between Spain and the independent governments south of the United States in this hemisphere. Long experience having evinced the competency of those governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the United States would have had equal weight with other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated on that basis a controversy so unavailing and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position and allowing to each party while the war continues equal rights, it is incumbent on the United States to claim of each with equal rigor the faithful observance of our rights according to the well-known law of nations. From each, therefore, a like cooperation is expected in the suppression of the piratical practice which has grown out of this war and of blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey has not broken out, there is no certainty that the differences between those powers will be amicably adjusted. It is impossible to look to the oppressions of the country respecting which those differences arose without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their

favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

Page 203

A great effort has been made in Spain and Portugal to improve the condition of the people, and it must be very consoling to all benevolent minds to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations is the ardent wish of this whole people, to the expression of which we confine ourselves; for whatever may be the feelings or sentiments which every individual under our Government has a right to indulge and express, it is nevertheless a sacred maxim, equally with the Government and people, that the destiny of every independent nation in what relates to such improvements of right belongs and ought to be left exclusively to themselves.

Whether we reason from the late wars or from those menacing symptoms which now appear in Europe, it is manifest that if a convulsion should take place in any of those countries it will proceed from causes which have no existence and are utterly unknown in these States, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried or the desolation which it may spread? Exempt as we are from these causes, our internal tranquillity is secure; and distant as we are from the troubled scene, and faithful to first principles in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might with some be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenseless position and distinguished love of peace are the surest invitations to war, and that there is no way to avoid it other than by being always prepared and willing for just cause to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these States.

When we see that a civil war of the most frightful character rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general and be of long duration; that the war still continues between Spain and the independent governments, her late Provinces, in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former, and that a system of piracy of great extent is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it, the reasons for sustaining the attitude which we now hold and for pushing forward all our measures of defense with the utmost vigor appear to me to acquire new force.

Page 204

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support. They have so far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause under any trial to which it may be exposed is the great point on which the public solicitude rests. It has been often charged against free governments that they have neither the foresight nor the virtue to provide at the proper season for great emergencies; that their course is improvident and expensive; that war will always find them unprepared, and, whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge so far as relates to the United States will be shewn to be utterly destitute of truth.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 4, 1822.

To the Senate of the United States:

The convention between the United States and France, concluded at Washington on the 24th day of June last, is now transmitted to the Senate for their advice and consent with regard to its ratification, together with the documents relating to the negotiation, which may serve to elucidate the deliberations of the Senate concerning its objects and the purposes to which it was adapted.

JAMES MONROE.

DECEMBER 4, 1822.

To the Senate of the United States:

I transmit herewith to the Senate, for their constitutional consideration and decision thereon, a convention between the United States and Great Britain, concluded at St. Petersburg on the 12th day of July last, under the mediation of His Imperial Majesty of all the Russias, together with the documents appertaining thereto, and which may elucidate the motives for its negotiation and the objects for the accomplishment of which it is intended.

JAMES MONROE.

WASHINGTON, *December 6, 1822*.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 7th of May last, requiring that a plan for the peace establishment of the Navy of the United States and also of the Marine Corps should be communicated to that House at the present session, I transmit a report of the Secretary of the Navy, containing a plan which has been prepared for the proposed establishment.

JAMES MONROE.

WASHINGTON, *December 7, 1822*.

To the Senate of the United States:

Page 205

In compliance with the resolution of the Senate of the 8th of May last, requesting "information relative to the copper mines on the southern shore of Lake Superior, their number, value, and position, the names of the Indian tribes who claim them, the practicability of extinguishing their titles, and the probable advantages which may result to the Republic from the acquisition and working these mines," I herewith transmit a report from the Secretary of War, which comprises the information desired in the resolution referred to.

JAMES MONROE.

WASHINGTON, *December 9, 1822*.

To the Senate of the United States:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce by the pirates in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the Government. All the public vessels adapted to that service which can be spared from other indispensable duties are already employed in it; but from the knowledge which has been acquired of the places from whence these outlaws issue and to which they escape from danger it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of the Senate the propriety of organizing such force for that important object.

JAMES MONROE.

[The same message, dated December 6, 1822, was sent to the House of Representatives.]

WASHINGTON, *December 9, 1822*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 22d of February last, "requesting the President of the United States to cause to be collected and communicated to the Senate at the commencement of the next session of Congress the best information which he may be able to obtain relative to certain Christian Indians and the lands intended for their benefit on the Muskingum, in the State of Ohio, granted under an act of Congress of June 1, 1796, to the Society of the United Brethren for Propagating the Gospel among the Heathen, showing as correctly as possible the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the lands have inured to their sole benefit, and, if not, to whom, in whole or in part, have such benefits

accrued," I transmit a report from the Secretary of War with the accompanying documents.

JAMES MONROE.

WASHINGTON, *January 3, 1823*.

To the Senate of the United States:

In compliance with the three resolutions of the Senate of the 5th April, 1822, requesting the President of the United States to communicate in detail the expenses of building each vessel of war authorized by the act of the 2d of January, 1813, and its supplements, and also the names, number, grade, *etc*., of the officers and men employed at each navy-yard and naval station during the two years immediately preceding the 1st of January, 1822, I herewith transmit a report from the Secretary of the Navy, with the accompanying documents, which contains the desired information.

Page 206

JAMES MONROE.

WASHINGTON, *January 3, 1823*.

To the House of Representatives of the United States:

In compliance with the resolutions of the House of Representatives of the 8th of January, 7th May, and 17th December, 1822, requesting the President of the United States to cause to be laid before that House a detailed statement of the current expenses of the Ordnance Department for the years 1817, 1818, 1819, 1820, and 1821, and as much as can be shewn for the year 1822, and also the number and local position of each of the armories, arsenals, and magazines of the United States, the total expense of constructing and repairing the same up to the year 1821; the number of cannon and other arms annually made at each, and the expenses of each armory and arsenal for each year from 1816 to 1821, inclusive, I herewith transmit a report from the Secretary of War, accompanied by such documents as will be found to contain the desired information.

JAMES MONROE.

WASHINGTON, *January 3, 1823*.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the United States of the 19th of December, 1822, requesting the President of the United States to cause to be laid before that House the several laws which have been made by the governor and legislative council of Florida, together with such information as may be in the possession of the Executive, I herewith transmit a report from the Secretary of State, with the accompanying documents, which contains the information desired.

JAMES MONROE.

WASHINGTON, *January 6, 1823*.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 19th of December last, requesting the President of the United States to communicate to the House the progress which has been made in the execution of the act of the last session entitled “An act to abolish the Indian trading establishments,” with a report from the factories, respectively, as the same were made to him, I transmit a report from the Secretary of the Treasury, with the documents referred to by that resolution. In further execution of the act of the last session treaties have since been made with the Osage and Sac Indians by which those tribes have severally relinquished to the United States

their right under preceding treaties to the maintenance of a factory within each, respectively.

JAMES MONROE.

JANUARY 6, 1823.

To the Senate:

I transmit to the Senate, for their advice and consent as to the ratification, treaties which have been made with the Osage and Sac tribes of Indians in execution of the provision contained in the act of the last session entitled “An act to abolish the Indian trading establishments.”

Page 207

JAMES MONROE.

WASHINGTON, *January 10, 1823*.

To the Senate of the United States:

In compliance with a resolution of the Senate requesting the President of the United States “to cause to be laid before the Senate the number of arms required annually to supply the militia of the West according to acts of Congress; the probable number necessary to be placed in military deposits located or to be located on the Western waters; the cost of transportation of arms to the Western States and deposits; the probable cost of manufacturing arms in the West; the probable cost of erecting at this time on the Western waters such an armory as that at Harpers Ferry or at Springfield, and such other information as he may deem important to establish the expediency of erecting on the Western waters a national armory,” I herewith transmit a report from the Secretary of War containing the desired information.

JAMES MONROE.

WASHINGTON, *January 16, 1823*.

The VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

The convention concluded and signed at St. Petersburg on the 21st of July last under the mediation of His Imperial Majesty the Emperor of all the Russias having been ratified by the three powers parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it on the part of the United States into execution may obtain the cooperation of the Legislature necessary to the accomplishment of some of its provisions. A translation is subjoined of three explanatory documents, in the French language, referred to in the fourth article of the convention and annexed to it. The agreement executed at the exchange of the ratifications is likewise communicated.

JAMES MONROE.

[The same message was addressed to the Speaker of the House of Representatives.]

JANUARY 22, 1823.

To the Senate of the United States:

In compliance with a resolution of December 12, 1822, requesting that the President would cause to be laid before the Senate a statement exhibiting the amount in

aggregate of the goods, wares, and merchandise exported from the United States to France, and imported from thence, in each year from and after the year 1814 to the year 1820, discriminating in the reports between the articles of the growth, produce, or manufacture of the United States and those of foreign countries, and also stating the national character of the vessels in which such exports and imports have been made, I transmit a report from the Secretary of the Treasury, which contains the information desired.

JAMES MONROE.

JANUARY 22, 1823.

To the Senate and House of Representatives:

Page 208

In carrying fully into effect the intention of Congress in making an appropriation of $5,000 by the act of the 14th April, 1820, for the survey of the Ohio and the Mississippi rivers from the Rapids of the Ohio at Louisville to the Balize, for the purpose of facilitating and ascertaining the most practicable route of improving the navigation of these rivers, orders were given through the proper department to the Board of Engineers to examine and survey the said rivers with reference to those objects, and to report their opinion thereon, which they have done, and which report I now communicate for the information of Congress.

JAMES MONROE.

WASHINGTON, *January 25, 1823*.

To the House of Representatives:

I transmit herewith to the House of Representatives a report from the Secretary of State, together with the documents which contain the information requested by the resolution of the House of the 10th of December last, relating to the establishment at the mouth of Columbia River.

JAMES MONROE.

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

I transmit herewith a letter from the Secretary of the Navy, containing one from Captain John Rodgers, president of the Naval Board, accompanied by a description of the inclined plane, dock, and fixtures for hauling up ships, and an estimate of the cost and materials and workmanship necessary for the completion of a dock and wharves, proposed to be connected with the inclined plane constructed at the navy-yard, Washington, and recommend the same to the attentive consideration of Congress.

It is confidently believed that this invention combines advantages so highly useful as to justify the appropriation required.

JAMES MONROE.

JANUARY 28, 1823

FEBRUARY 3, 1823.

To the Senate of the United States:

Having lately received a memorial from the legislative council of the Territory of Florida on subjects very interesting to the inhabitants of the Territory and also to the United

States, which require legislative provision, I transmit the same to Congress and recommend it to their consideration,

JAMES MONROE.

[The same message was addressed to the Speaker of the House of Representatives.]

WASHINGTON, *February 3, 1823*.

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

I transmit herewith a resolution of the legislature, with an extract of a letter from the governor, of Georgia, and a memorial of the legislature of Missouri, relative to the extinguishment of the Indian title to lands within the limits of these States, respectively. Believing the present time to be propitious for holding treaties for the attainment of cessions of land from the Indians within those States, I submit the subject to the consideration of Congress, that adequate appropriations for such treaties may be made should Congress deem it expedient.

Page 209

JAMES MONROE.

FEBRUARY 4, 1823.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 12th of December last, requesting the President “to communicate to the House such information as he might possess with regard to any expedition prepared in the United States and having sailed from thence within the year 1822 against the territory or dependency of any power in amity with the United States, and to inform the House whether any measures have been taken to bring to condign punishment persons who have been concerned in such expedition contrary to the laws,” I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information in possession of the Executive relating to the subject of the resolution.

That a force of a very limited extent has been equipped in the ports of the United States and sailed from thence for the purpose described in the resolution is manifest from the documents now communicated. The reports from the collectors of Philadelphia and New York will shew in what manner this equipment escaped their notice.

The first information of this equipment was received from St. Bartholomews, the place of its rendezvous. This was confirmed afterwards from Curracoa with an account of its failure. Should any of those persons return within the jurisdiction of the United States care will be taken that the laws applicable to such offenses are duly enforced against them. Whether any aid was afforded by others to the parties engaged in this unlawful and contemptible adventure in the ports in which it was planned, inconsistent with ordinary commercial transactions and contrary to the laws of the United States, will be referred to the Attorney-General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

FEBRUARY 6, 1823.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 28th of January last, requesting information “whether the treaty concluded with the Choctaw Nation of Indians on the 18th of October, 1820, has been executed so far as respects the cession of certain lands to said nation west of the river Mississippi, and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the

immediate execution of the stipulations of said treaty, and whether the difficulties have diminished or increased by the delay in its execution," I communicate a report from the Secretary of War, with the documents referred to in it,

JAMES MONROE.

FEBRUARY 10, 1823.

To the Senate of the United States:

Page 210

In compliance with a resolution of the Senate of February 3, requesting a statement of the number and size of cannon, mortars, and howitzers necessary for the armament of the fortifications already built and intended to be built, with an estimate of the sum necessary for their construction, I transmit a report from the Secretary of War, prepared in execution of instructions given him to that effect.

JAMES MONROE.

WASHINGTON, *February 13, 1823*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of 22d January last, requesting the communication to the House of all the correspondence between the Governments of the United States and Great Britain relating to the negotiation of the convention of the 20th October, 1818, which may not be inconsistent with the public interest, I transmit herewith to the House a report from the Secretary of State, together with the papers requested by the resolution of the House.

JAMES MONROE.

FEBRUARY 14, 1823.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 11th of this month, requesting the President to cause to be communicated to the Senate an estimate of the amount of land in the State of Georgia to which the Indian title has been extinguished by the United States since the cession of a portion of the territory of Georgia to the United States, with a statement of the cost of such extinguishment, and also an estimate of the amount of land within the said State to which the Indian title still remains to be extinguished, and by what tribes claimed, I transmit a report from the Secretary of War, which contains the information desired.

JAMES MONROE.

FEBRUARY 17, 1823.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of December, requesting the President to communicate to the House a statement of the amount expended for the current expenses of the Ordnance Department during the

years 1817, 1818, 1819, 1820, and 1821, and as much as can be shewn for the year 1822, with the items for which the money was expended, the place where and the persons to whom paid, what quantity of timber has been procured for gun carriages and caissons, its cost annually, and where deposited; the quantity of ordnance of every kind that has been procured during those years or paid for, and the whole amount of arms of every description now belonging to the United States; the sum expended in the purchase of sites for arsenals since the peace, the cost of the buildings erected thereon, and whether all those arsenals are necessary for the service of the United States, I transmit a report from the Secretary of War, with the documents mentioned therein, which contains the information desired.

Page 211

JAMES MONROE.

WASHINGTON, *February 18, 1823*.

The VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

The convention of navigation and commerce between the United States of America and His Majesty the King of France and Navarre, concluded and signed at Washington on the 24th of June, 1822, with the first separate article thereto annexed, having been ratified by the two parties, and the ratifications of the same having been duly exchanged, copies of it and of the separate article referred to are now communicated to the two Houses of Congress, to the end that the necessary measures for carrying it into execution on the part of the United States may be adopted by the Legislature.

JAMES MONROE.

[The same message was sent to the House of Representatives.]

FEBRUARY 19, 1823.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of December last, I transmit to the House a report from the Secretary of the Treasury, containing the information requested, of the amount of moneys advanced to agents, subagents, contractors, subcontractors, or individuals since the 1st of January, 1817, which have not been accounted for on settlement, and of the loss sustained in each case, the sureties taken, and the names of the sureties.

JAMES MONROE.

WASHINGTON, *February 19, 1823*.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House of the 31st of last month, a report from the Secretary of State, relative to the commissioners appointed for the purpose of ascertaining the titles and claims to land in Florida.

JAMES MONROE.

FEBRUARY 19, 1823.

To the House of Representatives of the United States:

I transmit to the House of Representatives an additional report from the Secretary of the Treasury, with the documents referred to therein, containing further information of the proceedings in execution of the law of the last session respecting the trade with the Indian tribes, called for by the resolution of the 19th of December last.

JAMES MONROE.

FEBRUARY 22, 1823.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of this month, requesting information whether any prize agents have neglected to render an account of their agency and to pay over the money in their hands, the names of those who have failed, the sums unaccounted for, and whether any of those thus failing are in the employ of the Government, and their compensation has been in consequence suspended, I transmit a report from the Secretary of the Navy, with the documents referred to by him.

Page 212

JAMES MONROE.

FEBRUARY 25, 1823.

To the Congress of the United States:

I transmit to Congress the general returns of the militia of the several States and Territories for the year 1822, with an account of the arms, accouterments, ammunition, ordnance, *etc*., belonging to each as far as the returns have been received, in compliance with the provision of the act of 1803.

JAMES MONROE.

FEBRUARY 25, 1823.

To the Senate of the United States:

By a resolution of the 27th of December last the President of the United States was requested to communicate to the Senate such information as he might possess respecting the political state of the island of St. Domingo; whether the Government thereof was claimed by any European nation, what our commercial relations with the Government of the island were, and whether any further commercial relations with that Government would be consistent with the interest and safety of the United States.

From the import of the resolution it is inferred that the Senate were fully aware of the delicate and interesting nature of the subject embraced by it in all its branches. The call supposes something peculiar in the nature of the Government of that island and in the character of its population, to which attention is due. Impressed always with an anxious desire to meet every call of either House for information, I most willingly comply in this instance and with a view to the particular circumstances alluded to.

In adverting to the political state of St. Domingo I have to observe that the whole island is now united under one Government, under a constitution which retains the sovereignty in the hands of the people of color, and with provisions which prohibit the employment in the Government of all white persons who have emigrated there since 1816, or who may hereafter emigrate there, and which prohibit also the acquisition by such persons of the right of citizenship or to real estate in the island. In the exercise of this sovereignty the Government has not been molested by any European, power. No invasion of the island has been made or attempted by any power. It is, however, understood that the relations between the Government of France and the island have not been adjusted, that its independence has not been recognized by France, nor has peace been formally established between the parties.

The establishment of a Government of people of color in the island on the principles above stated evinces distinctly the idea of a separate interest and a distrust of other nations. Had that jealousy been confined to the inhabitants of the parent country it would have been less an object of attention; but by extending it to the inhabitants of other countries with whom no difference ever existed the policy assumes a character which does not admit of a like explanation. To what extent that spirit may be indulged or to what purposes applied our experience has yet been too limited to enable us to form a just estimate. These are inquiries more peculiarly interesting to the neighboring islands. They nevertheless deserve the attention of the United States.

Page 213

Between the United States and the island a commercial intercourse exists, and it will continue to be the object of this Government to promote it. Our commerce there has been subjected to higher duties than have been imposed on like articles from some other nations. It has nevertheless been extensive, proceeding from the wants of the respective parties and the enterprise of our citizens. Of this discrimination to our injury we had a right to complain and have complained. It is expected that our commercial intercourse with the island will be placed on the footing of the most favored nation. No preference is sought in our favor, nor ought any to be given to others. Regarding the high interest of our happy Union and looking to every circumstance which may by any possibility affect the tranquillity of any part, however remotely, and guarding against such injury by suitable precautions, it is the duty of this Government to promote by all the means in its power and by a fair and honorable policy the best interest of every other part, and thereby of the whole. Feeling profoundly the force of this obligation, I shall continue to exert with unwearied zeal my best faculties to give it effect.

JAMES MONROE.

WASHINGTON, *February 26, 1823*.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House of the 30th January last, a report from the Secretary of State, containing the information required in relation to the transactions of the commissioners under the sixth and seventh articles of the treaty of Ghent, and also as to the measures which have been taken under the fourth article of the treaty with Spain of the 22d of February, 1819, for fixing the boundary line described in the third article of the last-mentioned treaty.

JAMES MONROE.

WASHINGTON, *February 27, 1823*.

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, made in pursuance of their resolution of the 21st of January last, requesting the President of the United States to cause to be arranged and laid before that House a digest shewing such changes in the commercial regulations of the different foreign countries with which the United States have intercourse as shall have been adopted and come to the knowledge of the Executive subsequently to the formation of the digest communicated to the Senate on the 7th December, 1819.

JAMES MONROE.

WASHINGTON, *February 28, 1823*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with copies of sundry papers which should have been included among those which accompanied my message of the 13th instant, being part of the correspondence with Great Britain relating to the negotiation of the convention of 20th of October, 1818, but which were accidentally omitted from the papers communicated to the House with that message.

Page 214

JAMES MONROE.

