

Andrew Jackson

209

mitted to the President to be communicated to Congress with his special message relative thereto, are the only papers in the Department of State supposed to be called for by the resolutions of the Senate of the 12th instant.

It will be seen by the correspondence with the chargé d'affaires of France that a dispatch to him from the Duke de Broglie was read to the Secretary at the Department in September last. It concluded with an authority to permit a copy to be taken if it was desired. That dispatch being an argumentative answer to the last letter of Mr. Livingston to the French Government, and in affirmance of the right of France to expect explanations of the message of the President, which France had been distinctly and timely informed could not be given without a disregard by the Chief Magistrate of his constitutional obligations, no desire was expressed to obtain a copy, it being obviously improper to receive an argument in a form which admitted of no reply, and necessarily unavailing to inquire how much or how little would satisfy France, when her right to any such explanation had been beforehand so distinctly and formally denied.

All which is respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE,
Washington, June 18, 1835.

THE PRESIDENT OF THE UNITED STATES:

I have the honor to present, for the examination of the President, three letters received at the Department from ———, dated at Paris, the 19th, 23d, and 30th of April. The last two I found here on my recent return from Georgia. They were received on the 9th and 10th of June; the last came to my own hand yesterday. Several communications have been previously received from the same quarter, all of them volunteered; none of them have been acknowledged. The unsolicited communications to the Department by citizens of the United States of facts that may come to their knowledge while residing abroad, likely to be interesting to their country, are always received with pleasure and carefully preserved on the files of the Government. Even opinions on foreign topics are received with proper respect for the motives and character of those who may choose to express them.

But holding it both improper and dangerous to countenance any of our citizens occupying no public station in sending confidential communications on our affairs with a foreign government at which we have an accredited agent, upon subjects involving the honor of the country, without the knowledge of such agent, and virtually substituting himself as the channel of communication between that government and his own, I considered it my duty to invite Mr. Pageot to the Department to apprise him of the contents of Mr. ———'s letter of the 23d of April, and at the same time to inform him that he might communicate the fact to the Duke de Broglie that no notice could be taken of Mr. ——— and his communications.

The extreme and culpable indiscretion of Mr. ——— in this transaction was strikingly illustrated by a remark of Mr. Pageot, after a careful examination of the letter of 23d April, that although without instructions from his Government he would venture to assure me that the Duke de Broglie could not have expected Mr. ——— to make such a communication to the Secretary of State. Declining to enter into the consideration of what the Duke might have expected or intended, I was satisfied with the assurances Mr. Pageot gave me that he would immediately state what had occurred to his Government.

All which is respectfully submitted, with the hope, if the course pursued is approved by the President, that this report may be filed in this Department with the letters to which it refers.

JOHN FORSYTH.

Mr. Forsyth to Mr. Livingston.

No. 50.

[Extract.]

DEPARTMENT OF STATE,

Washington, March 5, 1835.

EDWARD LIVINGSTON, Esq.,

Envoy Extraordinary and Minister Plenipotentiary, Paris.

SIR: In my note No. 49 you were informed that the last letter of M. Sérurier would be made the subject of separate and particular instructions to you. Unwilling to add to the irritation produced by recent incidents in our relations with France, the President will not take for granted that the very exceptionable language of the French minister was used by the orders or will be countenanced by the authority of the King of France. You will therefore, as early as practicable after this reaches you, call the attention of the minister of foreign affairs to the following passage in M. Sérurier's letter:

"Les plaintes que porte M. le Président contre le prétendu non-accomplissement des engagemens pris par le Gouvernement du Roi à la suite du vote du 1^{er} avril 1834, ne sont pas seulement étonné par l'entière inexactitude des allégations sur lesquelles elles reposent, mais aussi parceque les explications qu'a reçues à Paris M. Livingston, et celles que le soussigné a données directement au cabinet de Washington semblaient ne pas laisser même la possibilité d'un malentendu sur des points aussi délicats."

In all discussions between government and government, whatever may be the differences of opinion on the facts or principles brought into view, the invariable rule of courtesy and justice demands that the sincerity of the opposing party in the views which it entertains should never be called in question. Facts may be denied, deductions examined, disproved, and condemned, without just cause of offense; but no impeachment of the integrity of the Government in its reliance on the correctness of its own views can be permitted without a total forgetfulness of self-respect. In the sentence quoted from M. Sérurier's letter no exception is taken to the assertion that the complaints of this Government are founded upon allegations entirely inexact, nor upon that which declares the explanations given here or in Paris appeared not to have left even the possibility of a misunderstanding on such delicate points. The correctness of these assertions we shall always dispute, and while the records of the two Governments endure we shall find no difficulty in shewing that they are groundless; but when M. Sérurier chooses to qualify the nonaccomplishment of the engagements made by France, to which the President refers, as a *pretended* non-accomplishment, he conveys the idea that the Chief Magistrate knows or believes that he is in error, and acting upon this known error seeks to impose it upon Congress and the world as truth. In this sense it is a direct attack upon the integrity of the Chief Magistrate of the Republic. As such it must be indignantly repelled; and it being a question of moral delinquency between the two Governments, the evidence against France, by whom it is raised, must be sternly arrayed. You will ascertain, therefore, if it has been used by the authority or receives the sanction of the Government of France *in that sense*. Should it be disavowed or explained, as from the note of the Count de Rigny to you, written at the moment of great excitement, and in its matter not differing from M. Sérurier's, it is presumed it will be, you will then use the materials herewith communicated, or already in your power, in a temper of great forbearance, but with a firmness of tone not to be mistaken, to answer the substance of the note itself.

Mr. Sérurier to Mr. Forsyth.

[Translation.]

WASHINGTON, February 23, 1835.

Hon. JOHN FORSYTH,
Secretary of State.

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of the French at Washington, has received orders to present the following note to the Secretary of State of the Government of the United States:

It would be superfluous to say that the message addressed on the 1st of December, 1834, to the Congress of the United States by President Jackson was received at Paris with a sentiment of painful surprise.

The King's Government is far from supposing that the measures recommended in this message to the attention of Congress can be adopted (*volées*) by that assembly; but even considering the document in question as a mere manifestation of the opinion which the President wishes to express with regard to the course taken in this affair, it is impossible not to consider its publication as a fact of a most serious nature.

The complaints brought forward by the President on account of the pretended nonfulfillment of the engagements entered into by the King's Government after the vote of the 1st of April are strange, not only from the total inaccuracy of the allegations on which they are based, but also because the explanations received by Mr. Livingston at Paris and those which the undersigned has given directly to the Cabinet of Washington seemed not to leave the slightest possibility of misunderstanding on points so delicate.

It appeared, indeed, from these explanations that although the session of the French Chambers, which was opened on the 31st of July last in compliance with an express provision of the charter, was prorogued at the end of a fortnight, before the bill relative to the American claims, announced in the discourse from the throne, could be placed under discussion, this prorogation arose (*tendit*) entirely from the absolute impossibility of commencing at so premature a period the legislative labors belonging to the year 1835.

It also appeared that the motives which had hindered the formal presentation to the Chambers of the bill in question during the first space of a fortnight originated chiefly in the desire more effectually to secure the success of this important affair by choosing the most opportune moment of offering it to the deliberations of the deputies newly elected, who, perhaps, might have been unfavorably impressed by this unusual haste in submitting it to them so long before the period at which they could enter upon an examination of it.

The undersigned will add that it is, moreover, difficult to comprehend what advantage could have resulted from such a measure, since it could not evidently have produced the effect which the President declares that he had in view, of enabling him to state at the opening of Congress that these long-pending negotiations were definitively closed. The President supposes, it is true, that the Chambers might have been called together anew before the last month of 1834; but even though the session had been opened some months earlier—which for several reasons would have been impossible—the simplest calculation will serve to shew that in no case could the decision of the Chambers have been taken, much less made known at Washington, before the 1st of December.

The King's Government had a right (*dévoit*) to believe that considerations so striking would have proved convincing with the Cabinet of the United States, and the more so as no direct communication made to the undersigned by this Cabinet or transmitted at Paris by Mr. Livingston had given token of the irritation and misunderstandings which the message of December 1 has thus deplorably revealed, and

as Mr. Livingston, with that judicious spirit which characterizes him, coinciding with the system of (*ménagemens*) precautions and temporizing prudence adopted by the cabinet of the Tuileries with a view to the common interests, had even requested at the moment of the meeting of the Chambers that the presentation of the bill in question might be deferred, in order that its discussion should not be mingled with debates of another nature, with which its coincidence might place it in jeopardy.

This last obstacle had just been removed and the bill was about to be presented to the Chamber of Deputies when the arrival of the message, by creating in the minds of all a degree of astonishment at least equal to the just irritation which it could not fail to produce, has forced the Government of the King to deliberate on the part which it had to adopt.

Strong in its own right and dignity, it did not conceive that the inexplicable act of the President ought to cause it to renounce absolutely a determination the origin of which had been its respect for engagements (*loyauté*) and its good feelings toward a friendly nation. Although it does not conceal from itself that the provocation given at Washington has materially increased the difficulties of the case, already so great, yet it has determined to ask from the Chambers an appropriation of twenty-five millions to meet the engagements of the treaty of July 4.

But His Majesty has at the same time resolved no longer to expose his minister to hear such language as that held on December 1. The undersigned has received orders to return to France, and the dispatch of this order has been made known to Mr. Livingston.

The undersigned has the honor to present to the Secretary of State the assurance of his high consideration.

SÉRURIER.

Mr. Livingston to the Duke de Broglie.

LEGATION OF THE UNITED STATES OF AMERICA,

Paris, April 18, 1835.

M. LE DUC: I am specially directed to call the attention of His Majesty's Government to the following passage in the note presented by M. Sérurier to the Secretary of State at Washington:

"Les plaintes que porte Monsieur le Président contre le prétendu non-accomplissement des engagements pris par le Gouvernement du Roi à la suite du vote du 1^{er} avril 1834, ne sont pas seulement étonné par l'entière inexactitude des allégations sur lesquelles elles reposent, mais aussi parce que les explications qu'a reçues à Paris M. Livingston, et celles que le soussigné a données directement au cabinet de Washington, semblaient ne pas laisser même la possibilité d'un malentendu sur des points aussi délicats."

Each party in a discussion of this nature has an uncontested right to make its own statement of facts and draw its own conclusions from them, to acknowledge or deny the accuracy of counter proof or the force of objecting arguments, with no other restraints than those which respect for his own convictions, the opinion of the world, and the rules of common courtesy impose. This freedom of argument is essential to the discussion of all national concerns, and can not be objected to without showing an improper and irritating susceptibility. It is for this reason that the Government of the United States make no complaint of the assertion in the note presented by M. Sérurier that the statement of facts contained in the President's message is inaccurate, and that the causes assigned for the delay in presenting the law ought to have satisfied them. On their part they contest the facts, deny the accuracy of the conclusions, and appeal to the record, to reason, and to the sense of justice of His Majesty's Government on a more mature consideration of the case for

their justification. But I am further instructed to say that there is one expression in the passage I have quoted which in one signification could not be admitted even within the broad limits which are allowed to discussions of this nature, and which, therefore, the President will not believe to have been used in the offensive sense that might be attributed to it. The word "*prétendu*" sometimes, it is believed, in French, and its translation always in English, implies not only that the assertion which it qualifies is untrue, but that the party making it knows it to be so and uses it for the purposes of deception.

Although the President can not believe that the term was employed in this injurious sense, yet the bare possibility of a construction being put upon it which it would be incumbent on him to repel with indignation obliges him to ask for the necessary explanation.

I have the honor to be, etc.,

EDWARD LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

[Extract.]

WASHINGTON, *June 29, 1835.*

* * * Having received my passports, I left Paris on the 29th of April. At the time of my departure the note, of which a copy has been transmitted to you, asking an explanation of the terms used in M. Sérurier's communication to the Department, remained unanswered, but I have reason to believe that the answer when given will be satisfactory.

WASHINGTON, *January 20, 1836.*

HON. JAMES K. POLK,

Speaker of the House of Representatives.

SIR: I herewith transmit to the House of Representatives a report from the Director of the Mint, exhibiting the operations of that institution during the year 1835.

The report contains also some very useful suggestions as to certain changes in the laws connected with our coinage and with that establishment, which are recommended to your early and careful attention.

Besides some remarks in it on the progress made in the erection of branch mints and procuring machinery therefor, I inclose a report from the Secretary of the Treasury, submitting more detailed statements as to the new buildings from each of the agents appointed to superintend their erection.

ANDREW JACKSON

WASHINGTON, *February 8, 1836.*

To the Senate and House of Representatives:—

—The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy which, as it involves our honor and independence, admits of no compromise, I have cheerfully

accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last which proposes a partial nonintercourse with France. While we can not too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country and forget the lessons of experience if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I can not too strongly repeat the recommendation already made to place the seaboard in a proper state for defense and promptly to provide the means for amply protecting our commerce.

ANDREW JACKSON.

WASHINGTON, *February 9, 1836.*

To the Senate of the United States:

In answer to the call made by the Senate in their resolution of the 3d instant, relative to the Indian hostilities in Florida, I transmit herewith a report from the Secretary of War, accompanied by sundry explanatory papers.

ANDREW JACKSON.

WASHINGTON, *February 10, 1836.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, with copies of so much of the correspondence relating to Indian affairs called for by the resolution of the House of January 23, 1835, as can be furnished by that Department. I also transmit a report on the same subject from the Treasury Department, from which it appears that without a special appropriation or the suspension for a considerable period of much of the urgent and current business of the General Land Office it is impracticable to take copies of all the papers described in the resolution. Under these circumstances the subject is again respectfully submitted to the consideration of the House of Representatives.

ANDREW JACKSON.

FEBRUARY 11, 1836.

To the Senate of the United States:

I herewith return to the Senate the resolution of the legislature of the State of Indiana requesting the President to suspend from sale a strip of land 10 miles in width, on a line from Munceytown to Fort Wayne, which resolution was referred to me on the 5th instant.

It appears from the memorial to which the resolution is subjoined that the lands embraced therein have been in market for several years past; that the legislature of the State of Indiana have applied to Congress for the passage of a law giving that State the right to purchase at such reduced prices as Congress may fix, and that their suspension from sale is requested as auxiliary to this application.

By the acts of Congress now in force all persons who may choose to make entries for these lands in the manner prescribed by law are entitled to purchase the same, and as the President possesses no dispensing power it will be obvious to the Senate that until authorized by law he can not rightfully act on the subject referred to him.

ANDREW JACKSON.

WASHINGTON, February 15, 1836.

To the Senate of the United States:

I transmit to the Senate, in pursuance of the resolutions passed by that body on the 3d instant, a report from the Secretary of State, accompanied by certain papers, relative to the existing relations between the United States and France.

ANDREW JACKSON.

WASHINGTON, February 18, 1836.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to their resolutions of the — February instant, reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, relating to the relations between the United States and France. For reasons adverted to by the Secretary of State, the resolutions of the House have not been more fully complied with.

ANDREW JACKSON.

FEBRUARY 22, 1836.

To the Senate and House of Representatives:

I transmit herewith to Congress copies of the correspondence between the Secretary of State and the chargé d'affaires of His Britannic Majesty, relative to the mediation of Great Britain in our disagreement with France and to the determination of the French Government to execute

the treaty of indemnification without further delay on the application for payment by the agent of the United States.

The grounds upon which the mediation was accepted will be found fully developed in the correspondence. On the part of France the mediation had been publicly accepted before the offer of it could be received here. Whilst each of the two Governments has thus discovered a just solicitude to resort to all honorable means of adjusting amicably the controversy between them, it is a matter of congratulation that the mediation has been rendered unnecessary. Under such circumstances the anticipation may be confidently indulged that the disagreement between the United States and France will not have produced more than a temporary estrangement. The healing effects of time, a just consideration of the powerful motives for a cordial good understanding between the two nations, the strong inducements each has to respect and esteem the other, will no doubt soon obliterate from their remembrance all traces of that disagreement.

Of the elevated and disinterested part the Government of Great Britain has acted and was prepared to act I have already had occasion to express my high sense. Universal respect and the consciousness of meriting it are with Governments as with men the just rewards of those who faithfully exert their power to preserve peace, restore harmony, and perpetuate good will.

