

DEPARTMENT OF STATE,
Washington, February 2, 1839.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State has the honor to report to the President that, according to his instructions, Mr. Martinez, the Mexican minister plenipotentiary, was invited to the Department of State in order to ascertain if he had any recent information on the subject of the convention between the United States and Mexico, transmitted by him to Mexico for ratification by his Government. Mr. Martinez called yesterday and stated that he was without definite information, but expected daily to receive it. He supposed the delay was occasioned by the troubled condition of Mexican affairs, and hoped we would make all due allowances for unavoidable delays. When asked if he had power to enlarge the time for the exchange of ratifications, he said that all his instructions had been fulfilled on the signature of the treaty. The Secretary called his attention to information just received at the Department from Mexico that the treaty was about to be submitted to the Mexican Congress, and he was requested to state what had changed the views of his Government on the question of ratifying the convention, he himself having stated, pending the negotiation, that the President, Bustamente, believed he had full power under the decree of the 20th of May, 1837, to ratify the convention without a reference of it to Congress. He replied that he did not know the causes which had produced this change of opinion. Mr. Martinez appeared to be very solicitous to have it understood that he had done everything in his power to hasten the exchange of ratifications, and to have every allowance made in consequence of the disturbed state of Mexico and her pending war with France. From this conversation and the accompanying extracts from two letters from the consul of the United States at Mexico the President will see that it is by no means improbable, if the ratification of the convention should have been decreed by the Congress of Mexico, that the ratification may not reach the city of Washington until after the 10th of February. The Secretary therefore respectfully represents to the President whether it is not advisable to ask the consent of the Senate to the exchange of the ratifications after the expiration of the time limited, if such exchange shall be offered by the Mexican Government by their agent duly authorized for that purpose. Unless this authority can be granted, a new convention will have to be negotiated and the whole subject passed over until after the next session of Congress.

All which is respectfully submitted.

JOHN FORSYTH.

[Extract of a letter from the consul of the United States at Mexico, dated November 17, 1838.]

On the 13th Mr. Basave did me the honor to call on me, and informed me that he was requested by his excellency the minister of foreign relations, Mr. Cuevas, to inform me that in consequence of his having to go to Jalapa to meet Admiral Baudin, the French minister plenipotentiary, he could not attend to the matters relating to the American question in time for Mr. Basave to go back in the *Woodbury*, and wished, therefore, that she might not be detained, as was intended, for the purpose of conveying to the United States Messrs. Basave and Murphy.

[Extract of a letter from the consul of the United States at Mexico, dated December 31, 1838.]

On a visit to the minister of foreign relations yesterday he informed me that he was writing a friendly letter to the President of the United States and another to Mr. Forsyth, and said he was about to lay the convention entered into between the two Governments before the new Congress, and if ratified should request of me to procure for it a conveyance to the United States by one of our men-of-war, the time for its ratification being nearly expired.

WASHINGTON, D. C., *February 6, 1839.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report* from the Secretary of State, with accompanying documents, in answer to a resolution of that body bearing date on the 28th ultimo.

M. VAN BUREN.

WASHINGTON, *February 6, 1839.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th December last, I communicate to the Senate a report† from the Secretary of State, accompanying copies of the correspondence called for by said resolution.

M. VAN BUREN.

WASHINGTON, *February 6, 1839.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I transmit herewith the report of the commissioners appointed under the act of 28th of June last and the supplementary act of July following to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions.

M. VAN BUREN.

WASHINGTON, D. C., *February 9, 1839.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives a report from the Secretary of State, together with the documents which accompanied it, in answer to the resolution of the 28th ultimo, requesting information touching certain particulars in the territorial relations of the United States and Great Britain on this continent.

M. VAN BUREN.

WASHINGTON, *February 13, 1839.*

To the Senate of the United States:

I herewith transmit to the Senate a report‡ from the Secretary of State, with accompanying documents, in answer to their resolution of the 1st instant.

M. VAN BUREN.

*Relating to the demand upon the British Government for satisfaction for the burning of the steamboat *Caroline* and murdering of unarmed citizens on board, at Schlosser, N. Y., December 29, 1837.

†Relating to the commerce and navigation carried on within the Turkish dominions and in the Pashalic of Egypt.

‡Relating to compensation by Great Britain in the cases of the brigs *Enterprise*, *Encomium*, and *Comet*, slaves on board which were forcibly seized and detained by local authorities of Bermuda and Bahama islands.

WASHINGTON, *February 16, 1839.*

To the Senate:

I transmit for the constitutional action of the Senate treaties recently concluded with the Creek, Osage, and Iowa tribes of Indians, with communications from the Department of War.

M. VAN BUREN.

WASHINGTON, *February 19, 1839.*

To the House of Representatives:

I transmit a report from the War Department in relation to the investigations had by the commissioners under the resolution of 1st July, 1836, on the sales of reservations of deceased Creek Indians.

M. VAN BUREN.

WASHINGTON, *February 21, 1839.*

To the Senate of the United States:

I transmit for the constitutional action of the Senate articles supplementary to the treaty with the Chippewas, for the purchase of 40 acres of land at the mouth of the Saginaw River, which are esteemed necessary in the erection and use of a light-house at that point.

M. VAN BUREN.

WASHINGTON, *February 22, 1839.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I herewith transmit a report from the Secretary of State, with accompanying documents, on the subject of the blockades of the Mexican coast and of the Rio de la Plata, in answer to the resolution of the House of Representatives of the 11th instant.

M. VAN BUREN.

WASHINGTON, *February 25, 1839.*

To the Senate:

I transmit for the constitutional action of the Senate a supplemental article to the treaty with the Chippewas of Saganaw, which accompanied my communication of the 21st instant, and explanatory papers from the War Department.

M. VAN BUREN.

WASHINGTON, *February 26, 1839.*

To the Senate and House of Representatives:

I lay before Congress several dispatches from his excellency the governor of Maine, with inclosures, communicating certain proceedings of

the legislature of that State, and a copy of the reply of the Secretary of State, made by my direction, together with a note from H. S. Fox, esq., envoy extraordinary and minister plenipotentiary of Great Britain, with the answer of the Secretary of State to the same.

It will appear from those documents that a numerous band of lawless and desperate men, chiefly from the adjoining British Provinces, but without the authority or sanction of the provincial government, had trespassed upon that portion of the territory in dispute between the United States and Great Britain which is watered by the river Aroostook and claimed to belong to the State of Maine, and that they had committed extensive depredations there by cutting and destroying a very large quantity of timber. It will further appear that the governor of Maine, having been officially apprised of the circumstance, had communicated it to the legislature with a recommendation of such provisions in addition to those already existing by law as would enable him to arrest the course of said depredations, disperse the trespassers, and secure the timber which they were about carrying away; that, in compliance with a resolve of the legislature passed in pursuance of his recommendation, his excellency had dispatched the land agent of the State, with a force deemed adequate to that purpose, to the scene of the alleged depredations, who, after accomplishing a part of his duty, was seized by a band of the trespassers at a house claimed to be within the jurisdiction of Maine, whither he had repaired for the purpose of meeting and consulting with the land agent of the Province of New Brunswick, and conveyed as a prisoner to Frederickton, in that Province, together with two other citizens of the State who were assisting him in the discharge of his duty.

It will also appear that the governor and legislature of Maine, satisfied that the trespassers had acted in defiance of the laws of both countries, learning that they were in possession of arms, and anticipating (correctly, as the result has proved) that persons of their reckless and desperate character would set at naught the authority of the magistrates without the aid of a strong force, had authorized the sheriff and the officer appointed in the place of the land agent to employ, at the expense of the State, an armed posse, who had proceeded to the scene of these depredations with a view to the entire dispersion or arrest of the trespassers and the protection of the public property.

In the correspondence between the governor of Maine and Sir John Harvey, lieutenant-governor of the Province of New Brunswick, which has grown out of these occurrences and is likewise herewith communicated, the former is requested to recall the armed party advanced into the disputed territory for the arrest of trespassers, and is informed that a strong body of British troops is to be held in readiness to support and protect the authority and subjects of Great Britain in said territory. In answer to that request the provincial governor is informed of the determination of the State of Maine to support the land agent and his

party in the performance of their duty, and the same determination, for the execution of which provision is made by a resolve of the State legislature, is communicated by the governor to the General Government.

The lieutenant-governor of New Brunswick, in calling upon the governor of Maine for the recall of the land agent and his party from the disputed territory, and the British minister, in making a similar demand upon the Government of the United States, proceed upon the assumption that an agreement exists between the two nations conceding to Great Britain, until the final settlement of the boundary question, exclusive possession of and jurisdiction over the territory in dispute. The important bearing which such an agreement, if it existed, would have upon the condition and interests of the parties, and the influence it might have upon the adjustment of the dispute, are too obvious to allow the error upon which this assumption seems to rest to pass for a moment without correction. The answer of the Secretary of State to Mr. Fox's note will show the ground taken by the Government of the United States upon this point. It is believed that all the correspondence which has passed between the two Governments upon this subject has already been communicated to Congress and is now on their files. An abstract of it, however, hastily prepared, accompanies this communication. It is possible that in thus abridging a voluminous correspondence, commencing in 1825 and continuing to a very recent period, a portion may have been accidentally overlooked; but it is believed that nothing has taken place which would materially change the aspect of the question as therein presented. Instead of sustaining the assumption of the British functionaries, that correspondence disproves the existence of any such agreement. It shows that the two Governments have differed not only in regard to the main question of title to the territory in dispute, but with reference also to the right of jurisdiction and the fact of the actual exercise of it in different portions thereof.

Always aiming at an amicable adjustment of the dispute, both parties have entertained and repeatedly urged upon each other a desire that each should exercise its rights, whatever it considered them to be, in such a manner as to avoid collision and allay to the greatest practicable extent the excitement likely to grow out of the controversy. It was in pursuance of such an understanding that Maine and Massachusetts, upon the remonstrance of Great Britain, desisted from making sales of lands, and the General Government from the construction of a projected military road in a portion of the territory of which they claimed to have enjoyed the exclusive possession; and that Great Britain on her part, in deference to a similar remonstrance from the United States, suspended the issue of licenses to cut timber in the territory in controversy and also the survey and location of a railroad through a section of country over which she also claimed to have exercised exclusive jurisdiction.

The State of Maine had a right to arrest the depredations complained of. It belonged to her to judge of the exigency of the occasion calling for her interference, and it is presumed that had the lieutenant-governor of New Brunswick been correctly advised of the nature of the proceedings of the State of Maine he would not have regarded the transaction as requiring on his part any resort to force. Each party claiming a right to the territory, and hence to the exclusive jurisdiction over it, it is manifest that to prevent the destruction of the timber by trespassers, acting against the authority of both, and at the same time avoid forcible collision between the contiguous governments during the pendency of negotiations concerning the title, resort must be had to the mutual exercise of jurisdiction in such extreme cases or to an amicable and temporary arrangement as to the limits within which it should be exercised by each party. The understanding supposed to exist between the United States and Great Britain has been found heretofore sufficient for that purpose, and I believe will prove so hereafter if the parties on the frontier directly interested in the question are respectively governed by a just spirit of conciliation and forbearance. If it shall be found, as there is now reason to apprehend, that there is, in the modes of construing that understanding by the two Governments, a difference not to be reconciled, I shall not hesitate to propose to Her Britannic Majesty's Government a distinct arrangement for the temporary and mutual exercise of jurisdiction by means of which similar difficulties may in future be prevented.

But between an effort on the part of Maine to preserve the property in dispute from destruction by intruders and a military occupation by that State of the territory with a view to hold it by force while the settlement is a subject of negotiation between the two Governments there is an essential difference, as well in respect to the position of the State as to the duties of the General Government. In a letter addressed by the Secretary of State to the governor of Maine on the 1st of March last, giving a detailed statement of the steps which had been taken by the Federal Government to bring the controversy to a termination, and designed to apprise the governor of that State of the views of the Federal Executive in respect to the future, it was stated that while the obligations of the Federal Government to do all in its power to effect the settlement of the boundary question were fully recognized, it had, in the event of being unable to do so specifically by mutual consent, no other means to accomplish that object amicably than by another arbitration, or by a commission, with an umpire, in the nature of an arbitration; and that in the event of all other measures failing the President would feel it his duty to submit another proposition to the Government of Great Britain to refer the decision of the question to a third power. These are still my views upon the subject, and until this step shall have been taken I can not think it proper to invoke the attention of Congress

to other than amicable means for the settlement of the controversy, or to cause the military power of the Federal Government to be brought in aid of the State of Maine in any attempt to effect that object by a resort to force.

On the other hand, if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them by means of a military occupation on their part of the disputed territory, I shall feel myself bound to consider the contingency provided by the Constitution as having occurred, on the happening of which a State has the right to call for the aid of the Federal Government to repel invasion.

I have expressed to the British minister near this Government a confident expectation that the agents of the State of Maine, who have been arrested under an obvious misapprehension of the object of their mission, will be promptly released, and to the governor of Maine that a similar course will be pursued in regard to the agents of the Province of New Brunswick. I have also recommended that any militia that may have been brought together by the State of Maine from an apprehension of a collision with the government or people of the British Province will be voluntarily and peaceably disbanded.

I can not allow myself to doubt that the results anticipated from these representations will be seasonably realized. The parties more immediately interested can not but perceive that an appeal to arms under existing circumstances will not only prove fatal to their present interests, but would postpone, if not defeat, the attainment of the main objects which they have in view. The very incidents which have recently occurred will necessarily awaken the Governments to the importance of promptly adjusting a dispute by which it is now made manifest that the peace of the two nations is daily and imminently endangered. This expectation is further warranted by the general forbearance which has hitherto characterized the conduct of the Government and people on both sides of the line. In the uniform patriotism of Maine, her attachment to the Union, her respect for the wishes of the people of her sister States (of whose interest in her welfare she can not be unconscious), and in the solicitude felt by the country at large for the preservation of peace with our neighbors, we have a strong guaranty that she will not disregard the request that has been made of her.

As, however, the session of Congress is about to terminate and the agency of the Executive may become necessary during the recess, it is important that the attention of the Legislature should be drawn to the consideration of such measures as may be calculated to obviate the necessity of a call for an extra session. With that view I have thought it my duty to lay the whole matter before you and to invite such action thereon as you may think the occasion requires.

M. VAN BUREN.

WASHINGTON, D. C., *February 27, 1839.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives, in answer to their resolution of the 26th instant, a report from the Secretary of State, with the document* therein referred to.

M. VAN BUREN.

WASHINGTON, *February 27, 1839.*

To the House of Representatives:

In further compliance with the resolution of the House of Representatives of the 28th of January last, I communicate a report† from the Secretary of War, which, with its inclosures, contains additional information called for by said resolution.