WASHINGTON, *February 28, 1823*.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 24th of January, requesting the President to communicate to the House the number of persons and the amount due from each whose compensation has been withheld or suspended, in pursuance of the law prohibiting payments to persons in arrears to the United States; whether the amount withheld has been applied in all cases to the extinguishment of their debts to the Government; whether the said laws have been enforced in all cases against securities who are liable for the payment of any arrears due; whether any disbursing officer, within the knowledge of the President, has given conclusive evidence of his insolvency, and, if so, whether he is still retained in the service of the United States, I transmit to the House a report from the Secretary of the Treasury, with the documents mentioned therein.

The report has been confined to the operations of the law. Respecting the circumstances of individuals in their transactions without the sphere of their public duties I have no means of information other than those which are common to all.

JAMES MONROE.

WASHINGTON, *March 7, 1823*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of this day, requesting information of the measures taken with regard to the illegal blockade of the ports of the Spanish Main, and to depredations of privateers fitted out from Porto Rico and other Spanish islands on the commerce of the United States, I transmit to the House a report from the Secretary of State containing the information required by the resolution.

JAMES MONROE.

SEVENTH ANNUAL MESSAGE.

WASHINGTON, *December 2, 1823*.

Fellow-Citizens of the Senate and House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this communication. I

undertake this duty with diffidence, from the vast extent of the interests on which I have to treat and of their great importance to every portion of our Union. I enter on it with zeal from a thorough conviction that there never was a period since the establishment of our Revolution when, regarding the condition of the civilized world and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

Page 215

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that in this respect I shall comply more fully with the sound principles of our Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement and to be led astray by their particular interests and passions than the great body of our constituents, who, living at home in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events and of the conduct of those who are parties to them. To the people every department of the Government and every individual in each are responsible, and the more full their information the better they can judge of the wisdom of the policy pursued and of the conduct of each in regard to it. From their dispassionate judgment much aid may always be obtained, while their approbation will form the greatest incentive and most gratifying reward for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests in all vital questions are the same, and the bond, by sentiment as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign powers as respects our negotiations and transactions with each is thought to be particularly necessary. Equally necessary is it that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defense. It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them. The commissioners under the fifth article of the treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the Territories of the United States and of Great Britain the establishment of which had been submitted to them, have made their respective reports in compliance with that article, that the same might be referred to the decision of a friendly power. It being manifest, however, that it would be difficult, if not impossible, for any power to perform that office without great delay and much inconvenience to itself, a proposal has been

Page 216

made by this Government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing from long experience that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere by legislative acts while each party pursued its own course without agreement or concert with the other, a proposal has been made to the British Government to regulate this commerce by treaty, as it has been to arrange in like manner the just claim of the citizens of the United States inhabiting the States and Territories bordering on the lakes and rivers which empty into the St. Lawrence to the navigation of that river to the ocean. For these and other objects of high importance to the interests of both parties a negotiation has been opened with the British Government which it is hoped will have a satisfactory result.

The commissioners under the sixth and seventh articles of the treaty of Ghent having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey required for the performance of their duties justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States under unjustifiable seizures and confiscations of their property, has not as yet had the desired effect. As this claim rests on the same principle with others which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A minister will be immediately appointed to proceed to France and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

Page 217

Since the close of the last session of Congress the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg on the 12th of July, 1822, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of the 22d of February, 1819, between the United States and Spain is also in session here, and as the term of three years limited by the treaty for the execution of the trust will expire before the period of the next regular meeting of Congress, the attention of the Legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives adopted at their last session, instructions have been given to all the ministers of the United States accredited to the powers of Europe and America to propose the proscription of the African slave trade by classing it under the denomination, and inflicting on its perpetrators the punishment, of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from the firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain it was declared by the French Government that it would grant no commissions to privateers, and that neither the commerce of Spain herself nor of neutral nations should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European powers. Instructions have accordingly been given to our ministers with France, Russia, and Great Britain to make those proposals to their respective Governments, and when the friends of humanity reflect on the essential amelioration to the condition of the human race which would result from the abolition of private war on the sea and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention animated by the spirit in which they were made, and that they will ultimately be successful.

Page 218

The ministers who were appointed to the Republics of Colombia and Buenos Ayres during the last session of Congress proceeded shortly afterwards to their destinations. Of their arrival there official intelligence has not yet been received. The minister appointed to the Republic of Chile will sail in a few days. An early appointment will also be made to Mexico. A minister has been received from Colombia, and the other Governments have been informed that ministers, or diplomatic agents of inferior grade, would be received from each, accordingly as they might prefer the one or the other.

The minister appointed to Spain proceeded soon after his appointment for Cadiz, the residence of the Sovereign to whom he was accredited. In approaching that port the frigate which conveyed him was warned off by the commander of the French squadron by which it was blockaded and not permitted to enter, although apprised by the captain of the frigate of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act, being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the Government of France against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the 1st of January there was a balance in the Treasury of $4,237,427.55. From that time to the 30th September the receipts amounted to upward of $16,100,000, and the expenditures to $11,400,000. During the fourth quarter of the year it is estimated that the receipts will at least equal the expenditures, and that there will remain in the Treasury on the 1st day of January next a surplus of nearly $9,000,000.

On the 1st of January, 1825, a large amount of the war debt and a part of the Revolutionary debt become redeemable. Additional portions of the former will continue to become redeemable annually until the year 1835. It is believed, however, that if the United States remain at peace the whole of that debt may be redeemed by the ordinary revenue of those years during that period under the provision of the act of March 3, 1817, creating the sinking fund, and in that case the only part of the debt that will remain after the year 1835 will be the $7,000,000 of 5 per cent stock subscribed to the Bank of the United States, and the 3 per cent Revolutionary debt, amounting to $13,296,099.06, both of which are redeemable at the pleasure of the Government.

The state of the Army in its organization and discipline has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the Army, passed on the 14th of April, 1818.

Page 219

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of this year—that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The Board of Engineers and the Topographical Corps have been in constant and active service in surveying the coast and projecting the works necessary for its defense.

The Military Academy has attained a degree of perfection in its discipline and instruction equal, as is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance Department has been regularly and economically applied. The fabrication of arms at the national armories and by contract with the Department has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of $5,000 for exploring the Western waters for the location of a site for a Western armory, a commission was constituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

During the month of June last General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricarees while peaceably trading with the Indians at their request. Several of the party were killed and wounded and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri and the peace of the frontier would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them as well as on the other tribes on the Missouri as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit in greater detail the condition of the Department in its various branches, and the progress which has been made in its administration during the three first quarters of the year.

Page 220

I transmit a return of the militia of the several States according to the last reports which have been made by the proper officers in each to the Department of War. By reference to this return it will be seen that it is not complete, although great exertions have been made to make it so. As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union. The report of the Secretary of War shews the progress made during the three first quarters of the present year by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it from the failure of the proper departments in many of the States to make regular returns. The act of May 12, 1820, provides that the system of tactics and regulations of the various corps of the Regular Army shall be extended to the militia. This act has been very imperfectly executed from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to that main arm of the public defense. It is thought that this important subject in all its branches merits the attention of Congress.

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that Department for the three first quarters of the present year, with the progress made in augmenting the Navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean Sea, the Pacific Ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico our naval force has been augmented by the addition of several small vessels provided for by the “act authorizing an additional naval force for the suppression of piracy,” passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the island of Cuba had been afflicted have been repressed and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its Navy, the sentiment is alloyed only by a concern that in the fulfillment of that arduous service the diseases incident to the season and to the climate in which it was discharged have deprived the nation of many useful lives, and among them of several officers of great promise.

Page 221

In the month of August a very malignant fever made its appearance at Thompsons Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skillful surgeons, to ascertain the origin of the fever and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival Commodore Porter, with the greater part of the squadron, had removed from the island and returned to the United States in consequence of the prevailing sickness. Much useful information has, however, been obtained as to the state of the island and great relief afforded to those who had been necessarily left there.

Although our expedition, cooperating with an invigorated administration of the government of the island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretenses and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year remonstrances were made to the governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The minister of the United States to that court was specially instructed to urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed and interdicting the repetition of them. The minister, as has been seen, was debarred access to the Spanish Government, and in the meantime several new cases of flagrant outrage have occurred, and citizens of the United States in the island of Porto Rico have suffered, and others been threatened with assassination for asserting their unquestionable rights even before the lawful tribunals of the country.

Page 222

The usual orders have been given to all our public ships to seize American vessels engaged in the slave trade and bring them in for adjudication, and I have the gratification to state that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic. It is a source of great satisfaction that we are always enabled to recur to the conduct of our Navy with pride and commendation. As a means of national defense it enjoys the public confidence, and is steadily assuming additional importance. It is submitted whether a more efficient and equally economical organization of it might not in several respects be effected. It is supposed that higher grades than now exist by law would be useful. They would afford well-merited rewards to those who have long and faithfully served their country, present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services, and relieve our officers from many inconveniences and mortifications which occur when our vessels meet those of other nations, ours being the only service in which such grades do not exist.

A report of the Postmaster-General, which accompanies this communication, will shew the present state of the Post-Office Department and its general operations for some years past.

There is established by law 88,600 miles of post-roads, on which the mail is now transported 85,700 miles, and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are 5,240 post-offices in the Union, and as many postmasters. The gross amount of postage which accrued from the 1st July, 1822, to the 1st July, 1823, was $1,114,345.12. During the same period the expenditures of the Post-Office Department amounted to $1,169,885.51, and consisted of the following items, viz: Compensation to postmasters, $353,995.98; incidental expenses, $30,866.37; transportation of the mail, $784,600.08; payments into the Treasury, $423.08. On the 1st of July last there was due to the Department from postmasters $135,245.28; from *late* postmasters and contractors, $256,749.31; making a total amount of balances due to the Department of $391,994.59. These balances embrace all delinquencies of postmasters and contractors which have taken place since the organization of the Department. There was due by the Department to contractors on the 1st of July last $26,548.64.

The transportation of the mail within five years past has been greatly extended, and the expenditures of the Department proportionably increased. Although the postage which has accrued within the last three years has fallen short of the expenditures $262,821.46, it appears that collections have been made from the outstanding balances to meet the principal part of the current demands.

Page 223

It is estimated that not more than $250,000 of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the Department to continue its operations without aid from the Treasury, unless the expenditures shall be increased by the establishment of new mail routes.

A revision of some parts of the post-office law may be necessary; and it is submitted whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the General Government are appointed.

Having communicated my views to Congress at the commencement of the last session respecting the encouragement which ought to be given to our manufactures and the principle on which it should be founded, I have only to add that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations and greatest commercial intercourse tends to confirm them. Under this impression I recommend a review of the tariff for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defense and independence of the country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability in relation to the public expenditure. Of the moneys drawn from the Treasury since the 4th March, 1817, the sum remaining unaccounted for on the 30th of September last is more than a million and a half of dollars less than on the 30th of September preceding; and during the same period a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for moneys advanced previously to the 4th of March, 1817. It will be obvious that in proportion as the mass of accounts of the latter description is diminished by settlement the difficulty of settling the residue is increased from the consideration that in many instances it can be obtained only by legal process. For more precise details on this subject I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last session for the repairs of the Cumberland road has been applied with good effect to that object. A final report has not yet been received from the agent who was appointed to superintend it. As soon as it is received it shall be communicated to Congress.

Page 224

Many patriotic and enlightened citizens who have made the subject an object of particular investigation have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it would pass would find a market through that channel. Troops might be moved with great facility in war, with cannon and every kind of munition, and in either direction. Connecting the Atlantic with the Western country in a line passing through the seat of the National Government, it would contribute essentially to strengthen the bond of union itself. Believing as I do that Congress possess the right to appropriate money for such a national object (the jurisdiction remaining to the States through which the canal would pass), I submit it to your consideration whether it may not be advisable to authorize by an adequate appropriation the employment of a suitable number of the officers of the Corps of Engineers to examine the unexplored ground during the next season and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected by canals with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the States an amendment to the Constitution for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration whether it may not be expedient to authorize the Executive to enter into an arrangement with the several States through which the road passes to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs and of providing also by suitable penalties for its protection against future injuries.

The act of Congress of the 7th of May, 1822, appropriated the sum of $22,700 for the purpose of erecting two piers as a shelter for vessels from ice near Cape Henlopen, Delaware Bay. To effect the object of the act the officers of the Board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the War Department, that the appropriation is not adequate to the purpose intended; and as the piers would be of great service both to the navigation of the Delaware Bay and the protection of vessels on the adjacent parts of the coast, I submit for the consideration of Congress whether additional and sufficient appropriation should not be made.

Page 225

The Board of Engineers were also directed to examine and survey the entrance of the harbor of the port of Presquille, in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose by act of Congress passed 3d of March last. The report of the Board accompanies the papers from the War Department, and is submitted for the consideration of Congress.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world take a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest and of acquisition with a view to aggrandizement, which mingles so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation

Page 226

is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal shew that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

Page 227

If we compare the present condition of our Union with its actual state at the close of our Revolution, the history of the world furnishes no example of a progress in improvement in all the important circumstances which constitute the happiness of a nation which bears any resemblance to it. At the first epoch our population did not exceed 3,000,000. By the last census it amounted to about 10,000,000, and, what is more extraordinary, it is almost altogether native, for the immigration from other countries has been inconsiderable At the first epoch half the territory within our acknowledged limits was uninhabited and a wilderness. Since then new territory has been acquired of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory our population has expanded in every direction, and new States have been established almost equal in number to those which formed the first bond of our Union. This expansion of our population and accession of new States to our Union have had the happiest effect on all its highest interests. That it has eminently augmented our resources and added to our strength and respectability as a power is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that by enlarging the basis of our system and increasing the number of States the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from the other, and in consequence each, enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself by the adoption of this Constitution and of its happy effect in elevating the character and in protecting the rights of the nation as well as of individuals. To what, then, do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not, then, to adopt every measure which may be necessary to perpetuate them?

JAMES MONROE.

SPECIAL MESSAGES.

WASHINGTON CITY, *December 7, 1823*.

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

By an act of the last session of Congress it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of $35,190 in favor of Governor Tompkins, which report I have had under

Page 228

consideration, together with his claim to an additional allowance, and should have decided on the same before the present time had I not delayed my decision at his request. From the view which I have taken of the subject I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing by recent information from him that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress with a view to that object.

JAMES MONROE.

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, a treaty lately concluded with the Seminole Indians in Florida, whereby a cession of territory is made to the United States.

JAMES MONROE.

DECEMBER 15, 1823.

WASHINGTON, *December 23, 1823*.

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

I herewith transmit to Congress a statement by William Lambert, explanatory of his astronomical calculations with a view to establish the longitude of the Capitol.

JAMES MONROE.

WASHINGTON, *December 31, 1823*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, *January 5, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th of December last, requesting copies of contracts for cannon, cannon shot, muskets, and other small arms which have been entered into since the 1st of January, 1820, and for other detailed information therein specified, I herewith transmit a report, with accompanying documents, from the Department of War,

JAMES MONROE.

WASHINGTON, *January 9, 1824*.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 18th of December, 1823, requesting copies of all contracts for cannon, cannon shot, muskets, and other small arms entered into since the 1st of January, 1820, I herewith transmit a report from the Department of the Navy, with other documents relating thereto.

JAMES MONROE.

WASHINGTON, *January 12, 1824*.

To the House of Representatives of the United States:

Page 229

In answer to a resolution of the House of Representatives of December 24, requesting the President of the United States to lay before the House such information as he may possess, and which may be disclosed without injury to the public good, relative to the determination of any sovereign, or combination of sovereigns, to assist Spain in the subjugation of her late colonies on the American continent, and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such sovereign or combination of sovereigns may afford to Spain for the subjugation of her late colonies above mentioned, I have to state that I possess no information on that subject not known to Congress which can be disclosed without injury to the public good.

JAMES MONROE.

WASHINGTON, *January 30, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 15th of December last, requesting the President of the United States “to communicate a plan for a peace establishment of the Navy of the United States,” I herewith transmit a report from the Secretary of the Navy, which contains the plan required.

In presenting this plan to the consideration of Congress, I avail myself of the occasion to make some remarks on it which the importance of the subject requires and experience justifies.

If a system of universal and permanent peace could be established, or if in war the belligerent parties would respect the rights of neutral powers, we should have no occasion for a navy or an army. The expense and dangers of such establishments might be avoided. The history of all ages proves that this can not be presumed; on the contrary, that at least one-half of every century, in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the nations with which we have the most intercourse and strongest political relations, that we shall in future be exempt from that calamity within any period to which a rational calculation may be extended. And as to the rights of neutral powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them whenever they come in conflict with the interests of the powers at war while we rely on the justice of our cause and on argument alone. The amount of the property of our fellow-citizens which was seized and confiscated or destroyed by the belligerent parties in the wars of the French Revolution, and of those which followed before we became a party to the war, is almost incalculable.

Page 230

The whole movement of our Government from the establishment of our independence has been guided by a sacred regard for peace. Situated as we are in the new hemisphere, distant from Europe and unconnected with its affairs, blessed with the happiest Government on earth, and having no objects of ambition to gratify, the United States have steadily cultivated the relations of amity with every power; and if in any European wars a respect for our rights might be relied on, it was undoubtedly in those to which I have adverted. The conflict being vital, the force being nearly equally balanced, and the result uncertain, each party had the strongest motives of interest to cultivate our good will, lest we might be thrown into the opposite scale. Powerful as this consideration usually is, it was nevertheless utterly disregarded in almost every stage of and by every party to those wars. To these encroachments and injuries our regard for peace was finally forced to yield.

In the war to which at length we became a party our whole coast from St. Croix to the Mississippi was either invaded or menaced with invasion, and in many parts with a strong imposing force both land and naval. In those parts where the population was most dense the pressure was comparatively light, but there was scarcely an harbor or city on any of our great inlets which could be considered secure. New York and Philadelphia were eminently exposed, the then existing works not being sufficient for their protection. The same remark is applicable in a certain extent to the cities eastward of the former, and as to the condition of the whole country southward of the latter the events which mark the war are too recent to require detail. Our armies and Navy signalized themselves in every quarter where they had occasion to meet their gallant foe, and the militia voluntarily flew to their aid with a patriotism and fought with a bravery which exalted the reputation of their Government and country and which did them the highest honor. In whatever direction the enemy chose to move with their squadrons and to land their troops our fortifications, where any existed, presented but little obstacle to them. They passed those works without difficulty. Their squadrons, in fact, annoyed our whole coast, not of the sea only, but every bay and great river throughout its whole extent. In entering those inlets and sailing up them with a small force the effect was disastrous, since it never failed to draw out the whole population on each side and to keep it in the field while the squadron remained there. The expense attending this species of defense, with the exposure of the inhabitants and the waste of property, may readily be conceived.

Page 231

The occurrences which preceded the war and those which attended it were alike replete with useful instruction as to our future policy. Those which marked the first epoch demonstrate clearly that in the wars of other powers we can rely only on force for the protection of our neutral rights. Those of the second demonstrate with equal certainty that in any war in which we may be engaged hereafter with a strong naval power the expense, waste, and other calamities attending it, considering the vast extent of our maritime frontier, can not fail, unless it be defended by adequate fortifications and a suitable naval force, to correspond with those which were experienced in the late war. Two great objects are therefore to be regarded in the establishment of an adequate naval force: The first, to prevent war so far as it may be practicable; the second, to diminish its calamities when it may be inevitable. Hence the subject of defense becomes intimately connected in all its parts in war and in peace, for the land and at sea. No government will be disposed in its wars with other powers to violate our rights if it knows we have the means, are prepared and resolved to defend them. The motive will also be diminished if it knows that our defenses by land are so well planned and executed that an invasion of our coast can not be productive of the evils to which we have heretofore been exposed.

It was under a thorough conviction of these truths, derived from the admonitions of the late war, that Congress, as early as the year 1816, during the term of my enlightened and virtuous predecessor, under whom the war had been declared, prosecuted, and terminated, digested and made provision for the defense of our country and support of its rights, in peace as well as in war, by acts which authorized and enjoined the augmentation of our Navy to a prescribed limit, and the construction of suitable fortifications throughout the whole extent of our maritime frontier and wherever else they might be deemed necessary. It is to the execution of these works, both land and naval, and under a thorough conviction that by hastening their completion I should render the best service to my country and give the most effectual support to our free republican system of government that my humble faculties would admit of, that I have devoted so much of my time and labor to this great system of national policy since I came into this office, and shall continue to do it until my retirement from it at the end of your next session.