I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. From the nature of our institutions the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war. I submit it, then, to you whether the first duty we owe to the people who have confided to us their power is not to place our country in such an attitude as always to be so amply supplied with the means of self-defense as to afford no inducements to other nations to presume upon our forbearance or to expect important advantages from a sudden assault, either upon our commerce, our seacoast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time inevitably elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger; and if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now, fortunately, so situated that the expenditure for this purpose will not be felt, and if it were it would be approved by those from whom all its means are derived, and

for whose benefit only it should be used with a liberal economy and an enlightened forecast.

In behalf of these suggestions I can not forbear repeating the wise precepts of one whose counsels can not be forgotten:

* * * The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

ANDREW JACKSON.

WASHINGTON, *January 27, 1836.*

The undersigned, His Britannic Majesty's chargé d'affaires, has been instructed to state to Mr. Forsyth, the Secretary of State of the United States, that the British Government has witnessed with the greatest pain and regret the progress of the misunderstanding which has lately grown up between the Governments of France and of the United States. The first object of the undeviating policy of the British cabinet has been to maintain uninterrupted the relations of peace between Great Britain and the other nations of the world, without any abandonment of national interests and without any sacrifice of national honor. The next object to which their anxious and unremitting exertions have been directed has been by an appropriate exercise of the good offices and moral influence of Great Britain to heal dissensions which may have arisen among neighboring powers and to preserve for other nations those blessings of peace which Great Britain is so desirous of securing for herself.

The steady efforts of His Majesty's Government have hitherto been, fortunately, successful in the accomplishment of both these ends, and while Europe during the last five years has passed through a crisis of extraordinary hazard without any disturbance of the general peace, His Majesty's Government has the satisfaction of thinking that it has on more than one occasion been instrumental in reconciling differences which might otherwise have led to quarrels, and in cementing union between friendly powers.

But if ever there could be an occasion on which it would be painful to the British Government to see the relations of amity broken off between two friendly states that occasion is undoubtedly the present, when a rupture is apprehended between two great powers, with both of which Great Britain is united by the closest ties—with one of which she is engaged in active alliance; with the other of which she is joined by community of interests and by the bonds of kindred.

Nor would the grounds of difference on the present occasion reconcile the friends and wellwishers of the differing parties to the misfortune of an open rupture between them.

When the conflicting interests of two nations are so opposed on a particular question as to admit of no possible compromise, the sword may be required to cut the knot which reason is unable to untie.

When passions have been so excited on both sides that no common standard of justice can be found, and what one party insists on as a right the other denounces as a wrong, prejudice may become too headstrong to yield to the voice of equity, and those who can agree on nothing else may consent to abide the fate of arms and to allow that the party which shall prove the weakest in the war shall be deemed to have been wrong in the dispute.

But in the present case there is no question of national interest at issue between France and the United States. In the present case there is no demand of justice made by one party and denied by the other. The disputed claims of America on France, which were founded upon transactions in the early part of the present century and were for many years in litigation, have at length been established by mutual consent and are admitted by a treaty concluded between the two Governments. The money due by France has been provided by the Chambers, and has been placed at the disposal of the French Government for the purpose of being paid to the United States. But questions have arisen between the two Governments in the progress of those transactions affecting on both sides the feelings of national honor, and it is on this ground that the relations between the parties have been for the moment suspended and are in danger of being more seriously interrupted.

In this state of things the British Government is led to think that the good offices of a third power equally the friend of France and of the United States, and prompted by considerations of the highest order most earnestly to wish for the continuance of peace, might be useful in restoring a good understanding between the two parties on a footing consistent with the nicest feelings of national honor in both.

The undersigned has therefore been instructed by His Majesty's Government formally to tender to the Government of the United States the mediation of Great Britain for the settlement of the differences between the United States and France, and to say that a note precisely similar to the present has been delivered to the French Government by His Majesty's ambassador at Paris. The undersigned has, at the same time, to express the confident hope of His Majesty's Government that if the two parties would agree to refer to the British Government the settlement of the point at issue between them, and to abide by the opinion which that Government might after due consideration communicate to the two parties thereupon, means might be found of satisfying the honor of each without incurring those great and manifold evils which a rupture between two such powers must inevitably entail on both.

The undersigned has the honor to renew to Mr. Forsyth the assurance of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,
Washington, February 3, 1836.

CHARLES BANKHEAD, Esq.:

The undersigned, Secretary of State of the United States, has had the honor to receive the note of the 27th ultimo of Mr. Charles Bankhead, His Britannic Majesty's chargé d'affaires, offering to the Government of the United States the mediation of His Britannic Majesty's Government for the settlement of the differences unhappily existing between the United States and France. That communication having been submitted to the President, and considered with all the care belonging to the importance of the subject and the source from which it emanated, the undersigned has been instructed to assure Mr. Bankhead that the disinterested and honorable motives which have dictated the proposal are fully appreciated. The pacific policy of His Britannic Majesty's cabinet and their efforts to heal dissensions arising among nations are worthy of the character and commanding influence of Great Britain, and the success of those efforts is as honorable to the Government by whose instrumentality it was secured as it has been beneficial to the parties more immediately interested and to the world at large.

The sentiments upon which this policy is founded, and which are so forcibly displayed in the offer that has been made, are deeply impressed upon the mind of the President. They are congenial with the institutions and principles as well as with the interests and habits of the people of the United States, and it has been the con-

stant aim of their Government in its conduct toward other powers to observe and illustrate them. Cordially approving the general views of His Britannic Majesty's Government, the President regards with peculiar satisfaction the enlightened and disinterested solicitude manifested by it for the welfare of the nations to whom its good offices are now tendered, and has seen with great sensibility, in the exhibition of that feeling, the recognition of that community of interests and those ties of kindred by which the United States and Great Britain are united.

If circumstances did not render it certain, it would have been obvious from the language of Mr. Bankhead's note to the undersigned that the Government of His Britannic Majesty, when the instructions under which it was prepared were given, could not have been apprised of all the steps taken in the controversy between the United States and France. It was necessarily ignorant of the tenor of the two recent messages of the President to Congress—the first communicated at the commencement of the present session, under date of the 7th of December, 1835, and the second under that of the 15th of January, 1836. Could these documents have been within the knowledge of His Britannic Majesty's Government, the President does not doubt that it would have been fully satisfied that the disposition of the United States, notwithstanding their well-grounded and serious causes of complaint against France, to restore friendly relations and cultivate a good understanding with the Government of that country was undiminished, and that all had already been done on their part that could in reason be expected of them to secure that result. The first of these documents, although it gave such a history of the origin and progress of the claims of the United States and of the proceedings of France before and since the treaty of 1831 as to vindicate the statements and recommendations of the message of the 1st of December, 1834, yet expressly disclaimed the offensive interpretation put upon it by the Government of France, and while it insisted on the acknowledged rights of the United States and the obligations of the treaty and maintained the honor and independence of the American Government, evinced an anxious desire to do all that constitutional duty and strict justice would permit to remove every cause of irritation and excitement. The special message of the 15th January last being called for by the extraordinary and inadmissible demands of the Government of France as defined in the last official communications at Paris, and by the continued refusal of France to execute a treaty from the faithful performance of which by the United States it was tranquilly enjoying important advantages, it became the duty of the President to recommend such measures as might be adapted to the exigencies of the occasion. Unwilling to believe that a nation distinguished for honor and intelligence could have determined permanently to maintain a ground so indefensible, and anxious still to leave open the door of reconciliation, the President contented himself with proposing to Congress the mildest of the remedies given by the law and practice of nations in connection with such propositions for defense as were evidently required by the condition of the United States and the attitude assumed by France. In all these proceedings, as well as in every stage of these difficulties with France, it is confidently believed that the course of the United States, when duly considered by other Governments and the world, will be found to have been marked not only by a pacific disposition, but by a spirit of forbearance and conciliation.

For a further illustration of this point, as well as for the purpose of presenting a lucid view of the whole subject, the undersigned has the honor to transmit to Mr. Bankhead copies of all that part of the message of December 7, 1835, which relates to it and of the correspondence referred to therein, and also copies of the message and accompanying documents of the 15th of January, 1836, and of another message of the 18th of the same month, transmitting a report of the Secretary of State and certain documents connected with the subject.

These papers, while they will bring down the history of the misunderstanding between the United States and France to the present date, will also remove an

erroneous impression which appears to be entertained by His Britannic Majesty's Government. It is suggested in Mr. Bankhead's note that there is no question of national interest at issue between France and the United States, and that there is no demand of justice made by the one party and denied by the other. This suggestion appears to be founded on the facts that the claims of the United States have been admitted by a treaty concluded between the two Governments and that the money due by France has been provided by the Chambers and placed at the disposal of the French Government for the purpose of being paid to the United States. But it is to be observed that the payment of the money thus appropriated is refused by the French Government unless the United States will first comply with a condition not contained in the treaty and not assented to by them. This refusal to make payment is, in the view of the United States, a denial of justice, and has not only been accompanied by acts and language of which they have great reason to complain, but the delay of payment is highly injurious to those American citizens who are entitled to share in the indemnification provided by the treaty and to the interests of the United States, inasmuch as the reduction of the duties levied on French wines in pursuance of that treaty has diminished the public revenue, and has been and yet is enjoyed by France, with all the other benefits of the treaty, without the consideration and equivalents for which they were granted. But there are other national interests, and, in the judgment of this Government, national interests of the highest order, involved in the condition prescribed and insisted on by France which it has been by the President made the duty of the undersigned to bring distinctly into view. That condition proceeds on the assumption that a foreign power whose acts are spoken of by the President of the United States in a message to Congress, transmitted in obedience to his constitutional duties, and which deems itself aggrieved by the language thus held by him, may as a matter of right require from the Government of the United States a direct official explanation of such language, to be given in such form and expressed in such terms as shall meet the requirements and satisfy the feelings of the offended party, and may in default of such explanation annul or suspend a solemn treaty duly executed by its constitutional organ. Whatever may be the responsibility of those nations whose executives possess the power of declaring war and of adopting other coercive remedies without the intervention of the legislative department, for the language held by the Executive in addressing that department, it is obvious that under the Constitution of the United States, which gives to the Executive no such powers, but vests them exclusively in the Legislature, whilst at the same time it imposes on the Executive the duty of laying before the Legislature the state of the nation, with such recommendations as he may deem proper, no such responsibility can be admitted without impairing that freedom of intercommunication which is essential to the system and without surrendering in this important particular the right of self-government. In accordance with this view of the Federal Constitution has been the practice under it. The statements and recommendations of the President to Congress are regarded by this Government as a part of the purely domestic consultations held by its different departments—consultations in which nothing is addressed to foreign powers, and in which they can not be permitted to interfere, and for which, until consummated and carried out by acts emanating from the proper constitutional organs, the nation is not responsible and the Government not liable to account to other States.

It will be seen from the accompanying correspondence that when the condition referred to was first proposed in the Chamber of Deputies the insuperable objections to it were fully communicated by the American minister at Paris to the French Government, and that he distinctly informed it that the condition, if prescribed, could never be complied with. The views expressed by him were approved by the President, and have been since twice asserted and enforced by him in his messages to Congress in terms proportioned in their explicitness and solemnity to the conviction he entertains of the importance and inviolability of the principle involved.

The United States can not yield this principle, nor can they do or consent to any measure by which its influence in the action of their political system can be obstructed or diminished. Under these circumstances the President feels that he may rely on the intelligence and liberality of His Britannic Majesty's Government for a correct estimation of the imperative obligations which leave him no power to subject this point to the control of any foreign state, whatever may be his confidence in its justice and impartiality—a confidence which he has taken pleasure in instructing the undersigned to state is fully reposed by him in the Government of His Britannic Majesty.

So great, however, is the desire of the President for the restoration of a good understanding with the Government of France, provided it can be effected on terms compatible with the honor and independence of the United States, that if, after the frank avowal of his sentiments upon the point last referred to and the explicit reservation of that point, the Government of His Britannic Majesty shall believe that its mediation can be useful in adjusting the differences which exist between the two countries and in restoring all their relations to a friendly footing, he instructs the undersigned to inform Mr. Bankhead that in such case the offer of mediation made in his note is cheerfully accepted.

The United States desire nothing but equal and exact justice, and they can not but hope that the good offices of a third power, friendly to both parties, and prompted by the elevated considerations manifested in Mr. Bankhead's note, may promote the attainment of this end.

Influenced by these motives, the President will cordially cooperate, so far as his constitutional powers may enable him, in such steps as may be requisite on the part of the United States to give effect to the proposed mediation. He trusts that no unnecessary delay will be allowed to occur, and instructs the undersigned to request that the earliest information of the measures taken by Great Britain and of their result may be communicated to this Government.

The undersigned avails himself of the occasion to renew to Mr. Bankhead the assurances of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *February 15, 1836.*

Hon. JOHN FORSYTH, etc.:

The undersigned, His Britannic Majesty's chargé d'affaires, with reference to his note of the 27th of last month, has the honor to inform Mr. Forsyth, Secretary of State of the United States, that he has been instructed by his Government to state that the British Government has received a communication from that of France which fulfills the wishes that impelled His Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the difference between France and the United States.

The French Government has stated to that of His Majesty that the frank and honorable manner in which the President has in his recent message expressed himself with regard to the points of difference between the Governments of France and of the United States has removed those difficulties, upon the score of national honor, which have hitherto stood in the way of the prompt execution by France of the treaty of the 4th July, 1831, and that consequently the French Government is now ready to pay the installment which is due on account of the American indemnity whenever the payment of that installment shall be claimed by the Government of the United States.

The French Government has also stated that it made this communication to that of Great Britain not regarding the British Government as a formal mediator, since its offer of mediation had then reached only the Government of France, by which it

had been accepted, but looking upon the British Government as a common friend of the two parties, and therefore as a natural channel of communication between them.

The undersigned is further instructed to express the sincere pleasure which is felt by the British Government at the prospect thus afforded of an amicable termination of a difference which has produced a temporary estrangement between two nations who have so many interests in common, and who are so entitled to the friendship and esteem of each other; and the undersigned has also to assure Mr. Forsyth that it has afforded the British Government the most lively satisfaction to have been upon this occasion the channel of a communication which they trust will lead to the complete restoration of friendly relations between the United States and France.

The undersigned has great pleasure in renewing to Mr. Forsyth the assurances of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,
Washington, February 16, 1836.

CHARLES BANKHEAD, Esq.:

The undersigned, Secretary of State of the United States, has had the honor to receive Mr. Bankhead's note of the 15th instant, in which he states by the instructions of his Government that the British Government have received a communication from that of France which fulfills the wishes that impelled His Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the differences between France and the United States; that the French Government, being satisfied with the frank and honorable manner in which the President has in his recent message expressed himself in regard to the points of difference between the two Governments, is ready to pay the installment due on account of the American indemnity whenever it shall be claimed by the Government of the United States, and that this communication is made to the Government of Great Britain not as a formal mediator, but as a common friend of both parties.

The undersigned has submitted this note of His Britannic Majesty's chargé d'affaires to the President, and is instructed to reply that the President has received this information with the highest satisfaction—a satisfaction as sincere as was his regret at the unexpected occurrence of the difficulty created by the erroneous impressions heretofore made upon the national sensibility of France. By the fulfillment of the obligations of the convention between the two Governments the great cause of difference will be removed, and the President anticipates that the benevolent and magnanimous wishes of His Britannic Majesty's Government will be speedily realized, as the temporary estrangement between the two nations who have so many common interests will no doubt be followed by the restoration of their ancient ties of friendship and esteem.

The President has further instructed the undersigned to express to His Britannic Majesty's Government his sensibility at the anxious desire it has displayed to preserve the relations of peace between the United States and France, and the exertions it was prepared to make to effectuate that object, so essential to the prosperity and congenial to the wishes of the two nations and to the repose of the world.

Leaving His Majesty's Government to the consciousness of the elevated motives which have governed its conduct and to the universal respect which must be secured to it, the President is satisfied that no expressions, however strong, of his own feelings can be appropriately used which could add to the gratification afforded to His Majesty's Government at being the channel of communication to preserve peace and restore good will between differing nations, each of whom is its friend.