M. VAN BUREN.

WASHINGTON, *February 27, 1839.*

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

I transmit to Congress copies of various other documents received from the governor of Maine, relating to the dispute between that State and the Province of New Brunswick, which formed the subject of my message of the 26th instant, and also a copy of a memorandum, signed by the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary near the United States, of the terms upon which it is believed that all hostile collision can be avoided on the frontier consistently with and respecting the claims on either side.

As the British minister acts without specific authority from his Government, it will be observed that this memorandum has but the force of recommendation on the provincial authorities and on the government of the State.

M. VAN BUREN.

EXECUTIVE DEPARTMENT,
Augusta, February 22, 1839.

His Excellency M. VAN BUREN,
President United States.

SIR: I have the honor to inclose herewith copies of letter from the lieutenant-governor of New Brunswick, under date of February 18, with my reply thereto; letter from the solicitor-general of the Province of New Brunswick to the Hon. Charles Jarvis, temporary land agent, under date of the 17th instant, with Mr. Jarvis's reply; parole of honor given by Messrs. McIntire, Cushman, Bartlett, and Webster, dated 18th February; my message to the legislature of the 21st instant.

* Letter of Mr. Stevenson, minister to England, relative to the duties and restrictions imposed by Great Britain upon the tobacco trade of the United States.

† Relating to troubles in the British Provinces of Upper and Lower Canada and to alleged violations of neutrality on the part of the United States or Great Britain, and whether the authorities of Upper Canada have undertaken to interdict or restrict the ordinary intercourse between said Province and the United States, inconsistent with subsisting treaties.

These papers will give Your Excellency all the additional information of any importance not heretofore communicated that has been received in relation to the state of affairs upon our eastern frontier. I can not but persuade myself that Your Excellency will see that an attack upon the citizens of this State by a British armed force is in all human probability inevitable, and that the interposition of the General Government at this momentous crisis should be promptly afforded.

I have the honor to be, with high respect, Your Excellency's obedient servant,

JOHN FAIRFIELD,
Governor of Maine.

GOVERNMENT HOUSE,
Frederickton, New Brunswick, February 18, 1839.

His Excellency the GOVERNOR OF MAINE.

SIR: I have the honor to acknowledge the receipt, by the hands of Hon. Mr. Rogers, of your excellency's letter of the 15th instant. Mr. McIntire and the gentlemen with him have been subjected to an examination before Her Majesty's attorney-general of this Province, who has reported to me that the offense of which they stand charged is one rather against the law of nations and of treaties than against those of this Province. They must accordingly be regarded as "state offenders." In this view, their disposal rests exclusively with Her Majesty's Government, to which I shall accordingly report the case. In the meantime I have had pleasure in directing that they shall immediately be allowed to return to the State of Maine upon pledging their parole of honor to present themselves to the Government of this Province whenever Her Majesty's decision may be received, or when required to do so. The high respectability of their characters and situations and my desire to act in all matters relating to the disputed territory in such a manner as may evince the utmost forbearance consistent with the fulfillment of my instructions have influenced me in my conduct toward these gentlemen; but it is necessary that I should upon this occasion distinctly state to your excellency—

First. That if it be the desire of the State of Maine that the friendly relations subsisting between Great Britain and the United States should not be disturbed, it is indispensable that the armed force from that State now understood to be within the territory in dispute be immediately withdrawn, as otherwise I have no alternative but to take military occupation of that territory, with a view to protect Her Majesty's subjects and to support the civil authorities in apprehending all persons claiming to exercise jurisdiction within it.

Second. That it is my duty to require that all persons subjects of Her Majesty who may have been arrested in the commission of acts of trespass within the disputed territory be given up to the tribunals of this Province, there to be proceeded against according to law.

Third. That in the event of the rumor which has just reached me relative to the arrest, detention, or interruption of James Maclachlan, esq., the warden of the disputed territory, being correct, that that officer be enlarged and the grounds of his detention explained.

Mr. Rogers takes charge of this letter, of which a duplicate will be placed in the hands of the Hon. Mr. McIntire, with both of whom I have conversed and communicated to them my views in regard to the actual position in which I shall be placed and the measures which will be forced upon me if the several demands contained in this letter be not complied with; and I have reason to believe that Mr. McIntire leaves me fully impressed with the anxious desire which I feel to be spared the necessity of acting as the letter of my instructions would both warrant and prescribe.

With regard to trespasses upon the lands of the disputed territory, I beg to assure you that the extent to which those trespasses appear to have been carried, as brought

to my knowledge by recent occurrences, will lead me to adopt without any delay the strongest and most effectual measures which may be in my power for putting a stop to and preventing the recurrence of such trespasses.

With high respect, I have the honor to be, your excellency's most obedient servant,

J. HARVEY,
Major-General, Lieutenant-Governor.

EXECUTIVE DEPARTMENT,
Augusta, February 21, 1839.

His Excellency SIR JOHN HARVEY,
Lieutenant-Governor New Brunswick.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 18th instant, by the hand of Colonel J. P. Rogers.

To your demand for the discharge of the persons arrested by the authorities of this State for being engaged in acts of trespass upon the public lands of this State I have to say that the persons named are now in the *custody of the law*. With that custody I have neither the disposition nor the authority to interfere.

In regard to James Maclauchlan, esq., provincial land agent, and Mr. Tibbets, his assistant, I have advised that they be released upon the *same terms* upon which the Hon. Rufus McIntire and his assistants were released, to wit, upon their *parole of honor* to return to Bangor whenever they should be thereto required by the executive government of this State, to answer to any charges that may be brought against them for their acts and proceedings upon what your excellency is pleased to call "the disputed territory."

For a reply to the remainder of your excellency's communication I must refer you to my letter of the 18th instant, which you will receive by the hand of R. English, esq.

I have the honor to be, with high respect, your excellency's obedient servant,

JOHN FAIRFIELD,
Governor of Maine.

AT THE MOUTH OF THE ARESTOOK, RIVER ST. JOHN,
Province of New Brunswick, February 17, 1839.

THE OFFICER COMMANDING THE ARMED FORCE ON THE DISPUTED TERRITORY.

SIR: I am directed by His Excellency Major-General Sir John Harvey, lieutenant-governor and commander in chief of this Province, to express to you his great surprise at the very extraordinary occurrence of an armed force of the description now with you having entered upon the disputed territory (so called) and attempted to exercise a jurisdiction there foreign to the British Government, seizing upon and maltreating British subjects and retaining many of them prisoners without having in the first instance given any notice or made any communication whatever to the government authorities of this Province of such your intention, or the causes which have led to these acts of aggression. If you are acting under any authority from your own government, the proceedings are still more unjustifiable, being in direct defiance and breach of the existing treaties between the Central Government of the United States and England. If you have not any such authority, you and those with you have placed yourselves in a situation to be treated by both Governments as persons rebelling against the laws of either country. But be that as it may, I am directed by his excellency to give you notice that unless you immediately remove with the force you have with you from any part of the disputed territory (so called) and discharge all British subjects whom you have taken prisoners and at once cease attempting to exercise any authority in the said territory not authorized by the British Government every person of your party that can be found or laid hold of will be taken by the

British authorities in this Province and detained as prisoners to answer for this offense, as his excellency is expressly commanded by his Sovereign to hold this territory inviolate and to defend it from any foreign aggression whatever until the two Governments have determined the question of to whom it shall belong; and to enable him to carry these commands into full effect, a large military force is now assembling at this place, part of which has already arrived, and will be shortly completed to any extent that the service may require. In doing this his excellency is very desirous to avoid any collision between Her Majesty's troops and any of the citizens of the United States that might lead to bloodshed, and if you remove from the territory peaceably and quietly without further opposition such collision will be avoided, as in that case his excellency will not think it necessary to move the British troops farther; but if you do not he will, in the execution of the commands of the British Government, find it necessary to take military possession of the territory in order to defend it from such innovation; and the consequences must be upon your own heads or upon the authority, if any, under which you act. The three gentlemen who were with you, and were taken prisoners by some of our people, have been forwarded on to Frederickton by the magistrates of the country and will be detained (as all persons heretofore have been who on former occasions were found endeavoring to set up or exercise any foreign jurisdiction or authority in the territory in question). They will, however, be well treated and every necessary attention paid to their comfort; but I have no doubt they will be detained as prisoners, to be disposed of as may hereafter be directed by the British Government. The warden of the disputed territory, Mr. Maclauchlan, went out, I understood, a few days since to explain all this to you; but he not having returned we are led to suppose you have still further violated the laws and treaties of the two nations by detaining him, who was a mere messenger of communication, together with Mr. Tibbets, the person who was employed to convey him. But as Mr. Maclauchlan was an accredited officer, acknowledged by the American Government as well as the British, and appointed for the very purpose of looking after this territory, I trust you will on reflection see the great impropriety and risk you run, even with your own government, by detaining him or his attendant, Mr. Tibbets, any longer.

I shall await at this place to receive your answer to this.

I am, sir, your most obedient, humble servant,

GEO. FRED'K STREET,
Solicitor-General of the Provinces.

CONFLUENCE OF THE ST. CROIX, STREAM ARESTOOK RIVER,
Township No. 10, State of Maine, February 19, 1839.

GEO. FRED. STREET, Esq.,
Solicitor-General of Province New Brunswick.

SIR: Your communication of the 17th instant has been this moment received. The solicitor-general of the Provinces must have been misinformed as to the place where the force under my direction is now located, or he would have been spared the impropriety of addressing such a communication to me, a citizen of the State of Maine, one of the North American Confederacy of United States.

It is also to be hoped, for the honor of the British Empire, that when Major-General Sir John Harvey, lieutenant-governor and commander in chief of the Province of New Brunswick, is made acquainted with the place where the Hon. Rufus McIntire, land agent of the State of Maine, and the two other gentlemen with him were forcibly arrested by a lawless mob, that he will direct their immediate discharge and bring the offenders to justice.

The officer to whom you allude and the person in company with him were arrested for serving a precept on a citizen of Maine. He was sent on immediately to Augusta,

the seat of government, to be dealt with by the authorities of the State. Their persons are not, therefore, in my power, and application for their discharge must be made to the government of the State.

If, however, I have been in error as to your being under a mistake as to the place where I am now stationed, on land which was run out into townships by the State of Massachusetts and covered by grants from that State before Maine was separated from Massachusetts, and which has therefore been under the jurisdiction of Maine since she has taken her rank among the independent States of the North American Union, therefore, as a citizen of Maine, in official capacity, I have but one answer to return to the threat conveyed: I am here under the direction of the executive of the State, and must remain until otherwise ordered by the only authority recognized by me; and deeply as I should regret a conflict between our respective countries, I shall consider the approach to my station by an armed force as an act of hostility, which will be met by me to the best of my ability.

I am, sir, your most obedient servant,

CHARLES JARVIS, *Land Agent.*

FREDERICKTON, NEW BRUNSWICK, *February 18, 1839.*

HON. RUFUS MCINTIRE, GUSTAVUS G. CUSHMAN, THOMAS BARTLETT, and EBENEZER WEBSTER, Esqs.:

Whereas the offense wherewith you stand charged has been pronounced by the law officers of this Province as one rather against the law of nations and of treaties than against the municipal laws of this country, and as such must be referred for the decision of Her Majesty's Government, you are hereby required to pledge your parole of honor to present yourselves at Frederickton, in this Province of New Brunswick, whenever such decision shall be communicated, or you shall be otherwise required by or on the part of this government; and for this purpose you shall make known the place or places to which such requisition shall be sent.

J. HARVEY.

FEBRUARY 18, 1839.

We have no hesitation in giving, and hereby do give, the parole of honor above referred to.

Witness:

W. EARL.

COUNCIL CHAMBER, *February 21, 1839.*

To the House of Representatives:

Under the order of the House of Representatives of the 19th instant, I herewith lay before you certain correspondence since had with the lieutenant-governor of New Brunswick, and the correspondence between Geo. Frederick Street, esq., solicitor-general for the Province of New Brunswick, and Charles Jarvis, esq., provisional land agent of this State.

The reply of Mr. Jarvis to the inadmissible and preposterous claims and pretensions of Her Majesty's solicitor-general for the Province of New Brunswick must, I think, command the unqualified approbation of everyone having a just regard for the honor of his State. It is in the true spirit, and I have every reason to believe that the same spirit animates the whole body of our citizens. While it prevails, though success will be deserved, defeat can bring no disgrace.

You will see by the accompanying papers (and I take great pleasure in communicating the fact) that Mr. McIntire and his assistants have been released. It was, however, upon their parole of honor to return when thereto required by the government of that Province. Immediately upon the receipt of this information I advised

the release of James Maclauchlan, esq., provincial land agent, and his assistant, *upon the same terms.*

Since my last communication the land agent's forces at the Aroostook have been reenforced by about 600 good and effective men, making the whole force now about 750.

I have a letter from Mr. Jarvis dated the 19th, before the reenforcement had arrived, and when his company consisted of only 100 men. He says he found the men in good spirits and that they had been active in making temporary but most effectual defenses of logs, etc.

After describing his defenses, he says: "By to-morrow noon a force of 100 men would make good our position against 500. *Retreating, therefore, is out of the question.* We shall make good our stand against any force that we can reasonably expect would be brought against us." He says further: "I take pleasure in saying to you that a finer looking set of men I never saw than those now with me, and that the honor of our State, so far as they are concerned, is in safe-keeping."

The draft of 1,000 men from the third division has been made with great dispatch. The troops, I understand, arrived promptly at the place of rendezvous at the time appointed in good spirits and anxious for the order to march to the frontier. The detachment from this second division will be ordered to march at the earliest convenient day—probably on Monday next. Other military movements will be made, which it is unnecessary to communicate to you at this time.

The mission of Colonel Rogers to the lieutenant-governor of New Brunswick has resulted successfully so far as relates to the release of the land agent and his assistants, and has been conducted in a manner highly satisfactory.

JOHN FAIRFIELD.

[Memorandum.]

WASHINGTON, *February 27, 1839.*

Her Majesty's authorities consider it to have been understood and agreed upon by the two Governments that the territory in dispute between Great Britain and the United States on the northeastern frontier should remain exclusively under British jurisdiction until the final settlement of the boundary question.

The United States Government have not understood the above agreement in the same sense, but consider, on the contrary, that there has been no agreement whatever for the exercise by Great Britain of exclusive jurisdiction over the disputed territory or any portion thereof, but a mutual understanding that pending the negotiation the jurisdiction then exercised by either party over small portions of the territory in dispute should not be enlarged, but be continued merely for the preservation of local tranquillity and the public property, both forbearing, as far as practicable, to exert any authority, and when any should be exercised by either placing upon the conduct of each other the most favorable construction.