The Navy is the arm from which our Government will always derive most aid in support of our neutral rights. Every power engaged in war will know the strength of our naval force, the number of our ships of each class, their condition, and the promptitude with which we may bring them into service, and will pay due consideration to that argument. Justice will always have great weight in the cabinets of Europe; but in long and destructive wars exigencies often occur which press

Page 232

so vitally on them that unless the argument of force is brought to its aid it will be disregarded. Our land forces will always perform their duty in the event of war, but they must perform it on the land. Our Navy is the arm which must be principally relied on for the annoyance of the commerce of the enemy and for the protection of our own, and also, by cooperation with the land forces, for the defense of the country. Capable of moving in any and every direction, it possesses the faculty, even when remote from our coast, of extending its aid to every interest on which the security and welfare of our Union depend. Annoying the commerce of the enemy and menacing in turn its coast, provided the force on each side is nearly equally balanced, it will draw its squadrons from our own; and in case of invasion by a powerful adversary by a land and naval force, which is always to be anticipated and ought to be provided against, our Navy may, by like cooperation with our land forces, render essential aid in protecting our interior from incursion and depredation.

The great object in the event of war is to stop the enemy at the coast. If this is done our cities and whole interior will be secure. For the accomplishment of this object our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets in such positions as to command the entrances into them, as may be done in many instances, it will be difficult, if not impossible, for ships to pass them, especially if other precautions, and particularly that of steam batteries, are resorted to in their aid. In the wars between other powers into which we may be drawn in support of our neutral rights it can not be doubted that this defense would be adequate to the purpose intended by it, nor can it be doubted that the knowledge that such works existed would form a strong motive with any power not to invade our rights, and thereby contribute essentially to prevent war. There are, it is admitted, some entrances into our interior which are of such vast extent that it would be utterly impossible for any works, however extensive or well posted, to command them. Of this class the Chesapeake Bay, which is an arm of the sea, may be given as an example. But, in my judgment, even this bay may be defended against any power with whom we may be involved in war as a third party in the defense of our neutral rights. By erecting strong works at the mouth of James River, on both sides, near the capes, as we are now doing, and at Old Point Comfort and the Rip Raps, and connecting those works together by chains whenever the enemy’s force appeared, placing in the rear some large ships and steam batteries, the passage up the river would be rendered impracticable. This guard would also tend to protect the whole country bordering on the bay and rivers emptying into it, as the hazard would be too great for the enemy, however strong his naval force, to ascend the bay and leave

Page 233

such a naval force behind; since, in the event of a storm, whereby his vessels might be separated, or of a calm, the ships and steam batteries behind the works might rush forth and destroy them. It could only be in the event of an invasion by a great power or a combination of several powers, and by land as well as by naval forces, that those works could be carried; and even then they could not fail to retard the movement of the enemy into the country and to give time for the collection of our regular troops, militia, and volunteers to that point, and thereby contribute essentially to his ultimate defeat and expulsion from our territory.

Under a strong impression that a peace establishment of our Navy is connected with the possible event of war, and that the naval force intended for either state, however small it may be, is connected with the general system of public defense, I have thought it proper in communicating this report to submit these remarks on the whole subject.

JAMES MONROE.

WASHINGTON, *February 2, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of December last, requesting the President of the United States to communicate to the House all such parts of the correspondence with the Government of Spain relating to the Florida treaty to the period of its final ratification, not heretofore communicated, which, in his opinion, it might not be inconsistent with the public interest to communicate, I herewith transmit a report from the Secretary of State, with copies of the correspondence requested.

JAMES MONROE.

WASHINGTON, *February 23, 1824*.

To the House of Representatives of the United States:

The House of Representatives on the 12th instant having “resolved that the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott for the government of the Army are now in force in the Army, or any part thereof, and by what authority the same has been adopted and enforced,” I herewith transmit a report from the Department of War, which contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1824*.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 11th instant, requesting the President of the United States “to inform this House if the line intended to constitute the western boundary of the Territory of Arkansas has been run in conformity with the provisions of the third section of the act of Congress of the 3d of March, 1823, entitled ’An act making appropriation for the military service of the United States for the year 1823, and for other purposes,’ and, if said line has not been run, that he inform this House what instructions have been given or measures adopted in relation to the execution of the provision of the law, and what causes have prevented said line from being run,” I herewith transmit a report from the Secretary of War, which contains the information required.

Page 234

JAMES MONROE.

WASHINGTON, *February 23, 1824*.

To the House of Representatives of the United States:

The House of Representatives on the 26th ultimo having “resolved that the President of the United States be requested to cause to be laid before the House an estimate of the expense which would be incurred by transporting 200 of the troops now at the Council Bluffs to the mouth of the Columbia or Oregon River,” I herewith transmit a report of the Secretary of War, which contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1824*.

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

I herewith transmit to Congress certain documents relating to a claim of Massachusetts for services rendered by the militia of that State in the late war, and for which payment was made by the State. From the particular circumstances attending this claim I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected that when a call was made on the militia of that State for service in the late war, under an arrangement which was alike applicable to the militia of all the States and in conformity with the acts of Congress, the executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the Constitution to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions was not a complete power for those purposes, but conditional, and dependent on the consent of the executives of the several States, and, also, that when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President in person. That this decision of the executive of Massachusetts was repugnant to the Constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation for the defense of our common rights, was the decided opinion of this Government; and when the period at which that decision was formed was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred by the Executive of the United States that the decision of the executive of that State was alike applicable to all the services that were rendered by the militia of the State during the war.

Page 235

In the correspondence with the governor of Massachusetts at that important epoch, and on that very interesting subject, it was announced to him by the Secretary of War that if the militia of the State were called into service by the executive of the State, and not put under the command of the Major-General of the United States, as the militia of the other States were, the expense attending their service would be chargeable to the State, and not to the United States. It was also stated to him at the same time that any claim which the State might have for the reimbursement of such expenses could not be allowed by the Executive of the United States, since it would involve principles on which that branch of the Government could not decide.

Under these circumstances a decision on the claim of the State of Massachusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or by the admission of any part thereof, either to the construction of the Constitution contended for by the then executive of that State or to its conduct at that period toward the General Government and the Union.

In January, 1823, the Representatives in Congress from Massachusetts and Maine suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the Government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service it is the duty and the practice of the accounting officer to submit them to the Department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation as to the constitutional principle, and accordingly an order was given to the accounting officers of the Treasury to proceed in auditing the claim with that reservation.

In conformity with this arrangement, the executive of Massachusetts appointed two citizens of that State commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion comprehending the services of the fifth division of the militia of the State, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defense, to repel in some instances actual invasion and in others to meet by adequate

Page 236

preparation invasions that were menaced. The commissioners of the State having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered, whether voluntary, called out by invasion or the menace of invasion, or by public authority, and in such case whether the militia rendering such service was placed under the authority of the United States or retained under that of the State.

It affords me great pleasure to state that the present executive of Massachusetts has disclaimed the principle which was maintained by the former executive, and that in this disclaimer both branches of the legislature have concurred. By this renunciation the State is placed on the same ground in this respect with the other States, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union and to the free republican principles of our Government as our fellow-citizens of the other States. Of this important truth their conduct in every stage of our Revolutionary struggle and in many other emergencies bears ample testimony; and I add with profound interest and a thorough conviction that, although the difficulty adverted to in the late war with their executive excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the Government in the great body of our fellow-citizens of that State was impaired, nor is a doubt entertained that they were at all times willing and ready to support their rights and repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division, which have been audited, and I should have no hesitation in admitting it if I did not think, under all the circumstances of the case, that the claim in all its parts was cognizable by Congress alone. The period at which the constitutional difficulty was raised by the executive of the State was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain, a just construction of the Constitution, in doing which it is gratifying to recollect that the most friendly feelings were cherished toward their brethren of that State. The executive of the State was warned, in the correspondence which then took place, of the light in which its conduct was viewed and of the effect it would have, so far as related

Page 237

to the right of the Executive of the United States, on any claim which might afterwards be presented by the State to compensation for such services. Under these circumstances the power of the Executive of the United States to settle any portion of this claim seems to be precluded. It seems proper, also, that this claim should be decided on full investigation before the public, that the principle on which it is decided may be thoroughly understood by our fellow-citizens of every State, which can be done by Congress alone, who alone, also, possess the power to pass laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures as will not only comport with the sound principles of our Government, but likewise be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then executive of Massachusetts, as has been done by its present executive and both branches of the legislature in the most formal manner and in accord with the sentiments of the great body of the people, the Constitution is restored in a very important feature (that connected with the public defense) and in the most important branch (that of the militia) to its native strength. It is very gratifying to know that this renunciation has been produced by the regular, orderly, and pacific operation of our republican system, whereby those who were in the right at the moment of difficulty and who sustained the Government with great firmness have daily gained strength until this result was accomplished. The points on which you will have to decide are, What is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union and give the greatest support to our most excellent Constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other States; that regarding the services rendered by the militia of other States, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that State.

I have been led to conclude on great consideration that the principles of justice as well as a due regard for the great interests of our Union require that this claim in the extent proposed should be acceded to. Essential service was rendered in the late war by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services in like manner with the militia of the other States.

Page 238

The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive in this instance is the stronger because well satisfied I am that by so doing we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive who were then in error can not fail to see with interest and satisfaction this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States.

JAMES MONROE.

FEBRUARY 24, 1824.

To the House of Representatives of the United States:

I transmit herewith a report of the Secretary of War, containing the information called for by a resolution of the House of Representatives of the United States, passed on the 4th instant, respecting any suit or suits which have been or are now depending, in which the United States are interested, for the recovery of the Pea Patch.

JAMES MONROE.

WASHINGTON, *February 25, 1824*.

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 17th instant, I now transmit the report of the Secretary of the Navy, accompanied by statements marked A and B, shewing “the amount of money expended in conformity with the provisions of the act entitled ’An act for the gradual increase of the Navy of the United States,’ approved April 29, 1816, and of the act to amend said act, approved 3d of March, 1821; also the number of vessels built or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made, and whether sufficient timber has been purchased or contracted for to build the vessels contemplated by the provisions of said acts.”

JAMES MONROE.

MARCH 3, 1824.

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, containing copies of the contracts made by the Surveyor-General, and called for by a resolution of the Senate bearing date the 24th February, 1824.

JAMES MONROE.

MARCH 4, 1824.

To the House of Representatives of the United States:

Page 239

I transmit a report of the Secretary of the Treasury, which communicates all the information in possession of the Department called for by a resolution of the House requesting a copy of the report of the register of the land office in the eastern district of Louisiana, bearing date the 6th of January, 1821, together with all the information from the said register to the Treasury Department.

JAMES MONROE.

WASHINGTON, *March 4, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 1st March, 1823, requesting information of the number and position of the permanent fortifications which have been and are now erecting for the defense of the coasts, harbors, and frontiers of the United States, with the classification and magnitude of each, with the amount expended on each, showing the work done and to be done, the number of guns of every caliber for each fortification, the total cost of a complete armament for each, the force required to garrison each in time of peace and of war, I transmit to the House a report from the Secretary of War containing the information required by the resolution.

JAMES MONROE.

WASHINGTON, *March 8, 1824*.

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

On the 3d March, 1819, James Miller was first commissioned as governor of the Territory of Arkansas for the term of three years from that date.

Before the expiration of that time, and in the winter of 1821-22, a nomination of him for reappointment was intended, and believed by me to have been made to the Senate, and to have received the confirmation of that body.

By some accident, the cause of which is unknown, it appears that this impression was erroneous, and in December, 1822, it was discovered that Mr. Miller had not then been recommissioned, though in the confidence that he had been he had continued to act in that capacity. He was then renominated to the Senate, with the additional proposal that his commission should take effect from 3d March, 1822, when his first commission had expired.

The nomination was confirmed by the Senate so far as regarded the appointment, but without concurrence in the retrospective effect proposed to be given to the commission.

His second commission, therefore, bears date on the 3d January, 1823, and the interposition of the Legislature becomes necessary to legalize his official acts in the interval between 3d March, 1822, and that time, a subject which I recommend to the consideration of Congress.

JAMES MONROE.

MARCH 17, 1824.

To the House of Representatives of the United States:

Page 240

In compliance with a resolution of the House of Representatives of the 17th of February last, requesting “information whether any measures had been taken for carrying into effect the resolution of Congress of June 17, 1777, directing a monument to be erected to the memory of David Wooster, a brigadier-general in the Army of the United States, who fell in defending the liberties of America and bravely repelling an inroad of the British forces to Danbury, in Connecticut,” I have caused the necessary inquiries to be made, and find by the report of the Register of the Treasury that no monument has been erected to the memory of that patriotic and gallant officer, nor has any money been paid to the executive of Connecticut on that account.

JAMES MONROE.

WASHINGTON, *March 25, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 25th of February, requesting information whether the title of the United Brethren for Propagating the Gospel among the Heathen to certain sections of land in Ohio has been purchased for the United States, and, if so, to cause a copy of the contract and of the papers relating thereto to be laid before the House, I transmit herewith all the documents required.

JAMES MONROE.

WASHINGTON, *March 25, 1824*.

To the Senate of the United States:

Having seen with regret that occasional errors have been made in nominations to the Senate, sometimes by the omission of a letter in the name, proceeding from casualties in the Departments and in my own office, it would be satisfactory to me if an arrangement could be made whereby such errors might be corrected without the formality of a special message. Where there is an accord as to the person there seems to be no reason for resorting to a renomination for the correction of such trivial errors. Any mode which the Senate may adopt will be satisfactory to me.

JAMES MONROE.

MARCH 25, 1824.

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

Having stated to Congress on the 7th of December last that Daniel D. Tompkins, late governor of New York, was entitled to a larger sum than that reported in his favor by the

accounting officers of the Government, and that in the execution of the law of the last session I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law by which this duty was enjoined on me and of the report of the committee on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report in deciding on the sum which should be allowed to him for his services. With this view and on a comparison of his services with those which were rendered by other disbursing officers,

Page 241

taking into consideration also his aid in obtaining loans, I had decided to allow him 5 per cent for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the final decision of Congress, which I now do. In adopting this measure I think proper to add that I concur fully in the sentiments expressed by the committee in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

MARCH 28, 1824.

To the House of Representatives of the United States:

I herewith transmit a report of the Secretary of War, together with a report from the Commissioner of the General Land Office, accompanied by the necessary documents, communicating the information heretofore requested by a resolution of the House in relation to the salt springs, lead and copper mines, together with the probable value of each of them and of the reservations attached to each, the extent to which they have been worked, the advantages and proximity of each to navigable waters, and the origin, nature, and extent of any claim made to them by individuals or companies, which reports contain all the information at present possessed on the subjects of the said resolution.

JAMES MONROE.

MARCH 30, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 14th instant, requesting information whether an advance of compensation had been made to any of the commissioners who had been appointed for the examination of titles and claims to land in Florida, and by what authority such advance, if any, had been made, I transmit a report of the Secretary of State, which contains the information desired.

JAMES MONROE.

WASHINGTON, *March 30, 1824*.

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

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits on the conditions therein specified. By the fourth article of that compact it was stipulated that the United States should at their own expense extinguish for the use of Georgia the Indian title to all the lands within the State as soon as it might be done *peaceably* and on *reasonable* conditions. These papers show the measures adopted

Page 242

by the Executive of the United States in fulfillment of the several conditions of the compact from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased and sums paid for lands they acquired. They show also the state in which this interesting concern now rests with the Cherokees, one of the tribes within the State, and the inability of the Executive to make any further movement with this tribe without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts, of which, indeed, the sums paid and the lands acquired during their respective terms in fulfillment of its several stipulations are a full proof. I have also been animated since I came into this office with the same zeal, from an anxious desire to meet the wishes of the State, and in the hope that by the establishment of these tribes beyond the Mississippi their improvement in civilization, their security and happiness would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the chiefs of the Cherokee Nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States by the compact with Georgia to extinguish the Indian title to the right of soil within the State, and the incompatibility with our system of their existence as a distinct community within any State, were pressed with the utmost earnestness. It was proposed to them at the same time to procure and convey to them territory beyond the Mississippi in exchange for that which they hold within the limits of Georgia, or to pay them for it its value in money. To this proposal their answer, which bears date 11th of February following, gives an unqualified refusal. By this it is manifest that at the present time and in their present temper they can be removed only by force, to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact that their title should be extinguished at the expense of the United States when it may be done *peaceably* and on *reasonable* conditions is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and, in consequence, within the limits of any State, the United States have duties

Page 243

to perform and a character to sustain to which they ought not to be indifferent. At an early period their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits if they could be prevailed on to retire west and north of our States and Territories on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be, on every side by the white population, it will be difficult if not impossible for them, with their kind of government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which the interposition of the United States will be indispensable, and thus their government will gradually lose its authority until it is annihilated. In this process the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization to enable them to institute and sustain a government founded on our principles, if such a change were compatible either with the compact with Georgia or with our general system, or to become members of a State, should any State be willing to adopt them in such numbers, regarding the good order, peace, and tranquillity of such State. But all these evils may be avoided if these tribes will consent to remove beyond the limits of our present States and Territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters. The relations between the United States and such Indians would still be the same.

Considerations of humanity and benevolence, which have now great weight, would operate in that event with an augmented force, since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization and in all the arts and usages of civilized life would become the part of a general system which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily been pursued by the Executive, and the moneys which have been placed at its disposal have been so applied in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

Page 244

I submit this subject to the consideration of Congress under a high sense of its importance and of the propriety of an early decision on it. This compact gives a claim to the State which ought to be executed in all its conditions with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest not called for by the compact nor contemplated by either of the parties when it was entered into, nor to commit any breach of right or of humanity in regard to the Indians repugnant to the judgment and revolting to the feelings of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go under it. I submit it with equal confidence that you will also weigh the nature of the Indian title to the territory within the limits of any State, with the stipulations in the several treaties with this tribe respecting territory held by it within the State of Georgia, and decide whether any measure on the part of Congress is called for at the present time, and what such measure shall be if any is deemed expedient.

JAMES MONROE.

APRIL 9, 1824.

To the House of Representatives of the United States:

I herewith transmit the report of the Secretary of War, with the accompanying documents, containing the information requested by a resolution of the House of the 10th ultimo, and which communicates the accounts of all the generals of the Army, likewise of the Inspector-General, the chiefs of the Engineer and Ordnance Corps, and Surgeon-General for the two years preceding the 30th of September last; also shewing the amount of money paid to each under the different heads of pay, fuel, straw, quarters, transportation, and all other extra and contingent allowances; which report, together with the statements herewith transmitted, furnishes all the information required.

JAMES MONROE.

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

The executive of Virginia having requested payment of the amount of interest paid by the State for moneys borrowed and paid by it for services rendered by the militia in the late war, and such claim not being allowable according to the uniform decisions of the accounting officers of the Government, I submit the subject to your consideration, with a report from the Secretary of War and all the documents connected with it.

Page 245

The following are the circumstances on which this claim is founded: From an early stage of the war the squadrons of the enemy entered occasionally the Chesapeake Bay, and, menacing its shores and those of the principal rivers emptying into it, subjected the neighboring militia to calls from the local authorities for the defense of the parts thus menaced. The pressure was most sensibly felt in 1814, after the attack on this city and its capture, when the invading force, retiring to its squadron, menaced alike Baltimore, Norfolk, and Richmond. The attack on this city had induced a call by the Department of War for large detachments of the militia of Pennsylvania, Maryland, and Virginia, which, being collected in this quarter, and the enemy bearing, in the first instance, on Baltimore, were ordered to its defense. As early as the 31st of August notice was given by the Secretary of War to the governor of Virginia of the position of the enemy and of the danger to which Richmond as well as Norfolk and Baltimore were exposed, and he was also authorized and enjoined to be on his guard, prepared at every point and in every circumstance to meet and repel the invaders. This notice was repeated several times afterwards, until the enemy left the bay and moved to the south.