The undersigned avails himself of this occasion to renew to Mr. Bankhead the assurance of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *February 23, 1836.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of War, on the progress of the improvement of Red River, furnishing information in addition to that communicated with my message at the opening of the present session of Congress.

ANDREW JACKSON.

[The same letter was addressed to the Speaker of the House of Representatives.]

WASHINGTON, *February 25, 1836.*

To the Senate:

I transmit to the Senate a report* from the Secretary of State, complying as far as practicable with their resolution of the 16th instant.

ANDREW JACKSON.

WASHINGTON, *February 29, 1836.*

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

I transmit a report of the Secretary of State, communicating an application from the chargé d'affaires of Portugal for the passage by Congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels imported into the United States from those parts of the dominions of Portugal in which no discriminating duties are charged upon the vessels of the United States or their cargoes, and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced since the 18th of April, 1834. I also transmit a copy of the correspondence which has taken place upon the subject between the Department of State and the chargé d'affaires of Portugal.

The whole matter is submitted to the discretion of Congress, with this suggestion, that if an act should be passed placing the cargoes of Portuguese vessels coming from certain parts of the territories of Portugal on the footing of those imported in vessels of the United States, in deciding upon the propriety of restoring the duties heretofore levied and the time to which they should be restored regard should be had to the fact that the decree of the 18th April, 1834, which is made the basis of the present application, took effect in the islands of Madeira and the Azores many months after its promulgation, and to the more important fact that until the 1st of February instant an indirect advantage was allowed in Portugal to importations from Great Britain over those from other countries, including the United States.

ANDREW JACKSON.

* Relating to claims for spoiliations under the French treaty of 1831.

DEPARTMENT OF STATE, *February 27, 1836.*

The PRESIDENT OF THE UNITED STATES:

The undersigned, Secretary of State, has the honor to report to the President that official information was received at this Department some time since from the chargé d'affaires of Portugal of the abolition of all discriminating duties upon the cargoes of foreign vessels, including those of the United States, imported into Lisbon and Oporto, by a decree of the Portuguese Government promulgated on the 18th of April, 1834, the operation of which decree was stated by the chargé to extend to the island of Madeira. Upon the strength of this decree he applied, by order of his Government, for the suspension, under the fourth section of the act of Congress of January 7, 1824, of discriminating duties upon the cargoes of Portuguese vessels imported into the United States; but being informed that the act alluded to was inapplicable by reason that discriminating duties upon the cargoes of American vessels still existed in a part of the dominions of Portugal, he has requested that the principle acted upon in regard to Holland may be extended to Portugal, and that discriminating duties may be abolished in respect to Portugal proper, the Madeira Islands, the Azores, and such other parts of the Portuguese dominions wherein no discriminating duty is levied upon the vessels of the United States or their cargoes. This request is accompanied by a suggestion that unless some such reciprocity is established the benefits of the decree of April, 1834, will be withdrawn so far as respects this country. Application is also made for a return of the discriminating duties which have been collected since the promulgation of the said decree from the vessels of Portugal arriving in the United States from any of the ports embraced by that decree. In reference to this point it is proper to state that it does not appear that the force or operation of the decree referred to of the 18th April, 1834, was extended by any official act of the Portuguese Government to the islands of Madeira or the Azores until February or April, 1835. It is also to be observed that, notwithstanding the abolition by that decree of discriminating duties upon the importation of goods into Portugal from foreign countries, an exemption existed until the 1st of February instant, according to information received from our chargé d'affaires at Lisbon, in favor of various articles when imported from Great Britain, from an excise duty which was exacted upon the same articles when imported from other foreign countries or produced or manufactured at home. This exemption was granted in pursuance of the construction given to a stipulation contained in the late treaty between Portugal and Great Britain, and ceased, together with that treaty, on the 1st day of the present month.

The undersigned has the honor to transmit with this report a copy of the correspondence between the Department and the chargé d'affaires of Portugal upon which it is founded.

JOHN FORSYTH.

WASHINGTON, *February 29, 1836.**To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, correcting an error made in the report recently communicated to the Senate in answer to the resolution of the 16th instant, respecting the number and amount of claims for spoliations presented to the commissioners under the French treaty of 1831 which were rejected.

ANDREW JACKSON.

WASHINGTON, *March 5, 1836.**To the Senate:*

I submit to the Senate, for their advice and consent as to the ratification of the same, the treaty and the supplement to it recently concluded with the Cherokee Indians.

The papers referred to in the accompanying communication from the Secretary of War as necessary to a full view of the whole subject are also herewith submitted.

ANDREW JACKSON.

WASHINGTON, *March 7, 1836.**To the Senate of the United States:*

I transmit to the Senate, for their consideration with a view to its ratification, a treaty of peace, amity, navigation, and commerce between the United States and the Republic of Venezuela, concluded and signed by their plenipotentiaries at the city of Caracas on the 20th of January last.

ANDREW JACKSON.

WASHINGTON, *March 10, 1836.**To the Senate and House of Representatives:*

I transmit herewith a report from the Secretary of State, communicating the proceedings of a convention assembled at Little Rock, in the Territory of Arkansas, for the purpose of forming a constitution and system of government for the State of Arkansas. The constitution adopted by this convention and the documents accompanying it, referred to in the report from the Secretary of State, are respectfully submitted to the consideration of Congress.

ANDREW JACKSON.

WASHINGTON, *April 1, 1836.**To the Senate:*

I transmit herewith to the Senate, for their advice and consent as to its ratification, a treaty concluded with the Ottawa and Chippewa Indians.

ANDREW JACKSON.

WASHINGTON, *April 8, 1836.**To the Senate:*

I transmit herewith reports from the Secretaries of the War and Navy Departments, to whom were referred the resolutions adopted by the Senate on the 18th of February last, requesting information of the probable amount of appropriations that would be necessary to place the land and naval defenses of the country upon a proper footing of strength and respectability.

In respect to that branch of the subject which falls more particularly under the notice of the Secretary of War, and in the consideration of which he has arrived at conclusions differing from those contained in the report from the Engineer Bureau, I think it proper to add my concurrence in the views expressed by the Secretary.

ANDREW JACKSON.

WASHINGTON, *April 12, 1836.*

To the Senate:

I transmit herewith a report* from the Secretary of War, communicating the original letter from Major Davis and the statements which accompany it, referred to in the resolution of the Senate of the 8th instant.

ANDREW JACKSON.

WASHINGTON, *April 27, 1836.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded with the Wyandot Indians for a cession of a portion of their reservation in the State of Ohio.

In order to prevent any abuse of the power granted to the chiefs in the fifth article of the treaty, I recommend the adoption of the suggestion contained in the accompanying letter of the Secretary of War; otherwise I shall not feel satisfied in approving that article.

ANDREW JACKSON.

WASHINGTON, *April 29, 1836.*

To the Senate and House of Representatives:

It affords me pleasure to transmit to Congress a copy of the Catalogue of the Arundel Manuscripts in the British Museum, which has been forwarded to me, as will be perceived from the inclosed letter, on behalf of the trustees of that institution, for the purpose of being placed in the United States Library.

ANDREW JACKSON.

To the Senate and House of Representatives:

Believing that the act of the 12th July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I transmit to Congress copies of that article, that the necessary legislative provision may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

MAY 6, 1836.

* Relating to the treaty of December 29, 1835, with the Cherokee Indians

WASHINGTON, May 10, 1836.

To the Senate and House of Representatives:

Information has been received at the Treasury Department that the four installments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized.

No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

WASHINGTON, May 14, 1836.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 10th instant, I transmit reports* from the Secretaries of State and War, with the papers accompanying the same.

ANDREW JACKSON.

MAY 14, 1836.

To the Senate of the United States:

I transmit, for the consideration of the Senate, three treaties concluded with certain bands of Pottawatamie Indians in the State of Indiana.

I transmit also a report from the Secretary of War, inclosing the instructions under which these treaties were negotiated.

I would remark that the fourth article of each treaty provides for the appointment of a commissioner and the payment of the debts due by the Indians. There is no limitation upon the amount of these debts, though it is obvious from these instructions that the commissioner should have limited the amount to be applied to this object; otherwise the whole fund might be exhausted and the Indians left without the means of living. I therefore recommend either that the Senate limit the amount at their discretion or that they provide by resolution that the whole purchase money be paid to the Indians, leaving to them the adjustment of their debts.

ANDREW JACKSON.

WASHINGTON, May 21, 1836.

To the Senate of the United States:

I transmit herewith two treaties concluded with bands of Pottawatamies in the State of Indiana, with accompanying papers, for the consideration and action of the Senate.

ANDREW JACKSON.

*Relating to affairs with Mexico.

WASHINGTON, *May 26, 1836.**To the House of Representatives:*

I transmit, in conformity with a resolution of the House of Representatives of the 21st instant, a report of the Secretary of War, containing the information called for on the subject of the causes of the hostilities of the Seminoles and the measures taken to repress them.

ANDREW JACKSON.

WASHINGTON, *May 27, 1836.**To the House of Representatives:*

In further compliance with so much of the resolution of the House of Representatives of the 21st instant as calls for an account of the causes of the hostilities of the Seminole Indians, I transmit a supplementary report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *May 28, 1836.**To the Senate of the United States:*

I transmit herewith, for the consideration and action of the Senate, a treaty concluded on the 24th instant with the Chippewa Indians of Saganaw.

ANDREW JACKSON.

WASHINGTON, *May 31, 1836.**To the Senate:*

I transmit herewith the response of Samuel Gwin, esq.,* to the charges affecting his official conduct and character which were set forth in the evidence taken under the authority of the Senate by the Committee on Public Lands, and which was referred to the President by the resolution of the Senate bearing date the 3d day of March, 1835. This resolution and the evidence it refers to were officially communicated to Mr. Gwin by the Secretary of the Treasury, and the response of Mr. Gwin has been received through the same official channel.

ANDREW JACKSON.

WASHINGTON, *June 1, 1836.**To the Senate:*

I transmit herewith to the Senate a communication which has been received from Mr. B. F. Currey† in answer to a call made upon him by the President, through the War Department, in consequence of the serious charges which were preferred against him by one of the honorable members of the Senate. It seems to be due to justice that the Senate should be furnished, agreeably to the request of Mr. Currey, with the

*Register of the land office for the northwestern district of Mississippi.

† Agent for the removal of the Cherokee Indians.

explanations contained in this communication, particularly as they are deemed so far satisfactory as would render his dismissal or even censure undeserved and improper.

—ANDREW JACKSON.

WASHINGTON, *June 3, 1836.*

To the Senate:

In compliance with the resolution of the Senate of the 27th ultimo, requesting the President to inform the Senate “whether any increase or improvement of organization is needed in the Ordnance Corps,” I have to state that I entertain no doubt of the propriety of increasing the corps, and that I concur in the plan proposed for this purpose in the accompanying report from the Secretary of War.

—ANDREW JACKSON.

WASHINGTON, *June 3, 1836.*

To the House of Representatives:

I transmit herewith a supplemental report from the War Department, in answer to the resolution of the House of Representatives of the 21st ultimo, calling for information respecting the causes of the Seminole hostilities and the measures taken to suppress them.

—ANDREW JACKSON.

WASHINGTON, *June 3, 1836.*

To the House of Representatives:

I herewith transmit a report from the Secretary of the Treasury, in relation to the injuries sustained by the bridge across the Potomac River during the recent extraordinary rise of water, and would respectfully recommend to the early attention of Congress the legislation therein suggested.

—ANDREW JACKSON.

WASHINGTON, *June 14, 1836.*

To the Senate of the United States:

I transmit a report of the Secretary of State, prepared in compliance with the resolution of the Senate of the 11th instant, upon the subject of the depredations of the Mexicans on the property of Messrs. Chouteau and Demun.

—ANDREW JACKSON.

—
WASHINGTON, *June 15, 1836.*

—
To the Senate of the United States:

I communicate to the Senate a report from the Secretary of State, with a copy of the correspondence requested by a resolution of the 21st ultimo, relative to the northeastern boundary of the United States.

At the last session of Congress I felt it my duty to decline complying with a request made by the House of Representatives for copies of this correspondence, feeling, as I did, that it would be inexpedient to publish it while the negotiation was pending; but as the negotiation was undertaken under the special advice of the Senate, I deem it improper to withhold the information which that body has requested, submitting to them to decide whether it will be expedient to publish the correspondence before the negotiation has been closed.

ANDREW JACKSON.

WASHINGTON, *June 23, 1836.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, I transmit a report* from the Secretary of State, with the papers therewith presented. Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it expedient to take the necessary measures, now in progress, to procure it before deciding upon the course to be pursued in relation to the newly declared government.

ANDREW JACKSON.

JUNE 28, 1836.

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of War, conveying the information called for by the House in its resolution of yesterday, concerning the Cherokee treaty recently ratified.

ANDREW JACKSON.

WASHINGTON, *June 28, 1836.*

To the Senate:

As it is probable that it may be proper to send a minister to Paris prior to the next meeting of Congress, I nominate Lewis Cass, now Secretary for the Department of War, to be envoy extraordinary and minister plenipotentiary to France, not to be commissioned until notice has been received here that the Government of France has appointed a minister to the United States who is about to set out for Washington.

ANDREW JACKSON.

WASHINGTON, *June 30, 1836.*

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-President of the United States.

* Relating to the political condition of Texas, the organization of its Government, and its capacity to maintain its independence, etc.

He departed this life at half past 6 o'clock on the morning of the 28th instant, full of years and full of honors.

I hasten this communication in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country and the good of mankind.

ANDREW JACKSON.

To the Senate and House of Representatives:

I transmit to Congress copies of a treaty of peace, friendship, navigation, and commerce between the United States and the Republic of Venezuela, concluded on the 20th of January, and the ratifications of which were exchanged at Caracas on the 31st of May last.

JUNE 30, 1836.

ANDREW JACKSON.

WASHINGTON, *June 30, 1836.*

To the House of Representatives:

I return to the House of Representatives the papers which accompanied their resolution of the 6th of May last, relative to the claim of Don Juan Madrazo, together with a report of the Secretary of State and copies of a correspondence between him and the Attorney-General, showing the grounds upon which that officer declines giving the opinion requested by the resolution.

ANDREW JACKSON.

WASHINGTON, *July 1, 1836.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st January last, I transmit a report* of the Secretary of War, containing the copies called for so far as relates to his Department.

ANDREW JACKSON.

VE TO MESSAGE.

WASHINGTON, *June 9, 1836.*

To the Senate of the United States:

The act of Congress "to appoint a day for the annual meeting of Congress," which originated in the Senate, has not received my signature. The power of Congress to fix by law a day for the regular annual meeting of Congress is undoubted, but the concluding part of this act, which

*Relating to frauds in sales of public lands or Indian reservations.

is intended to fix the adjournment of every succeeding Congress to the second Monday in May after the commencement of the first session, does not appear to me in accordance with the provisions of the Constitution of the United States.

The Constitution provides, Article I, section 5, that—

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

Article I, section 7, that—

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him. * * *

Article II, section 3, that—

He [the President] may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper. * * *

According to these provisions the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the Senate and House of Representatives, the President has no right to meddle with the question, and in that event his power is exclusive, but confined to fixing the adjournment of the Congress whose branches have disagreed. The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each House for the time being, and is one of those subjects upon which the framers of that instrument did not intend one Congress should act, with or without the Executive aid, for its successors. As a substitute for the present rule, which requires the two Houses by consent to fix the day of adjournment, and in the event of disagreement the President to decide, it is proposed to fix a day by law to be binding in all future time unless changed by consent of both Houses of Congress, and to take away the contingent power of the Executive which in anticipated cases of disagreement is vested in him. This substitute is to apply, not to the present Congress and Executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two Houses of Congress whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the President to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the Senate. I do so with greater reluctance as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable.

ANDREW JACKSON,

PROCLAMATION.

[From Statutes at Large (Little, Brown & Co.), Vol. XI, p. 782.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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

Whereas satisfactory evidence has lately been received by me from the Government of His Imperial and Royal Highness the Grand Duke of Tuscany, through an official communication of Baron Lederer, the consul-general of His Imperial and Royal Highness in the United States, under date of the 6th day of August, 1836, that no discriminating duties of tonnage or impost are imposed or levied in the ports of Tuscany upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the Grand ~~Dukedom~~ of Tuscany and the produce, manufactures, or merchandise imported into the United States in the same from the said Grand Dukedom or from any other foreign country, the said suspension to take effect from the 6th day of August, 1836, above mentioned, and to continue so long as

the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer.