A complete understanding upon the question thus placed at issue of present jurisdiction can only be arrived at by friendly discussion between the Governments of the United States and Great Britain, and as it is confidently hoped that there will be an early settlement of the general question, this subordinate point of difference can be of but little moment.

In the meantime the government of the Province of New Brunswick and the government of the State of Maine will act as follows: Her Majesty's officers will not seek to expel by military force the armed party which has been sent by Maine into the district bordering on the Restook River, but the government of Maine will voluntarily and without needless delay withdraw beyond the bounds of the disputed territory any armed force now within them; and if future necessity shall arise for dispersing notorious trespassers or protecting public property from depredation by

armed force, the operation shall be conducted by concert, jointly or separately, according to agreement between the governments of Maine and New Brunswick.

The civil officers in the service, respectively, of New Brunswick and Maine who have been taken into custody by the opposite parties shall be released.

Nothing in this memorandum shall be construed to fortify or to weaken in any respect whatever the claim of either party to the ultimate possession of the disputed territory.

The minister plenipotentiary of Her Britannic Majesty having no specific authority to make any arrangement on this subject, the undersigned can only recommend, as they now earnestly do, to the governments of New Brunswick and Maine to regulate their future proceedings according to the terms hereinbefore set forth until the final settlement of the territorial dispute or until the Governments of the United States and Great Britain shall come to some definite conclusion on the subordinate point upon which they are now at issue.

JOHN FORSYTH,
Secretary of State of the United States of North America.

H. S. FOX,
*Her Britannic Majesty's Envoy Extraordinary
and Minister Plenipotentiary.*

WASHINGTON, *February 27, 1839.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 22d instant, requesting information on the subject of the existing relations between the United States and the Mexican Republic, I transmit a report from the Secretary of State, to whom the resolution was referred, and the documents by which the report was accompanied.

M. VAN BUREN.

WASHINGTON, *February 28, 1839.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, accompanied by a letter from the Commissioner of the General Land Office, and other documents therein referred to, touching certain information directed to be communicated to the House of Representatives by a resolution dated the 7th of July last.*

M. VAN BUREN.

WASHINGTON, *February 28, 1839.*

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

I transmit herewith a communication from the Secretary of War, respecting the importance of requiring the officers who may be employed to take the next general census to make a return of the names and ages of pensioners, and, for the reasons given by the Secretary of War, I recommend the subject for your favorable consideration.

M. VAN BUREN.

*Relating to attempts to keep down the price of public lands.

WASHINGTON, *March 1, 1839.**To the Senate of the United States:*

Understanding from the decision of the Senate that the regulation of the Navy Department requiring that a commander "shall serve in active employ as such one year before he can be promoted to a captain" does not under the circumstances of the case constitute an objection to the promotion of Commander Robert F. Stockton, I nominate him to be a captain in the Navy from the 8th of December, 1838, at the same time renominating Commanders Isaac McKeever and John P. Zantzingers to be captains in the Navy, the former from the 8th of December, 1838, and the latter from the 22d of December, 1838, and withdrawing the nomination of Commander William D. Salter.

M. VAN BUREN.

WASHINGTON, *March 1, 1839.**To the Senate of the United States:*

I have received the resolution of the Senate of this day, upon the subject of a communication made to you by the Postmaster-General on the 27th ultimo,* and have the satisfaction of laying before the Senate the accompanying letter from that officer, in which he fully disclaims any intended disrespect to the Senate in the communication referred to.

M. VAN BUREN.

WASHINGTON, *March 2, 1839.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I transmit herewith reports of the Secretaries of the State, Treasury, War, and Navy Departments, in reply to a resolution of the 28th ultimo, calling for information respecting the amounts paid to persons concerned in negotiating treaties with the Indians since the year 1829, and in regard to the disbursement of public money by clerks in the above Departments and the bureaus and offices thereof.

M. VAN BUREN.

VETO MESSAGE.†

MARCH 5, 1839.

The annexed joint resolution was presented to me by Messrs. Foster and Merrick, of the Senate, on the 4th of March at half past 3 o'clock a. m. at the President's house, after a joint committee had informed me at the Capitol that the two Houses had completed their business and

*Stating that the only reason he had not sent an answer to a resolution of the Senate was because it was not ready, which was considered disrespectful.

†Pocket veto.

were ready to adjourn, and had communicated my answer that I had no further communication to make to them. The committee of the Senate, on presenting the joint resolution for my signature, stated in explanation of the circumstance that they were not attended by the Committee on Enrolled Bills of the House of Representatives (as is required by the joint rules of the two Houses); that that body had adjourned about two hours before.

The joint resolution is not certified by the clerk of the House in which it originated, as is likewise required by the joint rules. Under these circumstances, and without reference to its provisions, I withheld my approval from the joint resolution.

M. VAN BUREN.

To be placed on file in the State Department.

M. V. B.

A RESOLUTION for the distribution in part of the Madison Papers.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and Clerk of the House of Representatives be, and they are hereby, directed to distribute by mail, or otherwise, to each member of the Senate and House of Representatives and Delegates of the Twenty-fifth Congress one copy of the compilation now in progress of execution under the act entitled "An act authorizing the printing of the Madison Papers," when the same shall have been completed; and that of the said compilation there be deposited in the Library of Congress ten copies, in the Library of the House of Representatives twenty copies, and in the office of the Secretary of the Senate ten copies, and one copy in each of the committee rooms of the Senate; and that the residue of said copies shall remain under the care of the said officers subject to the future disposition of Congress.

JAMES K. POLK,
Speaker of the House of Representatives.

W. R. KING,
President of the Senate pro tempore.

I certify that this resolution did originate in the Senate.

_____,
Secretary.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 2, 1839.*

Fellow-Citizens of the Senate and House of Representatives:

I regret that I can not on this occasion congratulate you that the past year has been one of unalloyed prosperity. The ravages of fire and disease have painfully afflicted otherwise flourishing portions of our country, and serious embarrassments yet derange the trade of many of our cities. But notwithstanding these adverse circumstances, that general prosperity which has been heretofore so bountifully bestowed upon us by the

Author of All Good still continues to call for our warmest gratitude. Especially have we reason to rejoice in the exuberant harvests which have lavishly recompensed well-directed industry and given to it that sure reward which is vainly sought in visionary speculations. I can not, indeed, view without peculiar satisfaction the evidences afforded by the past season of the benefits that spring from the steady devotion of the husbandman to his honorable pursuit. No means of individual comfort is more certain and no source of national prosperity is so sure. Nothing can compensate a people for a dependence upon others for the bread they eat, and that cheerful abundance on which the happiness of everyone so much depends is to be looked for nowhere with such sure reliance as in the industry of the agriculturist and the bounties of the earth.

With foreign countries our relations exhibit the same favorable aspect which was presented in my last annual message, and afford continued proof of the wisdom of the pacific, just, and forbearing policy adopted by the first Administration of the Federal Government and pursued by its successors. The extraordinary powers vested in me by an act of Congress for the defense of the country in an emergency, considered so far probable as to require that the Executive should possess ample means to meet it, have not been exerted. They have therefore been attended with no other result than to increase, by the confidence thus reposed in me, my obligations to maintain with religious exactness the cardinal principles that govern our intercourse with other nations. Happily, in our pending questions with Great Britain, out of which this unusual grant of authority arose, nothing has occurred to require its exertion, and as it is about to return to the Legislature I trust that no future necessity may call for its exercise by them or its delegation to another Department of the Government.

For the settlement of our northeastern boundary the proposition promised by Great Britain for a commission of exploration and survey has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British Government for its consideration. A just regard to the delicate state of this question and a proper respect for the natural impatience of the State of Maine, not less than a conviction that the negotiation has been already protracted longer than is prudent on the part of either Government, have led me to believe that the present favorable moment should on no account be suffered to pass without putting the question forever at rest. I feel confident that the Government of Her Britannic Majesty will take the same view of this subject, as I am persuaded it is governed by desires equally strong and sincere for the amicable termination of the controversy.

To the intrinsic difficulties of questions of boundary lines, especially those described in regions unoccupied and but partially known, is to be added in our country the embarrassment necessarily arising out of our Constitution by which the General Government is made the organ of

negotiating and deciding upon the particular interests of the States on whose frontiers these lines are to be traced. To avoid another controversy in which a State government might rightfully claim to have her wishes consulted previously to the conclusion of conventional arrangements concerning her rights of jurisdiction or territory, I have thought it necessary to call the attention of the Government of Great Britain to another portion of our conterminous dominion of which the division still remains to be adjusted. I refer to the line from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, stipulations for the settlement of which are to be found in the seventh article of the treaty of Ghent. The commissioners appointed under that article by the two Governments having differed in their opinions, made separate reports, according to its stipulations, upon the points of disagreement, and these differences are now to be submitted to the arbitration of some friendly sovereign or state. The disputed points should be settled and the line designated before the Territorial government of which it is one of the boundaries takes its place in the Union as a State, and I rely upon the cordial cooperation of the British Government to effect that object.

There is every reason to believe that disturbances like those which lately agitated the neighboring British Provinces will not again prove the sources of border contentions or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain.

Within the Provinces themselves tranquillity is restored, and on our frontier that misguided sympathy in favor of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction strongly opposed to all intermeddling with the internal affairs of our neighbors. The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavoring to improve the political condition of mankind. This generous feeling they cherish toward the most distant nations, and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbors; but it does not belong to their character as a community to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a violated faith toward foreign nations. If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all ~~the information~~ I receive, ~~confirmed to some extent~~ by personal observation, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law.

Recent information also leads me to hope that the emigrants from Her Majesty's Provinces who have sought refuge within our boundaries are disposed to become peaceable residents and to abstain from all attempts to endanger the peace of that country which has afforded them an asylum. On a review of the occurrences on both sides of the line it is satisfactory to reflect that in almost every complaint against our country the offense may be traced to emigrants from the Provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States the acts of these misguided men were not only in direct contravention of the laws and well-known wishes of their own Government, but met with the decided disapprobation of the people of the United States.

I regret to state the appearance of a different spirit among Her Majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions which have been so frequently expressed there, and the disregard of our rights which has been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the subordinate local authorities, of the Provinces. The chief officers in Canada, fortunately, have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries.

I look forward anxiously to a period when all the transactions which have grown out of this condition of our affairs, and which have been made the subjects of complaint and remonstrance by the two Governments, respectively, shall be fully examined, and the proper satisfaction given where it is due from either side.

Nothing has occurred to disturb the harmony of our intercourse with Austria, Belgium, Denmark, France, Naples, Portugal, Prussia, Russia, or Sweden. The internal state of Spain has sensibly improved, and a well-grounded hope exists that the return of peace will restore to the people of that country their former prosperity and enable the Government to fulfill all its obligations at home and abroad. The Government of Portugal, I have the satisfaction to state, has paid in full the eleventh and last installment due to our citizens for the claims embraced in the settlement made with it on the 3d of March, 1837.

I lay before you treaties of commerce negotiated with the Kings of Sardinia and of the Netherlands, the ratifications of which have been exchanged since the adjournment of Congress. The liberal principles of these treaties will recommend them to your approbation. That with Sardinia is the first treaty of commerce formed by that Kingdom, and it will, I trust, answer the expectations of the present Sovereign by aiding the development of the resources of his country and stimulating the enterprise of his people. That with the Netherlands happily terminates a long-existing subject of dispute and removes from our future commercial intercourse all apprehension of embarrassment. The King

of the Netherlands has also, in further illustration of his character for justice and of his desire to remove every cause of dissatisfaction, made compensation for an American vessel captured in 1800 by a French privateer, and carried into Curaçoa, where the proceeds were appropriated to the use of the colony, then, and for a short time after, under the dominion of Holland.

The death of the late Sultan has produced no alteration in our relations with Turkey. Our newly appointed minister resident has reached Constantinople, and I have received assurances from the present ruler that the obligations of our treaty and those of friendship will be fulfilled by himself in the same spirit that actuated his illustrious father.

I regret to be obliged to inform you that no convention for the settlement of the claims of our citizens upon Mexico has yet been ratified by the Government of that country. The first convention formed for that purpose was not presented by the President of Mexico for the approbation of its Congress, from a belief that the King of Prussia, the arbitrator in case of disagreement in the joint commission to be appointed by the United States and Mexico, would not consent to take upon himself that friendly office. Although not entirely satisfied with the course pursued by Mexico, I felt no hesitation in receiving in the most conciliatory spirit the explanation offered, and also cheerfully consented to a new convention, in order to arrange the payments proposed to be made to our citizens in a manner which, while equally just to them, was deemed less onerous and inconvenient to the Mexican Government. Relying confidently upon the intentions of that Government, Mr. Ellis was directed to repair to Mexico, and diplomatic intercourse has been resumed between the two countries. The new convention has, he informs us, been recently submitted by the President of that Republic to its Congress under circumstances which promise a speedy ratification, a result which I can not allow myself to doubt.

Instructions have been given to the commissioner of the United States under our convention with Texas for the demarcation of the line which separates us from that Republic. The commissioners of both Governments met in New Orleans in August last. The joint commission was organized, and adjourned to convene at the same place on the 12th of October. It is presumed to be now in the performance of its duties.

The new Government of Texas has shown its desire to cultivate friendly relations with us by a prompt reparation for injuries complained of in the cases of two vessels of the United States.

With Central America a convention has been concluded for the renewal of its former treaty with the United States. This was not ratified before the departure of our late chargé d'affaires from that country, and the copy of it brought by him was not received before the adjournment of the Senate at the last session. In the meanwhile, the period limited for the exchange of ratifications having expired, I deemed it expedient,

in consequence of the death of the chargé d'affaires, to send a special agent to Central America to close the affairs of our mission there and to arrange with the Government an extension of the time for the exchange of ratifications.

The commission created by the States which formerly composed the Republic of Colombia for adjusting the claims against that Government has by a very unexpected construction of the treaty under which it acts decided that no provision was made for those claims of citizens of the United States which arose from captures by Colombian privateers and were adjudged against the claimants in the judicial tribunals. This decision will compel the United States to apply to the several Governments formerly united for redress. With all these—New Granada, Venezuela, and Ecuador—a perfectly good understanding exists. Our treaty with Venezuela is faithfully carried into execution, and that country, in the enjoyment of tranquillity, is gradually advancing in prosperity under the guidance of its present distinguished President, General Paez. With Ecuador a liberal commercial convention has lately been concluded, which will be transmitted to the Senate at an early day.

With the great American Empire of Brazil our relations continue unchanged, as does our friendly intercourse with the other Governments of South America—the Argentine Republic and the Republics of Uruguay, Chili, Peru, and Bolivia. The dissolution of the Peru-Bolivian Confederation may occasion some temporary inconvenience to our citizens in that quarter, but the obligations on the new Governments which have arisen out of that Confederation to observe its treaty stipulations will no doubt be soon understood, and it is presumed that no indisposition will exist to fulfill those which it contracted with the United States.