In the course of the war the State had augmented its taxes to meet the pressure, but the funds being still inadequate, it borrowed money to a considerable amount, which was applied to the payment of the militia for the services thus rendered. The calls which had been made, except for the brigades in this quarter and at Norfolk, being made by the State, the settlement with those corps and the payment for their services were made according to the rules and usage of the Department by the State and not by the United States. On the settlement by the State, after the peace, with the accounting officers of the Government the reimbursement of the interest which the State had paid on the sums thus borrowed and paid to the militia was claimed, but not allowed for the reason above stated. It is this claim which I now submit to the consideration of Congress.

It need scarcely be remarked that where a State advances money for the use of the General Government for a purpose authorized by it that the claim for the interest on the amount thus advanced, which has been paid by the State, is reasonable and just. The claim is the stronger under the circumstance which existed when those advances were made, it being at a period of great difficulty, when the United States were compelled to borrow very large sums for the prosecution of the war. Had the State not borrowed this money the militia, whose services have been recognized since by the nation, must have been disbanded and the State left without defense.

The claim is, in my opinion, equally well founded where a State advances money which it has in its treasury, or which it raises by taxes, to meet the current demand.

Page 246

In submitting this claim to your consideration it is proper to observe that many other States have like claims with those of Virginia, and that all those similarly circumstanced should be placed on the same footing.

I invite your attention to a principle which is deemed just, and with a view that the provision which may be made respecting it may be extended alike to all the States.

JAMES MONROE.

APRIL, 12, 1824.

APRIL, 16, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 8th of April, requesting information whether the fifth section of the act of the 3d March, 1803, relating to a township of land lying within John Cleves Symmes's patent, had been executed, and, if not, what reasons had prevented it, I transmit a report from the Secretary of the Treasury, which affords the information desired.

JAMES MONROE.

APRIL, 16, 1824.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of War, containing the information requested by a resolution of the House dated 25th ultimo, shewing the reason why the engineers appointed to examine the most suitable site for a national armory on the Western waters have not made their report.

JAMES MONROE.

APRIL, 16, 1824.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of War, which contains the information requested by a resolution of the 8th instant, respecting the proposals that were made by certain Indians, therein described, of the Cherokee Nation for the cession of their lands to the United States.

JAMES MONROE.

WASHINGTON, *April 18, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting a detailed account of the disbursement of the sums appropriated by the acts of the 30th April, 1818, and of the 3d March, 1819, for making certain improvements in the grounds connected with the public offices and the President's house, I transmit a report from the Commissioner of the Public Buildings, which contains the information desired.

JAMES MONROE.

APRIL, 23, 1824.

To the House of Representatives of the United States:

Page 247

In conformity with a resolution of the House of Representatives of yesterday, I have received a copy of the proceedings of the committee to whom was referred a communication from Ninian Edwards, lately appointed a minister plenipotentiary to Mexico, in which it is decided that his attendance in this city for the purpose of being examined by the committee on matters contained in the said communication was requisite. As soon as I was apprised that such a communication had been made to the House, anticipating that the attendance of Mr. Edwards might be desired for the purpose stated, I thought it proper that he should be informed thereof, and instructed him not to proceed on his mission, but to await such call as might be made on him either by the House or its committee, and in consequence a letter was addressed to him to that effect by the Secretary of State.

JAMES MONROE.

APRIL 27, 1824.

To the Senate of the United States:

In conformity with the resolution of the Senate of the 19th instant, requesting information whether the Executive, through the agency of the War Department, borrowed any money during the late war, under the condition of applying the same to the defense of the State wherein the said loans were made, to what amount, and whether interest was paid by the United States for such loans, *etc*., I herewith transmit a report from the Secretary of War containing all the information in that Department in relation to the resolution.

JAMES MONROE.

APRIL, 28, 1824.

To the House of Representatives:

The House of Representatives having referred back the accounts and claims of Daniel D. Tompkins, late governor of New York, to be settled on the principles established by the report of the committee and the law founded on it in the last session I have reconsidered the subject, and now communicate the result.

By the report of the committee, which it was understood was adopted by the House, it was decided that his accounts and claims should be settled on the four following principles:

First. That interest should be allowed him on all moneys advanced by him for the public from the time of the advance to that of his being reimbursed.

Second. That a reasonable commission should be allowed him on all moneys disbursed by him during the late war.

Third. That an indemnity should be allowed for all losses which he had sustained by the failure of the Government to fulfill its engagements to send him money or Treasury notes within the time specified to be deposited in certain banks as collateral security for loans procured by him at the request and on account of the Government.

Fourth. That he should not be held responsible for losses incurred by the frauds and failures of subagents to whom moneys were advanced through his hands.

Page 248

On the first, that of interest on his advances for the public, I have allowed him $14,438.68. This allowance is made on advances admitted by the accounting department, and on the declaration of Mr. Tompkins that the remittances made to him, after his advances and previous to the 24th of December, 1814, when a very large sum was remitted to him, were applied to public purposes and not to the reimbursement of his advances.

On the second head, that of a reasonable commission for his disbursements during the late war, I have allowed him 5 per cent on the whole sum disbursed by him, amounting to $92,213.13. I have made him this extra allowance in consideration of the aid which he afforded to the Government at that important epoch in obtaining the loan of a considerable part of the sums thus disbursed.

On the third head, that of an indemnity for losses sustained by him in consequence of the failure of the Government to fulfill its engagements to send him money or Treasury notes within the time specified, I have allowed him $4,411.25, being the amount of the loss sustained on the sale of Treasury notes, for which he was responsible.

On the fourth head, that of losses sustained by him by any frauds or failures of subagents, none such having been shewn no allowance whatever has been made to him.

From the amount thus allowed to Mr. Tompkins after deducting the sum paid him under the act of the present session and the moneys charged to his account there will remain a balance due him of $60,238.46, as appears by the sketch herewith communicated.

In making a final decision on Mr. Tompkins's claims a question arises, Shall interest be allowed him on the amount of the commission on his disbursements? The law of the last session grants to the President a power to allow interest on moneys advanced by him to the public, but does not authorize it on the commission to be allowed on his disbursements. To make such allowance belongs exclusively to Congress. Had his claims been settled at the end of the last war on the principles established by the law of the last session a commission on disbursements would then have been allowed him. This consideration operates with great force in favor of the allowance of interest on that commission at this time, which I recommend to Congress.

I think proper to add that the official relation which I bore to Governor Tompkins at that very interesting epoch, under the highly distinguished and meritorious citizen under whom we both served, enabling me to feel very sensibly the value of his services, excites a strong interest in his favor, which I deem it not improper to express.

JAMES MONROE.

WASHINGTON, *April 30, 1824*.

To the Senate of the United States:

I transmit to the Senate, for their constitutional advice with regard to its ratification, a convention for the suppression of the African slave trade, signed at London on the 13th ultimo by the minister of the United States residing there on their part, with the plenipotentiaries of the British Government on the part of that nation, together with the correspondence relating thereto, a part of which is included in a communication made to the House of Representatives on the 19th ultimo, a printed copy of which is among the documents herewith sent.

Page 249

Motives of accommodation to the wishes of the British Government render it desirable that the Senate should act definitively upon this convention as speedily as may be found convenient.

JAMES MONROE.

APRIL 30, 1824.

To the Senate of the United States:

I communicate to the Senate a treaty entered into with the Cherokee Nation as early as 1804, but which, owing to causes not now understood, has never been carried into effect. Of the authenticity of the transaction a report from the Secretary of War, with the documents accompanying it, furnishes the most unquestionable proof. I submit it to the Senate for its advice and consent as to the ratification.

JAMES MONROE.

WASHINGTON, *May 7, 1824*.

To the Senate of the United States:

I communicate herewith to the Senate a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ultimo.

JAMES MONROE.

MAY 11, 1824.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of War, containing the information called for by the resolution of the 10th of March, requesting the names of all the officers of the Army who have been brevetted, stating their lineal rank and brevet rank, when brevetted, and the amount of money paid to each and when paid, which report, with the accompanying documents, contains the information desired.

JAMES MONROE.

MAY 13, 1824.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 15th of April, requesting the President to cause to be communicated to the House a statement of the supplies which have been sent from the United States to any ports of South America for the use of our squadron in the Pacific Ocean, of the amount paid for such supplies, with the names of the owners of the vessels, and other details therein specified, I transmit herewith a report from the Secretary of the Navy, which, with the documents accompanying it, furnishes the information desired.

JAMES MONROE.

MAY 14, 1824.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of the Navy, together with the proceedings of a court-martial lately held at Norfolk for the trial of Lieutenant Beverly Kennon, as requested by a resolution of the House bearing date the 25th of April, 1824.

Page 250

JAMES MONROE.

WASHINGTON, *May 18, 1824*.

To the House of Representatives of the United States:

I communicate to the House a report, with accompanying documents, received from Alexander Hamilton, one of the commissioners of land titles in East Florida, deeming the statements therein contained to be worthy of the particular attention of the House, and of a nature which may, perhaps, require their interposition or that of both branches of the Legislature.

JAMES MONROE.

WASHINGTON, *May 21, 1824*.

To the Senate of the United States:

Apprehending from the delay in the decision that some difficulty exists with the Senate respecting the ratification of the convention lately concluded with the British Government for the suppression of the slave trade by making it piratical, I deem it proper to communicate for your consideration such views as appear to me to merit attention. Charged as the Executive is, and as I have long been, with maintaining the political relations between the United States and other nations, I consider it my duty, in submitting for your advice and consent as to the ratification any treaty or convention which has been agreed on with another power, to explain, when the occasion requires it, all the reasons which induced the measure. It is by such full and frank explanation only that the Senate can be enabled to discharge the high trust reposed in them with advantage to their country. Having the instrument before them, with the views which guided the Executive in forming it, the Senate will possess all the light necessary to a sound decision.

By an act of Congress of 15th May, 1820, the slave trade, as described by that act, was made piratical, and all such of our citizens as might be found engaged in that trade were subjected, on conviction thereof by the circuit courts of the United States, to capital punishment. To communicate more distinctly the import of that act, I refer to its fourth and fifth sections, which are in the following words:

SEC. 4. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in the whole or part or navigated for or in behalf of any citizen or citizens of the United States, shall land from any such ship or vessel, and on any foreign shore seize any Negro or Mulatto not held to service or labor by the laws of either of the States or

Territories of the United States, with intent to make such Negro or Mulatto a slave, or shall decoy or forcibly bring or carry, or shall receive, such Negro or Mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction thereof before the circuit court of the United States for the district wherein he may

Page 251

be brought or found shall suffer death.SEC. 5. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned wholly or in part, or navigated for or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel any Negro or Mulatto not held to service by the laws of either of the States or Territories of the United States, with intent to make such Negro or Mulatto a slave, or shall on board any such ship or vessel offer or attempt to sell as a slave any Negro or Mulatto not held to service as aforesaid, or shall on the high seas or anywhere on tide water transfer or deliver over to any other ship or vessel any Negro or Mulatto not held to service as aforesaid, with intent to make such Negro or mulatto a slave, or shall land or deliver on shore from on board any such ship or vessel any such Negro or mulatto, with intent to make sale of, or having previously sold such Negro or Mulatto as a slave, such citizen or person shall be adjudged a pirate, and on conviction thereof before the circuit court of the United States for the district wherein he may be brought or found shall suffer death.

And on the 28th February, 1823, the House of Representatives, by a majority of 131 to 9, passed a resolution to the following effect:

Resolved, That the President of the United States be requested to enter upon and prosecute from time to time such negotiations with the several maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade and its ultimate denunciation as piracy under the law of nations, by the consent of the civilized world.

By the act of Congress above referred to, whereby the most effectual means that could be devised were adopted for the extirpation of the slave trade, the wish of the United States was explicitly declared, that all nations might concur in a similar policy. It could only be by such concurrence that the great object could be accomplished, and it was by negotiation and treaty alone that such concurrence could be obtained, commencing with one power and extending it to others. The course, therefore, which the Executive, who had concurred in the act, had to pursue was distinctly marked out for it. Had there, however, been any doubt respecting it, the resolution of the House of Representatives, the branch which might with strict propriety express its opinion, could not fail to have removed it.

By the tenth article of the treaty of peace between the United States and Great Britain, concluded at Ghent, it was stipulated that both parties should use their best endeavors to accomplish the abolition of the African slave trade. This object has been accordingly pursued by both Governments with great earnestness, by separate acts of legislation, and by negotiation almost uninterrupted, with the purpose of establishing a conceit between them in some measure which might secure its accomplishment.

Page 252

Great Britain in her negotiations with other powers had concluded treaties with Spain, Portugal, and the Netherlands, in which, without constituting the crime as piracy or classing it with crimes of that denomination, the parties had conceded to the naval officers of each other the right of search and capture of the vessels of either that might be engaged in the slave trade, and had instituted courts consisting of judges, subjects of both parties, for the trial of the vessels so captured.

In the negotiations with the United States Great Britain had earnestly and repeatedly pressed on them the adoption of similar provisions. They had been resisted by the Executive on two grounds: One, that the constitution of mixed tribunals was incompatible with their Constitution; and the other, that the concession of the right of search in time of peace for an offense not piratical would be repugnant to the feelings of the nation and of dangerous tendency. The right of search is the right of war of the belligerent toward the neutral. To extend it in time of peace to any object whatever might establish a precedent which might lead to others with some powers, and which, even if confined to the instance specified, might be subject to great abuse.

Animated by an ardent desire to suppress this trade, the United States took stronger ground by making it, by the act above referred to, piratical, a measure more adequate to the end and free from many of the objections applicable to the plan which had been proposed to them. It is this alternative which the Executive, under the sanction and injunctions above stated, offered to the British Government, and which that Government has accepted. By making the crime piracy the right of search attaches to the crime, and which when adopted by all nations will be common to all; and that it will be so adopted may fairly be presumed if steadily persevered in by the parties to the present convention. In the meantime, and with a view to a fair experiment, the obvious course seems to be to carry into effect with every power such treaty as may be made with each in succession.

In presenting this alternative to the British Government it was made an indispensable condition that the trade should be made piratical by act of Parliament, as it had been by an act of Congress. This was provided for in the convention, and has since been complied with. In this respect, therefore, the nations rest on the same ground. Suitable provisions have also been adopted to protect each party from the abuse of the power granted to the public ships of the other. Instead of subjecting the persons detected in the slave trade to trial by the courts of the captors, as would be the case if such trade was piracy by the laws of nations, it is stipulated that until that event they shall be tried by the courts of their own country only. Hence there could be no motive for an abuse of the right of search, since such abuse could not fail to terminate to the injury of the captor.

Page 253

Should this convention be adopted, there is every reason to believe that it will be the commencement of a system destined to accomplish the entire abolition of the slave trade. Great Britain, by making it her own, confessedly adopted at the suggestion of the United States, and being pledged to propose and urge its adoption by other nations in concert with the United States, will find it for her interest to abandon the less-effective system of her previous treaties with Spain, Portugal, and the Netherlands, and to urge on those and other powers their accession to this. The crime will then be universally proscribed as piracy, and the traffic be suppressed forever.

Other considerations of high importance urge the adoption of this convention. We have at this moment pending with Great Britain sundry other negotiations intimately connected with the welfare and even the peace of our Union. In one of them nearly a third part of the territory of the State of Maine is in contestation. In another the navigation of the St. Lawrence, the admission of consuls into the British islands, and a system of commercial intercourse between the United States and all the British possessions in this hemisphere are subjects of discussion. In a third our territorial and other rights upon the northwest coast are to be adjusted, while a negotiation on the same interest is opened with Russia. In a fourth all the most important controvertible points of maritime law in time of war are brought under consideration, and in the fifth the whole system of South American concerns, connected with a general recognition of South American independence, may again from hour to hour become, as it has already been, an object of concerted operations of the highest interest to both nations and to the peace of the world.

It can not be disguised that the rejection of this convention can not fail to have a very injurious influence on the good understanding between the two Governments on all these points. That it would place the Executive Administration under embarrassment, and subject it, the Congress, and the nation to the charge of insincerity respecting the great result of the final suppression of the slave trade, and that its first and indispensable consequence will be to constrain the Executive to suspend all further negotiation with every European and American power to which overtures have been made in compliance with the resolution of the House of Representatives of 28th February, 1823, must be obvious. To invite all nations, with the statute of piracy in our hands, to adopt its principles as the law of nations and yet to deny to all the common right of search for the pirate, whom it would be impossible to detect without entering and searching the vessel, would expose us not simply to the charge of inconsistency.

It must be obvious that the restriction of search for pirates to the African coast is incompatible with the idea of such a crime. It is not doubted also if the convention is adopted that no example of the commission of that crime by the citizens or subjects of either power will ever occur again. It is believed, therefore, that this right as applicable to piracy would not only extirpate the trade, but prove altogether innocent in its operation.

Page 254

In further illustration of the views of Congress on this subject, I transmit to the Senate extracts from two resolutions of the House of Representatives, one of the 9th February, 1821, the other of 12th April, 1822. I transmit also a letter from the charge d'affaires of the British Government, which shows the deep interest which that Government takes in the ratification of the treaty.

JAMES MONROE.

WASHINGTON CITY, *May 22, 1824*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of the Navy, in compliance with their resolution of the 14th of April last, respecting prize agents, which report contains the information requested.

JAMES MONROE.

MAY 24, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting the President to communicate any information he may possess in relation to the intercourse and trade now carried on between the people of the United States (and particularly the people of the State of Missouri) and the Mexican Provinces, how and by what route that trade or intercourse is carried on, in what it consists, the distances, *etc*., the nations of Indians through which it passes, their dispositions, whether pacific or otherwise, the advantages resulting or likely to result from that trade or intercourse, I herewith transmit a communication from the Department of State, which contains all the information which has yet been collected in relation to those subjects.

JAMES MONROE.

MAY 24, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the 20th instant, I transmit herewith to the House of Representatives a report of David Shriver, superintendent of the Cumberland road, stating the manner in which the appropriation made at the last session for the repair of that road has been expended, and also the present condition of the road.

JAMES MONROE.

EIGHTH ANNUAL MESSAGE.

WASHINGTON, *December 7, 1824*.

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

The view which I have now to present to you of our affairs, foreign and domestic, realizes the most sanguine anticipations which have been entertained of the public prosperity. If we look to the whole, our growth as a nation continues to be rapid beyond example; if to the States which compose it, the same gratifying spectacle is exhibited. Our expansion over the vast territory within our limits has been great, without indicating any decline in those sections from which the emigration has been most conspicuous. We

Page 255

have daily gained strength by a native population in every quarter—a population devoted to our happy system of government and cherishing the bond of union with fraternal affection. Experience has already shewn that the difference of climate and of industry, proceeding from that cause, inseparable from such vast domains, and which under other systems might have a repulsive tendency, can not fail to produce with us under wise regulations the opposite effect. What one portion wants the other may supply; and this will be most sensibly felt by the parts most distant from each other, forming thereby a domestic market and an active intercourse between the extremes and throughout every portion of our Union. Thus by a happy distribution of power between the National and State Governments, Governments which rest exclusively on the sovereignty of the people and are fully adequate to the great purposes for which they were respectively instituted, causes which might otherwise lead to dismemberment operate powerfully to draw us closer together. In every other circumstance a correct view of the actual state of our Union must be equally gratifying to our constituents. Our relations with foreign powers are of a friendly character, although certain interesting differences remain unsettled with some. Our revenue under the mild system of impost and tonnage continues to be adequate to all the purposes of the Government Our agriculture, commerce, manufactures, and navigation flourish. Our fortifications are advancing in the degree authorized by existing appropriations to maturity, and due progress is made in the augmentation of the Navy to the limit prescribed for it by law. For these blessings we owe to Almighty God, from whom we derive them, and with profound reverence, our most grateful and unceasing acknowledgments.

In adverting to our relations with foreign powers, which are always an object of the highest importance, I have to remark that of the subjects which have been brought into discussion with them during the present Administration some have been satisfactorily terminated, others have been suspended, to be resumed hereafter under circumstances more favorable to success, and others are still in negotiation, with the hope that they may be adjusted with mutual accommodation to the interests and to the satisfaction of the respective parties. It has been the invariable object of this Government to cherish the most friendly relations with every power, and on principles and conditions which might make them permanent. A systematic effort has been made to place our commerce with each power on a footing of perfect reciprocity, to settle with each in a spirit of candor and liberality all existing differences, and to anticipate and remove so far as it might be practicable all causes of future variance.