Given under my hand, at the city of Washington, the 1st day of September, A. D. 1836, and of the Independence of the United States the sixty-first.

ANDREW JACKSON.

By the President:

JOHN FORSYTH,
Secretary of State.

EXECUTIVE ORDER.

HERMITAGE, *August 7, 1836.*

C. A. HARRIS, Esq.,
Acting Secretary of War.

SIR: I reached home on the evening of the 4th, and was soon surrounded with the papers and letters which had been sent here in anticipation of my arrival. Amongst other important matters which immediately engaged my attention was the requisition of General Gaines on Tennessee, Kentucky, Mississippi, and Louisiana. Believing that the reasons given for this requisition were not consistent with the neutrality which it is our duty to observe in respect to the contest in Texas, and that it would embarrass the apportionment which had been made of the 10,000 volunteers authorized by the recent act of Congress, I informed Governor Cannon by letter on the 5th instant that it could not receive my sanction. The volunteers authorized by Congress were thought competent, with the aid of the regular force, to terminate the Indian war in the South and protect our western frontier, and they were apportioned in a manner the best calculated to secure these objects. Agreeably to this apportionment, the volunteers raised in Arkansas and Missouri, and ordered to be held in readiness for the defense of the western frontier, should have been called on before any other requisition was made upon Tennessee, who has already more than her proportion in the field. Should an emergency hereafter arise making it necessary to have a greater force on that frontier than was anticipated when the apportionment was made, it will be easy to order the east Tennessee brigade there. All the volunteers under the act are engaged for one year's service, unless sooner discharged. Taking this view of the subject, I regret that as soon as the War Department had information of the requisition made by General Gaines it had not at once notified the governors of the States that the apportionment of the volunteers at first communicated to them would not be departed from, and that of course those in the States nearest to the scene of threatened hostility would be first called on,

I had written thus far when your letter of the 26th of July last, accompanied by one from General Wool of the 15th of July and one from General Towsen of the 25th of July last, was handed to me. The letter from General Wool was unexpected. His guide was the requisition on the State, and I can not well imagine how he could suppose that the Department would authorize a greater number of troops to be mustered and paid than he was specially directed to receive. He was apprised fully of the apportionment which had been made of the 10,000 volunteers, and of the considerations which induced us to require 1,000 from Florida, 2,000 from Georgia, 2,000 from Alabama, and 2,500 from Tennessee. This force was designated in this manner because it was in the country nearest to the Seminoles, Creeks, and Cherokees, and in like manner near the force designated for the western frontier, except a fraction of about 430 men to be hereafter selected when it should be ascertained where it would be most needed. It is therefore unaccountable to me why General Wool would receive and muster into the service a greater number than has been called for and placed under his command, particularly as he knew that Tennessee had already been called upon for more volunteers than her proportion in the general apportionment. He knows that the President can only execute the law, and he ought to have recollected that if the officers charged with the military operations contemplated by the law were to use their own discretion in fixing the number of men to be received and mustered into the service there could be no certainty in the amount of force which would be brought into the field. His guide was the requisition upon Tennessee for 2,500, and he should never have departed from it.

The brave men whose patriotism brought them into the field ought to be paid, but I seriously doubt whether any of the money now appropriated can be used for this purpose, as all the volunteers authorized by the act of Congress have been apportioned, and the appropriations should be first applicable to their payment if they should be ordered into the field. All that we can do is to bring the subject before the next Congress, which I trust will pass an act authorizing the payment. Those men obeyed the summons of their country, and ought not to suffer for the indiscretion of those who caused more of them to turn out than could be received into the service. The excess would have been avoided had the governor of Tennessee apportioned his requisition to each county or regiment, so as to make the proper number. This, however, can now only be regretted. I can not approve the mustering or reception into the service of the excess further than it may have been done to secure them hereafter the justice which it will be in the power of Congress to extend to them. They ought to be paid for their travel and expense to, at, and from the place of rendezvous, and Congress will doubtless pass the necessary law. Their promptness in tendering their services and equipping themselves for the field is a high evidence of patriotism, and deserves the thanks of their country.

I shall inclose a copy of this letter to General Wool, and write to the governors of Kentucky, Mississippi, and Louisiana to withhold for the present the quota called for under General Gaines's requisition, and if they are concentrated to muster and discharge them and wait for further orders.

I am, yours, respectfully,

ANDREW JACKSON.

EIGHTH ANNUAL MESSAGE.

WASHINGTON, *December 5, 1836.*

Fellow-Citizens of the Senate and House of Representatives:

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I can not avoid congratulating you, and my country particularly, on the success of the efforts made during my Administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to Him fervent supplications that His providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war consistently with a just and indispensable regard to the rights and honor of our country. But although the present state of our foreign affairs, standing, without important change, as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting character, at issue with other powers, are yet unadjusted. Amongst the most prominent of these is that of our northeastern boundary. With an undiminished confidence in the sincere desire of His Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark the

best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that Kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil and all our neighbors of this continent we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found on the most severe scrutiny that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should of itself teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated on the sole ground that the obligations of this Government to itself and to Mexico,

under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our Army to advance into territory claimed as part of Texas if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to reestablish its dominion. The departure of this minister was the more singular as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and there was every reason to suppose that the troops of the United States, their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches, would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the meantime the ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance and ample and immediate redress. I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's being soon able to execute the treaty on its part, it is proper that we should be in anticipation prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government will be communicated to you in the course of the session.

Commercial treaties promising great advantages to our enterprising merchants and navigators have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged,

but have not reached the Department of State. Copies of the treaties will be transmitted to you if received before, or published if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up from our intercourse with the dominions of the Government of the distinguished chief of the Ottoman Empire.

Information has been received at the Department of State that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive from the report of the Secretary of the Treasury that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year will amount to about \$47,691,898; those from customs being estimated at \$22,523,151, those from lands at about \$24,000,000, and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed \$32,000,000, which will leave a balance in the Treasury for public purposes on the 1st day of January next of about \$41,723,959. This sum, with the exception of \$5,000,000, will be transferred to the several States in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation on the 1st day of January next are estimated at \$14,636,062, exceeding by \$9,636,062 the amount which will be left in the deposit banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposit act of the last session received a reluctant approval have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State treasuries for safe-keeping until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligations of the deposit act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself can not sanction such a suggestion, and that as it now stands the States have no more authority to receive and use these deposits without intending to return them than any deposit bank or any individual temporarily charged with the safe-keeping or application of the public money would now have for converting the same to their private use without the consent and against the will of

the Government. But independently of the violation of public faith and moral obligation which are involved in this suggestion when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.

Considering the intimate connection of the subject with the financial interests of the country and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it can not be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists to avert it.

Under our present revenue system there is every probability that there will continue to be a surplus beyond the wants of the Government, and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury, as it now is, or distributed among the people or the States.

To retain it in the Treasury unemployed in any way is impracticable; it is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms and put their weapons of defense in the hands of a standing army would be scarcely more dangerous to their liberties than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.—

To collect it merely for distribution to the States would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the

Treasury. The shortest reflection must satisfy everyone that to require the people to pay taxes to the Government merely that they may be paid back again is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process and in the various losses and depreciations which arise from other causes, and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of or would be likely to be adopted), inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally*, and a rule, therefore, that would distribute to them *equally* would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the Constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from any of the objections which apply to this principle of distribution. The Government had without necessity received from the people a large surplus, which, instead of being employed as heretofore and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital, and in this manner it has tended to multiply bank charters and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people, but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced

by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York, but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State who purchases and consumes an article which has paid a duty at that port contributes to the accumulating mass. The surplus collected there must therefore be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which these surplus funds proceed must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus and in making the retransfer which becomes necessary when the time arrives for the distribution of that surplus there is a considerable period when the funds can not be brought into use, and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of the last session we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imposts and public lands must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute this surplus—say \$30,000,000—not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice-President. The effect of a distribution upon that ratio is shown by the annexed table, marked A.

By an examination of that table it will be perceived that in the distribution of a surplus of \$30,000,000 upon that basis there is a great departure from the principle which regards representation as the true measure of taxation, and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation the framers of the Constitution intended to equalize the burdens which are necessary to support the Government, and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views

respecting the political equality of the various members of the Confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection in the annexed table of the differences produced by the ratio used in the deposit act compared with the results of a distribution according to the ratio of direct taxation must satisfy every unprejudiced mind that the former ratio contravenes the spirit of the Constitution and produces a degree of injustice in the operations of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware in the collection of \$30,000,000 of revenue would pay into the Treasury \$188,716, and in a distribution of \$30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of \$306,122; and similar results would follow the comparison between the small and the large States throughout the Union, thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the Constitution which declares that "all duties, imposts, and excises" shall "be uniform throughout the United States" to make the burdens of taxation fall equally upon the people in whatever State of the Union they may reside. But what would be the value of such a uniform rule if the moneys raised by it could be immediately returned by a different one which will give to the people of some States much more and to those of others much less than their fair proportions? Were the Federal Government to exempt in express terms the imports, products, and manufactures of some portions of the country from all duties while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how by the operation of such a principle the large States of the Union would not only have to contribute their just share toward the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the Constitution when they conferred on Congress the taxing power, and I feel persuaded that a mature examination of the subject will satisfy everyone that there are insurmountable difficulties in the operation of any plan which can be devised of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes "*to pay the debts and provide for the common defense and general welfare of the United States.*" There is no such provision as

would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the Constitution. But however this may be, the only safe rule for us in interpreting the powers granted to the Federal Government is to regard the absence of express authority to touch a subject so important and delicate as this is as equivalent to a prohibition.

Even if our powers were less doubtful in this respect as the Constitution now stands, there are considerations afforded by recent experience which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence when there are extravagant and wasteful appropriations there must be a corresponding increase of taxes, and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest the agents of the people in the State governments are repressed and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State governments as the mainstay of our Union and liberties. The State legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by widespread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the Old World. In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country I can see nothing to compensate for the disadvantages to which I have adverted.—If we consider the protective duties, which are in a great degree the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there

is reason to fear that all the complaints which have sprung from this cause would be aggravated. Everyone must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it, and any system, therefore, into which it enters must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would nevertheless lose none of their force, for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own government and contribute its due share toward the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830 have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the Constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands and place under the control of the General Government all the principal roads and canals of the country, in violation of State rights and in derogation of State authority. At the same time the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not without extensive mischief be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements in derogation of the rights and powers of the States, the suggestion of an amendment of the Constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve

an overburdened treasury until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people in taxes than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the Constitution. No temporary inconvenience can justify the exercise of a prohibited power or a power not granted by that instrument, and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character that it was suggested only in connection with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken, and in my opinion a distribution of the surplus revenue by Congress either to the States or the people is to be considered as among the prohibitions of the Constitution. As already intimated, my views have undergone a change so far as to be convinced that no alteration of the Constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson that any transient mischief which may attend the reduction of our revenue to the wants of our Government is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent from the whole context of the Constitution, as well as the history of the times which gave birth to it, that it was the purpose of the Convention to establish a currency consisting of the precious metals. These, from their peculiar properties which rendered them the standard of value in all other countries, were adopted in this as well to establish its commercial standard in reference to foreign countries by a permanent rule as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities recognized by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious as not only to suggest the clause in the Constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the Convention which negatived the proposition to grant power to Congress to charter corporations—a proposition well understood at the time as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the Convention, the object was afterwards

in effect obtained by its ingenious advocates through a strained construction of the Constitution. The debts of the Revolution were funded at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins which made their exportation to foreign countries as a mercantile commodity more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became in effect a substitute for the Mint of the United States.

Such was the origin of a national-bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible by any legislative means within our power to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power, and it is to be hoped that the opportunity for effecting this great good will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver as a circulating medium which experience has proved to be necessary not only in

this but in all other commercial countries. Where those proportions are not infused into the circulation and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation, of the currency by excessive bank issues is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessities of life become so dear that the laboring classes can not supply their wants out of their wages that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they can not be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities. The next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States and its repugnance to our Constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion toward restoring to the country the sound currency provided for in the Constitution. In the acts of several of the States

prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session forbidding their reception or payment on public account, the true policy of the country has been advanced and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws banishing from circulation bank notes of still higher denominations, and the object may be materially promoted by further acts of Congress forbidding the employment as fiscal agents of such banks as continue to issue notes of low denominations and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and overissues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators. They were paid to the receivers and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land and pay the Government by a credit on the books of the banks. Those credits on the books of some of the Western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely as to alarm considerate men and render it doubtful whether these bank credits if permitted to accumulate would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union and was giving rise to new institutions to aggravate the evil.

The safety of the public funds and the interest of the people generally required that these operations should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the 15th of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system it measurably cut off the means of speculation and retarded its progress in monopolizing the

most valuable of the public lands. It has tended to save the new States from a nonresident proprietorship, one of the greatest obstacles to the advancement of a new country and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at Government prices instead of their being compelled to purchase of speculators at double or triple prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country and place it on a firmer foundation. It is confidently believed that the country will find in the motives which induced that order and the happy consequences which will have ensued much to commend and nothing to condemn.

It remains for Congress if they approve the policy which dictated this order to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands except to actual settlers at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenues, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general and to the new States in particular which can not fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges performed through discounts by the United States Bank and its twenty-five branches were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions on the broader basis which has been used by the advocates of the United States Bank in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States in 1832 was \$16,000,000. The amount transferred and actually paid by the deposit banks in the year ending the 1st of October last was \$39,319,899; the amount transferred and paid between that period and the 6th of November was \$5,399,000, and the amount of

transfer warrants outstanding on that day was \$14,450,000, making an aggregate of \$59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity, and the rates at which the exchanges have been negotiated previously to the passage of the deposit act were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree with the further steps which may be taken to prevent the excessive issue of other bank paper, but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government your particular attention is invited to those articles which constitute the necessities of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury and the accompanying documents that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock and procure the payment as early as possible.

The conduct and present condition of that bank and the great amount of capital vested in it by the United States require your careful attention. Its charter expired on the 3d day of March last, and it has now no power but that given in the twenty-first section, "to use the corporate name, style, and capacity for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the

sale and disposition of their estate—real, personal, and mixed—but not for any other purpose or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation.” Before the expiration of the charter the stockholders of the bank obtained an act of incorporation from the legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own and again put in circulation. That the old bank had no right to issue or reissue its notes after the expiration of its charter can not be denied, and that it could not confer any such right on its substitute any more than exercise it itself is equally plain. In law and honesty the notes of the bank in circulation at the expiration of its charter should have been called in by public advertisement, paid up as presented, and, together with those on hand, canceled and destroyed. Their reissue is sanctioned by no law and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their reissue by the new corporation for their own profit is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner and without his consent, are again reissued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the Government and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and judiciary. It remains to be seen whether the persons who as managers of the old bank undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects may now as managers of a new bank continue with impunity to flood the country with a spurious currency, use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States can not well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands, and it will be

fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State governments.

It is believed that the law of the last session regulating the deposit banks operates onerously and unjustly upon them in many respects, and it is hoped that Congress, on proper representations, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim* and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the Marine Corps, and of large bodies of militia and volunteers. With all these events so far as they were known at the seat of Government before the termination of your last session you are already acquainted, and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer was on our part chiefly confined to the protection of our frontier settlements from the incursions of the enemy, and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice in respect to the former by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who as commander in chief of the Territorial militia had been temporarily invested with the command, an ample force for the purpose of resuming offensive operations in the most efficient manner so soon as the season should permit. Major-General Jesup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida and assume the command.