The financial operations of the Government during the present year have, I am happy to say, been very successful. The difficulties under which the Treasury Department has labored, from known defects in the existing laws relative to the safe-keeping of the public moneys, aggravated by the suspension of specie payments by several of the banks holding public deposits or indebted to public officers for notes received in payment of public dues, have been surmounted to a very gratifying extent. The large current expenditures have been punctually met, and the faith of the Government in all its pecuniary concerns has been scrupulously maintained.

The nineteen millions of Treasury notes authorized by the act of Congress of 1837, and the modifications thereof with a view to the indulgence of merchants on their duty bonds and of the deposit banks in the payment of public moneys held by them, have been so punctually redeemed as to leave less than the original ten millions outstanding at any one time, and the whole amount unredeemed now falls short of three millions. Of these the chief portion is not due till next year, and the whole would have been already extinguished could the Treasury have

realized the payments due to it from the banks. If those due from them during the next year shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding Treasury notes can be redeemed and the ordinary expenses defrayed without imposing on the people any additional burden, either of loans or increased taxes.

To avoid this and to keep the expenditures within reasonable bounds is a duty second only in importance to the preservation of our national character and the protection of our citizens in their civil and political rights. The creation in time of peace of a debt likely to become permanent is an evil for which there is no equivalent. The rapidity with which many of the States are apparently approaching to this condition admonishes us of our own duties in a manner too impressive to be disregarded. One, not the least important, is to keep the Federal Government always in a condition to discharge with ease and vigor its highest functions should their exercise be required by any sudden conjuncture of public affairs—a condition to which we are always exposed and which may occur when it is least expected. To this end it is indispensable that its finances should be untrammelled and its resources as far as practicable unencumbered. No circumstance could present greater obstacles to the accomplishment of these vitally important objects than the creation of an onerous national debt. Our own experience and also that of other nations have demonstrated the unavoidable and fearful rapidity with which a public debt is increased when the Government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans. The struggle, therefore, on our part to be successful must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the national welfare, and it is at the same time the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of state have never failed to chasten and invigorate republican principles, while these have been as surely subverted by national prodigality, under whatever specious pretexts it may have been introduced or fostered.

These considerations can not be lost upon a people who have never been inattentive to the effect of their policy upon the institutions they have created for themselves, but at the present moment their force is augmented by the necessity which a decreasing revenue must impose. The check lately given to importations of articles subject to duties, the derangements in the operations of internal trade, and especially the reduction gradually taking place in our tariff of duties, all tend materially to lessen our receipts; indeed, it is probable that the diminution resulting from the last cause alone will not fall short of \$5,000,000 in the year 1842, as the final reduction of all duties to 20 per cent then takes effect. The whole revenue then accruing from the customs and from the sales of public lands, if not more, will undoubtedly be wanted to defray the

necessary expenses of the Government under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy and require its prompt and constant exercise. With the Legislature rest the power and duty of so adjusting the public expenditure as to promote this end. By the provisions of the Constitution it is only in consequence of appropriations made by law that money can be drawn from the Treasury. No instance has occurred since the establishment of the Government in which the Executive, though a component part of the legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered fulfilled by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind toward this subject both the Executive and the Legislature have evidence of the strict responsibility to which they will be held; and while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial cooperation from you.

At the time I entered upon my present duties our ordinary disbursements, without including those on account of the public debt, the Post-Office, and the trust funds in charge of the Government, had been largely increased by appropriations for the removal of the Indians, for repelling Indian hostilities, and for other less urgent expenses which grew out of an overflowing Treasury. Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions in 1834 and 1835 had by these causes swelled to twenty-nine millions in 1836, and the appropriations for 1837, made previously to the 4th of March, caused the expenditure to rise to the very large amount of thirty-three millions. We were enabled during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount, and that for the present year (1839) will not in all probability exceed twenty-six millions, or six millions less than it was last year. With a determination, so far as depends on me, to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839 by over \$5,000,000.

The precautionary measures which will be recommended by the Secretary of the Treasury to protect faithfully the public credit under the fluctuations and contingencies to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early attention.

On a former occasion your attention was invited to various considerations in support of a preemption law in behalf of the settlers on the public lands, and also of a law graduating the prices for such lands as had long been in the market unsold in consequence of their inferior quality.

The execution of the act which was passed on the first subject has been attended with the happiest consequences in quieting titles and securing improvements to the industrious, and it has also to a very gratifying extent been exempt from the frauds which were practiced under previous preemption laws. It has at the same time, as was anticipated, contributed liberally during the present year to the receipts of the Treasury.

The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove in other respects just and beneficial.

Your early consideration of the subject is therefore once more earnestly requested.

The present condition of the defenses of our principal seaports and navy-yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress; and, as connecting itself intimately with this subject, I can not recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

In conformity with the expressed wishes of Congress, an attempt was made in the spring to terminate the Florida war by negotiation. It is to be regretted that these humane intentions should have been frustrated and that the effort to bring these unhappy difficulties to a satisfactory conclusion should have failed; but after entering into solemn engagements with the commanding general, the Indians, without any provocation, recommenced their acts of treachery and murder. The renewal of hostilities in that Territory renders it necessary that I should recommend to your favorable consideration the plan which will be submitted to you by the Secretary of War, in order to enable that Department to conduct them to a successful issue.

Having had an opportunity of personally inspecting a portion of the troops during the last summer, it gives me pleasure to bear testimony to the success of the effort to improve their discipline by keeping them together in as large bodies as the nature of our service will permit. I recommend, therefore, that commodious and permanent barracks be constructed at the several posts designated by the Secretary of War. Notwithstanding the high state of their discipline and excellent police, the evils resulting to the service from the deficiency of company officers were very apparent, and I recommend that the staff officers be permanently separated from the line.

The Navy has been usefully and honorably employed in protecting the rights and property of our citizens wherever the condition of affairs seemed to require its presence. With the exception of one instance, where an outrage, accompanied by murder, was committed on a vessel of the United States while engaged in a lawful commerce, nothing is known to have occurred to impede or molest the enterprise of our citizens on that element, where it is so signally displayed. On learning this

daring act of piracy, Commodore Reed proceeded immediately to the spot, and receiving no satisfaction, either in the surrender of the murderers or the restoration of the plundered property, inflicted severe and merited chastisement on the barbarians.

It will be seen by the report of the Secretary of the Navy respecting the disposition of our ships of war that it has been deemed necessary to station a competent force on the coast of Africa to prevent a fraudulent use of our flag by foreigners.

Recent experience has shown that the provisions in our existing laws which relate to the sale and transfer of American vessels while abroad are extremely defective. Advantage has been taken of these defects to give to vessels wholly belonging to foreigners and navigating the ocean an apparent American ownership. This character has been so well simulated as to afford them comparative security in prosecuting the slave trade—a traffic emphatically denounced in our statutes, regarded with abhorrence by our citizens, and of which the effectual suppression is nowhere more sincerely desired than in the United States. These circumstances make it proper to recommend to your early attention a careful revision of these laws, so that without impeding the freedom and facilities of our navigation or impairing an important branch of our industry connected with it the integrity and honor of our flag may be carefully preserved. Information derived from our consul at Havana showing the necessity of this was communicated to a committee of the Senate near the close of the last session, but too late, as it appeared, to be acted upon. It will be brought to your notice by the proper Department, with additional communications from other sources.

The latest accounts from the exploring expedition represent it as proceeding successfully in its objects and promising results no less useful to trade and navigation than to science.

The extent of post-roads covered by mail service on the 1st of July last was about 133,999 miles and the rate of annual transportation upon them 34,496,878 miles. The number of post-offices on that day was 12,780 and on the 30th ultimo 13,028.

The revenue of the Post-Office Department for the year ending with the 30th of June last was \$4,476,638, exhibiting an increase over the preceding year of \$241,560. The engagements and liabilities of the Department for the same period are \$4,624,117.

The excess of liabilities over the revenue for the last two years has been met out of the surplus which had previously accumulated. The cash on hand on the 30th ultimo was about \$206,701.95, and the current income of the Department varies very little from the rate of current expenditures. Most of the service suspended last year has been restored, and most of the new routes established by the act of 7th July, 1838, have been set in operation, at an annual cost of \$136,963. Notwithstanding the pecuniary difficulties of the country, the revenue of the

Department appears to be increasing, and unless it shall be seriously checked by the recent suspension of payment by so many of the banks it will be able not only to maintain the present mail service, but in a short time to extend it. It is gratifying to witness the promptitude and fidelity with which the agents of this Department in general perform their public duties.

Some difficulties have arisen in relation to contracts for the transportation of the mails by railroad and steamboat companies. It appears that the maximum of compensation provided by Congress for the transportation of the mails upon railroads is not sufficient to induce some of the companies to convey them at such hours as are required for the accommodation of the public. It is one of the most important duties of the General Government to provide and maintain for the use of the people of the States the best practicable mail establishment. To arrive at that end it is indispensable that the Post-Office Department shall be enabled to control the hours at which the mails shall be carried over railroads, as it now does over all other roads. Should serious inconveniences arise from the inadequacy of the compensation now provided by law, or from unreasonable demands by any of the railroad companies, the subject is of such general importance as to require the prompt attention of Congress.

In relation to steamboat lines, the most efficient remedy is obvious and has been suggested by the Postmaster-General. The War and Navy Departments already employ steamboats in their service; and although it is by no means desirable that the Government should undertake the transportation of passengers or freight as a business, there can be no reasonable objection to running boats, temporarily, whenever it may be necessary to put down attempts at extortion, to be discontinued as soon as reasonable contracts can be obtained.

The suggestions of the Postmaster-General relative to the inadequacy of the legal allowance to witnesses in cases of prosecutions for mail depredations merit your serious consideration. The safety of the mails requires that such prosecutions shall be efficient, and justice to the citizen whose time is required to be given to the public demands not only that his expenses shall be paid, but that he shall receive a reasonable compensation.

The reports from the War, Navy, and Post-Office Departments will accompany this communication, and one from the Treasury Department will be presented to Congress in a few days.

For various details in respect to the matters in charge of these Departments I would refer you to those important documents, satisfied that you will find in them many valuable suggestions which will be found well deserving the attention of the Legislature.

From a report made in December of last year by the Secretary of State to the Senate, showing the trial docket of each of the circuit courts and the number of miles each judge has to travel in the performance of

his duties, a great inequality appears in the amount of labor assigned to each judge. The number of terms to be held in each of the courts composing the ninth circuit, the distances between the places at which they sit and from thence to the seat of Government, are represented to be such as to render it impossible for the judge of that circuit to perform in a manner corresponding with the public exigencies his term and circuit duties. A revision, therefore, of the present arrangement of the circuit seems to be called for and is recommended to your notice.

I think it proper to call your attention to the power assumed by Territorial legislatures to authorize the issue of bonds by corporate companies on the guaranty of the Territory. Congress passed a law in 1836 providing that no act of a Territorial legislature incorporating banks should have the force of law until approved by Congress, but acts of a very exceptionable character previously passed by the legislature of Florida were suffered to remain in force, by virtue of which bonds may be issued to a very large amount by those institutions upon the faith of the Territory. A resolution, intending to be a joint one, passed the Senate at the same session, expressing the sense of Congress that the laws in question ought not to be permitted to remain in force unless amended in many material respects; but it failed in the House of Representatives for want of time, and the desired amendments have not been made. The interests involved are of great importance, and the subject deserves your early and careful attention.

The continued agitation of the question relative to the best mode of keeping and disbursing the public money still injuriously affects the business of the country. The suspension of specie payments in 1837 rendered the use of deposit banks as prescribed by the act of 1836 a source rather of embarrassment than aid, and of necessity placed the custody of most of the public money afterwards collected in charge of the public officers. The new securities for its safety which this required were a principal cause of my convening an extra session of Congress, but in consequence of a disagreement between the two Houses neither then nor at any subsequent period has there been any legislation on the subject. The effort made at the last session to obtain the authority of Congress to punish the use of public money for private purposes as a crime—a measure attended under other governments with signal advantage—was also unsuccessful, from diversities of opinion in that body, notwithstanding the anxiety doubtless felt by it to afford every practicable security. The result of this is still to leave the custody of the public money without those safeguards which have been for several years earnestly desired by the Executive, and as the remedy is only to be found in the action of the Legislature it imposes on me the duty of again submitting to you the propriety of passing a law providing for the safe-keeping of the public moneys, and especially to ask that its use for private purposes by any officers intrusted with it may be declared to be a felony, punishable with penalties proportioned to the magnitude of the offense.

These circumstances, added to known defects in the existing laws and unusual derangement in the general operations of trade, have during the last three years much increased the difficulties attendant on the collection, keeping, and disbursement of the revenue, and called forth corresponding exertions from those having them in charge. Happily these have been successful beyond expectation. Vast sums have been collected and disbursed by the several Departments with unexpected cheapness and ease, transfers have been readily made to every part of the Union, however distant, and defalcations have been far less than might have been anticipated from the absence of adequate legal restraints. Since the officers of the Treasury and Post-Office Departments were charged with the custody of most of the public moneys received by them there have been collected \$66,000,000, and, excluding the case of the late collector at New York, the aggregate amount of losses sustained in the collection can not, it is believed, exceed \$60,000. The defalcation of the late collector at that city, of the extent and circumstances of which Congress have been fully informed, ran through all the modes of keeping the public money that have been hitherto in use, and was distinguished by an aggravated disregard of duty that broke through the restraints of every system, and can not, therefore, be usefully referred to as a test of the comparative safety of either. Additional information will also be furnished by the report of the Secretary of the Treasury, in reply to a call made upon that officer by the House of Representatives at the last session requiring detailed information on the subject of defaults by public officers or agents under each Administration from 1789 to 1837. This document will be submitted to you in a few days. The general results (independent of the Post-Office, which is kept separately and will be stated by itself), so far as they bear upon this subject, are that the losses which have been and are likely to be sustained by any class of agents have been the greatest by banks, including, as required in the resolution, their depreciated paper received for public dues; that the next largest have been by disbursing officers, and the least by collectors and receivers. If the losses on duty bonds are included, they alone will be threefold those by both collectors and receivers. Our whole experience, therefore, furnishes the strongest evidence that the desired legislation of Congress is alone wanting to insure in those operations the highest degree of security and facility. Such also appears to have been the experience of other nations. From the results of inquiries made by the Secretary of the Treasury in regard to the practice among them I am enabled to state that in twenty-two out of twenty-seven foreign governments from which undoubted information has been obtained the public moneys are kept in charge of public officers. This concurrence of opinion in favor of that system is perhaps as great as exists on any question of internal administration.

In the modes of business and official restraints on disbursing officers no legal change was produced by the suspension of specie payments.