Page 256

It having been stipulated by the seventh article of the convention of navigation and commerce which was concluded on the 24th of June, 1822, between the United States and France, that the said convention should continue in force for two years from the 1st of October of that year, and for an indefinite term afterwards, unless one of the parties should declare its intention to renounce it, in which event it should cease to operate at the end of six months from such declaration, and no such intention having been announced, the convention having been found advantageous to both parties, it has since remained, and still remains, in force. At the time when that convention was concluded many interesting subjects were left unsettled, and particularly our claim to indemnity for spoliations which were committed on our commerce in the late wars. For these interests and claims it was in the contemplation of the parties to make provision at a subsequent day by a more comprehensive and definitive treaty. The object has been duly attended to since by the Executive, but as yet it has not been accomplished. It is hoped that a favorable opportunity will present itself for opening a negotiation which may embrace and arrange all existing differences and every other concern in which they have a common interest upon the accession of the present King of France, an event which has occurred since the close of the last session of Congress.

With Great Britain our commercial intercourse rests on the same footing that it did at the last session. By the convention of 1815 the commerce between the United States and the British dominions in Europe and the East Indies was arranged on a principle of reciprocity. That convention was confirmed and continued in force, with slight exceptions, by a subsequent treaty for the term of ten years from the 20th of October, 1818, the date of the latter. The trade with the British colonies in the West Indies has not as yet been arranged, by treaty or otherwise, to our satisfaction. An approach to that result has been made by legislative acts, whereby many serious impediments which had been raised by the parties in defense of their respective claims were removed. An earnest desire exists, and has been manifested on the part of this Government, to place the commerce with the colonies, likewise, on a footing of reciprocal advantage, and it is hoped that the British Government, seeing the justice of the proposal and its importance to the colonies, will ere long accede to it.

The commissioners who were appointed for the adjustment of the boundary between the territories of the United States and those of Great Britain, specified in the fifth article of the treaty of Ghent, having disagreed in their decision, and both Governments having agreed to establish that boundary by amicable negotiation between them, it is hoped that it may be satisfactorily adjusted in that mode. The boundary specified by the sixth article has been established by the decision of the commissioners. From the progress made in that provided for by the seventh, according to a report recently received, there is good cause to presume that it will be settled in the course of the ensuing year.

Page 257

It is a cause of serious regret that no arrangement has yet been finally concluded between the two Governments to secure by joint cooperation the suppression of the slave trade. It was the object of the British Government in the early stages of the negotiation to adopt a plan for the suppression which should include the concession of the mutual right of search by the ships of war of each party of the vessels of the other for suspected offenders. This was objected to by this Government on the principle that as the right of search was a right of war of a belligerent toward a neutral power it might have an ill effect to extend it by treaty, to an offense which had been made comparatively mild, to a time of peace. Anxious however, for the suppression of this trade, it was thought advisable, in compliance with a resolution of the House of Representatives, founded on an act of Congress, to propose to the British Government an expedient which should be free from that objection and more effectual for the object, by making it piratical. In that mode the enormity of tho crime would place the offenders out of the protection of their Government, and involve no question of search or other question between the parties touching their respective rights. It was believed, also, that it would completely suppress the trade in the vessels of both parties, and by their respective citizens and subjects in those of other powers, with whom it was hoped that the odium which would thereby be attached to it would produce a corresponding arrangement, and by means thereof its entire extirpation forever. A convention to this effect was concluded and signed in London on the 13th day of March, 1824, by plenipotentiaries duly authorized by both Governments, to the ratification of which certain obstacles have arisen which are not yet entirely removed. The difference between the parties still remaining has been reduced to a point not of sufficient magnitude, as is presumed, to be permitted to defeat an object so near to the heart of both nations and so desirable to the friends of humanity throughout the world. As objections, however, to the principle recommended by the House of Representatives, or at least to the consequences inseparable from it, and which are understood to apply to the law, have been raised, which may deserve a reconsideration of the whole subject, I have thought it proper to suspend the conclusion of a new convention until the definitive sentiments of Congress may be ascertained. These documents relating to the negotiation are with that intent submitted to your consideration.

Our commerce with Sweden has been placed on a footing of perfect reciprocity by treaty, and with Russia, the Netherlands, Prussia, the free Hanseatic cities, the Dukedom of Oldenburg, and Sardinia by internal regulations on each side, founded on mutual agreement between the respective Governments.

Page 258

The principles upon which the commercial policy of the United States is founded are to be traced to an early period. They are essentially connected with those upon which their independence was declared, and owe their origin to the enlightened men who took the lead in our affairs at that important epoch. They are developed in their first treaty of commerce with France of 6th February, 1778, and by a formal commission which was instituted immediately after the conclusion of their Revolutionary struggle, for the purpose of negotiating treaties of commerce with every European power. The first treaty of the United States with Prussia, which was negotiated by that commission, affords a signal illustration of those principles. The act of Congress of the 3d March. 1815. adopted immediately after the return of a general peace, was a new overture to foreign nations to establish our commercial relations with them on the basis of free and equal reciprocity. That principle has pervaded all the acts of Congress and all the negotiations of the Executive on the subject since.

A convention for the settlement of important questions in relation to the northwest coast of this continent and its adjoining seas was concluded and signed at St. Petersburg on the 5th day of April last by the minister plenipotentiary of the United States and plenipotentiaries of the Imperial Government of Russia. It will immediately be laid before the Senate for the exercise of the constitutional authority of that body with reference to its ratification. It is proper to add that the manner in which this negotiation was invited and conducted on the part of the Emperor has been very satisfactory.

The great and extraordinary changes which have happened in the Governments of Spain and Portugal within the last two years, without seriously affecting the friendly relations which under all of them have been maintained with those powers by the United States, have been obstacles to the adjustment of the particular subjects of discussion which have arisen with each. A resolution of the Senate adopted at their last session called for information as to the effect produced upon our relations with Spain by the recognition on the part of the United States of the independent South American Governments. The papers containing that information are now communicated to Congress.

A charge d’affaires has been received from the independent Government of Brazil. That country, heretofore a colonial possession of Portugal, had some years since been proclaimed by the Sovereign of Portugal himself an independent Kingdom. Since his return to Lisbon a revolution in Brazil has established a new Government there with an imperial title, at the head of which is placed a prince, in whom the regency had been vested by the King at the time of his departure. There is reason to expect that by amicable negotiation the independence of Brazil will ere long be recognized by Portugal herself.

Page 259

With the remaining powers of Europe, with those on the coast of Barbary, and with all the new South American States our relations are of a friendly character. We have ministers plenipotentiary residing with the Republics of Colombia and Chile, and have received ministers of the same rank from Colombia, Guatemala, Buenos Ayres, and Mexico. Our commercial relations with all those States are mutually beneficial and increasing. With the Republic of Colombia a treaty of commerce has been formed, of which a copy is received and the original daily expected. A negotiation for a like treaty would have been commenced with Buenos Ayres had it not been prevented by the indisposition and lamented decease of Mr. Rodney, our minister there, and to whose memory the most respectful attention has been shewn by the Government of that Republic. An advantageous alteration in our treaty with Tunis has been obtained by our consular agent residing there, the official document of which when received will be laid before the Senate.

The attention of the Government has been drawn with great solicitude to other subjects, and particularly to that relating to a state of maritime war, involving the relative rights of neutral and belligerent in such wars. Most of the difficulties which we have experienced and of the losses which we have sustained since the establishment of our independence have proceeded from the unsettled state of those rights and the extent to which the belligerent claim has been carried against the neutral party. It is impossible to look back on the occurrences of the late wars in Europe, and to behold the disregard which was paid to our rights as a neutral power, and the waste which was made of our commerce by the parties to those wars by various acts of their respective Governments, and under the pretext by each that the other had set the example, without great mortification and a fixed purpose never to submit to the like in future. An attempt to remove those causes of possible variance by friendly negotiation and on just principles which should be applicable to all parties could, it was presumed, be viewed by none other than as a proof of an earnest desire to preserve those relations with every power. In the late war between France and Spain a crisis occurred in which it seemed probable that all the controvertible principles involved in such wars might be brought into discussion and settled to the satisfaction of all parties. Propositions having this object in view have been made to the Governments of Great Britain, France, Russia, and of other powers, which have been received in a friendly manner by all, but as yet no treaty has been formed with either for its accomplishment. The policy will, it is presumed, be persevered in, and in the hope that it may be successful.

Page 260

It will always be recollected that with one of the parties to those wars, and from whom we received those injuries, we sought redress by war. From the other, by whose then reigning Government our vessels were seized in port as well as at sea and their cargoes confiscated, indemnity has been expected, but has not yet been tendered. It was under the influence of the latter that our vessels were likewise seized by the Governments of Spain, Holland, Denmark, Sweden, and Naples, and from whom indemnity has been claimed and is still expected, with the exception of Spain, by whom it has been rendered. With both parties we had abundant cause of war, but we had no alternative but to resist that which was most powerful at sea and pressed us nearest at home. With this all differences were settled by a treaty, founded on conditions fair and honorable to both, and which has been so far executed with perfect good faith. It has been earnestly hoped that the other would of its own accord, and from a sentiment of justice and conciliation, make to our citizens the indemnity to which they are entitled, and thereby remove from our relations any just cause of discontent on our side.

It is estimated that the receipts into the Treasury during the current year, exclusive of loans, will exceed $18,500,000, which, with the sum remaining in the Treasury at the end of the last year, amounting to $9.463,922.81, will, after discharging the current disbursements of the year, the interest on the public debt, and upward of $11,633,011.52 of the principal, leave a balance of more than $3,000,000 in the Treasury on the 1st day of January next.

A larger amount of the debt contracted during the late war, bearing an interest of 6 per cent, becoming redeemable in the course of the ensuing year than could be discharged by the ordinary revenue, the act of the 26th of May authorized a loan of $5,000,000 at 4-1/2 per cent to meet the same. By this arrangement an annual saving will accrue to the public of $75,000.

Under the act of the 24th of May last a loan of $5,000,000 was authorized, in order to meet the awards under the Florida treaty, which was negotiated at par with the Bank of the United States at 4-1/2 percent, the limit of interest fixed by the act. By this provision the claims of our citizens who had sustained so great a loss by spoliations, and from whom indemnity had been so long withheld, were promptly paid. For these advances the public will be amply repaid at no distant day by the sale of the lands in Florida. Of the great advantages resulting from the acquisition of the Territory in other respects too high an estimate can not be formed.

It is estimated that the receipts into the Treasury during the year 1825 will be sufficient to meet the disbursements of the year, including the sum of $10,000,000, which is annually appropriated by the act constituting the sinking fund to the payment of the principal and interest of the public debt.

Page 261

The whole amount of the public debt on the 1st of January next may be estimated at $86,000,000, inclusive of $2,500,000 of the loan authorized by the act of the 26th of May last. In this estimate is included a stock of $7,000,000, issued for the purchase of that amount of the capital stock of the Bank of the United States, and which, as the stock of the bank still held by the Government will at least be fully equal to its reimbursement, ought not to be considered as constituting a part of the public debt. Estimating, then, the whole amount of the public debt at $79,000,000 and regarding the annual receipts and expenditures of the Government, a well-founded hope may be entertained that, should no unexpected event occur, the whole of the public debt may be discharged in the course of ten years, and the Government be left at liberty thereafter to apply such portion of the revenue as may not be necessary for current expenses to such other objects as may be most conducive to the public security and welfare. That the sums applicable to these objects will be very considerable may be fairly concluded when it is recollected that a large amount of the public revenue has been applied since the late war to the construction of the public buildings in this city; to the erection of fortifications along the coast and of arsenals in different parts of the Union; to the augmentation of the Navy; to the extinguishment of the Indian title to large tracts of fertile territory; to the acquisition of Florida; to pensions to Revolutionary officers and soldiers, and to invalids of the late war. On many of these objects the expense will annually be diminished and cease at no distant period on most of them. On the 1st of January, 1817, the public debt amounted to $123,491,965.16, and, notwithstanding the large sums which have been applied to these objects, it has been reduced since that period $37,446,961.78. The last portion of the public debt will be redeemable on the 1st of January, 1835, and while there is the best reason to believe that the resources of the Government will be continually adequate to such portions of it as may become due in the interval, it is recommended to Congress to seize every opportunity which may present itself to reduce the rate of interest on every part thereof. The high state of the public credit and the great abundance of money are at this time very favorable to such a result. It must be very gratifying to our fellow-citizens to witness this flourishing state of the public finances when it is recollected that no burthen whatever has been imposed upon them.

Page 262

The military establishment in all its branches, in the performance of the various duties assigned to each, justifies the favorable view which was presented of the efficiency of its organization at the last session. All the appropriations have been regularly applied to the objects intended by Congress, and so far as the disbursements have been made the accounts have been rendered and settled without loss to the public. The condition of the Army itself, as relates to the officers and men, in science and discipline is highly respectable. The Military Academy, on which the Army essentially rests, and to which it is much indebted for this state of improvement, has attained, in comparison with any other institution of a like kind, a high degree of perfection. Experience, however, has shewn that the dispersed condition of the corps of artillery is unfavorable to the discipline of that important branch of the military establishment. To remedy this inconvenience, eleven companies have been assembled at the fortification erected at Old Point Comfort as a school for artillery instruction, with intention as they shall be perfected in the various duties of that service to order them to other posts, and to supply their places with other companies for instruction in like manner. In this mode a complete knowledge of the science and duties of this arm will be extended throughout the whole corps of artillery.-But to carry this object fully into effect will require the aid of Congress, to obtain which the subject is now submitted to your consideration.

Of the progress which has been made in the construction of fortifications for the permanent defense of our maritime frontier, according to the plan decided on and to the extent of the existing appropriations, the report of the Secretary of War, which is herewith communicated, will give a detailed account. Their final completion can not fail to give great additional security to that frontier, and to diminish proportionably the expense of defending it in the event of war.

The provisions in the several acts of Congress of the last session for the improvement of the navigation of the Mississippi and the Ohio, of the harbor of Presqu'isle, on Lake Erie, and the repair of the Plymouth beach are in a course of regular execution; and there is reason to believe that the appropriation in each instance will be adequate to the object. To carry these improvements fully into effect, the superintendence of them has been assigned to officers of the Corps of Engineers.

Under the act of 30th April last, authorizing the President to cause a survey to be made, with the necessary plans and estimates, of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, a board has been instituted, consisting of two distinguished officers of the Corps of Engineers and a distinguished civil engineer, with assistants,

Page 263

who have been actively employed in carrying into effect the object of the act. They have carefully examined the route between the Potomac and the Ohio rivers; between the latter and Lake Erie; between the Alleghany and the Susquehannah; and the routes between the Delaware and the Raritan, Barnstable and Buzzards Bay, and between Boston Harbor and Narraganset Bay. Such portion of the Corps of Topographical Engineers as could be spared from the survey of the coast has been employed in surveying the very important route between the Potomac and the Ohio. Considerable progress has been made in it, but the survey can not be completed until the next season. It is gratifying to add, from the view already taken, that there is good cause to believe that this great national object may be fully accomplished.

It is contemplated to commence early in the next season the execution of the other branch of the act—that which relates to roads—and with the survey of a route from this city, through the Southern States, to New Orleans, the importance of which can not be too highly estimated. All the officers of both the corps of engineers who could be spared from other services have been employed in exploring and surveying the routes for canals. To digest a plan for both objects for the great purposes specified will require a thorough knowledge of every part of our Union and of the relation of each part to the others and of all to the seat of the General Government. For such a digest it will be necessary that the information be full, minute, and precise. With a view to these important objects, I submit to the consideration of the Congress the propriety of enlarging both the corps of engineers—the military and topographical. It need scarcely be remarked that the more extensively these corps are engaged in the improvement of their country, in the execution of the powers of Congress, and in aid of the States in such improvements as lie beyond that limit, when such aid is desired, the happier the effect will be in many views of which the subject is susceptible. By profiting of their science the works will always be well executed, and by giving to the officers such employment our Union will derive all the advantage, in peace as well as in war, from their talents and services which they can afford. In this mode, also, the military will be incorporated with the civil, and unfounded and injurious distinctions and prejudices of every kind be done away. To the corps themselves this service can not fail to be equally useful, since by the knowledge they would thus acquire they would be eminently better qualified in the event of war for the great purposes for which they were instituted.

Page 264

Our relations with the Indian tribes within our limits have not been materially changed during the year. The hostile disposition evinced by certain tribes on the Missouri during the last year still continues, and has extended in some degree to those on the Upper Mississippi and the Upper Lakes. Several parties of our citizens have been plundered and murdered by those tribes. In order to establish relations of friendship with them, Congress at the last session made an appropriation for treaties with them and for the employment of a suitable military escort to accompany and attend the commissioners at the places appointed for the negotiations. This object has not been effected. The season was too far advanced when the appropriation was made and the distance too great to permit it, but measures have been taken, and all the preparations will be completed to accomplish it at an early period in the next season.

Believing that the hostility of the tribes, particularly on the Upper Mississippi and the Lakes, is in no small degree owing to the wars which are carried on between the tribes residing in that quarter, measures have been taken to bring about a general peace among them, which, if successful, will not only tend to the security of our citizens, but be of great advantage to the Indians themselves.

With the exception of the tribes referred to, our relations with all the others are on the same friendly footing, and it affords me great satisfaction to add that they are making steady advances in civilization and the improvement of their condition. Many of the tribes have already made great progress in the arts of civilized life. This desirable result has been brought about by the humane and persevering policy of the Government, and particularly by means of the appropriation for the civilization of the Indians. There have been established under the provisions of this act 32 schools, containing 916 scholars, who are well instructed in several branches of literature, and likewise in agriculture and the ordinary arts of life.

Under the appropriation to authorize treaties with the Creeks and Quaupaw Indians commissioners have been appointed and negotiations are now pending, but the result is not yet known.

For more full information respecting the principle which has been adopted for carrying into effect the act of Congress authorizing surveys, with plans and estimates for canals and roads, and on every other branch of duty incident to the Department of War. I refer you to the report of the Secretary.

The squadron in the Mediterranean has been maintained in the extent which was proposed in the report of the Secretary of the Navy of the last year, and has afforded to our commerce the necessary protection in that sea. Apprehending, however, that the unfriendly relations which have existed between Algiers and some of the powers of Europe might be extended to us, it has been thought expedient to augment the force there, and in consequence the *North Carolina*, a ship of the line, has been prepared, and will sail in a few days to join it.

Page 265

The force employed in the Gulf of Mexico and in the neighboring seas for the suppression of piracy has likewise been preserved essentially in the state in which it was during the last year. A persevering effort has been made for the accomplishment of that object, and much protection has thereby been afforded to our commerce, but still the practice is far from being suppressed. From every view which has been taken of the subject it is thought that it will be necessary rather to augment than to diminish our force in that quarter. There is reason to believe that the piracies now complained of are committed by bands of robbers who inhabit the land, and who, by preserving good intelligence with the towns and seizing favorable opportunities, rush forth and fall on unprotected merchant vessels, of which they make an easy prey. The pillage thus taken they carry to their lurking places, and dispose of afterwards at prices tending to seduce the neighboring population. This combination is understood to be of great extent, and is the more to be deprecated because the crime of piracy is often attended with the murder of the crews, these robbers knowing if any survived their lurking places would be exposed and they be caught and punished. That this atrocious practice should be carried to such extent is cause of equal surprise and regret. It is presumed that it must be attributed to the relaxed and feeble state of the local governments, since it is not doubted, from the high character of the governor of Cuba, who is well known and much respected here, that if he had the power he would promptly suppress it. Whether those robbers should be pursued on the land, the local authorities be made responsible for these atrocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In execution of the laws for the suppression of the slave trade a vessel has been occasionally sent from that squadron to the coast of Africa with orders to return thence by the usual track of the slave ships, and to seize any of our vessels which might be engaged in that trade. None have been found, and it is believed that none are thus employed. It is well known, however, that the trade still exists under other flags.

The health of our squadron while at Thompsons Island has been much better during the present than it was the last season. Some improvements have been made and others are contemplated there which, it is believed, will have a very salutary effect.

On the Pacific our commerce has much increased, and on that coast, as well as on that seas the United States have many important interests which require attention and protection. It is thought that all the considerations which suggested the expediency of placing a squadron on that sea operate with augmented force for maintaining it there, at least in equal extent.