The result of the first movement made by the forces under the direction of Governor Call in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the meantime, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major-General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations

with the utmost promptitude and vigor. From the force at his disposal and the dispositions he has made and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the meantime, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians and the causes of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last to be made by the President, is now going on through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier and to the fulfillment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches our troops were yet at that station, but the officer who has succeeded General Gaines has recently been advised that from the facts known at the seat of Government there would seem to be no adequate cause for any longer maintaining that position, and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year for the service of militia and volunteers have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the Regular Army. The views of this subject submitted by the Secretary of War in his report meet my entire concurrence, and are earnestly commended to the deliberate

attention of Congress. In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this arm of defense has been so repeatedly presented to Congress by myself and my predecessors that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session that more presented themselves at the place of rendezvous in Tennessee than were sufficient to meet the requisition which had been made by the Secretary of War upon the governor of that State. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia so as to obtain the proper number of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous under circumstances authorizing them to believe that their services were needed and would be accepted that the expenses incurred by them while absent from their homes should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous and while there; in connection with which it will also be proper to make provision for such other equitable claims growing out of the service of the militia as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia it became necessary in some cases to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations or by the operations of our own troops.

No time was lost after the making of the requisite appropriations in resuming the great national work of completing the unfinished fortifications on our seaboard and of placing them in a proper state of defense. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the Engineer Corps and for a reorganization of the Topographical Corps, submitted to you in my last

annual message, derive additional strength from the great embarrassments experienced during the present year in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions directed by recent laws have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the Ordnance Corps and to the general staff, the operations of which as they are now organized must either be frequently interrupted or performed by officers taken from the line of the Army, to the great prejudice of the service.

For a general view of the condition of the Military Academy and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents, and among the various proposals contained therein for legislative action I would particularly notice the suggestion of the Secretary of War for the revision of the pay of the Army as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government for the removal of the Indian tribes originally settled on this side of the Mississippi to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty and in relation to our Indian affairs generally will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents in respect to those relations will receive your early and mature deliberation, and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

-- You are referred to the report of the Secretary of the Navy for a satisfactory view of the operations of the Department under his charge during the present year. In the construction of vessels at the different navy-

yards and in the employment of our ships and squadrons at sea that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriations for the purpose and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat and to enlarge generally the capacity and force of the Navy. The increase of our commerce and our position in regard to the other powers of the world will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster-General presents a gratifying picture of the condition of the Post-Office Department. Its revenues for the year ending the 30th June last were \$3,398,455.19, showing an increase of revenue over that of the preceding year of \$404,878.53, or more than 13 per cent. The expenditures for the same year were \$2,755,623.76, exhibiting a surplus of \$642,831.43. The Department has been redeemed from embarrassment and debt, has accumulated a surplus exceeding half a million of dollars, has largely extended and is preparing still further to extend the mail service, and recommends a reduction of postages equal to about 20 per cent. It is practicing upon the great principle which should control every branch of our Government of rendering to the public the greatest good possible with the least possible taxation to the people.

The scale of postages suggested by the Postmaster-General recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price; but on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them except such as shall be negotiated before the time of offering or afterwards, and the power of the Postmaster-General to pay them high prices is practically without limitation. It would be a relief to him and no doubt would

conduce to the public interest to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British Islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool or other foreign ports, as proposed by the Postmaster-General. On the contrary, it promises, by the security it will afford, to facilitate commercial transactions and give rise to an enlarged intercourse among the people of different nations, which can not but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the provincial post-office asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for as well by our own interest as by comity to the adjoining British provinces.

The expediency of providing a fireproof building for the important books and papers of the Post-Office Department is worthy of consideration. In the present condition of our Treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger when they can so readily be made secure. There are weighty considerations in the location of a new building for that Department in favor of placing it near the other executive buildings.

The important subjects of a survey of the coast and the manufacture of a standard of weights and measures for the different custom-houses have been in progress for some years under the general direction of the Executive and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress the making of a set of weights and measures for each State in the Union was added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole, the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year, with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting. Other claims have been made for large increases in compensation, which, under

all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction the subject was at the last session, on my suggestion and by request of the immediate superintendent, submitted by the Treasury Department to the Committee on Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers organized specially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the Constitution which will prevent in any event the election of the President and Vice-President of the United States devolving on the House of Representatives and the Senate, and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper I think it due to the various Executive Departments to bear testimony to their prosperous condition and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I can not omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country, and I am con-
—
soled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my Administration is calculated

to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health and so much desired by me in other respects, I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted for the continuance of His blessings on our beloved country.

ANDREW JACKSON.

A.—*Statement of distribution of surplus revenue of \$30,000,000 among the several States, agreeably to the number of electoral votes for President and according to the constitutional mode of direct taxation by representative population, and the difference arising from those two modes of distribution, as per census of 1830.*

State.	Representative population.	Electoral vote.	Share according to system of direct taxation.	Share according to electoral vote.	Difference in favor of direct-tax mode.	Difference in favor of electoral-vote mode.
Maine	399,454	10	\$999,371	\$1,020,408	.....	\$21,037
New Hampshire ..	269,327	7	673,813	714,286	.....	40,473
Massachusetts	610,408	14	1,527,144	1,428,571	\$98,573	.....
Rhode Island	97,192	4	243,159	408,163	.....	165,004
Connecticut	297,665	8	744,711	816,327	.....	71,616
Vermont	280,652	7	702,147	714,286	.....	12,139
New York	1,918,578	42	4,799,978	4,285,714	514,264	.....
New Jersey	319,921	8	800,392	816,427	.....	15,935
Pennsylvania	1,348,072	30	3,372,662	3,061,225	311,437	.....
Delaware	75,431	3	188,716	306,122	.....	117,406
Maryland	405,842	10	1,015,352	1,020,408	.....	5,056
Virginia	1,023,502	23	2,560,640	2,346,939	213,701	.....
North Carolina....	639,747	15	1,600,546	1,530,612	69,934	.....
South Carolina....	455,025	11	1,138,400	1,122,449	15,951	.....
Georgia	429,811	11	1,075,319	1,122,449	.....	47,130
Alabama	262,507	7	656,751	714,286	.....	57,535
Mississippi	110,357	4	276,096	408,163	.....	132,067
Louisiana	171,904	5	430,076	510,204	.....	80,128
Tennessee	625,263	15	1,564,309	1,530,612	33,697	.....
Kentucky	621,832	15	1,555,725	1,530,612	25,113	.....
Ohio	937,901	21	2,346,479	2,142,858	203,621	.....
Indiana	343,030	9	858,206	918,368	.....	60,162
Illinois	157,146	5	393,154	510,204	.....	117,050
Missouri	130,419	4	326,288	408,163	.....	81,875
Arkansas	28,557	3	71,445	306,122	.....	234,677
Michigan	31,625	3	79,121	306,102	.....	227,001
Total	11,991,168	294	30,000,000	30,000,000	1,486,291	1,486,291

SPECIAL MESSAGES.

WASHINGTON, December 6, 1836.

To the Senate and House of Representatives:

I transmit herewith to Congress copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives on the decease of her venerated

husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published in a variety of forms the naked journals of the Revolutionary Congress and of the Convention that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared—long withheld from the public, as it has been, by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away—well deserves to become the property of the nation, and can not fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and all succeeding generations—accurate knowledge of the principles of their Government and the circumstances under which they were recommended and embodied in the Constitution for adoption.

ANDREW JACKSON.

DEPARTMENT OF STATE, *July 9, 1836.*

The Secretary of State has the honor to report to the President that there is no resolution of Congress on the death of Mr. Madison on file in the Department of State. By application at the offices of the Secretary of the Senate and Clerk of the House of Representatives the inclosed certified copy of a set of resolutions has been procured. These resolutions, being joint, should have been enrolled, signed by the presiding officers of the two Houses, and submitted for the Executive approbation. By referring to the proceedings on the death of General Washington such a course appears to have been thought requisite, but in this case it has been deemed unnecessary or has been omitted accidentally. The value of the public expression of sympathy would be so much diminished by postponement to the next session that the Secretary has thought it best to present the papers, incomplete as they are, as the basis of such a letter as the President may think proper to direct to Mrs. Madison.

JOHN FORSYTH,
Secretary of State.

WASHINGTON, *July 9, 1836.*

Mrs. D. P. MADISON,
Montpelier, Va.

MADAM: It appearing to have been the intention of Congress to make me the organ of assuring you of the profound respect entertained by both its branches for your person and character, and of their sincere condolence in the late afflicting dispensation of Providence, which has at once deprived you of a beloved companion and your country of one of its most valued citizens, I perform that duty by transmitting the documents herewith inclosed.

No expression of my own sensibility at the loss sustained by yourself and the nation could add to the consolation to be derived from these high evidences of the public sympathy. Be assured, madam, that there is not one of your countrymen who feels

more poignantly the stroke which has fallen upon you or who will cherish with a more endearing constancy the memory of the virtues, the services, and the purity of the illustrious man whose glorious and patriotic life has been just terminated by a tranquil death.

I have the honor to be, madam, your most obedient servant,

ANDREW JACKSON.

The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, James Madison, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the present session, and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses wear the usual badge of mourning for thirty days.

Resolved, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character and of their sincere condolence on the late afflicting dispensation of Providence.

MONTPELIER, *August 20, 1836.*

THE PRESIDENT OF THE UNITED STATES:

I received, sir, in due time, your letter conveying to me the resolutions Congress were pleased to adopt on the occasion of the death of my beloved husband—a communication made the more grateful by the kind expression of your sympathy which it contained.

The high and just estimation of my husband by my countrymen and friends and their generous participation in the sorrow occasioned by our irretrievable loss, expressed through their supreme authorities and otherwise, are the only solace of which my heart is susceptible on the departure of him who had never lost sight of that consistency, symmetry, and beauty of character in all its parts which secured to him the love and admiration of his country, and which must ever be the subject of peculiar and tender reverence to one whose happiness was derived from their daily and constant exercise.

The best return I can make for the sympathy of my country is to fulfill the sacred trust his confidence reposed in me, that of placing before it and the world what his pen prepared for their use—a legacy the importance of which is deeply impressed on my mind.

With great respect,

D. P. MADISON.

MONTPELIER, *November 15, 1836.*

THE PRESIDENT OF THE UNITED STATES.

SIR: The will of my late husband, James Madison, contains the following provision:

“Considering the peculiarity and magnitude of the occasion which produced the Convention at Philadelphia in 1787, the characters who composed it, the Constitution which resulted from their deliberations, its effects during a trial of so many years on the prosperity of the people living under it, and the interest it has inspired among the friends of free government, it is not an unreasonable inference that a

careful and extended report of the proceedings and discussions of that body, which were with closed doors, by a member who was constant in his attendance, will be particularly gratifying to the people of the United States and to all who take an interest in the progress of political science and the cause of true liberty."

This provision bears evidence of the value he set on his report of the debates in the Convention, and he has charged legacies on them alone to the amount of \$1,200 for the benefit of literary institutions and for benevolent purposes, leaving the residuary net proceeds for the use of his widow.

In a paper written by him, and which it is proposed to annex as a preface to the Debates, he traces the formation of confederacies and of the Articles of Confederation, its defects which caused and the steps which led to the Convention, his reasons for taking the debates and the manner in which he executed the task, and his opinion of the framers of the Constitution. From this I extract his description of the manner in which they were taken, as it guarantees their fullness and accuracy:

"In pursuance of the task I had assumed, I chose a seat in front of the presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed I noted down, in terms legible and in abbreviations and marks intelligible to myself, what was read from the chair or spoken by the members, and losing not a moment unnecessarily between the adjournment and reassembling of the Convention, I was enabled to write out my daily notes during the session, or within a few finishing days after its close, in the extent and form preserved in my own hand on my files.

"In the labor and correctness of this I was not a little aided by practice and by a familiarity with the style and the train of observation and reasoning which characterized the principal speakers. It happened also that I was not absent a single day, nor more than the casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one."

However prevailing the restraint which veiled during the life of Mr. Madison this record of the creation of our Constitution, the grave, which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or to them. His anxiety for their early publicity after this was removed may be inferred from his having them transcribed and revised by himself; and, it may be added, the known wishes of his illustrious friend Thomas Jefferson and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfill the pecuniary obligations imposed by his will, urged their appearance without awaiting the preparation of his other works, and early measures were accordingly adopted by me to ascertain from publishers in various parts of the Union the terms on which their publication could be effected.

It was also intended to publish with these debates those taken by him in the Congress of the Confederation in 1782, 1783, and 1787, of which he was then a member, and selections made by himself and prepared under his eye from his letters narrating the proceedings of that body during the periods of his service in it, prefixing the debates in 1776 on the Declaration of Independence by Thomas Jefferson so as to embody all the memorials in that shape known to exist. This exposé of the situation of the country under the Confederation and the defects of the old system of government evidenced in the proceedings under it seem to convey such preceding information as should accompany the debates on the formation of the Constitution by which it was superseded.

— The proposals which have been received, so far from corresponding with the expectations of Mr. Madison when he charged the first of these works with those legacies, have evidenced that their publication could not be engaged in by me without advances of funds and involving of risks which I am not in a situation to make or incur.

Under these circumstances, I have been induced to submit for your consideration whether the publication of these debates be a matter of sufficient interest to the people of the United States to deserve to be brought to the notice of Congress; and should such be the estimation of the utility of these works by the representatives of the nation as to induce them to relieve me individually from the obstacles which impede it, their general circulation will be insured and the people be remunerated by its more economical distribution among them.

With high respect and consideration,

D. P. MADISON.

WASHINGTON, *December 6, 1836.*

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

I transmit to Congress a report from the Commissioner of the Public Buildings, showing the progress made in the construction of the public buildings which by the act of the 4th of July last the President was authorized to cause to be erected.

ANDREW JACKSON.

DECEMBER 20, 1836.

To the Senate and House of Representatives.

GENTLEMEN: Herewith I transmit a report of the Postmaster-General, and recommend the passage of such laws and the making of such appropriations as may be necessary to carry into effect the measures adopted by him for resuming the business of the Department under his charge and securing the public property in the old Post-Office building.

It is understood that the building procured for the temporary use of the Department is far from being fireproof, and that the valuable books and papers saved from the recent conflagration will there be exposed to similar dangers. I therefore feel it my duty to recommend an immediate appropriation for the construction of a fireproof General Post-Office, that the materials may be obtained within the present winter and the buildings erected as rapidly as practicable.

ANDREW JACKSON.

POST-OFFICE DEPARTMENT, *December 20, 1836.*

THE PRESIDENT OF THE UNITED STATES.

SIR: On the morning of the 15th instant I performed the painful duty of reporting to you orally the destruction of the General Post-Office building by fire, and received your instructions to inquire into the cause and extent of the calamity, for the purpose of enabling you to make a communication to Congress.

A few hours afterwards I received, through the chairman of the Committee on the Post-Office and Post-Roads of the House of Representatives, an official copy of a resolution adopted by that House, instructing the committee to institute a similar inquiry, and the chairman asked for such information as it was in my power to give. The investigation directed by you was thus rendered unnecessary.

The corporation of the city of Washington with honorable promptitude offered the Department the use of the west wing of the City Hall, now occupied by the mayor and councils and their officers and the officers of the Chesapeake and Ohio Canal Company. The proprietors of the medical college also tendered the use of their

building on E street, and offers were made of several other buildings in the central parts of the city. An examination was made of such as promise by their magnitude to afford sufficient room for the force employed in the Department, but none were found equal in the commodiousness of their interior structure and abundant room to Fuller's Hotel, opposite the buildings occupied by the Treasury Department on Pennsylvania avenue. That building has been obtained on terms which the accompanying papers (marked 1 and 2) will fully exhibit. The business of the Department will be immediately resumed in that building.

The agreement with Mr. Fuller will make necessary an immediate appropriation by Congress, and upon that body will devolve also the duty of providing for the payment of the rent, if they shall approve of the arrangement.

In the meantime steps have been taken to secure all that is valuable in the ruins of the Post-Office building, and to protect from the weather the walls of so much of it as was occupied by the General Post-Office which stand firm.

The Department has no fund at command out of which the services necessary in the accomplishment of these objects can be paid for, nor has it the means to replace the furniture which has been lost and must be immediately obtained to enable the clerks to proceed with their current business.

These facts I deem it my duty to report to you, that you may recommend to Congress such measures thereupon as you may deem expedient.

With the highest respect, your obedient servant,

AMOS KENDALL.