The report last referred to will be found to contain also much useful information in relation to this subject.

I have heretofore assigned to Congress my reasons for believing that the establishment of an independent National Treasury, as contemplated by the Constitution, is necessary to the safe action of the Federal Government. The suspension of specie payments in 1837 by the banks having the custody of the public money showed in so alarming a degree our dependence on those institutions for the performance of duties required by law that I then recommended the entire dissolution of that connection. This recommendation has been subjected, as I desired it should be, to severe scrutiny and animated discussion, and I allow myself to believe that notwithstanding the natural diversities of opinion which may be anticipated on all subjects involving such important considerations, it has secured in its favor as general a concurrence of public sentiment as could be expected on one of such magnitude.

Recent events have also continued to develop new objections to such a connection. Seldom is any bank, under the existing system and practice, able to meet on demand all its liabilities for deposits and notes in circulation. It maintains specie payments and transacts a profitable business only by the confidence of the public in its solvency, and whenever this is destroyed the demands of its depositors and note holders, pressed more rapidly than it can make collections from its debtors, force it to stop payment. This loss of confidence, with its consequences, occurred in 1837, and afforded the apology of the banks for their suspension. The public then acquiesced in the validity of the excuse, and while the State legislatures did not exact from them their forfeited charters, Congress, in accordance with the recommendation of the Executive, allowed them time to pay over the public money they held, although compelled to issue Treasury notes to supply the deficiency thus created.

It now appears that there are other motives than a want of public confidence under which the banks seek to justify themselves in a refusal to meet their obligations. Scarcely were the country and Government relieved in a degree from the difficulties occasioned by the general suspension of 1837 when a partial one, occurring within thirty months of the former, produced new and serious embarrassments, though it had no palliation in such circumstances as were alleged in justification of that which had previously taken place. There was nothing in the condition of the country to endanger a well-managed banking institution; commerce was deranged by no foreign war; every branch of manufacturing industry was crowned with rich rewards, and the more than usual abundance of our harvests, after supplying our domestic wants, had left our granaries and storehouses filled with a surplus for exportation. It is in the midst of this that an irredeemable and depreciated paper currency is entailed upon the people by a large portion of the banks. They are not driven to it by the exhibition of a loss of public confidence or of a

sudden pressure from their depositors or note holders, but they excuse themselves by alleging that the current of business and exchange with foreign countries, which draws the precious metals from their vaults, would require in order to meet it a larger curtailment of their loans to a comparatively small portion of the community than it will be convenient for them to bear or perhaps safe for the banks to exact. The plea has ceased to be one of necessity. Convenience and policy are now deemed sufficient to warrant these institutions in disregarding their solemn obligations. Such conduct is not merely an injury to individual creditors, but it is a wrong to the whole community, from whose liberality they hold most valuable privileges, whose rights they violate, whose business they derange, and the value of whose property they render unstable and insecure. It must be evident that this new ground for bank suspensions, in reference to which their action is not only disconnected with, but wholly independent of, that of the public, gives a character to their suspensions more alarming than any which they exhibited before, and greatly increases the impropriety of relying on the banks in the transactions of the Government.

A large and highly respectable portion of our banking institutions are, it affords me unfeigned pleasure to state, exempted from all blame on account of this second delinquency. They have, to their great credit, not only continued to meet their engagements, but have even repudiated the grounds of suspension now resorted to. It is only by such a course that the confidence and good will of the community can be preserved, and in the sequel the best interests of the institutions themselves promoted.

New dangers to the banks are also daily disclosed from the extension of that system of extravagant credit of which they are the pillars. Formerly our foreign commerce was principally founded on an exchange of commodities, including the precious metals, and leaving in its transactions but little foreign debt. Such is not now the case. Aided by the facilities afforded by the banks, mere credit has become too commonly the basis of trade. Many of the banks themselves, not content with largely stimulating this system among others, have usurped the business, while they impair the stability, of the mercantile community; they have become borrowers instead of lenders; they establish their agencies abroad; they deal largely in stocks and merchandise; they encourage the issue of State securities until the foreign market is glutted with them; and, unsatisfied with the legitimate use of their own capital and the exercise of their lawful privileges, they raise by large loans additional means for every variety of speculation. The disasters attendant on this deviation from the former course of business in this country are now shared alike by banks and individuals to an extent of which there is perhaps no previous example in the annals of our country. So long as a willingness of the foreign lender and a sufficient export of our productions to meet any necessary partial payments leave the flow of credit undisturbed all appears

to be prosperous, but as soon as it is checked by any hesitation abroad or by an inability to make payment there in our productions the evils of the system are disclosed. The paper currency, which might serve for domestic purposes, is useless to pay the debt due in Europe. Gold and silver are therefore drawn in exchange for their notes from the banks. To keep up their supply of coin these institutions are obliged to call upon their own debtors, who pay them principally in their own notes, which are as unavailable to them as they are to the merchants to meet the foreign demand. The calls of the banks, therefore, in such emergencies of necessity exceed that demand, and produce a corresponding curtailment of their accommodations and of the currency at the very moment when the state of trade renders it most inconvenient to be borne. The intensity of this pressure on the community is in proportion to the previous liberality of credit and consequent expansion of the currency. Forced sales of property are made at the time when the means of purchasing are most reduced, and the worst calamities to individuals are only at last arrested by an open violation of their obligations by the banks—a refusal to pay specie for their notes and an imposition upon the community of a fluctuating and depreciated currency.

These consequences are inherent in the present system. They are not influenced by the banks being large or small, created by National or State Governments. They are the results of the irresistible laws of trade or credit. In the recent events, which have so strikingly illustrated the certain effects of these laws, we have seen the bank of the largest capital in the Union, established under a national charter, and lately strengthened, as we were authoritatively informed, by exchanging that for a State charter with new and unusual privileges—in a condition, too, as it was said, of entire soundness and great prosperity—not merely unable to resist these effects, but the first to yield to them.

Nor is it to be overlooked that there exists a chain of necessary dependence among these institutions which obliges them to a great extent to follow the course of others, notwithstanding its injustice to their own immediate creditors or injury to the particular community in which they are placed. This dependence of a bank, which is in proportion to the extent of its debts for circulation and deposits, is not merely on others in its own vicinity, but on all those which connect it with the center of trade. Distant banks may fail without seriously affecting those in our principal commercial cities, but the failure of the latter is felt at the extremities of the Union. The suspension at New York in 1837 was everywhere, with very few exceptions, followed as soon as it was known. That recently at Philadelphia immediately affected the banks of the South and West in a similar manner. This dependence of our whole banking system on the institutions in a few large cities is not found in the laws of their organization, but in those of trade and exchange. The banks at that center, to which currency flows and where it is required in

payments for merchandise, hold the power of controlling those in regions whence it comes, while the latter possess no means of restraining them; so that the value of individual property and the prosperity of trade through the whole interior of the country are made to depend on the good or bad management of the banking institutions in the great seats of trade on the seaboard.

But this chain of dependence does not stop here. It does not terminate at Philadelphia or New York. It reaches across the ocean and ends in London, the center of the credit system. The same laws of trade which give to the banks in our principal cities power over the whole banking system of the United States subject the former, in their turn, to the money power in Great Britain. It is not denied that the suspension of the New York banks in 1837, which was followed in quick succession throughout the Union, was produced by an application of that power, and it is now alleged, in extenuation of the present condition of so large a portion of our banks, that their embarrassments have arisen from the same cause.

From this influence they can not now entirely escape, for it has its origin in the credit currencies of the two countries; it is strengthened by the current of trade and exchange which centers in London, and is rendered almost irresistible by the large debts contracted there by our merchants, our banks, and our States. It is thus that an introduction of a new bank into the most distant of our villages places the business of that village within the influence of the money power in England; it is thus that every new debt which we contract in that country seriously affects our own currency and extends over the pursuits of our citizens its powerful influence. We can not escape from this by making new banks, great or small, State or national. The same chains which bind those now existing to the center of this system of paper credit must equally fetter every similar institution we create. It is only by the extent to which this system has been pushed of late that we have been made fully aware of its irresistible tendency to subject our own banks and currency to a vast controlling power in a foreign land, and it adds a new argument to those which illustrate their precarious situation. Endangered in the first place by their own mismanagement and again by the conduct of every institution which connects them with the center of trade in our own country, they are yet subjected beyond all this to the effect of whatever measures policy, necessity, or caprice may induce those who control the credits of England to resort to. I mean not to comment upon these measures, present or past, and much less to discourage the prosecution of fair commercial dealing between the two countries, based on reciprocal benefits; but it having now been made manifest that the power of inflicting these and similar injuries is by the resistless law of a credit currency and credit trade equally capable of extending their consequences through all the ramifications of our banking system, and by that means indirectly

obtaining, particularly when our banks are used as depositories of the public moneys, a dangerous political influence in the United States, I have deemed it my duty to bring the subject to your notice and ask for it your serious consideration.

Is an argument required beyond the exposition of these facts to show the impropriety of using our banking institutions as depositories of the public money? Can we venture not only to encounter the risk of their individual and mutual mismanagement, but at the same time to place our foreign and domestic policy entirely under the control of a foreign moneyed interest? To do so is to impair the independence of our Government, as the present credit system has already impaired the independence of our banks; it is to submit all its important operations, whether of peace or war, to be controlled or thwarted, at first by our own banks and then by a power abroad greater than themselves. I can not bring myself to depict the humiliation to which this Government and people might be sooner or later reduced if the means for defending their rights are to be made dependent upon those who may have the most powerful of motives to impair them.

Nor is it only in reference to the effect of this state of things on the independence of our Government or of our banks that the subject presents itself for consideration; it is to be viewed also in its relations to the general trade of our country. The time is not long passed when a deficiency of foreign crops was thought to afford a profitable market for the surplus of our industry, but now we await with feverish anxiety the news of the English harvest, not so much from motives of commendable sympathy, but fearful lest its anticipated failure should narrow the field of credit there. Does not this speak volumes to the patriot? Can a system be beneficent, wise, or just which creates greater anxiety for interests dependent on foreign credit than for the general prosperity of our own country and the profitable exportation of the surplus produce of our labor?

The circumstances to which I have thus adverted appear to me to afford weighty reasons, developed by late events, to be added to those which I have on former occasions offered when submitting to your better knowledge and discernment the propriety of separating the custody of the public money from banking institutions. Nor has anything occurred to lessen, in my opinion, the force of what has been heretofore urged. The only ground on which that custody can be desired by the banks is the profitable use which they may make of the money. Such use would be regarded in individuals as a breach of trust or a crime of great magnitude, and yet it may be reasonably doubted whether, first and last, it is not attended with more mischievous consequences when permitted to the former than to the latter. The practice of permitting the public money to be used by its keepers, as here, is believed to be peculiar to this country and to exist scarcely anywhere else. To procure it here

improper influences are appealed to, unwise connections are established between the Government and vast numbers of powerful State institutions, other motives than the public good are brought to bear both on the executive and legislative departments, and selfish combinations leading to special legislation are formed. It is made the interest of banking institutions and their stockholders throughout the Union to use their exertions for the increase of taxation and the accumulation of a surplus revenue, and while an excuse is afforded the means are furnished for those excessive issues which lead to extravagant trading and speculation and are the forerunners of a vast debt abroad and a suspension of the banks at home.

Impressed, therefore, as I am with the propriety of the funds of the Government being withdrawn from the private use of either banks or individuals, and the public money kept by duly appointed public agents, and believing as I do that such also is the judgment which discussion, reflection, and experience have produced on the public mind, I leave the subject with you. It is, at all events, essential to the interests of the community and the business of the Government that a decision should be made.

Most of the arguments that dissuade us from employing banks in the custody and disbursement of the public money apply with equal force to the receipt of their notes for public dues. The difference is only in form. In one instance the Government is a creditor for its deposits, and in the other for the notes it holds. They afford the same opportunity for using the public moneys, and equally lead to all the evils attendant upon it, since a bank can as safely extend its discounts on a deposit of its notes in the hands of a public officer as on one made in its own vaults. On the other hand, it would give to the Government no greater security, for in case of failure the claim of the note holder would be no better than that of a depositor.

I am aware that the danger of inconvenience to the public and unreasonable pressure upon sound banks have been urged as objections to requiring the payment of the revenue in gold and silver. These objections have been greatly exaggerated. From the best estimates we may safely fix the amount of specie in the country at \$85,000,000, and the portion of that which would be employed at any one time in the receipts and disbursements of the Government, even if the proposed change were made at once, would not, it is now, after fuller investigation, believed exceed four or five millions. If the change were gradual, several years would elapse before that sum would be required, with annual opportunities in the meantime to alter the law should experience prove it to be oppressive or inconvenient. The portions of the community on whose business the change would immediately operate are comparatively small, nor is it believed that its effect would be in the least unjust or injurious to them.

In the payment of duties, which constitute by far the greater portion of the revenue, a very large proportion is derived from foreign commission houses and agents of foreign manufacturers, who sell the goods consigned to them generally at auction, and after paying the duties out of the avails remit the rest abroad in specie or its equivalent. That the amount of duties should in such cases be also retained in specie can hardly be made a matter of complaint. Our own importing merchants, by whom the residue of the duties is paid, are not only peculiarly interested in maintaining a sound currency, which the measure in question will especially promote, but are from the nature of their dealings best able to know when specie will be needed and to procure it with the least difficulty or sacrifice. Residing, too, almost universally in places where the revenue is received and where the drafts used by the Government for its disbursements must concentrate, they have every opportunity to obtain and use them in place of specie should it be for their interest or convenience. Of the number of these drafts and the facilities they may afford, as well as of the rapidity with which the public funds are drawn and disbursed, an idea may be formed from the fact that of nearly \$20,000,000 paid to collectors and receivers during the present year the average amount in their hands at any one time has not exceeded a million and a half, and of the fifteen millions received by the collector of New York alone during the present year the average amount held by him subject to draft during each week has been less than half a million.

The ease and safety of the operations of the Treasury in keeping the public money are promoted by the application of its own drafts to the public dues. The objection arising from having them too long outstanding might be obviated and they yet made to afford to merchants and banks holding them an equivalent for specie, and in that way greatly lessen the amount actually required. Still less inconvenience will attend the requirement of specie in purchases of public lands. Such purchases, except when made on speculation, are in general but single transactions, rarely repeated by the same person; and it is a fact that for the last year and a half, during which the notes of sound banks have been received, more than a moiety of these payments has been voluntarily made in specie, being a larger proportion than would have been required in three years under the graduation proposed.