For detailed information respecting the state of our maritime force on each sea, the improvement necessary to be made on either in the organization of the naval establishment generally, and of the laws for its better government I refer you to the report of the Secretary of the Navy, which is herewith communicated.

Page 266

The revenue of the Post-Office Department has received a considerable augmentation in the present year. The current receipts will exceed the expenditures, although the transportation of the mail within the year has been much increased. A report of the Postmaster-General, which is transmitted, will furnish in detail the necessary information respecting the administration and present state of this Department.

In conformity with a resolution of Congress of the last session, an invitation was given to General Lafayette to visit the United States, with an assurance that a ship of war should attend at any port of France which he might designate, to receive and convey him across the Atlantic, whenever it might be convenient for him to sail. He declined the offer of the public ship from motives of delicacy, but assured me that he had long intended and would certainly visit our Union in the course of the present year. In August last he arrived at New York, where he was received with the warmth of affection and gratitude to which his very important and disinterested services and sacrifices in our Revolutionary struggle so eminently entitled him. A corresponding sentiment has since been manifested in his favor throughout every portion of our Union, and affectionate invitations have been given him to extend his visits to them. To these he has yielded all the accommodation in his power. At every designated point of rendezvous the whole population of the neighboring country has been assembled to greet him, among whom it has excited in a peculiar manner the sensibility of all to behold the surviving members of our Revolutionary contest, civil and military, who had shared with him in the toils and dangers of the war, many of them in a decrepit state. A more interesting spectacle, it is believed, was never witnessed, because none could be founded on purer principles, none proceed from higher or more disinterested motives. That the feelings of those who had fought and bled with him in a common cause should have been much excited was natural. There are, however, circumstances attending these interviews which pervaded the whole community and touched the breasts of every age, even the youngest among us. There was not an individual present who had not some relative who had not partaken in those scenes, nor an infant who had not heard the relation of them. But the circumstance which was most sensibly felt, and which his presence brought forcibly to the recollection of all, was the great cause in which we were engaged and the blessings which we have derived from our success in it. The struggle was for independence and liberty, public and personal, and in this we succeeded. The meeting with one who had borne so distinguished a part in that great struggle, and from such lofty and disinterested motives, could not fail to affect profoundly every individual and of every age. It is natural that we should all take a deep interest in his future welfare, as we do. His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy the character of the American people.

Page 267

In turning our attention to the condition of the civilized world, in which the United States have always taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit are those between Turkey and Greece, in Europe, and between Spain and the new Governments, our neighbors, in this hemisphere. In both these wars the cause of independence, of liberty and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring powers is obvious. The feeling of the whole civilized world is excited in a high degree in their favor. May we not hope that these sentiments, winning on the hearts of their respective Governments, may lead to a more decisive result; that they may produce an accord among them to replace Greece on the ground which she formerly held, and to which her heroic exertions at this day so eminently entitle her?

With respect to the contest to which our neighbors are a party, it is evident that Spain as a power is scarcely felt in it. These new States had completely achieved their independence before it was acknowledged by the United States, and they have since maintained it with little foreign pressure. The disturbances which have appeared in certain portions of that vast territory have proceeded from internal causes, which had their origin in their former Governments and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new States are settling down under Governments elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, in the expectation that other powers will pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own Governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European Governments nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power and on conditions fair, equal, arid applicable to all. But in regard

Page 268

to our neighbors our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

The augmentation of our population with the expansion of our Union and increased number of States have produced effects in certain branches of our system which merit the attention of Congress. Some of our arrangements, and particularly the judiciary establishment, were made with a view to the original thirteen States only. Since then the United States have acquired a vast extent of territory; eleven new States have been admitted into the Union, and Territories have been laid off for three others, which will likewise be admitted at no distant day. An organization of the Supreme Court which assigns to the judges any portion of the duties which belong to the inferior, requiring their passage over so vast a space under any distribution of the States that may now be made, if not impracticable in the execution, must render it impossible for them to discharge the duties of either branch with advantage to the Union. The duties of the Supreme Court would be of great importance if its decisions were confined to the ordinary limits of other tribunals, but when it is considered that this court decides, and in the last resort, on all the great questions which arise under our Constitution, involving those between the United States individually, between the States and the United States, and between the latter and foreign powers, too high an estimate of their importance can not be formed. The great interests of the nation seem to require that the judges of the Supreme Court should be exempted from every other duty than those which are incident to that high trust. The organization of the inferior courts would of course be adapted to circumstances. It is presumed that such an one might be formed as would secure an able and faithful discharge of their duties, and without any material augmentation of expense.

The condition of the aborigines within our limits, and especially those who are within the limits of any of the States, merits likewise particular attention. Experience has shown that unless the tribes be civilized they can never be incorporated into our system in any form whatever. It has likewise shown that in the regular augmentation of our population with the extension of our settlements their situation will become deplorable, if their extinction is not menaced. Some well-digested plan which will rescue them from such calamities is due to their rights, to the rights of humanity, and to the honor of the nation.

Page 269

Their civilization is indispensable to their safety, and this can be accomplished only by degrees. The process must commence with the infant state, through whom some effect may be wrought on the parental. Difficulties of the most serious character present themselves to the attainment of this very desirable result on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness, would be revolting to humanity and utterly unjustifiable. Between the limits of our present States and Territories and the Rocky Mountains and Mexico there is a vast territory to which they might be invited with inducements which might be successful. It is thought if that territory should be divided into districts by previous agreement with the tribes now residing there and civil governments be established in each, with schools for every branch of instruction in literature and the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. The execution of this plan would necessarily be attended with expense, and that not inconsiderable, but it is doubted whether any other can be devised which would be less liable to that objection or more likely to succeed.

In looking to the interests which the United States have on the Pacific Ocean and on the western coast of this continent, the propriety of establishing a military post at the mouth of Columbia River, or at some other point in that quarter within our acknowledged limits, is submitted to the consideration of Congress. Our commerce and fisheries on that sea and along the coast have much increased and are increasing. It is thought that a military post, to which our ships of war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes to the northwest, with whom our trade is extensive. It is thought also that by the establishment of such a post the intercourse between our Western States and Territories and the Pacific and our trade with the tribes residing in the interior on each side of the Rocky Mountains would be essentially promoted. To carry this object into effect the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the Corps of Engineers, to explore the mouth of the Columbia River and the coast contiguous thereto, to enable the Executive to make such establishment at the most suitable point, is recommended to Congress.

It is thought that attention is also due to the improvement of this city. The communication between the public buildings and in various other parts and the grounds around those buildings require it. It is presumed also that the completion of the canal from the Tiber to the Eastern Branch would have a very salutary effect. Great exertions have been made and expenses incurred by the citizens in improvements of various kinds; but those which are suggested belong exclusively to the Government, or are of a nature to require expenditures beyond their resources. The public lots which are still for sale would, it is not doubted, be more than adequate to these purposes.

Page 270

From the view above presented it is manifest that the situation of the United States is in the highest degree prosperous and happy. There is no object which as a people we can desire which we do not possess or which is not within our reach. Blessed with governments the happiest which the world ever knew, with no distinct orders in society or divided interests in any portion of the vast territory over which their dominion extends, we have every motive to cling together which can animate a virtuous and enlightened people. The great object is to preserve these blessings, and to hand them down to the latest posterity. Our experience ought to satisfy us that our progress under the most correct and provident policy will not be exempt from danger. Our institutions form an important epoch in the history of the civilized world. On their preservation and in their utmost purity everything will depend. Extending as our interests do to every part of the inhabited globe and to every sea to which our citizens are carried by their industry and enterprise, to which they are invited by the wants of others, and have a right to go, we must either protect them in the enjoyment of their rights or abandon them in certain events to waste and desolation. Our attitude is highly interesting as relates to other powers, and particularly to our southern neighbors. We have duties to perform with respect to all to which we must be faithful. To every kind of danger we should pay the most vigilant and unceasing attention, remove the cause where it may be practicable, and be prepared to meet it when inevitable.

Against foreign danger the policy of the Government seems to be already settled. The events of the late war admonished us to make our maritime frontier impregnable by a well-digested chain of fortifications, and to give efficient protection to our commerce by augmenting our Navy to a certain extent, which has been steadily pursued, and which it is incumbent upon us to complete as soon as circumstances will permit. In the event of war it is on the maritime frontier that we shall be assailed. It is in that quarter, therefore, that we should be prepared to meet the attack. It is there that our whole force will be called into action to prevent the destruction of our towns and the desolation and pillage of the interior. To give full effect to this policy great improvements will be indispensable. Access to those works by every practicable communication should be made easy and in every direction. The intercourse between every part of our Union should also be promoted and facilitated by the exercise of those powers which may comport with a faithful regard to the great principles of our Constitution. With respect to internal causes, those great principles point out with equal certainty the policy to be pursued. Resting on the people as our Governments do, State and National, with well-defined powers, it is of the highest importance that they severally keep within the limits prescribed

Page 271

to them. Fulfilling that sacred duty, it is of equal importance that the movement between them be harmonious, and in case of any disagreement, should any such occur, a calm appeal be made to the people, and that their voice be heard and promptly obeyed. Both Governments being instituted for the common good, we can not fail to prosper while those who made them are attentive to the conduct of their representatives and control their measures. In the pursuit of these great objects let a generous spirit and national views and feelings be indulged, and let every part recollect that by cherishing that spirit and improving the condition of the others in what relates to their welfare the general interest will not only be promoted, but the local advantage be reciprocated by all.

I can not conclude this communication, the last of the kind which I shall have to make, without recollecting with great sensibility and heartfelt gratitude the many instances of the public confidence and the generous support which I have received from my fellow-citizens in the various trusts with which I have been honored. Having commenced my service in early youth, and continued it since with few and short intervals, I have witnessed the great difficulties to which our Union has been exposed, and admired the virtue and intelligence with which they have been surmounted. From the present prosperous and happy state I derive a gratification which I can not express. That these blessings may be preserved and perpetuated will be the object of my fervent and unceasing prayers to the Supreme Ruler of the Universe.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 6, 1824.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 13th of May last, requesting the President to cause to be made and submitted to the House on the first day of the next [present] session of Congress a full and complete statement of the exact number of lots belonging to the United States in the city of Washington which have been sold by the public agents for that purpose; when sold, by whom, to whom, and for what price each lot was purchased; what part of the purchase money has been paid, the amount due, and by whom due, and when payable; whether the debts are well secured, and whether the money received has been applied, to what purposes, and by whom, I herewith transmit a report and statements from the Commissioner of Public Buildings, which will afford the information required.

JAMES MONROE.

DECEMBER 13, 1824.

To the House of Representatives of the United States:

In compliance with an act of Congress which originated in the House of Representatives, passed the 26th of May, 1824, “to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow’s and Roberts’s lines, in the State of Ohio,” I herewith transmit a report, with accompanying documents, from the Commissioner of the General Land Office, shewing the measures which have been taken under the provisions of the aforesaid act.

Page 272

JAMES MONROE.

WASHINGTON, *December 13, 1824*.

The PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention, negotiated and signed by Samuel D. Heap, acting consul of the United States, on the part of the United States, and Mahmoud Bashaw, Bey of Tunis, on the 24th day of February last, together with copies of Mr. Heap's correspondence appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *December 13, 1824*.

The PRESIDENT OF THE SENATE OF THE UNITED STATES PRO TEMPORE:

I transmit to the Senate the convention, signed by the plenipotentiaries of the United States and of His Imperial Majesty the Emperor of Russia at St. Petersburg on the 5th (17th) of April last, referred to in my message to both Houses of Congress, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *December 23, 1824*.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 15th instant, requesting the President to lay before the House a copy of the instructions under which the articles of a treaty with the Cherokee Indians were formed by Daniel Smith and R.J. Meigs, acting as commissioners of the United States, at Telico on the 24th October, 1804, with copies of all the correspondence or other documents relating to that instrument in either of the Executive Departments, with a statement of the causes which prevented an earlier decision upon it, I herewith transmit a report from the Secretary of War, with the documents referred to in it.

JAMES MONROE.

WASHINGTON, *December 23, 1824*.

To the House of Representatives of the United States:

I herewith transmit to the House a report from the Secretary of State, with copies of the correspondence with the Government of France requested by the resolution of the House of the 26th May last.

JAMES MONROE.

DEPARTMENT OF STATE,

Washington, December 23, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 26th of May last, requesting that the President of the United States would lay before that House at the then next session, as early as the public interest would permit, the correspondence which might be held with the Government of France prior to that time on the subject of injuries sustained by citizens of the United States since the year 1806, has the honor of reporting to the President copies of the documents requested by that resolution.

JOHN QUINCY ADAMS.

Page 273

[Extract of a letter from Mr. Adams (No. 1) to Mr. Sheldon, dated Department of State, Washington, August 13, 1823.]

I have had the honor of receiving your dispatches Nos. 1 and 2, the latter dated the 10th of June. Mr. Gallatin arrived with his family at New York on the 24th of that month.

I inclose herewith copies of the recent correspondence between the Count de Menou, the charge d'affaires of France, and this Department on various subjects highly interesting to the relations between the two countries.

With regard to the Count's note of the 11th of July, the President received with great satisfaction the testimonial of the Viscount de Chateaubriand to the candor and ability with which Mr. Gallatin has performed the duties of his official station in France. The proposal to renew the negotiation in behalf of the well-founded claims of our citizens upon the French Government in *connection* with a claim on the part of France to special privileges in the ports of Louisiana, which, after a very full discussion, had in the views of this Government been proved utterly groundless, could neither be accepted nor considered as evidence of the same conciliatory spirit. The claims of our citizens are for mere justice; they are for reparation of unquestionable wrongs—for indemnity or restitution of property taken from them or destroyed without shadow or color of right. The claim under the eighth article of the Louisiana convention has nothing to rest upon but a forced construction of the terms of the stipulation, which the American Government considered, and have invariably considered, as totally without foundation. These are elements not to be coupled together in the same negotiation, and while we yet trust to the final sense of justice of France for the adjustment of the righteous claims of our citizens, we still hope that their unquestionable character will ultimately secure to them a consideration unencumbered with other discussions. You will respectfully make this representation to the Viscount de Chateaubriand, with the assurance of the readiness of this Government to discuss the question upon the Louisiana convention further if desired by France, but of our final conviction that it is not to be blended with the claims of our citizens for mere justice.

Count de Menou to Mr. Adams.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, July 11, 1823.

The Honorable SECRETARY OF STATE:

His Excellency the Viscount de Chateaubriand, in announcing to me that Mr. Gallatin was about to leave France, expresses his regret at his departure in such terms that I

should do him injustice were I not to use his own expressions. "My correspondence with this minister," he remarks to me, "has caused me to appreciate his talents, his ability, and his attachment to the system of friendship that unites the two powers. It is with regret that I suspend my communications with him."

Page 274

I esteem myself happy, sir, in conveying to you such sentiments toward the representative of the United States in France, and I should have thought that I had but imperfectly apprehended the design of the Viscount de Chateaubriand had I neglected to communicate them to the Federal Government.

The minister for foreign affairs reminds me also on this occasion that Mr. Gallatin having frequently laid before him claims of Americans against the French Government, he had shown himself disposed to enter upon a general negotiation, in which they should be comprehended with claims of French citizens against the Federal Government at the same time with the arrangement relative to the execution of the eighth article of the treaty of Louisiana, The object of his excellency was to arrive at a speedy and friendly disposition of all difficulties that might subsist between the two powers, well assured that France and the United States would be found to have the same views of justice and conciliation.

His excellency regrets that Mr. Gallatin, who, he says, “has convinced him how pleasing and advantageous it is to negotiate with a statesman who exhibits candor and ability in his discussions,” did not receive from his Government during his stay in France the necessary powers for this double negotiation. But he informs me that the Government of His Majesty remains always disposed to open it, either with Mr. Gallatin should he return with these powers, or with Mr. Sheldon if the Federal Government should think proper to confer them on him.

I greatly desire, sir, to see these propositions acceded to by the Federal Government and to be able to reply to his excellency, as he expresses his wish that an arrangement putting an end to every subject of discussion might soon be expected.

I pray the Secretary of State to receive the renewed assurance of my high consideration.

The charge d’affaires of France near the United States,

MENOU.

Mr. Adams to Count de Menou.

DEPARTMENT OF STATE,

Washington, August 12, 1823.

The COUNT DE MENOU,

Charge d’Affaires from France.

SIR: Your letter of the 11th of last month has been submitted to the consideration of the President of the United States, by whom I am directed to express the high satisfaction that he has felt at the manner in which His Excellency the Viscount de Chateaubriand has noticed in his correspondence with you the temporary absence of Mr. Gallatin from France and the terms of regard and esteem with which he notices the character and conduct of that minister. The anxious desire of the President for the promotion of the good understanding between the United States and France could not be more gratified than by the testimonial of His Most Christian Majesty's Government to the good faith and ability with which the minister of the United States at his Court has performed his official duties.

Page 275

With regard to the assurance of His Excellency the Viscount de Chateaubriand's disposition to enter upon a negotiation with Mr. Gallatin in the event of his return to France, or with Mr. Sheldon during his absence, concerning the claims of citizens of the United States on the Government of France in connection with an arrangement concerning the eighth article of the Louisiana treaty, I am directed to observe that those subjects rest upon grounds so totally different that the Government of the United States can not consent to connect them together in negotiation.

The claims of the citizens of the United States upon the French Government have been of many years' standing, often represented by successive ministers of the United States, and particularly by Mr. Gallatin during a residence of seven years, with a perspicuity of statement and a force of evidence which could leave to the Government of the United States no desire but that they should have been received with friendly attention and no regret but that they should have proved ineffectual. The justice of these claims has never been denied by France, and while the United States are still compelled to wait for their adjustment, similar and less forceful claims of the subjects of other nations have been freely admitted and liquidated.

A long and protracted discussion has already taken place between the two Governments in relation to the claim of France under the eighth article of the Louisiana convention, the result of which has been a thorough conviction on the part of the American Government that the claim has no foundation in the treaty whatever. The reasons for this conviction have been so fully set forth in the discussion that it was not anticipated a further examination of it would be thought desirable. As a subject of discussion, however, the American Government is willing to resume it whenever it may suit the views of France to present further considerations relating to it; but while convinced that the claim is entirely without foundation, they can not place it on a footing of concurrent negotiation with claims of their citizens, the justice of which is so unequivocal that they have not even been made the subject of denial.

From the attention which His Excellency the Viscount de Chateaubriand has intimated his willingness to give to the consideration of these claims the President indulges the hope that they will be taken into view upon their own merits, and in that hope the representative of the United States at Paris will at an early day be instructed to present them again to the undivided and unconditional sense of the justice of France.

I pray you, sir, to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[Extract of a letter from Mr, Sheldon (No. 2) to Mr, Adams, dated Paris, October 16, 1823.]

Page 276

I took an early occasion after the receipt of your dispatch No. 1, of the 10th August, to communicate the subjects of it in a conversation I had with Viscount de Chateaubriand. His observations in relation to that of the claims, as connected with the pretensions of France under the Louisiana treaty, were of a very general nature and amounted to little more than a repetition of his readiness to enter upon the consideration of whatever subjects of discussion might exist between the two countries and the expression of his satisfaction at the prospect of being soon relieved from the labor which the affairs of Spain had thrown upon him, and having thus more time to devote to those of the United States and others not of the same pressing nature. He avoided any intimation of a disposition to take up the claims by themselves, and it can hardly be expected that the French Government will at this time relax from the ground they have so lately taken upon that point. I informed him that I should communicate in writing an answer to the overture made by Count de Menou at Washington for uniting in a new negotiation this subject with that of the Louisiana treaty, in substance the same as that gentleman had already received there, and should again press upon the French Government the consideration of the claims by themselves; to which he replied that any communication I might make would be received and treated with all the attention to which it was entitled on his part.

Mr. Sheldon to the Viscount de Chateaubriand.

PARIS, *October 11, 1823*.