WASHINGTON, *December 20, 1836.*

To the Senate of the United States:

I transmit herewith, for the consideration and action of the Senate, treaties concluded with the Ioways and Sacs of Missouri, with the Sioux, with the Sacs and Foxes, and with the Otoes and Missourias and Omahas, by which they have relinquished their rights in the lands lying between the State of Missouri and the Missouri River, ceded in the first article of the treaty with them of July 15, 1830.

ANDREW JACKSON.

WASHINGTON, *December 20, 1836.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration in reference to its ratification, a treaty of peace and friendship between the United States of America and the Emperor of Morocco, concluded at Meccanez on the 16th of September, 1836, with a report of the Secretary of State and the documents therein mentioned.

ANDREW JACKSON.

WASHINGTON, *December 21, 1836.*

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

During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration

extracts from the report of the agent who had been appointed to collect it relative to the condition of that country.

No steps have been taken by the Executive toward the acknowledgment of the independence of Texas, and the whole subject would have been left without further remark on the information now given to Congress were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas and indication of the views of Congress make it proper that I should somewhat in detail present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or the New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements of those Kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government that we have under the most critical circumstances avoided all censure and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been by force of evidence compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party, without reference to our particular interests and views or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy that no serious disagreement has ever arisen among

ourselves in relation to it, although brought under review in a variety of forms and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

In making these suggestions it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof and waited, not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were

they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American States who began or carried on the contest with the parent country united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador only after their independent existence was no longer a subject of dispute or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic under another executive is rallying its forces under a new leader and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended, and were there nothing peculiar in the relative situation of the United States and Texas our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the

independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government—a policy which has secured to us respect and influence abroad and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which after much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

DECEMBER 26, 1836.

To the Senate of the United States:

I herewith transmit to the Senate the report of the Secretary of the Treasury, giving all the information required by their resolution of the 19th instant, calling for a list of the different appropriations which will leave unexpended balances on the 1st day of January next.

ANDREW JACKSON.

WASHINGTON, December 26, 1836.

To the Senate of the United States:

I nominate William Gates, late major of the First Regiment of Artillery, for reappointment in the Army, to be major in the Second Regiment of Artillery, to take rank from the 30th May, 1832, the date of his former commission. This officer was stricken from the rolls of the Army by my order on the 7th of June last, upon a full consideration by me of the proceedings of a court of inquiry held at his request for the purpose of investigating his conduct during and subsequent to the attack on Fort Barnwell, at Volusia, in Florida, in April last, which court, after mature deliberation on the testimony before them, expressed the opinion "that the effective force under the command of Major Gates was much greater than the estimated force of the Indians who attacked him on the morning of the 14th of April, 1836, and that therefore he was capable of meeting the enemy in the field if necessary; also, that the bodies of two volunteers killed were improperly left exposed, and ought to have been

brought in on the morning when they were killed, such exposure necessarily operating injuriously on the garrison." He is now nominated for a reappointment to the end that he may be brought to trial before a court-martial, such a trial being solicited by him.

ANDREW JACKSON.

WASHINGTON, December, 1836.

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

By the second section of the act "to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June 15, 1836, the constitution and State government which the people of Michigan had formed for themselves was ratified and confirmed and the State of Michigan declared to be one of the United States of America, and admitted into the Union upon an equal footing with the original States, but on the express condition that the said State should consist of and have jurisdiction over all the territory included within certain boundaries described in the act, and over none other. It was further enacted by the third section of the same law that, as a compliance with the fundamental condition of admission, the boundaries of the State of Michigan, as thus described, declared, and established, should "receive the assent of a convention of delegates elected by the people of said State for the sole purpose of giving the assent" therein required; that as soon as such assent should be given the President of the United States should announce the same by proclamation, and that thereupon, and without any further proceeding on the part of Congress, the admission of the State into the Union as one of the United States of America should be considered as complete, and the Senators and Representatives in the Congress of the United States entitled to take their seats without further delay.

In the month of November last I received a communication inclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th of September, 1836, all which (marked A) are herewith laid before you. It will be seen by these papers that the convention therein referred to was elected by the people of Michigan pursuant to an act of the State legislature passed on the 25th of July last in consequence of the above-mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same.

On the 24th instant the accompanying paper (marked B), with its inclosure, containing the proceedings of a convention of delegates subsequently elected and held in the State of Michigan, was presented to me. By these papers, which are also herewith submitted for your consideration, it appears that elections were held in all the counties of the State,

except two, on the 5th and 6th days of December instant, for the purpose of electing a convention of delegates to give the assent required by Congress; that the delegates then elected assembled in convention on the 14th day of December instant, and that on the following day the assent of the body to the fundamental condition above stated was formally given.

This latter convention was not held or elected by virtue of any act of the Territorial or State legislature; it originated from the people themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention shall be ordered, or the time when or the manner in which it shall be chosen. Had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State for the purpose required, to have issued my proclamation thereon as provided by law; but as the authority conferred on the President was evidently given to him under the expectation that the assent of the convention might be laid before him during the recess of Congress and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case are in other respects peculiar and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper for other reasons, that the whole subject should be submitted to the decision of Congress. The importance of your early action upon it is too obvious to need remark.

ANDREW JACKSON.

WASHINGTON, *December 28, 1836.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d instant, I herewith transmit a report* from the Secretary of State, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

To the Senate of the United States:

I transmit to the Senate a report † of the Secretary of the Navy, complying with their resolution of the 24th of May, 1836.

ANDREW JACKSON.

DECEMBER 29, 1836.

* Relating to the bequest of James Smithson.

† Relating to the survey of the harbors south of the Chesapeake

WASHINGTON, December 30, 1836.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War *ad interim*, with certain accompanying papers* from the Engineer Department, required to complete the annual report from that Department.

ANDREW JACKSON.

WASHINGTON, December 30, 1836.

To the Senate of the United States:

I transmit herewith, for your consideration and action, four treaties with bands of Potawatamie Indians in Indiana, accompanied by a report from the War Department and sundry other papers.

ANDREW JACKSON.

WASHINGTON, December 30, 1836.

To the Senate of the United States:

I transmit herewith, for your consideration and action, a treaty with the Menomonie tribe of Indians, accompanied by a report from the War Department. I recommend the modifications proposed in the report.

ANDREW JACKSON.

WASHINGTON, January 7, 1837.

To the House of Representatives of the United States:

I herewith transmit to Congress a report of the Secretary of State, with the accompanying letter, addressed to him by the commission appointed under the act of Congress of the last session for carrying into effect the convention between the United States and Spain.

ANDREW JACKSON.

WASHINGTON, January 9, 1837.

To the Senate of the United States:

Immediately after the passage by the Senate, at a former session, of the resolution requesting the President to consider the expediency of opening negotiations with the governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by equitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such

*Reports of the superintendents of the Cumberland road in Indiana and Illinois and of the improvement of the Ohio River above the Falls.

reasonable tolls as ought to be established to compensate the capitalists who might engage in such undertaking and complete the work, an agent was employed to obtain information in respect to the situation and character of the country through which the line of communication, if established, would necessarily pass, and the state of the projects which were understood to be contemplated for opening such communication by a canal or a railroad. The agent returned to the United States in September last, and although the information collected by him is not as full as could have been desired, yet it is sufficient to show that the probability of an early execution of any of the projects which have been set on foot for the construction of the communication alluded to is not so great as to render it expedient to open a negotiation at present with any foreign government upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 17, 1837.*

To the House of Representatives of the United States:

I hereby submit to the House of Representatives certain communications from the Secretary of the Treasury and the attorney of the United States for the District of Columbia. They relate to the difficulties which have been interposed under the existing laws in bringing to conviction and punishment the supposed incendiaries of the Treasury buildings in the year 1833.

The peculiar circumstances of this case, so long concealed, and of the flagrant frauds by persons disconnected with the Government, which were still longer concealed, and to screen some of which forever was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of the public property, but to repeal entirely the statute of limitation in all criminal cases, except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the commission of the crime was kept concealed or the persons on trial were not suspected of having perpetrated the offense.

It must be manifest to Congress that the exposed state of the public records here, without fireproof buildings, imperatively requires the most ample remedies for their protection, and the greatest vigilance and fidelity in all officers, whether executive or judicial, in bringing to condign punishment the real offenders.

Without these the public property is in that deplorable situation which depends quite as much on accident and good fortune as the laws for safety.

ANDREW JACKSON.

[The same message was sent to the Senate.]

WASHINGTON, *January 17, 1837.*

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

I transmit to Congress herewith the copy of an act of the State of Missouri passed on the 16th ultimo, expressing the assent of that State to the several provisions of the act of Congress entitled "An act to extend the western boundary of the State of Missouri to the Missouri River," approved June 7, 1836. A copy of the act, duly authenticated, has been deposited in the Department of State.

ANDREW JACKSON.

To the Senate of the United States:

JANUARY 18, 1837.

In compliance with a resolution of the Senate at their last session, I herewith transmit the inclosed documents, which contain all the information on the subject of the claim of the heirs of George Galphin within the power of the Executive.

ANDREW JACKSON.

WASHINGTON, *January 18, 1837.*

To the Senate of the United States:

In compliance with the resolution of the Senate dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last by the President of the Mexican Republic, and a copy of my reply to the same on the 4th of September. No other communication on the subject of the resolution referred to has been made to the Executive by any other foreign government, or by any person claiming to act in behalf of Mexico.

ANDREW JACKSON.

The President of the Mexican Republic to the President of the United States.

COLUMBIA, IN TEXAS, *July 4, 1836.*

His Excellency General ANDREW JACKSON,

President of the United States of America.

MUCH ESTEEMED SIR: In fulfillment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of 6,000 Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander in chief of the Texan army, and by his successor, General Thomas J. Rusk, for the termination of the war; the decision of the President and cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies inclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brasos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfill the other engagements, and with that intent I embarked on board the schooner *Invincible*, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early

in last month; and in consequence of it the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola and has ordered his successor, General Urrea, to continue its operations, in obedience to which order that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation and of my going to Mexico according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war and of its disasters is therefore inevitable unless the voice of reason be heard in proper time from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country which I did not possess four months ago. I have too much zeal for the interests of my country to wish for anything which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death rather than consent to any compromise if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation. That conviction alone determined me sincerely to agree to what has been stipulated, and in the same spirit I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part. Afford me the satisfaction of avoiding approaching evils and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world, and who, under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted you will see the sentiments which animate me, and with which I remain, your most humble and obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

The President of the United States to the President of the Mexican Republic.

HERMITAGE, September 4, 1836.

General ANTONIO LOPEZ DE SANTA ANNA.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th day of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations; but it proceeds on the principle that all nations have the right to alter, amend, or change their own government as the sovereign power—the people—may direct. In this respect it never interferes with the policy of other powers, nor

can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations or remove the causes of misunderstanding is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister from considering it. That Government has notified us that as long as you are a prisoner no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war and in substituting in their stead the blessings of peace is a divine privilege. Every government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander in chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the meantime I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken and can add to the number of those scenes of bloodshed which have already marked the progress of their contest and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

JANUARY 19, 1837.

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

I herewith transmit a copy of the annual report of the Director of the Mint, showing the operations of the institution during the past year and also the progress made toward completion of the branch mints in North Carolina, Georgia, and Louisiana.

ANDREW JACKSON.

WASHINGTON, January 20, 1837.

To the Senate and House of Representatives:

In compliance with the act of Congress of the 3d of March, 1829, I herewith transmit to Congress the report of the board of inspectors of the penitentiary of Washington, and beg leave to draw their attention to the fact presented with the report, "that the inspectors have received no compensation for their services for two years, viz, 1829 and 1830," and request that an appropriation be made for the same.

ANDREW JACKSON.

WASHINGTON, *January 21, 1837.*

To the Senate of the United States:

I transmit, for your constitutional action, a report from the War Department, accompanied by a treaty with the Stockbridge and Munsee Indians.

ANDREW JACKSON.

WASHINGTON, *January 21, 1837.*

To the Senate of the United States:

I transmit, for your constitutional action, a report from the War Department, accompanied by a treaty with a portion of the New York Indians.

ANDREW JACKSON.

WASHINGTON, *January 25, 1837.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report* from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, *January 27, 1837.*

To the Senate and House of Representatives:

I transmit herewith certain papers from the War Department, relative to the improvement of Brunswick Harbor, Georgia.

ANDREW JACKSON.

WASHINGTON, *January 30, 1837.*

To the House of Representatives of the United States:

I herewith transmit to the House the copy of a letter addressed to me by the governor of the State of Maine on the 30th of June last, communicating sundry resolutions of the legislature of that State and claiming the reimbursement of certain moneys paid to John and Phineas R. Harford for losses and expenses incurred by them under circumstances explained in the accompanying papers.

ANDREW JACKSON.

WASHINGTON, *February 6, 1837.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of Representatives of the 3d instant, I herewith transmit the report† of the Secretary of the Navy, which affords all the information required by said resolution. The

* Relating to the condition of the political relations between the United States and Mexico, and to the condition of Texas.

† Relating to the South Sea exploring expedition.

President begs leave to add that he trusts that all facilities will be given to this exploring expedition that Congress can bestow and the honor of the nation demands.

ANDREW JACKSON.

WASHINGTON, February 6, 1837.

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

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the

two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my cooperation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, *February 7, 1837.*

To the Senate of the United States:

I transmit communications from the War Department relating to the treaty with the Sacs and Foxes recently submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *February 7, 1837.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a report from the War Department, accompanied by a treaty with the Saganaw tribe of Chippewa Indians.

ANDREW JACKSON.

WASHINGTON, *February, 1837.*

To the Senate of the United States:

I transmit, for your consideration and action, a treaty with certain Potawatamie Indians, accompanied by a report from the War Department.

ANDREW JACKSON.

WASHINGTON, *February 9, 1837.*

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

I communicate to Congress printed copies of the treaty of peace and commerce between the United States and the Empire of Morocco, concluded at Meccanez on the 16th day of September last, and duly ratified by the respective Governments.

ANDREW JACKSON.

WASHINGTON, *February 11, 1837.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a letter addressed to me on the 30th ultimo by the governor of the State of New Hampshire, communicating several resolutions of the legislature of that Commonwealth and claiming the reimbursement of certain expenses incurred by that State in maintaining jurisdiction over that portion of its territory north of the forty-fifth degree of north latitude, known by the name of Indian Stream, under circumstances explained in his excellency's letter.

ANDREW JACKSON.

WASHINGTON, *February 13, 1837.**To the Senate of the United States:*

I herewith transmit to the Senate a report* from the Secretary of State, with accompanying papers, embracing a copy of the correspondence requested by the resolution of the 7th instant, and such additional documents as were deemed necessary to a correct understanding of the whole subject.

ANDREW JACKSON.

WASHINGTON CITY, *February 14, 1837.**To the House of Representatives:*

I transmit herewith a copy of the instructions, prepared under my direction by the War Department, for the commissioners appointed by me, in pursuance of the request contained in the resolution adopted by the House of Representatives on the 1st of July last, to investigate the causes of the hostilities then existing with the Creek Indians, and also copies of the reports on that subject received from the commissioners.

ANDREW JACKSON.

FEBRUARY 15, 1837.

To the Senate of the United States:

I herewith transmit to the Senate a report of the Postmaster-General, on the subject of the claims of Messrs. Stockton and Stokes, with a review of that report by the Solicitor of the Treasury, to whom, under a law of the last session of Congress, all the suspended debts of those contractors had been submitted; also a supplemental rejoinder by the Postmaster-General since the report of the Solicitor of the Treasury was made, with the papers accompanying the same, all of which are respectfully submitted for the consideration of the Senate.

ANDREW JACKSON.

WASHINGTON, *February 15, 1837.**To the Senate of the United States:*

I transmit herewith, for your consideration and action, a treaty lately made with the Sioux of the Mississippi, accompanied by a report from the War Department.

ANDREW JACKSON.

WASHINGTON, *February, 1837.**To the Senate of the United States:*

I transmit herewith a convention between the Choctaws and Chickasaws, which meets my approbation, and for which I ask your favorable consideration and action.

—ANDREW JACKSON.—

* Relating to the seizure of slaves on board the brigs *Encomium* and *Enterprise* by the authorities of Bermuda and New Providence.