It is, moreover, a principle than which none is better settled by experience that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed. In our own States, where small notes are excluded, gold and silver supply their place. When driven to their hiding places by bank suspensions, a little firmness in the community soon restores them in a sufficient quantity for ordinary purposes. Postage and other public dues have been collected in coin without serious inconvenience even in States where a depreciated paper currency has existed

for years, and this, with the aid of Treasury notes for a part of the time, was done without interruption during the suspension of 1837. At the present moment the receipts and disbursements of the Government are made in legal currency in the largest portion of the Union. No one suggests a departure from this rule, and if it can now be successfully carried out it will be surely attended with even less difficulty when bank notes are again redeemed in specie.

Indeed, I can not think that a serious objection would anywhere be raised to the receipt and payment of gold and silver in all public transactions were it not from an apprehension that a surplus in the Treasury might withdraw a large portion of it from circulation and lock it up unprofitably in the public vaults. It would not, in my opinion, be difficult to prevent such an inconvenience from occurring; but the authentic statements which I have already submitted to you in regard to the actual amount in the public Treasury at any one time during the period embraced in them and the little probability of a different state of the Treasury for at least some years to come seem to render it unnecessary to dwell upon it. Congress, moreover, as I have before observed, will in every year have an opportunity to guard against it should the occurrence of any circumstances lead us to apprehend injury from this source. Viewing the subject in all its aspects, I can not believe that any period will be more auspicious than the present for the adoption of all measures necessary to maintain the sanctity of our own engagements and to aid in securing to the community that abundant supply of the precious metals which adds so much to their prosperity and gives such increased stability to all their dealings.

In a country so commercial as ours banks in some form will probably always exist, but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce; to take from them as rapidly as the obligations of public faith and a careful consideration of the immediate interests of the community will permit the unjust character of monopolies; to check, so far as may be practicable, by prudent legislation those temptations of interest and those opportunities for their dangerous indulgence which beset them on every side, and to confine them strictly to the performance of their paramount duty—that of aiding the operations of commerce rather than consulting their own exclusive advantage. These and other salutary reforms may, it is believed, be accomplished without the violation of any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful and profitable employment of real capital.

Institutions so framed have existed and still exist elsewhere, giving to commercial intercourse all necessary facilities without inflating or depreciating the currency or stimulating speculation. Thus accomplishing

their legitimate ends, they have gained the surest guaranty for their protection and encouragement in the good will of the community. Among a people so just as ours the same results could not fail to attend a similar course. The direct supervision of the banks belongs, from the nature of our Government, to the States who authorize them. It is to their legislatures that the people must mainly look for action on that subject. But as the conduct of the Federal Government in the management of its revenue has also a powerful, though less immediate, influence upon them, it becomes our duty to see that a proper direction is given to it. While the keeping of the public revenue in a separate and independent treasury and of collecting it in gold and silver will have a salutary influence on the system of paper credit with which all banks are connected, and thus aid those that are sound and well managed, it will at the same time sensibly check such as are otherwise by at once withholding the means of extravagance afforded by the public funds and restraining them from excessive issues of notes which they would be constantly called upon to redeem.

I am aware it has been urged that this control may be best attained and exerted by means of a national bank. The constitutional objections which I am well known to entertain would prevent me in any event from proposing or assenting to that remedy; but in addition to this, I can not after past experience bring myself to think that it can any longer be extensively regarded as effective for such a purpose. The history of the late national bank, through all its mutations, shows that it was not so. On the contrary, it may, after a careful consideration of the subject, be, I think, safely stated that at every period of banking excess it took the lead; that in 1817 and 1818, in 1823, in 1831, and in 1834 its vast expansions, followed by distressing contractions, led to those of the State institutions. It swelled and maddened the tides of the banking system, but seldom allayed or safely directed them. At a few periods only was a salutary control exercised, but an eager desire, on the contrary, exhibited for profit in the first place; and if afterwards its measures were severe toward other institutions, it was because its own safety compelled it to adopt them. It did not differ from them in principle or in form; its measures emanated from the same spirit of gain; it felt the same temptation to overissues; it suffered from and was totally unable to avert those inevitable laws of trade by which it was itself affected equally with them; and at least on one occasion, at an early day, it was saved only by extraordinary exertions from the same fate that attended the weakest institution it professed to supervise. In 1837 it failed equally with others in redeeming its notes (though the two years allowed by its charter for that purpose had not expired), a large amount of which remains to the present time outstanding. It is true that, having so vast a capital and strengthened by the use of all the revenues of the Government, it possessed more power; but while it was itself by that

circumstance freed from the control which all banks require, its paramount object and inducement were left the same—to make the most for its stockholders, not to regulate the currency of the country. Nor has it, as far as we are advised, been found to be greatly otherwise elsewhere. The national character given to the Bank of England has not prevented excessive fluctuations in their currency, and it proved unable to keep off a suspension of specie payments, which lasted for nearly a quarter of a century. And why should we expect it to be otherwise? A national institution, though deriving its charter from a different source than the State banks, is yet constituted upon the same principles, is conducted by men equally exposed to temptation, and is liable to the same disasters, with the additional disadvantage that its magnitude occasions an extent of confusion and distress which the mismanagement of smaller institutions could not produce. It can scarcely be doubted that the recent suspension of the United States Bank of Pennsylvania, of which the effects are felt not in that State alone, but over half the Union, had its origin in a course of business commenced while it was a national institution, and there is no good reason for supposing that the same consequences would not have followed had it still derived its powers from the General Government. It is in vain, when the influences and impulses are the same, to look for a difference in conduct or results. By such creations we do, therefore, but increase the mass of paper credit and paper currency, without checking their attendant evils and fluctuations. The extent of power and the efficiency of organization which we give, so far from being beneficial, are in practice positively injurious. They strengthen the chain of dependence throughout the Union, subject all parts more certainly to common disaster, and bind every bank more effectually in the first instance to those of our commercial cities, and in the end to a foreign power. In a word, I can not but believe that, with the full understanding of the operations of our banking system which experience has produced, public sentiment is not less opposed to the creation of a national bank for purposes connected with currency and commerce than for those connected with the fiscal operations of the Government.

Yet the commerce and currency of the country are suffering evils from the operations of the State banks which can not and ought not to be overlooked. By their means we have been flooded with a depreciated paper, which it was evidently the design of the framers of the Constitution to prevent when they required Congress to “coin money and regulate the value of foreign coins,” and when they forbade the States “to coin money, emit bills of credit, make anything but gold and silver a tender in payment of debts,” or “pass any law impairing the obligation of contracts.” If they did not guard more explicitly against the present state of things, it was because they could not have anticipated that the few banks then existing were to swell to an extent which would expel to so great a degree the gold and silver for which they had provided

from the channels of circulation, and fill them with a currency that defeats the objects they had in view. The remedy for this must chiefly rest with the States from whose legislation it has sprung. No good that might accrue in a particular case from the exercise of powers not obviously conferred on the General Government would authorize its interference or justify a course that might in the slightest degree increase at the expense of the States the power of the Federal authorities; nor do I doubt that the States will apply the remedy. Within the last few years events have appealed to them too strongly to be disregarded. They have seen that the Constitution, though theoretically adhered to, is subverted in practice; that while on the statute books there is no legal tender but gold and silver, no law impairing the obligations of contracts, yet that in point of fact the privileges conferred on banking corporations have made their notes the currency of the country; that the obligations imposed by these notes are violated under the impulses of interest or convenience, and that the number and power of the persons connected with these corporations or placed under their influence give them a fearful weight when their interest is in opposition to the spirit of the Constitution and laws. To the people it is immaterial whether these results are produced by open violations of the latter or by the workings of a system of which the result is the same. An inflexible execution even of the existing statutes of most of the States would redress many evils now endured, would effectually show the banks the dangers of mismanagement which impunity encourages them to repeat, and would teach all corporations the useful lesson that they are the subjects of the law and the servants of the people. What is still wanting to effect these objects must be sought in additional legislation, or, if that be inadequate, in such further constitutional grants or restrictions as may bring us back into the path from which we have so widely wandered.

In the meantime it is the duty of the General Government to cooperate with the States by a wise exercise of its constitutional powers and the enforcement of its existing laws. The extent to which it may do so by further enactments I have already adverted to, and the wisdom of Congress may yet enlarge them. But above all, it is incumbent upon us to hold erect the principles of morality and law, constantly executing our own contracts in accordance with the provisions of the Constitution, and thus serving as a rallying point by which our whole country may be brought back to that safe and honored standard.

Our people will not long be insensible to the extent of the burdens entailed upon them by the false system that has been operating on their sanguine, energetic, and industrious character, nor to the means necessary to extricate themselves from these embarrassments. The weight which presses upon a large portion of the people and the States is an enormous debt, foreign and domestic. The foreign debt of our States, corporations, and men of business can scarcely be less than \$200,000,000, requiring

more than \$10,000,000 a year to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off imports to that extent or plunge the country more deeply in debt from year to year. It is easy to see that the increase of this foreign debt must augment the annual demand on the exports to pay the interest, and to the same extent diminish the imports, and in proportion to the enlargement of the foreign debt and the consequent increase of interest must be the decrease of the import trade. In lieu of the comforts which it now brings us we might have our gigantic banking institutions and splendid, but in many instances profitless, railroads and canals absorbing to a great extent in interest upon the capital borrowed to construct them the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labors of their hands might otherwise have secured. It is not by the increase of this debt that relief is to be sought, but in its diminution. Upon this point there is, I am happy to say, hope before us; not so much in the return of confidence abroad, which will enable the States to borrow more money, as in a change of public feeling at home, which prompts our people to pause in their career and think of the means by which debts are to be paid before they are contracted. If we would escape embarrassment, public and private, we must cease to run in debt except for objects of necessity or such as will yield a certain return. Let the faith of the States, corporations, and individuals already pledged be kept with the most punctilious regard. It is due to our national character as well as to justice that this should on the part of each be a fixed principle of conduct. But it behooves us all to be more chary in pledging it hereafter. By ceasing to run in debt and applying the surplus of our crops and incomes to the discharge of existing obligations, buying less and selling more, and managing all affairs, public and private, with strict economy and frugality, we shall see our country soon recover from a temporary depression, arising not from natural and permanent causes, but from those I have enumerated, and advance with renewed vigor in her career of prosperity.

Fortunately for us at this moment, when the balance of trade is greatly against us and the difficulty of meeting it enhanced by the disturbed state of our money affairs, the bounties of Providence have come to relieve us from the consequences of past errors. A faithful application of the immense results of the labors of the last season will afford partial relief for the present, and perseverance in the same course will in due season accomplish the rest. We have had full experience in times past of the extraordinary results which can in this respect be brought about in a short period by the united and well-directed efforts of a community like ours. Our surplus profits, the energy and industry of our population, and the wonderful advantages which Providence has bestowed upon our country in its climate, its various productions, indispensable to other nations, will in due time afford abundant means to perfect the most useful

of those objects for which the States have been plunging themselves of late in embarrassment and debt, without imposing on ourselves or our children such fearful burdens.

But let it be indelibly engraved on our minds that relief is not to be found in expedients. Indebtedness can not be lessened by borrowing more money or by changing the form of the debt. The balance of trade is not to be turned in our favor by creating new demands upon us abroad. Our currency can not be improved by the creation of new banks or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform—by curtailing public and private expenditures, by paying our debts, and by reforming our banking system—that we are to expect effectual relief, security for the future, and an enduring prosperity. In shaping the institutions and policy of the General Government so as to promote as far as it can with its limited powers these important ends, you may rely on my most cordial cooperation.

That there should have been in the progress of recent events doubts in many quarters and in some a heated opposition to every change can not surprise us. Doubts are properly attendant on all reform, and it is peculiarly in the nature of such abuses as we are now encountering to seek to perpetuate their power by means of the influence they have been permitted to acquire. It is their result, if not their object, to gain for the few an ascendancy over the many by securing to them a monopoly of the currency, the medium through which most of the wants of mankind are supplied; to produce throughout society a chain of dependence which leads all classes to look to privileged associations for the means of speculation and extravagance; to nourish, in preference to the manly virtues that give dignity to human nature, a craving desire for luxurious enjoyment and sudden wealth, which renders those who seek them dependent on those who supply them; to substitute for republican simplicity and economical habits a sickly appetite for effeminate indulgence and an imitation of that reckless extravagance which impoverished and enslaved the industrious people of foreign lands, and at last to fix upon us, instead of those equal political rights the acquisition of which was alike the object and supposed reward of our Revolutionary struggle, a system of exclusive privileges conferred by partial legislation. To remove the influences which had thus gradually grown up among us, to deprive them of their deceptive advantages, to test them by the light of wisdom and truth, to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people so enlightened and pure as that of the United States. In most other countries, perhaps, it could only be accomplished through that series of revolutionary movements which are too often found necessary to effect any great and radical reform; but it is the crowning merit of our institutions

that they create and nourish in the vast majority of our people a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood and the sacrifice of thousands of the human race. The result thus far is most honorable to the self-denial, the intelligence, and the patriotism of our citizens; it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go still further than they have yet gone in illustrating the important truth that a people as free and enlightened as ours will, whenever it becomes necessary, show themselves to be indeed capable of self-government by voluntarily adopting appropriate remedies for every abuse, and submitting to temporary sacrifices, however great, to insure their permanent welfare.

My own exertions for the furtherance of these desirable objects have been bestowed throughout my official career with a zeal that is nourished by ardent wishes for the welfare of my country, and by an unlimited reliance on the wisdom that marks its ultimate decision on all great and controverted questions. Impressed with the solemn obligations imposed upon me by the Constitution, desirous also of laying before my fellow-citizens, with whose confidence and support I have been so highly honored, such measures as appear to me conducive to their prosperity, and anxious to submit to their fullest consideration the grounds upon which my opinions are formed, I have on this as on preceding occasions freely offered my views on those points of domestic policy that seem at the present time most prominently to require the action of the Government. I know that they will receive from Congress that full and able consideration which the importance of the subjects merits, and I can repeat the assurance heretofore made that I shall cheerfully and readily cooperate with you in every measure that will tend to promote the welfare of the Union.

M. VAN BUREN.

SPECIAL MESSAGES.

CITY OF WASHINGTON, *December 4, 1839.*

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

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

M. VAN BUREN.

CITY OF WASHINGTON, *December 4, 1839.*

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

I transmit herewith a report from the Secretary of War, which exhibits certain transfers of appropriations made in the War Department under the authority conferred upon the President of the United States by the acts of Congress of March 3, 1809, and May 1, 1820, passed in addition to and to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

M. VAN BUREN.

WASHINGTON, *December 11, 1839.*

To the Senate of the United States:

I transmit for the consideration and advice of the Senate a treaty concluded on the 3d day of September last with the Stockbridge and Munsee tribes of Indians, with a report from the Secretary of War and other documents in relation to it.

M. VAN BUREN.

WASHINGTON, *December 12, 1839.*

To the Senate of the United States:

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WAR DEPARTMENT, *December 11, 1839.*

THE PRESIDENT OF THE UNITED STATES.