SIR: Mr. Gallatin, during his residence as minister of the United States in France, had upon various occasions called the attention of His Majesty's Government to the claims of our citizens for the reparation of wrongs sustained by them from the unjust seizure, detention, and confiscation of their property by officers and agents acting under authority of the Government of France. During the past year His Majesty's ministers had consented to enter upon the consideration of these claims, but they proposed to couple with it another subject having no connection with those claims, either in its nature, its origin, or the principles on which it depended—a question of the disputed construction of one of the articles of the treaty of cession of Louisiana, by virtue of which France claimed certain commercial privileges in the ports of that Province. Mr. Gallatin had not received from his Government any authority to connect these two dissimilar subjects in the same negotiation, or, indeed, to treat upon the latter, which had already been very amply discussed at Washington between the Secretary of State of the United States and His Majesty's minister at that place, without producing any result except a conviction on the part of the Government of the United States that the privileges for French vessels, as claimed by the minister of France, never could have been, and were not in fact, conceded by the treaty in question. A stop was then put to the negotiations already commenced in relation to the claims, and with which had been united, on the proposition of the French Government, and as being naturally connected with it, the consideration of certain claims of French citizens on the Government of the United States.

Page 277

The charge d'affaires of France at Washington has lately, on behalf of his Government, expressed to that of the United States a wish that this double negotiation might be resumed and that a definitive arrangement might be made as well in relation to the disputed article of the Louisiana treaty as of the subject of the claims upon the one side and upon the other. The Government of the United States has nothing more at heart than to remove by friendly arrangements every subject of difference which may exist between the two countries, and to examine with the greatest impartiality and good faith as well the nature and extent of the stipulations into which they have entered as the appeals to their justice made by individuals claiming reparation for wrongs supposed to have been sustained at their hands.

But these two subjects are essentially dissimilar; there are no points of connection between them; the principles upon which they depend are totally different; they have no bearing upon each other; and the justice which is due to individuals ought not to be delayed or made dependent upon the right or the wrong interpretation by one or the other party of a treaty having for its object the regulation of entirely distinct and different interests.

The reclamations of American citizens upon the Government of France are for mere justice—for the reparation of unquestionable wrongs, indemnity or restitution of property taken from them or destroyed forcibly and without right. They are of ancient date, and justice has been long and anxiously waited for. They have been often represented to the Government of France, and their validity is not disputed. Similar reclamations without greater merit or stronger titles to admission presented by citizens of other nations have been favorably received, examined, and liquidated, and it seems to have been hitherto reserved to those of the United States alone to meet with impediments at every juncture and to seek in vain the moment in which the Government of France could consent to enter upon their consideration. Although the question arising under the eighth article of the Louisiana treaty has already been fully examined, the Government of the United States is ready, if it is desired by France, and if it is thought that any new light can be thrown upon it, to discuss the subject further whenever it shall be presented anew by France to their consideration. But they are convinced that by blending it with the claims not only will no progress be made toward its solution, but that these last, standing upon their own unquestionable character, ought not to be trammeled with a subject to which they are wholly foreign.

I am instructed to bring them anew before your excellency, and to express the hope of the President that His Majesty's Government will not continue to insist upon connecting together two subjects of so different a nature, but that the claims may be taken up on their own merits and receive the consideration which they deserve, unencumbered with other discussions.

Page 278

I request your excellency to accept the assurance, etc,

D. SHELDON.

[Extracts of a letter from the Secretary of State to Mr. Brown, dated Washington, December 23, 1823.]

You will immediately after your reception earnestly call the attention of the French Government to the claims of our citizens for indemnity.

You will at the same time explicitly make known that this Government can not consent to connect this discussion with that of the pretension raised by France on the construction given by her to the eighth article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such that they can not with propriety be blended together. The claims are of reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of *right* upon the meaning of a contract. It has been fully, deliberately, and thoroughly investigated, and the Government of the United States is under the entire and solemn conviction that the pretension of France is utterly unfounded. We are, nevertheless, willing to resume the discussion if desired by France; but to refuse justice to individuals unless the United States will accede to the construction of an article in a treaty contrary to what they believe to be its real meaning would be not only incompatible with the principles of equity, but submitting to a species of compulsion derogatory to the honor of the nation.

[Extract of a letter (No. 2) from James Brown, envoy extraordinary and minister plenipotentiary of the United States, dated April 28, 1824.]

I have in a letter to M. de Chateaubriand, copy of which I have now the honor to send, made an effort to separate the claims of our citizens from the Louisiana question.

Mr. Brown to M. de Chateaubriand.

PARIS, *April 28, 1824*.

His Excellency VISCOUNT DE CHATEAUBRIAND,

Minister of Foreign Affairs, etc.

SIR: In the conference with which your excellency honored me a few days ago I mentioned a subject deeply interesting to many citizens of the United States, on which I have been instructed to address your excellency, and to which I earnestly wish to call your immediate attention.

It is well known to your excellency that my predecessor, Mr. Gallatin, during several years made repeated and urgent applications to His Majesty's Government for the adjustment of claims to a very large amount, affecting the interests of American citizens and originating in gross violations of the law of nations and of the rights of the United States, and that he never could obtain from France either a settlement of those claims or even an examination and discussion of their validity. To numerous letters addressed by him to His Majesty's ministers on that subject either no answers were given or answers which had for their only object to postpone

Page 279

the investigation of the subject. Whilst, however, he indulged the hope that these delays would be abandoned, and that the rights of our citizens, which had been urged for so many years, would at length be taken up for examination, he learned with surprise and regret that His Majesty's Government had determined to insist that they should be discussed in connection with the question of the construction of the eighth article of the Louisiana treaty of cession. Against this determination he strongly but ineffectually remonstrated in a letter to Mr. De Villele, dated the 12th November, 1822.

It is notorious that the Government of the United States, whenever requested by that of His Majesty, have uniformly agreed to discuss any subject presented for their consideration, whether the object has been to obtain the redress of public or private injuries. Acting upon this principle, the question of the eighth article of the Louisiana treaty was, upon the suggestion of the minister of France, made the subject of a voluminous correspondence, in the course of which all the arguments of the parties respectively were fully made known to each other and examined. The result of this discussion has been a thorough conviction on the part of the Government of the United States that the construction of that article of the treaty contended for by France is destitute of any solid foundation and wholly inadmissible. After a discussion so full as to exhaust every argument on that question, the attempt to renew it in connection with the question of the claims of our citizens appeared to the Government of the United States to be a measure so contrary to the fair and regular course of examining controverted points between nations that they instructed Mr, Sheldon, their charge d'affaires, to prepare and present a note explaining their views of the proceeding, which he delivered on the 11th of October, 1823. To this note no answer has ever been received.

I have the express instructions of the Government again to call the attention of that of His Majesty to this subject, and to insist that the claims of our citizens may continue to be discussed as a distinct question, without connecting it in any way with the construction of the Louisiana treaty. The two subjects are in every respect dissimilar. The difference in the nature and character of the two interests is such as to prevent them from being blended in the same discussion. The claims against France are of reparation to individuals for their property taken from them by undisputed wrong and injustice; the claim of France under the treaty is that of a right founded on a contract. In the examination of these questions the one can impart no light to the other; they are wholly unconnected, and ought on every principle to undergo a distinct and separate examination. To involve in the same investigation the indisputable rights of American citizens to indemnity for losses and the doubtful construction of a treaty can have no other effect than to occasion an indefinite postponement of the reparation due to individuals or a sacrifice on the part of the Government of the United States of a treaty stipulation in order to obtain that reparation. The United States would hope that such an alternative will not be pressed upon them by the Government of His Majesty.

Page 280

Whilst I indulge a hope that the course to which I have objected will no longer be insisted on by His Majesty's ministers, permit me to renew to your excellency the sincere assurance that the United States earnestly desire that every subject of difference between the two countries should be amicably adjusted and all their relations placed upon the most friendly footing. Although they believe that any further discussion of the eighth article of the Louisiana treaty would be wholly unprofitable, they will be at all times ready to renew the discussion of that article or to examine any question which may remain to be adjusted between them and France.

I request your excellency to accept, *etc*.

JAMES BROWN.

[Extract of a letter (No. 3) from James Brown to the Secretary of State, dated Paris, May 11, 1824.]

I have the honor to inclose a copy of the answer of the minister of foreign affairs to the letter which I addressed to him on the 27th ultimo, upon the subject of the claims of our citizens against the French Government. You will perceive that no change has been made in the determination expressed to Mr. Gallatin of connecting in the same discussion the question on the eighth article of the Louisiana treaty of cession and the claims of the citizens of the United States against France. In expressing this resolution it has not been considered necessary even to notice the arguments made use of to induce them to adopt a different opinion.

Viscount Chateaubriand to Mr. Brown.

[Translation.]

PARIS, *May 7, 1824*.

SIR: The object of the letter which you did me the honor to address to me on the 28th of April is to recall the affair of American claims, already repeatedly called up by your predecessors, that they may be regulated by an arrangement between the two powers, and that in this negotiation the examination of the difficulties which were raised about the execution of the eighth article of the Louisiana treaty should not be included.

Although the claims made by France upon this last point be of a different nature from those of the Americans, yet no less attention ought to be paid to arrange both in a just and amicable manner.

Our claims upon the eighth article had already been laid before the Federal Government by His Majesty's plenipotentiary when he was negotiating the commercial convention of 24th June, 1822.

The negotiators not agreeing upon a subject so important, the King's Government did not wish this difficulty to suspend any longer the conclusion of an arrangement which might give more activity to commerce and multiply relations equally useful to the two powers. It reserves to itself the power of comprehending this object in another negotiation, and it does not renounce in any manner the claim which it urged.

It is for this reason, sir, that my predecessors and myself have constantly insisted that the arrangements to be made upon the eighth article of the Louisiana treaty should be made a part of those which your Government were desirous of making upon other questions still at issue.

Page 281

It is the intention of His Majesty not to leave unsettled any subject of grave discussion between the two States, and the King is too well convinced of the friendly sentiments of your Government not to believe that the United States will be disposed to agree with France on all the points.

His Majesty authorizes me, sir, to declare to you that a negotiation will be opened with you upon the American claims if this negotiation should also include the French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

Accept, sir, the assurances of the very distinguished consideration with which I have the honor to be, *etc*.,

CHATEAUBRIAND.

[Extracts of a letter (No. 4) from the Secretary of State to Mr. Brown, dated Department of State, Washington, August 14, 1824.]

The subject which has first claimed the attention of the President has been the result of your correspondence with the Viscount de Chateaubriand in relation to the claims of numerous citizens of the United States upon the justice of the French Government.

I inclose herewith a copy of the report of the Committee on Foreign Relations of the House of Representatives upon several petitions addressed to that body at their last session by some of those claimants and a resolution of the House adopted thereupon.

The President has deliberately considered the purport of M. de Chateaubriand's answer to your note of the 28th of April upon this subject, and he desires that you will renew with earnestness the application for indemnity to our citizens for claims notoriously just and resting upon the same principle with others which have been admitted and adjusted by the Government of France.

In the note of the Viscount de Chateaubriand to you of 7th May it is said that he is authorized to declare a negotiation will be opened with you upon the American claims if this negotiation should also include French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

You are authorized in reply to declare that any just claims which subjects of France may have upon the Government of the United States will readily be included in the negotiation, and to stipulate any suitable provision for the examination, adjustment, and satisfaction of them.

But the question relating to the eighth article of the Louisiana treaty is not only of a different character—it can not be blended with that of indemnity for individual claims without a sacrifice on the part of the United States of a principle of right. The

negotiation for indemnity presupposes that wrong has been done, that indemnity ought to be made, and the object of any treaty stipulation concerning it can only be to ascertain what is justly due and to make provision for the payment of it. By consenting to connect

Page 282

with such a negotiation that relating to the eighth article of the Louisiana convention the United States would abandon the *principle* upon which the whole discussion concerning it depends. The situation of the parties to the negotiation would be unequal. The United States, asking reparation for admitted wrong, are told that France will not discuss it with them unless they will first renounce their own sense of right to admit and discuss with it a claim the *justice* of which they have constantly denied.

The Government of the United States is prepared to renew the discussion with that of France relating to the eighth article of the Louisiana treaty in any manner which may be desired and by which they shall not be understood to admit that France has *any* claim under it whatever.

Mr. Brown to Mr. Adams (*No. 12*).

PARIS, *August 12, 1824*.

SIR: Some very unimportant changes have taken place in the composition of the ministry. The Baron de Damas, late minister of war, is now minister of foreign affairs; the Marquis de Clermont Tonnese is appointed to the department of war, and the Count Chabrol de Crousal to that of the marine.

These appointments are believed to correspond with the wishes of the president of the Council of Ministers, and do not inspire a hope that our claims will be more favorably attended to than they have been under the former administrations. The interpretation of the eighth article of the Louisiana treaty contended for by France will, I apprehend, be persisted in and all indemnity refused until it shall have been discussed and decided. After the correspondence which has already passed upon that article, it would appear that any further discussion upon it would be wholly unprofitable. With a view, however, of ascertaining the opinions of the minister of foreign affairs, I shall at an early day solicit a conference with him, and inform you of the result.

I have had the honor of receiving your letter recommending the claim of Mr. Kingston to my attention. The difficulties which that claim must experience, from its antiquity and from the operation of the treaty of 1803, can not have escaped your observation. It has also to encounter, in common with all our claims, the obstacle presented by the eighth article, which is found broad enough to be used as a shield to protect France, in the opinion of ministers, from the examination and adjustment of any claim which we can present.

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

JAMES BROWN.

Mr. Brown to Mr. Adams (*No. 14*).

PARIS, *September 28, 1824*.

Page 283

SIR: Little has occurred of importance during the present month, except the death of the King. This event had been anticipated for nearly a year; he had declined gradually, and the affairs of the Government have been for some time almost wholly directed by Monsieur, who on his accession to the throne has declared that his reign would be only a continuation of that of the late King. No change in the policy of the Government is expected, and probably none in the composition of the ministry. The present King is satisfied with Mr. De Villele, who is at its head; and if any of its members should be changed the spirit in which public affairs are directed will not, it is believed, be affected by that circumstance.

The ceremonies attending the change of the Crown have principally occupied the public attention for the last fortnight. It will, I presume, be officially announced by the French minister at Washington, and, according to the forms observed here, will, I understand, require fresh letters of credence for all foreign ministers at this Court, addressed to the new King.

My health has not permitted me (having been confined for some weeks to the bed by a rheumatic affection) to confer with the Baron de Damas on our affairs since his appointment as minister of the foreign department. I should regret this the more if I were not satisfied that the same impulse will direct the decisions of the Government upon these points now as before he had this department in charge, and that no favorable change in those decisions can be expected from any personal influence which might be exerted by the new minister. I shall, however, take the earliest opportunity that my health will allow to mention the subject to him and ascertain what his views of it are.

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

JAMES BROWN.

[Extracts of a letter from Mr. James Brown to Mr, Adams (No. 16).]

PARIS, *October 23, 1824*.

The packet ship which sailed from New York on the 1st of September brought me the letter which you did me the honor to address to me on the 14th of August.

In conformity with the instructions contained in that letter, I have addressed one to the Baron de Damas, minister of foreign affairs, a copy of which I now inclose. I expect to receive his answer in time to be sent by the packet which will sail from Havre on the 1st of next month, in which event it may probably reach Washington about the 15th of December.

The recent changes which have been made in the ministry, of which I have already informed you, do not justify any very strong expectation that a change of measures in

relation to our affairs at this Court will follow. The same individuals fill different places in the ministry from those which they formerly held, but in all probability adhere to their former opinions in relation to the subjects of discussion between the United States and

Page 284

France. On the point to which my letter to the Baron de Damas particularly relates the Count de Villele has already given his deliberate views in his letters to Mr. Gallatin dated 6th and 15th November, 1822, and I have every reason to believe that they remain unchanged. Having bestowed much attention on the subject, it is probable his opinion will be in a great measure decisive as to the answer which shall be given to my letter. It is the opinion of many well-informed men that in the course of a few months important changes will be made in the composition of the ministry. As these changes, however, will proceed from causes wholly unconnected with foreign affairs, I am by no means sanguine in my expectations that under any new composition of the ministry we may hope for a change of policy as it relates to our claims. The eighth article of the Louisiana treaty will be continually put forward as a bar to our claims and its adjustment urged as often as we renew our claim for indemnity.

The Journal des Debats of this morning states that at a superior council of commerce and of the colonies at which His Majesty yesterday presided Mr. De St. Cricq, president of the bureau de commerce, made a report on the commercial convention of the 24th June, 1822, between the United States and France.

Mr. Brown to Baron de Damas.

PARIS, *October 22, 1824*.

His Excellency BARON DE DAMAS,

Minister of Foreign Affairs, etc.

SIR: I availed myself of the earliest opportunity to transmit to my Government a copy of the letter which I had the honor to address to the Viscount de Chateaubriand on the 28th day of April last, together with a copy of his answer to that letter, dated 7th of May.

After a candid and deliberate consideration of the subject of that correspondence, my Government has sent me recent instructions to renew with earnestness the application, already so frequently and so ineffectually made, for indemnity to our citizens for claims notoriously just, and resting on the same principles with others which have been admitted and adjusted by the Government of France.

In reply to that part of the Viscount de Chateaubriand's letter in which he offers to open with me a negotiation upon American claims if that negotiation should also include French claims, and particularly the arrangements to be concluded concerning the eighth article of the Louisiana treaty, I have been instructed to declare that any just claims which the subjects of France may have upon the Government of the United States will

readily be embraced in the negotiation, and that I am authorized to stipulate any suitable provision for the examination, adjustment, and satisfaction of them.

Page 285

The question relating to the eighth article of the Louisiana treaty is viewed by my Government as one of a very different character. It can not be blended with that of indemnity for individual claims without a sacrifice on the part of the United States of a principle of right. Every negotiation for indemnity necessarily presupposes that some wrong has been done, and that indemnity ought to be made; and the object of every treaty stipulation respecting it can only be to ascertain the extent of the injury, and to make provision for its adequate reparation. This is precisely the nature of the negotiation for American claims which has been for so many years the subject of discussion between the Governments of the United States and of France. The wrongs done to our citizens have never been denied, whilst their right to indemnity has been established by acts done by the French Government in cases depending upon the same principles under which they derive their claim. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana treaty the United States would abandon the principle upon which the whole discussion depends. When asking for reparation for acknowledged wrong the United States have been told that France will not discuss it with them unless they will first renounce their own sense of right and admit and discuss in connection with it a claim the justice of which they have hitherto constantly denied. In any negotiation commenced under such circumstances the situation of the parties would be unequal. By consenting to connect the pretensions of France under the eighth article of the Louisiana treaty with claims for indemnity for acknowledged injustice and injury the United States would be understood as admitting that those pretensions were well founded; that wrong had been done to France for which reparation ought to be made. The Government of the United States, not having yet been convinced that this is the case, can not consent to any arrangement which shall imply an admission so contrary to their deliberate sense of right.

I am authorized and prepared on behalf of the United States to enter upon a further discussion of the eighth article of the Louisiana treaty in any manner which may be desired, and by which they shall not be understood previously to admit that the construction of that article claimed by France is well founded; and also to renew the separate negotiation for American claims, embracing at the same time all just claims winch French subjects may have upon the Government of the United States.

The change which has lately taken place in His Majesty’s department of foreign affairs encourages the hope that this important subject will be candidly reconsidered; that the obstacles which have arrested the progress of the negotiation may be removed, and that the subjects of contestation between the two Governments may be ultimately adjusted upon such principles as may perpetuate the good understanding and harmony which have so long subsisted between the United States and France.

Page 286

Should I, however, be disappointed in the result of this application, it is to be seriously apprehended that as the United States have not hitherto seen in the course of the discussion any just claim of France arising from the eighth article of the Louisiana treaty, so in the persevering refusal of the French Government to discuss and adjust the well-founded claims of citizens of the United States to indemnity for wrongs unless in connection with one which they are satisfied is unfounded the United States will ultimately perceive only a determination to deny justice to the claimants.

Permit me respectfully to request that at as early a day as your convenience will allow your excellency will favor me with an answer to this letter.

I embrace with pleasure this occasion to offer to your excellency the renewed assurance, *etc*.,

JAMES BROWN.

WASHINGTON, *December 24, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d December, 1823, requesting that a negotiation should be opened with the British Government “for the cession of so much land on the island of Abaco at or near the Hole-in-the-Wall, and on such other places within the acknowledged dominions of that power on the islands, keys, or shoals of the Bahama Banks as may be necessary for the erection and support of light-houses, beacons, buoys, or floating lights for the security of navigation over or near the said banks, and to be used solely for that purpose,” directions were given to the minister of the United States at London on the 1st of January, 1824, to communicate the purport of that resolution to the Government of Great Britain with a view to their acceding to the wish of this; and I transmit to the House copies of Mr. Rush’s correspondence upon this subject, communicating the result of his application to the British Government.