WASHINGTON, February 20, 1837.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 9th ultimo, I transmit a report from the Secretary of State and the documents* by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, February 24, 1837.

To the House of Representatives:

I transmit a letter from the Secretary of War *ad interim*, accompanied by various documents, in relation to a survey recently made of the mouths of the Mississippi River under a law of the last session of Congress.

ANDREW JACKSON.

WASHINGTON, March 3, 1837.

To the Senate of the United States:

In the month of October last, the office of Secretary of War being vacant, I appointed Benjamin F. Butler, of the State of New York, to perform the duties thereof during the pleasure of the President, but with the expectation that the office would be otherwise filled, on the nomination of my successor, immediately on the commencement of his term of service. This expectation I have reason to believe will be fulfilled, but as it is necessary in the present state of the public service that the vacancy should actually occur, and as it is doubtful whether Mr. Butler can act under his present appointment after the expiration of the present session of the Senate, I hereby nominate the said Benjamin F. Butler to be Secretary of War of the United States, to hold the said office during the pleasure of the President until a successor duly appointed shall accept such office and enter on the duties thereof.

ANDREW JACKSON.

WASHINGTON, March 3, 1837.

To the Senate of the United States:

In my message to Congress of the 21st of December last I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation law passed by both Houses providing

*Correspondence of William Tudor, jr., while consul, etc., of the United States to Peru and chargé d'affaires at Rio de Janeiro.

for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the Senate, the constitutional advisers of the Executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that "the State of Texas having established and maintained an independent government capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper and in conformity with the laws of nations and the practice of this Government in like cases that the independent political existence of said State be acknowledged by the Government of the United States." Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas.

ANDREW JACKSON.

VETO MESSAGE.*

MARCH 3, 1837—11.45 p. m.

The bill from the Senate entitled "An act designating and limiting the funds receivable for the revenues of the United States" came to my hands yesterday at 2 o'clock p. m. On perusing it I found its provisions so complex and uncertain that I deemed it necessary to obtain the opinion of the Attorney-General of the United States on several important questions touching its construction and effect before I could decide on the disposition to be made of it. The Attorney-General took up the subject immediately, and his reply was reported to me this day at 5 o'clock p. m., and is hereunto annexed. As this officer, after a careful and laborious examination of the bill and a distinct expression of his opinion on the points proposed to him still came to the conclusion that the construction of the bill, should it become a law, would yet be a subject of much perplexity and doubt (a view of the bill entirely coincident with my own), and as I can not think it proper, in a matter of such vital interest and of such constant application, to approve a bill so liable to diversity of interpretations, and more especially as I have not had time, amid the duties

* Pocket veto. This message was never sent to Congress, but was deposited in the Department of State.

constantly pressing on me, to give the subject that deliberate consideration which its importance demands, I am constrained to retain the bill, without acting definitively thereon; and to the end that my reasons for this step may be fully understood I shall cause this paper, with the opinion of the Attorney-General and the bill in question, to be deposited in the Department of State.

ANDREW JACKSON.

ATTORNEY-GENERAL'S OFFICE, *March 3, 1837.*

The PRESIDENT OF THE UNITED STATES.

SIR: I have had the honor to receive the several questions proposed to me by you on the bill which has just passed the two Houses of Congress, entitled "An act designating and limiting the funds receivable for the revenues of the United States," and which is now before you for consideration. These questions may be arranged under three general heads, and in that order I shall proceed to reply to them.

I. Will the proposed bill, if approved, repeal or alter the laws now in force designating the currency required to be received in payment of the public dues, for lands or otherwise?

Will it compel the Treasury officers to receive the notes of specie-paying banks having the characteristics described in its first and second sections?

In what respect does it differ from and how far will it change the joint resolution of April 30, 1816?

Answer. In order to a correct reply to this question, and indeed to any other question arising on this obscurely penned bill, we must first obtain a general view of all its provisions.

The first section requires the Secretary of the Treasury to take measures for collecting the public revenue, first, in the legal currency of the United States (i. e., gold and silver), or, second, in the notes of such specie-paying banks as shall from time to time conform to certain conditions in regard to small bills, described in the section. This section does not expressly give the Secretary power to direct that any particular notes *shall* be received for lands or for duties, but it *forbids* the receipt of any paper currency other than such bank notes as are described in the section; and it requires the Secretary to adopt measures, in his discretion, to effectuate that prohibition.

The second section extends the prohibition still further, by forbidding the receipt of any notes which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as *cash*; to which is added a proviso authorizing the Secretary to withdraw the public deposits from any bank which shall refuse to receive as cash from the United States any notes receivable under the law which such bank receives in the ordinary course of business on general deposit.

The third and last section allows the receipt, as heretofore, of land scrip and Treasury certificates for public lands, and forbids the Secretary of the Treasury to make any discrimination in the funds receivable (other than such as results from the receipt of land scrip or Treasury certificates) between the different branches of the public revenue.

— ~~From this analysis of the bill it appears that, so far as regards bank notes, the bill~~ designates and limits their receivableness for the revenues of the United States, first, by forbidding the receipts of any except such as have all the characteristics described in the first and second sections of the bill, and, secondly, by restraining the Secretary

of the Treasury from making any discrimination in this respect between the different branches of the public revenue. In this way the bill performs, to a certain extent, the office of "designating and limiting the funds receivable for the revenues of the United States," as mentioned in its title; but it would seem from what has been stated that it is only in this way that any such office is performed. This impression will be fully confirmed as we proceed.

The bill, should it be approved, will be supplementary to the laws now in force relating to the same subject, but as it contains no repealing clause no provision of those former laws, except such as may be plainly repugnant to the present bill, will be repealed by it.

The existing laws embraced in the above question, and applicable to the subject, are:

First. As to duties on goods imported.—The seventy-fourth section of the collection law of the 2d of March, 1799, the first of which, reenacting in this respect the act of the 31st of July, 1789, provides "that all duties and fees to be collected shall be *payable in money of the United States or in foreign gold and silver coins* at the following rates," etc. The residue of the section, as to rates, has been altered by subsequent laws, and the clause quoted was varied during the existence of the Bank of the United States, the notes of which were expressly made receivable in all payments to the United States, and during the existence of the act making Treasury notes receivable by such act; but in no other respects has it ever been repealed.

Second. As to public lands.—The general land law of the 10th of May, 1800, section 5, provided that no lands should be sold, "at either public or private sale, for less than \$2 per acre, and payment may be made for the same by all purchasers *either in specie or in evidences of the public debt of the United States*, at the rates prescribed" by a prior law. This provision was varied by the acts relative to Treasury notes and the Bank of the United States in like manner as above mentioned. The second section of the general land law of the 24th of April, 1820, abrogated the allowance of credits on the sale of public lands after the 1st day of July then next; required every purchaser at public sale to make complete payment on the day of purchase, and the purchaser at private sale to produce to the register a receipt from the Treasurer of the United States or from the receiver of the district for the amount of the purchase money. The proviso to the fourth section of the same law enacted, in respect to reverted lands and lands remaining unsold, that they should not be sold for less price than \$1.25 per acre, "nor on any other terms than that of *cash payment*." This latter act has been further modified by the allowing Virginia land scrip to be received in payment for public lands.

Third. As to both duties and lands.—The joint resolution of the 30th of April, 1816, provides that the Secretary of the Treasury "be required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, *as by law provided and declared*, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, and that from and after the 20th day of February next no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the legal currency of the United States." According to the opinion given by me as a member of your Cabinet in the month of July last, and to which I still adhere, this resolution was mandatory only as it respected the legal currency of the United States, Treasury notes, and notes of the Bank of the United States, and in respect to the notes of the

State banks, though payable and paid in specie, was permissive merely in the discretion of the Secretary; and in accordance with this opinion has been the practical construction given to the resolution by the Treasury Department. It is known to you, however, that distinguished names have been vouched for the opinion that the resolution was mandatory as to the notes of all specie-paying banks; that the debtor had the right, at his option, to make payment in such notes, and that if tendered by him the Treasury officers had no discretion to refuse them.

It is thus seen that the laws now in force, so far as they *positively enjoin* the receipt of any particular currency in payment of public dues, are confined to gold and silver, except that in certain cases Virginia land scrip and Treasury certificates are directed to be received on the sale of public lands. In my opinion, there is nothing in the bill before me repugnant to those laws. The bill does not *expressly* declare and enact that any particular species of currency *shall be receivable* in payment of the public revenue. On the contrary, as the provisions of the first and second sections are chiefly of a *negative* character, I think they do not take away the power of the Secretary, previously possessed under the acts of Congress, and as the agent of the President, to *forbid* the receipt of any bank notes which are not by some act of Congress expressly made absolutely receivable in payment of the public dues.

The above view will, I think, be confirmed by a closer examination of the bill. It sets out with the assumption that there is a currency established by law (i. e., gold and silver); and it further assumes that the public revenue of all descriptions ought to be collected exclusively in such legal currency, or in bank notes of a certain character; and therefore it provides that the Secretary of the Treasury *shall* take measures to effect a collection of the revenue "in the legal currency of the United States, *or* in notes of banks which are payable and paid on demand in the said legal currency," under certain restrictions, afterwards mentioned in the act.

The question then arises: Are bank notes having the requisite characteristics placed by the clause just quoted on the same footing with the legal currency, so as to make it the duty of the Secretary of the Treasury to allow the receipt of them when tendered by the debtor? In my judgment, such is not the effect of the provision.

If Congress had intended to make so important an alteration of the existing law as to compel the receiving officers to take payment in the bank notes described in the bill, the natural phraseology would have been, "in the legal currency of the United States *and* in notes of banks which are payable and paid in the legal currency," etc. And it is reasonable to presume that Congress would have used such phraseology, or would have gone on to make a distinct provision expressly declaring that such bank notes *should be receivable*, as was done in the bank charters of 1790 and 1816, and as was also done by the acts relative to evidences of debt, Treasury notes, and Virginia land scrip. The form of one of these provisions (the fourteenth section of the act incorporating the late Bank of the United States) will illustrate the idea I desire to present:

"SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable, on demand, *shall be receivable* in all payments to the United States, unless otherwise directed by act of Congress."

The difference between the language there used and that employed in the present bill is too obvious to require comment.— It is true that the word "or," when it occurs in wills and agreements, is sometimes construed to mean "and," in order to give effect to the plain intent of the parties; and such a construction of the word may sometimes be given when it occurs in statutes, where the general intent of the lawmakers evidently requires it. But this construction of the word in the present case is not only unnecessary, but, in my opinion, repugnant to the whole scope of the bill, which, so

far from commanding the public officers to receive bank notes in cases not required by the existing laws, introduces several new prohibitions on the receipt of such notes.

Nor do I think this one of those cases in which a choice is given to the debtor to pay in one or other of two descriptions of currency, both of which are receivable by law. Such a choice was given by the law of the 10th of May, 1800, section 5, between specie and the evidences of the public debt of the United States then receivable by law, and also by the joint resolution of the 30th of April, 1816, between "the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared." The option given by that resolution continued in force so long as the laws providing and declaring that Treasury notes and notes of the Bank of the United States should be receivable in payments to the United States, and ceased when those laws expired. The distinction between that description of paper currency which is by law expressly made receivable in payment of public dues, and the notes of the State banks, which were only *permitted* to be received, is plainly marked in the resolution of 1816. While the former are placed on the same footing with the legal currency, because by previous laws it had been so "*provided and declared*," the latter were left to be received or not received, at the discretion of the Secretary of the Treasury, except that he was restricted from allowing any to be received which were not payable and paid on demand in the legal currency. The bank notes spoken of in the bill before me, having never been made receivable by law, must be regarded as belonging to the latter class, and not to the former; and there can therefore be no greater obligation under the present bill, should it become a law, to receive them in payment than there was to receive the paper of the State banks under the resolution of 1816.

As to the difference between this bill and the joint resolution of 1816, the bill differs from that resolution in the following particulars:

First. It says nothing of Treasury notes and the notes of the Bank of the United States, which by the resolution of 1816 are recognized as having been made receivable by laws then in force in payment of public dues of all descriptions.

Second. It abridges the discretion left with the Secretary of the Treasury by that resolution, by positively forbidding the receipt of bank notes not having the characteristics described in the first and second sections of the bill; whereas the receipt of some of the notes so forbidden might, under the resolution of 1816, have been allowed by the Secretary.

Third. It forbids the making of any discrimination in respect to the receipt of bank notes between the different branches of the public revenue; whereas the Secretary of the Treasury, under the resolution of 1816, was subject to no such restraint, and had the power to make the discrimination forbidden by the bill, except as to the notes of the Bank of the United States and Treasury notes.

This bill, if approved, will change the resolution of 1816, so far as it now remains in force, in the second and third particulars just mentioned, but in my opinion, as already suggested, will change it in no other respect.

II. What is the extent of the supervision and control allowed by this bill to the Secretary of the Treasury over the notes to be received by the deposit banks?

And does it allow him to direct what particular notes shall or shall not be received for lands or for duties?

Answer. After maturely considering, so far as time has been allowed me, the several provisions of the bill, I think the following conclusions may fairly be drawn from them when taken in connection with the laws now in force, and above referred to, and that should it become a law they will probably express its legal effect.

First. That the Secretary of the Treasury can not direct the receipt of any notes except such as are issued by banks which conform to the first section of the law and such as will be passed by the proper deposit bank to the credit of the United States as *cash*.

Second. That he *may direct* the receipt of notes issued by banks which conform to the first section, provided the deposit bank in which the notes are to be deposited shall agree to credit them as cash.

Third. That if the deposit bank in which the money is to be deposited shall refuse to receive as cash the notes designated by the Secretary, and which such bank receives in the ordinary course of business on general deposit, he may withdraw the public deposits and select another depository which will agree to receive them.

Fourth. That if he can not find a depository which will so agree, then that the Secretary can not direct or authorize the receipt of any notes except such as the deposit bank primarily entitled to the deposits will agree to receive and deposit as cash.

Fifth. That although a deposit bank might be willing to receive from the collectors and receivers, and to credit as *cash*, notes of certain banks which conform to the first section, yet, for the reasons before stated, I am of opinion that the Secretary is not *obliged* to allow the receipt of such notes.

Sixth. The Secretary is forbidden to make any discrimination in the *funds receivable* "between the different branches of the public revenue," and therefore, though he may forbid the receipt of the notes of any particular bank or class of banks not excluded by the bill, and may forbid the receipt of notes of denominations larger than those named in the bill, yet when he issues any such prohibition it must apply to *all* the branches of the public revenue.

Seventh. If I am right in the foregoing propositions, the result will be that the proposed law will leave in the Secretary of the Treasury power to *prohibit* the receipt of particular notes *provided his prohibition apply to both lands and duties*, and power to *direct* what particular notes allowed by the law shall be received *provided he can find a deposit bank which will agree to receive and [credit] them as cash*.

III. Are the deposit banks the sole judges under this bill of what notes they will receive, or are they bound to receive the notes of every specie-paying bank, chartered or unchartered, wherever situated, in any part of the United States?

Answer. In my opinion the deposit banks, under the bill in question, will be the sole judges of the notes to be received by them from any collector or receiver of public money, and they will not be bound to receive the notes of any other bank whose notes they may choose to reject, provided they apply the same rule to the United States which they apply to their own depositors. In other words, the general rule as to what notes are to be received as cash, prescribed by each deposit bank for the regulation of its ordinary business, must be complied with by the collectors and receivers whose moneys are to be deposited with that bank. But it will not therefore follow that those officers will be bound to receive what the bank generally receives, because, as already stated, they may refuse of their own accord, or under the direction of the Secretary of the Treasury, any bank notes not expressly directed by act of Congress to be received in payment of the public dues.