SIR: In submitting the accompanying list* of promotions and appointments, which I respectfully recommend for your approval, I beg leave to call your attention to that part of it which relates to the Quartermaster's Department.

The seventh section of the act of 2d of March, 1821, fixing the military peace establishment, provides "that there shall be one Quartermaster-General; that there shall be two quartermasters with the rank, pay, and emoluments of majors of cavalry, and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten nor more than twenty dollars per month, to be regulated by the Secretary of War."

The third section of the act of the 18th May, 1826, provides for "two additional quartermasters and ten assistant quartermasters, to be taken from the line of the Army, who shall have the same rank and compensation as are provided for like grades by the act of the 2d March, 1821," above quoted; that is to say, the two additional quartermasters shall have the "rank, pay, and emoluments of majors of cavalry," and the ten additional assistant quartermasters "shall, in addition to their pay in the line, receive a sum not less than \$10 nor more than \$20 per month."

The ninth section of the act of the 5th July, 1838, provides "that the President of the United States be authorized, by and with the advice and consent of the Senate,

*Omitted.

to add to the Quartermaster's Department not exceeding two assistant quartermasters-general with the rank of colonel, two deputy quartermasters-general with the rank of lieutenant-colonel, and eight assistant quartermasters with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized: * * * *Provided*, That all the appointments in the Quartermaster's Department shall be made from the Army, * * * and that promotions in said Department shall take place as in regiments and corps."

These are believed to be the only laws now in force which provide for the organization of the Quartermaster's Department, and they are here cited with a view to a full and clear understanding of the question of precedence of rank between certain officers of that Department.

Prior to the act of the 5th of July, 1838, last quoted, the assistant quartermasters were selected from the several regiments of the line to perform duty in the Quartermaster's Department. They were never commissioned in the Department; they merely received letters of appointment as assistant quartermasters, and were allowed the additional pay provided by the act of the 2d March, 1821, and 16th May, 1826. They held no rank in the Department separate from their rank in the line, and were liable to be returned to their regiments according to the wants of the service or at the pleasure of the President. In completing the organization of the Department provided by the act of 5th July, 1838, several officers were selected from regiments for appointment as assistant quartermasters whose lineal rank was greater than that held by the assistant quartermasters then doing duty in the Department, and on the 7th of July, the list being nearly completed, it was submitted to the Senate for confirmation. All the assistant quartermasters thus submitted to the Senate were confirmed to take rank from the 7th of July, and in the order they were nominated, which was according to their seniority in the line and agreeably to what was conceived to be the intention of the law. Had the opposite course been pursued, the lieutenants serving in the Department must either have outranked some of the captains selected or else the selections must have been confined altogether to the subaltern officers of the Army. It will appear, therefore, that the relative rank of these officers has been properly settled, both by a fair construction of the law and the long-established regulation of the service which requires that "in cases where commissions of the same grade and date interfere a retrospect is to be had to former commissions in actual service at the time of appointment." But as several of the assistant quartermasters who were doing duty in the Department prior to the act of the 5th of July, 1838, have felt themselves aggrieved by this construction of the law, and have urged a consideration of their claims to priority of rank, I have felt it my duty to lay their communications before you, with a view to their being submitted to the Senate with the accompanying list,* should you think proper to do so.

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

J. R. POINSETT.

WASHINGTON, *December 17, 1839.*

Hon. WM. R. KING,
President of the Senate.

SIR: I transmit herewith a report made to me by the Secretary of the Treasury, with accompanying documents, in regard to some difficulties which have occurred concerning the kind of papers deemed necessary to be provided by law for the use and protection of American vessels

engaged in the whale fisheries, and would respectfully invite the consideration of Congress to some new legislation on a subject of so much interest and difficulty.

M. VAN BUREN.

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

WASHINGTON CITY, *December 23, 1839.*

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

I herewith communicate to Congress copies of a letter from the governor of Iowa to the Secretary of State and of the documents transmitted with it, on the subject of a dispute respecting the boundary line between that Territory and the State of Missouri. The disagreement as to the extent of their respective jurisdictions has produced a state of such great excitement that I think it necessary to invite your early attention to the report of the commissioner appointed to run the line in question under the act of the 18th of June, 1838, which was sent to both Houses of Congress by the Secretary of State on the 30th of January last.

M. VAN BUREN.

DECEMBER 24, 1839.

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

I transmit herewith to Congress a report from the Secretary of State, on the subject of the law providing for taking the Sixth Census of the United States, to which I invite your early attention.

M. VAN BUREN.

WASHINGTON, *December 28, 1839.*

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

I herewith transmit a report from the Secretary of the Treasury, in relation to the employment of steam vessels in the Revenue-Cutter Service, and recommend the subject to the special and favorable consideration of Congress.

M. VAN BUREN.

WASHINGTON, *December 30, 1839.*

To the Senate and House of Representatives:

I transmit to Congress copies of a communication from Governor Lucas, and of additional documents, in relation to the disputed boundary line between the Territory of Iowa and the State of Missouri.

M. VAN BUREN.

WASHINGTON, *December 31, 1839.**To the Senate and House of Representatives of the United States:*

I communicate to Congress a report from the Secretary of State, in relation to applications on the part of France for the extension to vessels coming from the colonies of French Guiana and Senegal of the benefits granted by the act of the 9th of May, 1828, to vessels of the same nation coming from the islands of Guadaloupe and Martinique, and for the repayment of duties levied in the district of Newport upon the French ship *Alexandre* and part of her cargo. The circumstances under which these duties were demanded being, as stated by the Secretary of the Treasury, of a character to entitle the parties to relief, I recommend the adoption of the necessary legislative provisions to authorize their repayment. I likewise invite your attention to the evidence contained in the accompanying documents as to the treatment of our vessels in the port of Cayenne, which will doubtless be found by Congress such as to authorize the application to French vessels coming from that colony of the liberal principles of reciprocity which have hitherto governed the action of the Legislature in analogous cases.

M. VAN BUREN.

WASHINGTON, *January 6, 1840.**To the Senate and House of Representatives of the United States:*

I herewith communicate to Congress copies of a communication received from the chief magistrate of the State of Maryland in respect to the cession to that State of the interest of the General Government in the Chesapeake and Ohio Canal. Having no authority to enter into the proposed negotiation, I can only submit the subject to the consideration of Congress. That body will, I am confident, give to it a careful and favorable consideration and adopt such measures in the premises within their competency as will be just to the State of Maryland and to all the other interests involved.

M. VAN BUREN.

WASHINGTON CITY, *January 8, 1840.**To the Senate and House of Representatives of the United States:*

I transmit herewith for your consideration and action a communication from the Secretary of War, which is accompanied by documents from the military and topographical engineer bureaus, referred to in his late annual report as relating to the system of internal improvement carried on by the General Government, and showing the operations during the past year in that branch of the public service intrusted to the topographical bureau.

M. VAN BUREN.

WASHINGTON CITY, *January 8, 1840.*

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

In addition to the papers accompanying my messages of the 23d and 30th ultimo, I communicate to Congress a copy of a letter, with its inclosure, since received at the Department of State from the governor of Iowa, in relation to the disputed boundary between that Territory and the State of Missouri.

M. VAN BUREN.

WASHINGTON CITY, *January 8, 1840.*

To the Senate of the United States:

In compliance with a resolution that passed the Senate the 30th ultimo, calling for information as to the banks which had recently suspended specie payments and those which had resumed, as well as the cases where they had refused payment of the public demands in specie, with several other particulars, I requested the different Departments to prepare reports on the whole subject so far as connected with the business with each.

Having received an answer from the Treasury Department which, with the documents annexed, will probably cover most of the inquiries, I herewith submit the same to your consideration, and will present the reports from the other Departments so soon as they are completed.

M. VAN BUREN.

WASHINGTON, *January 10, 1840.*

To the Senate of the United States:

I transmit herewith, in compliance with a resolution of the 30th ultimo, the proceedings of the court of inquiry in the case of Lieutenant-Colonel Brant,* held at St. Louis in November last, and the papers connected therewith, together with a copy of that officer's resignation.

The report of the Secretary of War which accompanies these papers contains the reasons for withholding the proceedings of the court-martial.

M. VAN BUREN.

WASHINGTON, *January 11, 1840.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolutions of the 30th ultimo, two reports of the Secretary of State, containing the answers of the Commissioner of Patents and the disbursing agent of the Department of State to the inquiries embraced in said resolutions.†

— M. VAN BUREN. —

*Relating to his administration of the affairs of the Quartermaster's Department at St. Louis.

†Relating to the sale or exchange of Government drafts, etc.

WASHINGTON, *January 11, 1840.**To the Senate of the United States:*

I transmit herewith a report and statement of the Secretary of the Treasury, furnishing the information called for by the resolution of the 30th ultimo, in relation to the amount of money drawn from the Treasury in each of the five years preceding the commencement of the present session of Congress, except the amount drawn under the special pension laws. The statement showing the amount, it will be seen from the accompanying communication of the Secretary of War, will take some little time, but will be prepared as early as possible and transmitted.

M. VAN BUREN.

WASHINGTON, *January 13, 1840.**To the Senate of the United States:*

I again submit to you the amended treaty of June 11, 1838, with the New York Indians. It is accompanied by minutes of the proceedings of a council held with them at Cattaraugus on the 13th and 14th days of August, 1839, at which were present on the part of the United States the Secretary of War and on the part of the State of Massachusetts General H. A. S. Dearborn, its commissioner; by various documentary testimony, and by a memorial presented in behalf of the several committees on Indian concerns appointed by the four yearly meetings of Friends of Genesee, New York, Philadelphia, and Baltimore. In the latter document the memorialists not only insist upon the irregularity and illegality of the negotiation, but urge a variety of considerations which appear to them to be very conclusive against the policy of the removal itself. The motives by which they have been induced to take so deep an interest in the subject are frankly set forth, and are doubtless of the most beneficent character. They have, however, failed to remove my decided conviction that the proposed removal, if it can be accomplished by proper means, will be alike beneficial to the Indians, to the State in which the land is situated, and to the more general interest of the United States upon the subject of Indian affairs.

The removal of the New York Indians is not only important to the tribes themselves, but to an interesting portion of western New York, and especially to the growing city of Buffalo, which is surrounded by lands occupied by the Senecas. To the Indians themselves it presents the only prospect of preservation. Surrounded as they are by all the influences which work their destruction, by temptation they can not resist and artifices they can not counteract, they are rapidly declining, and, notwithstanding the philanthropic efforts of the Society of Friends, it is believed that where they are they must soon become extinct; and to this portion of our country the extraordinary spectacle is presented of densely populated and highly improved settlements inhabited by industrious,

moral, and respectable citizens, divided by a wilderness on one side of which is a city of more than 20,000 souls, whose advantageous position in every other respect and great commercial prospects would insure its rapid increase in population and wealth if not retarded by the circumstance of a naturally fertile district remaining a barren waste in its immediate vicinity. Neither does it appear just to those who are entitled to the fee simple of the land, and who have paid a part of the purchase money, that they should suffer from the waste which is constantly committed upon their reversionary rights and the great deterioration of the land consequent upon such depredations without any corresponding advantage to the Indian occupants.

The treaty, too, is recommended by the liberality of its provisions. The cession contained in the first article embraces the right, title, and interest secured to "the Six Nations of the New York Indians and St. Regis tribe" in lands at Green Bay by the Menomonee treaty of 8th February, 1831, the supplement thereto of 17th of same month, and the conditions upon which they were ratified by the Senate, except a tract on which a part of the New York Indians now reside. The Menomonee treaty assigned them 500,000 acres, coupled with the original condition that they should remove to them within three years after the date of the treaty, modified by the supplement so as to empower the President to prescribe the term within which they should remove to the Green Bay lands, and that if they neglected to do so within the period limited so much of the land as should be unoccupied by them at the termination thereof should revert to the United States. To these lands the New York Indians claimed title, which was resisted, and, for quieting the controversy, by the treaty of 1831 the United States paid a large consideration; and it will be seen that by using the power given in the treaty the Executive might put an end to the Indian claim. Instead of this harsher measure, for a grant of all their interest in Wisconsin, which, deducting the land in the actual occupancy of New York Indians, amounts to about 435,000 acres, the treaty as amended by the Senate gives 1,824,000 acres of lands in the West and the sum of \$400,000 for their removal and subsistence, for education and agricultural purposes, the erection of mills and the necessary houses, and the promotion of the mechanic arts. Besides, there are special money provisions for the Cayugas, the Onondagas, the Oneidas of New York, the Tuscaroras, and St. Regis Indians, and an engagement to receive from Ogden and Fellows for the Senecas \$202,000; to invest \$100,000 of this sum in safe stocks and to distribute \$102,000 among the owners of improvements in New York according to an appraisement;—to sell for the Tuscaroras 5,000 acres of land they hold in Niagara County, N. Y., and to invest the proceeds, exclusive of what may be received for improvements, "the income from which shall be paid to the nation at their new homes annually, and the money which shall be received for improvements on said lands shall

be paid to the owners of the improvements when the lands are sold." These are the substantial parts of the treaty, and are so careful of Indian advantage that one might suppose they would be satisfactory to those most anxious for their welfare. The right they cede could be extinguished by a course that treaty provisions justify and authorize. So long as they persevere in their determination to remain in New York it is of no service to them, and for this naked right it is seen what the United States propose to give them besides the sum of \$202,000, which will be due from the purchasers of their occupant right to the Senecas, and \$9,600 to the Tuscaroras for their title to 1,920 acres of land in Ontario County, N. Y., exclusive of the 5,000 acres above mentioned.