JAMES MONROE.

WASHINGTON, *December 28, 1824*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 27th instant, requesting information explanatory of the character and objects of the visit of the naval officer of the United States commanding in the West Indies to the town of Faxyardo, in the island of Porto Rico, on the —— day of November last, I herewith transmit a report of the Secretary of the Navy, with a letter from Commodore Porter, which contains all the information in possession of the Executive on the subject.

Deeming the transactions adverted to of high importance, an order has been sent to Commodore Porter to repair hither without delay, that all the circumstances connected therewith may be fully investigated.

JAMES MONROE.

WASHINGTON, *January 5, 1825*.

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

Page 287

As the term of my service in this high trust will expire at the end of the present session of Congress, I think it proper to invite your attention to an object very interesting to me, and which in the movement of our Government is deemed on principle equally interesting to the public. I have been long in the service of my country and in its most difficult conjunctures, as well abroad as at home, in the course of which I have had a control over the public moneys to a vast amount. If in the course of my service it shall appear on the most severe scrutiny, which I invite, that the public have sustained any loss by any act of mine, or of others for which I ought to be held responsible, I am willing to bear it. If, on the other hand, it shall appear on a view of the law and of precedents in other cases that justice has been withheld from me in any instance, as I have believed it to be in many, and greatly to my injury, it is submitted whether it ought not to be rendered. It is my wish that all matters of account and claims between my country and myself be settled with that strict regard to justice which is observed in settlements between individuals in private life. It would be gratifying to me, and it appears to be just, that the subject should be now examined in both respects with a view to a decision hereafter. No bill would, it is presumed, be presented for my signature which would operate either for or against me, and I would certainly sanction none in my favor. While here I can furnish testimony, applicable to any case, in both views, which a full investigation may require, and the committee to whom the subject may be referred, by reporting facts now with a view to a decision after my retirement, will allow time for further information and due consideration of all matters relating thereto. Settlements with a person in this trust, which could not be made with the accounting officers of the Government, should always be made by Congress and before the public. The cause of the delay in presenting these claims will be explained to the committee to whom the subject may be referred. It will, I presume, be made apparent that it was inevitable; that from the peculiar circumstances attending each case Congress alone could decide on it, and that from considerations of delicacy it would have been highly improper for me to have sought it from Congress at an earlier period than that which is now proposed—the expiration of my term in this high trust.

Other considerations appear to me to operate with great force in favor of the measure which I now propose. A citizen who has long served his country in its highest trusts has a right, if he has served with fidelity, to enjoy undisturbed tranquillity and peace in his retirement. This he can not expect to do unless his conduct in all pecuniary concerns shall be placed by severe scrutiny on a basis not to be shaken. This, therefore, forms a strong motive with me for the inquiry which I now invite. The public may also derive considerable advantage from the precedent in the future movement of the Government. It being known that such scrutiny was made in my case, it may form a new and strong barrier against the abuse of the public confidence in future.

Page 288

JAMES MONROE.

WASHINGTON, *January 10, 1825*.

To the House of Representatives of the United States:

I should hasten to communicate to you the documents called for by the resolution of the House of Representatives of the 4th instant, relating to the conduct of the officers of the Navy of the United States on the Pacific Ocean and of other public agents in South America, if such a communication might now be made consistently with the public interest or with justice to the parties concerned. In consequence of several charges which have been alleged against Commodore Stewart, touching his conduct while commanding the squadron of the United States on that sea, it has been deemed proper to suspend him from duty and to subject him to trial on these charges. It appearing also that some of those charges have been communicated to the Department by Mr. Prevost, political agent at this time of the United States at Peru, and heretofore at Buenos Ayres and Chile, and apparently with his sanction, and that charges have likewise been made against him by citizens of the United States engaged in commerce in that quarter, it has been thought equally just and proper that he should attend here, as well to furnish the evidence in his possession applicable to the charges exhibited against Commodore Stewart as to answer such as have been exhibited against himself.

In this stage the publication of those documents might tend to excite prejudices which might operate to the injury of both. It is important that the public servants in every station should perform their duty with fidelity, according to the injunctions of the law and the orders of the Executive in fulfillment thereof. It is peculiarly so that this should be done by the commanders of our squadrons, especially on distant seas, and by political agents who represent the United States with foreign powers, for reasons that are obvious in both instances. It is due to their rights and to the character of the Government that they be not censured without just cause, which can not be ascertained until, on a view of tho charges, they are heard in their defense, and after a thorough and impartial investigation of their conduct. Under these circumstances it is thought that a communication at this time of those documents would not comport with the public interest nor with what is due to the parties concerned.

JAMES MONROE.

WASHINGTON, *January 13, 1825*.

To the Senate of the United States:

In compliance with two resolutions of the Senate, the first of the 21st and the second of the 23d December last, requesting information respecting the injuries which have been sustained by our citizens by piratical depredations, and other details connected

therewith, and requesting also information of the measures which have been adopted for the suppression of piracy, and whether in the opinion of the Executive it will not be necessary to adopt other means for the accomplishment of the object, and, in that event, what other means it will be most advisable to recur to, I herewith transmit a report from the Secretary of State, and likewise a report from the Secretary of the Navy, with the documents referred to in each.

Page 289

On the very important question submitted to the Executive as to the necessity of recurring to other more effectual means for the suppression of a practice so destructive of the lives and property of our citizens, I have to observe that three expedients occur—one by the pursuit of the offenders to the settled as well as the unsettled parts of the island from whence they issue, another by reprisal on the property of the inhabitants, and a third by the blockade of the ports of those islands. It will be obvious that neither of these measures can be resorted to in a spirit of amity with Spain otherwise than in a firm belief that neither the Government of Spain nor the government of either of the islands has the power to suppress that atrocious practice, and that the United States interposed their aid for the accomplishment of an object which is of equal importance to them as well as to us. Acting on this principle, the facts which justify the proceeding being universally known and felt by all engaged in commerce in that sea, it may fairly be presumed that neither will the Government of Spain nor the government of either of those islands complain of a resort to either of those measures, or to all of them, should such resort be necessary. It is therefore suggested that a power commensurate with either resource be granted to the Executive, to be exercised according to his discretion and as circumstances may imperiously require. It is hoped that the manifestation of a policy so decisive will produce the happiest result; that it will rid these seas and this hemisphere of this practice. This hope is strengthened by the belief that the Government of Spain and the governments of the islands, particularly of Cuba, whose chief is known here, will faithfully cooperate in such measures as may be necessary for the accomplishment of this very important object. To secure such cooperation will be the earnest desire and, of course, the zealous and persevering effort of the Executive.

JAMES MONROE.

WASHINGTON, *January 17, 1825*.

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, a treaty which has been concluded by a commissioner duly authorized for the purpose with the Quapaw Indians in Arkansas for the cession of their claim to the lands in that Territory. I transmit also a report from the Secretary of War, with other documents, relating to this subject.

JAMES MONROE.

JANUARY 17, 1825.

To the Senate of the United States:

Agreeably to the resolution of the Senate of 19th May last, requesting the President to cause to be laid before the Senate a report “shewing the amount of duties which shall have accrued on importations into the United States for the three quarters of a year ending June 30, 1824; also the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress,” I herewith transmit a report from the Secretary of the Treasury, which contains the information required.

Page 290

JAMES MONROE.

WASHINGTON, *January 18, 1825*.

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

I communicate herewith to both Houses of Congress copies of the convention between the United States and His Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 5th (17th) of April last, which has been duly ratified on both sides, and the ratifications of which were exchanged on the 11th instant.

JAMES MONROE.

WASHINGTON, *January 20, 1825*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th of December, 1822, requesting the President to communicate “what progress has been made in the execution of the act of the last session entitled ‘An act to abolish the Indian trading establishments,’ with a report from the factories, respectively, as the same may be made to him,” I herewith transmit a report from the Secretary of the Treasury, with documents, which contains the information requested.

JAMES MONROE.

WASHINGTON, *January 27, 1825*.

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

Being deeply impressed with the opinion that the removal of the Indian tribes from the lands which they now occupy within the limits of the several States and Territories to the country lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our Union, and may be accomplished on conditions and in a manner to promote the interest and happiness of those tribes, the attention of the Government has been long drawn with great solicitude to the object. For the removal of the tribes within the limits of the State of Georgia the motive has been peculiarly strong, arising from the compact with that State whereby the United States are bound to extinguish the Indian title to the lands within it whenever it may be done peaceably and on reasonable conditions. In the fulfillment of this compact, I have thought that the United States should act with a generous spirit; that they should omit nothing which should comport with a liberal construction of the instrument and likewise be in accordance with the just rights of those tribes. From the view which I have taken of the subject I am satisfied that in the discharge of these important duties in regard to both the parties alluded to the United States will have to encounter no conflicting interests

with either. On the contrary, that the removal of the tribes from the territory which they now inhabit to that which was designated in the message at the commencement of the session, which would accomplish the object for Georgia, under a well-digested plan for their government and civilization, which should be agreeable to themselves, would not only shield them from impending ruin, but promote their welfare and happiness. Experience has clearly demonstrated that in their present state it is impossible to incorporate them in such masses, in any form whatever, into our system. It has also demonstrated with equal certainty that without a timely anticipation of and provision against the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable.

Page 291

The great object to be accomplished is the removal of these tribes to the territory designated on conditions which shall be satisfactory to themselves and honorable to the United States. This can be done only by conveying to each tribe a good title to an adequate portion of land to which it may consent to remove, and by providing for it there a system of internal government which shall protect their property from invasion, and, by the regular progress of improvement and civilization, prevent that degeneracy which has generally marked the transition from the one to the other state.

I transmit herewith a report from the Secretary of War, which presents the best estimate which can be formed, from the documents in that Department, of the number of Indians within our States and Territories and of the amount of lands held by the several tribes within each; of the state of the country lying northward and westward thereof, within our acknowledged boundaries; of the parts to which the Indian title has already been extinguished, and of the conditions on which other parts, in an amount which may be adequate to the object contemplated, may be obtained. By this report it appears that the Indian title has already been extinguished to extensive tracts in that quarter, and that other portions maybe acquired to the extent desired on very moderate conditions. Satisfied I also am that the removal proposed is not only practicable, but that the advantages attending it to the Indians may be made so apparent to them that all the tribes, even those most opposed, may be induced to accede to it at no very distant day.

The digest of such a government, with the consent of the Indians, which should be endowed with sufficient power to meet all the objects contemplated—to connect the several tribes together in a bond of amity and preserve order in each; to prevent intrusions on their property; to teach them by regular instruction the arts of civilized life and make them a civilized people—is an object of very high importance. It is the powerful consideration which we have to offer to these tribes as an inducement to relinquish the lands on which they now reside and to remove to those which are designated. It is not doubted that this arrangement will present considerations of sufficient force to surmount all their prejudices in favor of the soil of their nativity, however strong they may be. Their elders have sufficient intelligence to discern the certain progress of events in the present train, and sufficient virtue, by yielding to momentary sacrifices, to protect their families and posterity from inevitable destruction. They will also perceive that they may thus attain an elevation to which as communities they could not otherwise aspire.

Page 292

To the United States the proposed arrangement offers many important advantages in addition to those which have been already enumerated. By the establishment of such a government over these tribes with their consent we become in reality their benefactors. The relation of conflicting interests which has heretofore existed between them and our frontier settlements will cease. There will be no more wars between them and the United States. Adopting such a government, their movement will be in harmony with us, and its good effect be felt throughout the whole extent of our territory to the Pacific. It may fairly be presumed that, through the agency of such a government, the condition of all the tribes inhabiting that vast region may be essentially improved; that permanent peace may be preserved with them, and our commerce be much extended.

With a view to this important object I recommend it to Congress to adopt, by solemn declaration, certain fundamental principles in accord with those above suggested, as the basis of such arrangements as may be entered into with the several tribes, to the strict observance of which the faith of the nation shall be pledged, I recommend it also to Congress to provide by law for the appointment of a suitable number of commissioners who shall, under the direction of the President, be authorized to visit and explain to the several tribes the objects of the Government, and to make with them, according to their instructions, such arrangements as shall be best calculated to carry those objects into effect.

A negotiation is now depending with the Creek Nation for the cession of lands held by it within the limits of Georgia, and with a reasonable prospect of success. It is presumed, however, that the result will not be known during the present session of Congress. To give effect to this negotiation and to the negotiations which it is proposed to hold with all the other tribes within the limits of the several States and Territories on the principles and for the purposes stated, it is recommended that an adequate appropriation be now made by Congress.

JAMES MONROE.

WASHINGTON, *January 27, 1825*.

To the Senate of the United States:

I transmit to the Senate a treaty concluded in this city with a deputation from the Choctaw Indians, accompanied with the report from the Secretary of War, with a copy of the correspondence connected with the negotiations, for the advice and consent of the Senate.

JAMES MONROE.

WASHINGTON, *February 2, 1825*.

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

I communicate herewith to both Houses of Congress copies of the alterations in the treaty of peace and friendship of August, 1797, between the United States and the Bashaw Bey of Tunis, concluded at the Palace of Bardo, near Tunis, on the 24th of February last, and of treaties between the United States and the Sock and Fox tribes of Indians and the Ioway tribe of Indians, concluded at the city of Washington on the 4th of August last, which have been duly ratified.

Page 293

JAMES MONROE.

WASHINGTON, *February 4, 1825*.

The PRESIDENT PRO TEMPORE OF THE SENATE:

It appearing by certain provisions contained in a late act of the general assembly of Virginia, entitled “An act incorporating the Chesapeake and Ohio Canal Company,” that the assent of Congress will be necessary to carry the said act into effect, I herewith transmit a copy thereof, that it may be considered with a view to the object contemplated.

JAMES MONROE.

[The same message was sent to the House of Representatives.]

WASHINGTON, *February 7, 1825*.

To the House of Representatives of the United States:

I transmit herewith to the House a report from the Secretary of State, with copies of the correspondence relating to the claims of the citizens of the United States upon the Government of the Netherlands, requested by a resolution of the House of the 18th of January last.

JAMES MONROE.

WASHINGTON, *February 11, 1825*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of January 5, I herewith transmit a report from the Secretary of the Navy, with copies of the proceedings of the courts-martial in the cases of Lieutenants Weaver and Conner.

JAMES MONROE.

WASHINGTON, *February 14, 1825*.

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

I herewith transmit a report from the Secretary of War, with a report to him by the Chief Engineer, of the examination which has been made by the Board of Engineers for Internal Improvement, in obedience to their instructions, of the country between the Potomac and Ohio rivers, between the latter and Lake Erie, between the Allegheny and

Schuylkill rivers, the Delaware and the Raritan, between Buzzards and Barnstable bays, and the Narraganset roads and Boston Harbor, with explanatory observations on each route. From the view which I have taken of these reports I contemplate results of incalculable advantage to our Union, because I see in them the most satisfactory proof that certain impediments which had a tendency to embarrass the intercourse between some of its most important sections may be removed without serious difficulty, and that facilities may be afforded in other quarters which will have the happiest effect. Of the right in Congress to promote these great results by the appropriation of the public money, in harmony with the States to be affected by them, having already communicated my sentiments fully and on mature consideration, I deem it unnecessary to enlarge at this time.

JAMES MONROE.

WASHINGTON, *February 16, 1825*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, containing the information called for by their resolution of the 1st of this month, touching the capture and detention of American fishermen during the last season.

Page 294

JAMES MONROE.

WASHINGTON, *February 17, 1825*.

To the House of Representatives of the United States:

I herewith transmit to the House a report from the Secretary of State, with copies of the correspondence with the Government of France, requested by the resolution of the House of the 25th of January last.

JAMES MONROE.

WASHINGTON, *February 17, 1825*.

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

I invite the attention of Congress to the peculiar situation of this District in regard to the exposure of its inhabitants to contagious diseases from abroad, against which it is thought that adequate provision should now be made. The exposure being common to the whole District, the regulation should apply to the whole, to make which Congress alone possesses the adequate power. That the regulation should be made by Congress is the more necessary from the consideration that this being the seat of the Government, its protection against such diseases must form one of its principal objects.

JAMES MONROE.

WASHINGTON, *February 21, 1825*.

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

I transmit herewith a report from the Secretary of War, with a report to him from the Third Auditor, of the settlement in the amount stated of the claims of the State of Massachusetts for services rendered by the militia of that State in the late war, the payment of which has hitherto been prevented by causes which are well known to Congress. Having communicated my sentiments on this subject fully in a message bearing date on the 23d of February, 1824, it is unnecessary to repeat in detail here what I there advanced. By recurring to that message and to the documents referred to in it it will be seen that the conduct of the executive of that State in refusing to place the militia thereof at that difficult conjuncture under the direction of the Executive of the United States, as it was bound to do by a fair construction of the Constitution, and as the other States did, is the great cause to which the difficulty adverted to is to be ascribed. It will also be seen on a view of those documents that the executive of the State was warned at the time if it persevered in the refusal that the consequences which have followed would be inevitable; that the attitude assumed by the State formed a case which was not contemplated by the existing laws of the United States relating to militia

services; that the payment of the claims of the State for such services could be provided for by Congress only and by a special law for the purpose. Having made this communication while acting in the Department of War to the governor of Massachusetts, with the sanction and under the direction of my enlightened and virtuous predecessor, it would be improper in any view which may be taken of the subject for me to change

Page 295

the ground then assumed, to withdraw this great question from the consideration of Congress, and to act on it myself. Had the Executive been in error, it is entitled to censure, making a just allowance for the motive which guided it. If its conduct was correct, the ground then assumed ought to be maintained by it. It belongs to Congress alone to terminate this distressing incident on just principles, with a view to the highest interests of our Union.

From the view which I have taken of the subject I am confirmed in the opinion that Congress should now decide on the claim and allow to the State such portions thereof as are founded on the principles laid down in the former message. If those principles are correct, as on great consideration I am satisfied they are, it appears to me to be just in itself and of high importance that the sums which may be due in conformity therewith should no longer be withheld from the State.

JAMES MONROE.

WASHINGTON, *February 21, 1825*.

The PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention, signed by the plenipotentiaries of the United States and of the Republic of Colombia at Bogota on the 10th of December, 1824, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification,

JAMES MONROE.

WASHINGTON, *February 21, 1825*.

The PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention of general peace, amity, navigation, and commerce, signed by the plenipotentiaries of the United States and of the Republic of Colombia at Bogota on the 3d of October, 1824, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *February 23, 1825*.

To the House of Representatives:

I transmit to the House of Representatives a further report from the Secretary of State, in pursuance of their resolution of the 1st instant, with the papers to which it refers, upon the subject of the capture and detention of American fishermen the past season in the Bay of Fundy.

JAMES MONROE.

WASHINGTON, *February 25, 1825*.

To the Senate and House of Representatives:

I communicate herewith to both Houses of Congress copies of the treaties between the United States and the Quapaw Nation of Indians, concluded at Harringtons, in the Territory of Arkansas, on the 15th day of November last, and between the United States and the Choctaw Nation of Indians, concluded at the city of Washington on the 20th day of January last, which have been duly ratified.

JAMES MONROE.

WASHINGTON, *February 26, 1825*.

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

Page 296

Just before the termination of the last session an act entitled “An act concerning wrecks on the coast of Florida,” which then passed, was presented to me with many others and approved, and, as I thought, signed. A report to that effect was then made to Congress. It appeared, however, after the adjournment that the evidence of such approbation had not been attached to it. Whether the act may be considered in force under such circumstances is a point on which it belongs not to me to decide. To remove all doubt on the subject, I submit to the consideration of Congress the propriety of passing a declaratory act to that effect.

JAMES MONROE.

WASHINGTON, *February 28, 1825*.

To the Senate of the United States:

I transmit to the Senate, for the exercise of its constitutional power, a treaty lately concluded at the Indian Springs, by commissioners of the United States duly authorized, with the chiefs of the Creek Nation, assembled there in council, with the documents connected therewith.

JAMES MONROE.

PROCLAMATION.

[From Senate Journal, Eighteenth Congress, second session, p. 269.]

WASHINGTON, *January 19, 1825*.

The President of the United States to ------, Senator for the State of ------:

Certain matters touching the public good requiring that the Senate of the United States should be convened on Friday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

JAMES MONROE.