I have thus answered the several questions proposed on the bill before me; and though I have been necessarily obliged to examine the subject with much haste, I have no other doubts as to the soundness of the construction above given than such as belong to discussions of this nature and to a proper sense of the fallibility of human judgment. It is, however, my duty to remind you that very different opinions were expressed in the course of the debates on the proposed law by some of the members who took part therein. It would seem from these debates that the bill, in some instances at least, was supported under the impression that it would compel the Treasury officers to receive all bank notes possessing all the characteristics described in the first and second sections, and that the Secretary of the Treasury ~~would have no power to forbid their receipt. It must be confessed that the language is sufficiently ambiguous to give some plausibility to such a construction, and that it seems to derive some support from the refusal of the House of Representatives to consider an amendment reported by the Committee of Ways and Means of that~~

House, which would substantially have given the bill, in explicit terms, the interpretation I have put on it, and have removed the uncertainty which now pervades it. Under these circumstances it may reasonably be expected that the true meaning of the bill, should it be passed into a law, will become a subject of discussion and controversy, and probably remain involved in much perplexity and doubt until it shall have been settled by a judicial decision. How far these latter considerations are to be regarded by you in your decision on the bill is a question which belongs to another place, and on which, therefore, I forbear to enlarge in this communication.

I have the honor to be, sir, with high respect, your obedient servant,

B. F. BUTLER.

AN ACT designating and limiting the funds receivable for the revenues of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided; that is, that no such duties, taxes, debts, or sums of money, payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States under the following restrictions and conditions in regard to such notes, to wit: From and after the passage of this act the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

SEC. 2. *And be it further enacted,* That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: *Provided,* That if any deposit bank shall refuse to receive and pass to the credit of the United States as cash any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank.

SEC. 3. *And be it further enacted,* That this act shall not be so construed as to prohibit receivers or collectors of the dues of the Government from receiving for the public lands any kind of land scrip or Treasury certificates now authorized by law, but the same shall hereafter be received for the public lands in the same way and manner as has heretofore been practiced; and it shall not be lawful for the Secretary of the Treasury to make any discrimination in the funds receivable between the different branches of the public revenue, except as is provided in this section.

JAMES K. POLK,

Speaker of the House of Representatives.

W. R. KING,

President of the Senate pro tempore.

I certify that this act did originate in the Senate.

ASBURY DICKINS, *Secretary.*

PROCLAMATION.

[From Senate Journal, Twenty-fourth Congress, second session, p. 355.]

DECEMBER 20, 1836.

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

By virtue of the power vested in me by the Constitution, I hereby convene the Senate of the United States to meet in the Senate Chamber on the 4th day of March next, at 10 o'clock in the forenoon, to receive any communication the President of the United States may think it his duty to make.

ANDREW JACKSON.

EXECUTIVE ORDERS.

— WAR DEPARTMENT, *February 15, 1837.*

Major-General ALEXANDER MACOMB,

President of the Court of Inquiry, etc.

SIR: I have the honor to inclose a copy of the opinion of the President of the United States on the proceedings of the court of inquiry of which you are president, relative to the campaign against the Creek Indians, and, in compliance with the direction at the close thereof, to transmit herewith those proceedings, with the documentary evidence referred to therein, for the further action of the court.

Very respectfully, your most obedient servant,

B. F. BUTLER,

Secretary of War ad interim.

P. S.—The proceedings and a portion of the documents accompany this. The balance of the documents (except Nos. 204 and 209, which will be sent to-morrow) are in a separate package, and sent by the same mail.

WASHINGTON, *February 14, 1837.*

The President has carefully examined the proceedings of the court of inquiry recently held at the city of Frederick, by virtue of Orders Nos. 65 and 68, so far as the same relate to the causes of the delay in opening and prosecuting the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and has maturely considered the opinion of the court on this part of the subject referred to it.

The order constituting the court directs it, among other things—

To inquire and examine into the causes of the delay in opening and prosecuting the campaign in Georgia and Alabama against the hostile Creek Indians in the year

1836, and into every subject connected with the military operations in the campaign aforesaid, and, after fully investigating the same, to report the facts, together with its opinion on the whole subject, for the information of the President.

It appears from the proceedings that after the testimony of nine witnesses had been received by the court, and after more than one hundred documents bearing on the subject had also been produced in evidence, and after Major-General Scott had addressed the court on the subject, the court proceeded to pronounce its opinion, as follows:

Upon a careful examination of the abundant testimony taken in the foregoing case the court is of opinion that no delay which it was practicable to have avoided was made by Major-General Scott in opening the campaign against the Creek Indians. On the contrary, it appears that he took the earliest measures to provide arms, munitions, and provisions for his forces, who were found almost wholly destitute; and as soon as arms could be put into the hands of the volunteers they were, in succession, detached and placed in position to prevent the enemy from retiring upon Florida, and whence they could move against the main body of the enemy as soon as equipped for offensive operations.

From the testimony of the governor of Georgia, of Major-General Sanford, commander of the Georgia volunteers, and many other witnesses of high rank and standing who were acquainted with the topography of the country and the position and strength of the enemy, the court is of opinion that the plan of campaign adopted by Major-General Scott was well calculated to lead to successful results, and that it was prosecuted by him, as far as practicable, with zeal and ability, until recalled from the command upon representations made by Major-General Jesup, his second in command, from Fort Mitchell, in a letter bearing date the 20th of June, 1836, addressed to F. P. Blair, esq., at Washington, marked "private," containing a request that it be shown to the President; which letter was exposed and brought to light by the dignified and magnanimous act of the President in causing it to be placed on file in the Department of War as an official document, and which forms part of the proceedings. (See Document No. 214.) Conduct so extraordinary and inexplicable on the part of Major-General Jesup, in reference to the character of said letter, should, in the opinion of the court, be investigated.

The foregoing opinion is not accompanied by any report of the *facts* in the case, as required by the order constituting the court; on the contrary, the facts are left to be gathered from the mass of oral and documentary evidence contained in the proceedings, and thus a most important part of the duty assigned to the court remains unexecuted. Had the court stated the facts of the case as established to its satisfaction by the evidence before it, the President, on comparing such state of facts found by the court with its opinion, would have distinctly understood the views entertained by the court in respect to the degree of promptitude and energy which ought to be displayed in a campaign against Indians—a point manifestly indispensable to a correct appreciation of the opinion, and one which the President's examination of the evidence has not supplied, inasmuch as he has no means of knowing whether the conclusions drawn by him from the evidence agree with those of the court.

The opinion of the court is also argumentative, and wanting in requisite precision, inasmuch as it states that "*no delay which it was practicable*

to have avoided was made by Major-General Scott in opening the campaign against the Creek Indians," etc.; thus leaving it to be inferred, but not distinctly finding, that there was some delay, and that it was made by some person other than Major-General Scott, without specifying in what such delay consisted, when it occurred, how long it continued, nor by whom it was occasioned. Had the court found a state of facts, as required by the order constituting it, the uncertainty now existing in this part of the opinion would have been obviated and the justice of the opinion itself readily determined.

That part of the opinion of the court which animadverts on the letter addressed by Major-General Jesup to F. P. Blair, esq., bearing date the 20th of June, 1836, and which presents the same as a subject demanding investigation, appears to the President to be wholly unauthorized by the order constituting the court, and by which its jurisdiction was confined to an inquiry into the causes of the delay in opening and prosecuting the campaign against the hostile Creeks and into such subjects as were connected with the military operations in that campaign. The causes of the recall of Major-General Scott from the command and the propriety or impropriety of the conduct of General Jesup in writing the letter referred to were not submitted to the court as subjects of inquiry. The court itself appears to have been of this opinion, inasmuch as no notice was given to General Jesup of the pendency of the proceedings, nor had he any opportunity to cross-examine and interrogate the witnesses, nor to be heard in respect to his conduct in the matter remarked on by the court.

For the several reasons above assigned, the President disapproves the opinion of the court, and remits to it the proceedings in question, to the end that the court may resume the consideration of the evidence and from the same, and from such further evidence as shall be taken (in case the court shall deem it necessary to take further evidence), may ascertain and report with distinctness and precision, especially as to time, place, distances, and other circumstances, all the facts touching the opening and prosecuting of the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and the military operations in the said campaign, and touching the delay, if any there was, in the opening or prosecuting of said campaign, and the causes of such delay; and to the end, also, that the court, whilst confining its opinion to the subject-matters submitted to it, may fully and distinctly express its opinion on those matters for the information of the President.

The Secretary of War *ad interim* will cause the proceedings of the court on the subject of the campaign against the Creek Indians, with the documentary evidence referred to therein and a copy of the foregoing opinion, to be transmitted to Major-General Alexander Macomb, president of the court, for the proper action thereon.

ANDREW JACKSON.

WASHINGTON, *February 18, 1837.*

The proceedings of the court of inquiry recently assembled and still sitting at Frederick by virtue of Orders Nos. 65 and 68, so far as the same relate to the causes of the failure of the campaign of Major-General Scott against the Seminole Indians in 1836, were heretofore submitted to the President, and the examination thereof suspended in consequence of the necessary connection between the case of Major-General Scott and that of Major-General Gaines, also referred to the same court, and not yet reported on. Certain other proceedings of the same court having been since examined by the President, and having been found defective, and therefore remitted to the court for reconsideration, the President has deemed it proper, in order to expedite the matter, to look into the first-mentioned proceedings for the purpose of ascertaining whether or not the like defects existed therein. On this inspection of the record he perceives that the court has not reported, except in a few instances, the facts of the case, as required by the order constituting the court, and in those instances the facts found by the court are stated in a very general form and without sufficient minuteness and precision; and he therefore remits the said proceedings to the court, to the end that the court may resume the consideration of the evidence, and from the same, and from such further evidence as may be taken (in case the court shall deem it necessary to take further evidence), may ascertain and report with distinctness and precision all the facts touching the subject to be inquired of, established to the satisfaction of the court by the evidence before it, and especially the times when and places where the several occurrences which are deemed material by the court in the formation of its opinion actually took place, with the amount of force on both sides at the different periods of time embraced in the transactions, and the positions thereof, and such other circumstances as are deemed material by the court; together with its opinion on the whole subject, for the information of the President.

The Secretary of War *ad interim* will cause the proceedings of the court in the case of Major-General Scott, first above mentioned, with the documentary evidence referred to therein and a copy hereof, to be transmitted to Major-General Alexander Macomb, president of the court, for the proper action thereon.

ANDREW JACKSON.

FAREWELL ADDRESS.

MARCH 4, 1837.

FELLOW-CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune in the discharge of public duties, civil and military, frequently to have

found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I can not hope that it has at all times been free from errors; but I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve, and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns, but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me, and will at least see in them an earnest desire to perpetuate in this favored land the blessings of liberty and equal law.

We have now lived almost fifty years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war against each other, and our intimate commercial connections with every part of the civilized world rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called upon to put forth its whole strength without the lights of experience to guide it or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us, and

if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil, and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness; and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just, and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary, exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects and these multiplied favors we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it, and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union was earnestly pressed upon his fellow-citizens by the Father of his Country in his Farewell Address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands;" and he has cautioned us in the strongest terms against the formation of parties on geographical ~~discriminations~~, as one of the means which might disturb our Union and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his

countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment; for when we look upon the scenes that are passing around us and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy, foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment—and he so speaks of it in his Address—but an experiment upon the success of which the best hopes of his country depended; and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and a fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States and to place party divisions directly upon geographical distinctions; to excite the *South* against the *North* and the *North* against the *South*, and to force into the controversy the most delicate and exciting topics—topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion. Appeals, too, are constantly made to sectional interests in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten, or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride and local attachments finds a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren, and that however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not your-

selves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe, the memory of victories won by their united valor, the prosperity and happiness they have enjoyed under the present Constitution, the proud name they bear as citizens of this great Republic—if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off, new leaders would spring up, and this great and glorious Republic would soon be broken into a multitude of petty States, without commerce, without credit, jealous of one another, armed for mutual aggression, loaded with taxes to pay armies and leaders, seeking aid against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States argument will soon make them sensible of their errors, and when convinced they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others, as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of

the nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within the reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the Government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people. And no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union and with it an end to the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution can not be maintained nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people, in the security it gives to life, liberty, character, and property in every quarter of the country, and in the fraternal attachment which the citizens of the several States bear to one another as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States, and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars, and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted—principles which had taken deep root in their social relations before the Revolution, and therefore of

necessity influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure, and while it does not interfere with the rights of the people of other States or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference, and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism, and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered it naturally provokes resentments which can not always be easily allayed. Justice—full and ample justice—to every portion of the United States should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government, and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed, for one evil example will lead to other

measures still more mischievous; and if the principle of constructive powers or supposed advantages or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States and to confine the action of the General Government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the taxgatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them, and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Plain as these principles appear to be, you will yet find there is a constant effort to induce the General Government to go beyond the limits of its taxing power and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce and to swell the revenue beyond the real necessities of the public service, and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress, and in order to fasten upon the people this unjust and unequal system of taxation

extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support. Thus one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You can not have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government by its veto endeavored to arrest this prodigal scheme of injustice and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people when the subject was brought before them sustained the course of the Executive, and this plan of unconstitutional expenditures for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury, notwithstanding the tariff was reduced and is now very far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters; and since the people have decided that the Federal Government can not be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States; and if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will before long find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff in order to obtain a surplus for distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal Government can not collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted. It is, moreover, a system of injustice, and if persisted in will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it

when distributed among the States, where it is to be disposed of by leading State politicians, who have friends to favor and political partisans to gratify? It will certainly not be returned to those who paid it and who have most need of it and are honestly entitled to it. There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burden of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States and the policy pursued since the adoption of our present form of Government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper, and we ought not on that account to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain. The corporations which create the paper money can not be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain or by the influence of those who hope to profit by it to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business; and when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given, suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency and

these indiscreet extensions of credit naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock which within the last year or two seized upon such a multitude of our citizens and threatened to pervade all classes of society and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue and promote the true interests of our country; but if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils and destroy at no distant day the purity of your Government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine note. These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business, and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the Government is emphatically the Government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth and their bravery in war has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests can not be effectually protected unless silver and gold are restored to circulation.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions, and ~~that those who desire to engross all power in the hands of the few and~~ to govern by corruption or force are aware of its power and prepared to employ it. Your banks now furnish your only circulating medium, and

money is plenty or scarce according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although in the present state of the currency these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society, yet, from their number and dispersed situation, they can not combine for the purposes of political influence, and whatever may be the dispositions of some of them their power of mischief must necessarily be confined to a narrow space and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and it undoubtedly possessed) the power to make money plenty or scarce at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks necessarily went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized

and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few, and this organized money power from its secret conclave would have dictated the choice of your highest officers and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States, and the evil consequences which followed may warn us of the danger of departing from the true rule of construction and of permitting temporary circumstances or the hope of better promoting the public welfare to influence in any degree our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty, and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages and State interests and State pride they will endeavor to establish in the different States one moneyed institution with overgrown capital and exclusive privileges

sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined, and in the State in which it is chartered the money power will be able to embody its whole strength and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society, and over those whose engagements in trade or speculation render them dependent on bank facilities the dominion of the State monopoly will be absolute and their obedience unlimited. With such a bank and a paper currency the money power would in a few years govern the State and control its measures, and if a sufficient number of States can be induced to create such establishments the time will soon come when it will again take the field against the United States and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city or in a small district of country by means of personal communications with each other, but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them who hope to grow rich without labor by their countenance and favor, and who are therefore always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country—men who love liberty and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them. The mischief springs from the power which the moneyed interest derives from a paper currency

which they are able to control, from the multitude of corporations with exclusive privileges which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States and check this spirit of monopoly and thirst for exclusive privileges you will in the end find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system and its natural associations—monopoly and exclusive privileges—have already struck their roots too deep in the soil, and it will require all your efforts to check its further growth and to eradicate the evil. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you everyone placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed; and while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared during my administration of the Government to restore the constitutional currency of gold and silver, and something, I trust, has been done toward the accomplishment of this most desirable object; but enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance in the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation and to avoid by every honorable means the calamities of war, and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no

nation, however desirous of peace, can hope to escape occasional collisions with other powers, and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will in the end be found to be the cheapest and most effectual, and now is the time, in a season of peace and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy, for your Navy will not only protect your rich and flourishing commerce in distant seas, but will enable you to reach and annoy the enemy and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object, but they are indispensable to protect cities from bombardment, dockyards and naval arsenals from destruction, to give shelter to merchant vessels in time of war and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description can not be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess can not be applied in any manner more useful to the country, and when this is done and our naval force sufficiently strengthened and our militia armed we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will

be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

ANDREW JACKSON.