But whilst such are my views in respect to the measure itself, and while I shall feel it to be my duty to labor for its accomplishment by the proper use of all the means that are or shall be placed at my disposal by Congress, I am at the same time equally desirous to avoid the use of any which are inconsistent with those principles of benevolence and justice which I on a former occasion endeavored to show have in the main characterized the dealings of the Federal Government with the Indian tribes from the Administration of President Washington to the present time. The obstacles to the execution of the treaty grow out of the following considerations: The amended treaty was returned to me by your body at the close of its last session, accompanied by a resolution setting forth that "whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the 11th of June, 1838, the Senate recommend that the President make proclamation of said treaty and carry the same into effect." The resolution of the 11th of June, 1838, provided that "the said treaty shall have no force or effect whatever as relates to any of the said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it until the same, with the amendments herein proposed, is submitted and fully explained by the commissioner of the United States to each of the said tribes or bands separately assembled in council, and they have given their free and voluntary consent thereto." The amended treaty was submitted to the chiefs of the several tribes and its provisions explained to them in council. A majority of the chiefs of each of the tribes of New York Indians signed the treaty in council, except the Senecas. Of them only 16 signed in council, 13 signed at the commissioner's office, and 2, who were confined by indisposition, at home. This was reported to the War Department in October, 1838, and in January, 1839, a final return of the proceedings of the commissioner was made, by which it appeared that 41 signatures of chiefs, including 6 out of the 8 sachems of the nation, had been affixed to the treaty. The number of chiefs of the Seneca Nation

entitled to act for the people is variously estimated from 74 to 80, and by some at a still higher number. Thus it appears that, estimating the number of chiefs at 80—and it is believed there are at least that number—there was only a bare majority of them who signed the treaty, and only 16 gave their assent to it in council. The Secretary of War was under these circumstances directed to meet the chiefs of the New York Indians in council, in order to ascertain, if possible, the views of the several tribes, and especially of the Senecas, in relation to the amended treaty. He did so in the month of August last, and the minutes of the proceedings of that council are herewith submitted. Much opposition was manifested by a party of the Senecas, and from some cause or other some of the chiefs of the other tribes who had in former councils consented to the treaty appeared to be now opposed to it. Documents were presented showing that some of the Seneca chiefs had received assurances of remuneration from the proprietors of the land, provided they assented to the treaty and used their influence to obtain that of the nation, while testimony was offered on the other side to prove that many had been deterred from signing and taking part in favor of the treaty by threats of violence, which, from the late intelligence of the cruel murders committed upon the signers of the Cherokee treaty, produced a panic among the partisans of that now under consideration. Whatever may have been the means used by those interested in the fee simple of these lands to obtain the assent of Indians, it appears from the disinterested and important testimony of the commissioner appointed by the State of Massachusetts that the agent of the Government acted throughout with the utmost fairness, and General Dearborn declares himself to be perfectly satisfied that were it not for the unremitting and disingenuous exertions of a certain number of white men who are actuated by their private interests, to induce the chiefs not to assent to the treaty, it would immediately have been approved by an immense majority—an opinion which he reiterated at Cattaraugus. Statements were presented to the Secretary of War at Cattaraugus to show that a vast majority of the New York Indians were adverse to the treaty, but no reasonable doubt exists that the same influence which obtained this expression of opinion would, if exerted with equal zeal on the other side, have produced a directly opposite effect and shown a large majority in favor of emigration. But no advance toward obtaining the assent of the Seneca tribe to the amended treaty in council was made, nor can the assent of a majority of them in council be now obtained. In the report of the committee of the Senate, upon the subject of this treaty, of the 28th of February last it is stated as follows:

But it is in vain to contend that the signatures of the last ten, which were obtained on the second mission, or of the three who have sent on their assent lately, is such a signing as was contemplated by the resolution of the Senate. It is competent, however, for the Senate to waive the usual and customary forms in this instance and consider the signatures of these last thirteen as good as though they had been obtained

in open council. But the committee can not recommend the adoption of such a practice in making treaties, for divers good reasons, which must be obvious to the Senate; and among those reasons against these secret individual negotiations is the distrust created that the chiefs so acting are doing what a majority of their people do not approve of, or else that they are improperly acted upon by bribery or threats or unfair influences. In this case we have most ample illustrations. Those opposed to the treaty accuse several of those who signed their assent to the amended treaty with having been bribed, and in at least one instance they make out the charge very clearly.

Although the committee, being four in number, were unable to agree upon any recommendation to the Senate, it does not appear that there was any diversity of opinion amongst them in regard to this part of the report. The provision of the resolution of the Senate of the 11th of June, 1838, requiring the assent of each of the said tribes of Indians to the amended treaty to be given in council, and which was also made a condition precedent to the recommendation to me of the Senate of the 2d of March, 1839, to carry the same into effect, has not, therefore, been complied with as it respects the Seneca tribe.

It is, however, insisted by the advocates for the execution of the treaty that it was the intention of the Senate by their resolution of the 2d of March, 1839, to waive so much of the requirement of that of the 11th of June, 1838, as made it necessary that the assent of the different tribes should be given in council. This assumption is understood to be founded upon the circumstances that the fact that only sixteen of the chiefs had given their assent in that form had been distinctly communicated to the Senate before the passage of the resolution of the 2d of March, and that instead of being a majority that number constituted scarcely one-fifth of the whole number of chiefs, and it is hence insisted that unless the Senate had so intended there would have been no use in sending the amended treaty to the President with the advice contained in that resolution. This has not appeared to me to be a necessary deduction from the foregoing facts, as the Senate may have contemplated that the assent of the tribe in the form first required should be thereafter obtained, and before the treaty was executed, and the phraseology of the resolution, viz, "that whenever the President shall be satisfied," etc., goes far to sustain this construction. The interpretation of the acts of the Senate set up by the advocates for the treaty is, moreover, in direct opposition to the disclaimer contained in the report of the committee which has been adverted to. It is at best an inference only, in respect to the truth of which the Senate can alone speak with certainty, and which could not with propriety be regarded as justifying the desired action in relation to the execution of the treaty.

— — — This measure is further objected to on the ground of improper inducements held out to the assenting chiefs by the agents of the proprietors of the lands, which, it is insisted, ought to invalidate the treaty if even the requirement that the assent of the chiefs should be given in council was

dispensed with. Documentary evidence upon this subject was laid before you at the last session, and is again communicated, with additional evidence upon the same point. The charge appears by the proceedings of the Senate to have been investigated by your committee, but no conclusion upon the subject formed other than that which is contained in the extract from the report of the committee I have referred to, and which asserts that at least in one instance the charge of bribery has been clearly made out. That improper means have been employed to obtain the assent of the Seneca chiefs there is every reason to believe, and I have not been able to satisfy myself that I can, consistently with the resolution of the Senate of the 2d of March, 1839, cause the treaty to be carried into effect in respect to the Seneca tribe.

You will perceive that this treaty embraces the Six Nations of New York Indians, occupying different reservations, but bound together by common ties, and it will be expedient to decide whether in the event of that part of it which concerns the Senecas being rejected it shall be considered valid in relation to the other tribes, or whether the whole confederacy shall share one fate. In the event of the Senate not advising the ratification of the amended treaty, I invite your attention to the proposal submitted by the dissentients to authorize a division of the lands, so that those who prefer it may go West and enjoy the advantages of a permanent home there, and of their proportion of the annuities now payable, as well as of the several pecuniary and other beneficiary provisions of the amended treaty.

M. VAN BUREN.

WASHINGTON CITY, *January 17, 1840.*

To the Senate of the United States:

I transmit herewith a communication and statement from the Secretary of War, containing the balance of the information, not heretofore furnished, called for by a resolution of the 30th ultimo, in relation to the amount of money drawn from the Treasury during the five years immediately preceding the commencement of the present session of Congress, in consequence of the legislation of that body upon private claims.

M. VAN BUREN.

WASHINGTON, *January 20, 1840.*

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

I transmit a report from the Secretary of State, explaining the causes which have prevented a compliance with the resolution of Congress for the distribution of the Biennial Register.

M. VAN BUREN.

To the Senate of the United States: WASHINGTON, *January, 1840.*

I transmit to the Senate, for their consideration with a view to its ratification, a treaty of peace, friendship, navigation, and commerce between the United States of America and the Republic of Ecuador, signed at Quito on the 13th day of June last. With a view to enable the Senate to understand the motives which led to this compact, the progress of its negotiation, and the grounds upon which it was concluded, I also communicate a copy of the instructions from the Secretary of State to Mr. Pickett in relation to it, and the original official dispatches of the latter. It is requested that the dispatches may be returned when the convention shall have been disposed of by the Senate.

M. VAN BUREN.

To the Senate of the United States: WASHINGTON, *January 21, 1840.*

I transmit to the Senate, in compliance with the request of the governor of Massachusetts, a copy of a letter addressed to him by one of the chiefs of the Seneca tribe of Indians in the State of New York, written on behalf of that portion of the tribe opposed to the treaty of Buffalo.

M. VAN BUREN.

To the Senate of the United States: WASHINGTON, *January 22, 1840.*

In compliance with the resolution of the Senate of the 17th instant, I communicate a report and documents from the Secretary of State and a report from the Secretary of War.*

M. VAN BUREN.

To the Senate and House of Representatives of the United States: WASHINGTON, *January 23, 1840.*

I herewith transmit a communication from the Secretary of the Treasury, inclosing a letter addressed to him from the Solicitor of the Treasury, and have to invite the earliest attention of Congress to the subject contained therein.†

M. VAN BUREN.

To the Senate of the United States: WASHINGTON, *January 25, 1840.*

The accompanying report ‡ from the Secretary of State is, with its inclosures, communicated to the Senate in compliance with their resolution of the 14th instant.

M. VAN BUREN.

* Transmitting correspondence with the British Government on the subject of the northeastern boundary and the jurisdiction of the disputed territory; also with the governor of Maine and the minister of Great Britain relative to the invasion of Maine, etc.

† Relating to the discharge of liens and incumbrances upon real estate which has or may become the property of the United States.

‡ Relating to the compensation by Great Britain in the case of the brigs *Enterprise*, *Encomium*, and *Comet*, slaves on board which were forcibly seized and detained by local authorities of Bermuda and Bahama islands.

WASHINGTON, *January 25, 1840.*

THE PRESIDENT OF THE SENATE.

SIR: I transmit a report from the Secretary of the Navy, containing information required by a resolution of the Senate of the 2d of March, 1839, in relation to the military and naval defenses of the United States.

M. VAN BUREN,

WASHINGTON CITY, *January 28, 1840.*

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

I present for your information a communication from the Secretary of War, accompanied by a report and documents from the Chief Engineer, in relation to certain works* under the superintendence of that officer during the past year. These documents were intended as a supplement to the annual report of the Chief Engineer, which was laid before Congress at the commencement of the session.

M. VAN BUREN.

WASHINGTON, *January 29, 1840.*

To the Senate of the United States:

I herewith transmit to the Senate, with reference to their resolutions of the 17th instant, copies of two official notes which have passed subsequently to the date of my message of the 22d between the Secretary of State and the British minister at Washington, containing additional information in answer to the resolutions referred to.

M. VAN BUREN.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *January 26, 1840.*

HON. JOHN FORSYTH, etc.:

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acquaint Mr. Forsyth, Secretary of State of the United States, that since the date of his last official note, of the 12th instant, he has been furnished by Her Majesty's authorities in North America with more correct information than he then possessed respecting certain reported movements of British troops within the disputed territory, which formed the subject of a part of that official note, as well as of the two official notes addressed by the Secretary of State to the undersigned on the 24th of December and on the 16th of the present month. The same reported movements of troops were referred to in a recent message from the governor of Maine to the legislature of the State, and also in a published official letter addressed by the governor of Maine to the President of the United States on the 23d of December.

It appears from accurate information now in the possession of the undersigned that the governor of Maine and through him the President and General Government of the United States have been misinformed as to the facts. In the first place, no reenforcement has been marched to the British post at the Lake Temiscouata; the

*Operations in the Missouri, Arkansas, Ohio, and Mississippi rivers, etc.

only change occurring there has been the relief of a detachment of Her Majesty's Twenty-fourth Regiment by a detachment of equal force of the Eleventh Regiment, this force of one company being now stationed at the Temiscouata post, as it always has been, for the necessary purpose of protecting the stores and accommodations provided for the use of Her Majesty's troops who may be required, as heretofore, to march by that route to and from the Provinces of Canada and New Brunswick. In the second place, it is not true that the British authorities either have built or are building barracks on both sides of the St. John River or at the mouth of the Madawaska River; no new barracks have in fact been built anywhere. In the third place, Her Majesty's authorities are not concentrating a military force at the Grand Falls; the same trifling force of sixteen men is now stationed at the post of the Grand Falls which has been stationed there for the last twelvemonth. It was perhaps, however, needless for the undersigned to advert to this last matter at all, as the post of the Grand Falls is beyond the bounds of the disputed territory and within the acknowledged limits of New Brunswick.

The undersigned, while conveying the above information upon a matter of fact to the Secretary of State of the United States, takes occasion to repeat distinctly his former declaration that there exists no intention on the part of Her Majesty's authorities to infringe the terms of those provisional agreements which were entered into at the beginning of last year so long as there is reason to trust that the same will be faithfully adhered to by the opposite party; but it is the duty of the undersigned at the same time clearly to state that Her Majesty's authorities in North America, taking into view the attitude assumed by the State of Maine with reference to the boundary question, will, as at present advised, be governed entirely by circumstances in adopting such measures of defense and protection (whether along the confines of the disputed territory or within that portion of it where, it has been before explained, the authority of Great Britain, according to the existing agreements, was not to be interfered with) as may seem to them necessary for guarding against or for promptly repelling the further acts of hostile aggression over the whole of the disputed territory which it appears to be the avowed design of the State of Maine sooner or later to attempt.

For the undersigned has to observe that not only is the extensive system of encroachment which was denounced and remonstrated against by the undersigned in his official note of the 2d of last November still carried on and persisted in by armed bands employed by the authorities of Maine in the districts above the Aroostook and Fish rivers, but that acts, as above stated, of a character yet more violent and obnoxious to the rights of Great Britain and more dangerous to the preservation of the general peace are with certainty meditated by the inhabitants of that State. The existence of such designs has for months past been a matter of notoriety by public report. Those designs were plainly indicated in the recent message of the governor of Maine to the legislature of the State, and they are avowed in more explicit terms in the letter addressed to the President of the United States by the governor of Maine on the 21st of November, which letter has within the last few days been communicated to Congress and published.

The undersigned, it is true, has been assured by the Secretary of State, in his note of the 16th instant, that the General Government see no reason to doubt the disposition of the governor of Maine to adhere to the existing arrangements and to avoid all acts tending to render more difficult and distant the final adjustment of the boundary question; but in face of the above clear indications of the intentions of Maine as given out by the parties themselves the Secretary of State has not given to the undersigned any adequate assurance that Maine will be constrained to desist from carrying those intentions into effect if, contrary to the expectation of the General Government, the legislature or the executive of the State should think fit to make the attempt.

The undersigned not only preserves the hope, but he entertains the firm belief, that if the duty of negotiating the boundary question be left in the hands of the two national Governments, to whom alone of right it belongs, the difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended. But the case will become wholly altered if the people of the State of Maine, who, though interested in the result, are not charged with the negotiation, shall attempt to interrupt it by violence.

Her Majesty's authorities in North America have on their part no desire or intention to interfere with the course of the pending negotiation by an exertion of military force, but they will, as at present advised, consult their own discretion in adopting the measures of defense that may be rendered necessary by the threats of a violent interruption to the negotiation which have been used by all parties in Maine and which the undersigned regrets to find confirmed by the language (as above referred to) employed by the highest official authority in that State.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, January 28, 1840.

HENRY S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, has the honor to reply, by direction of the President, to the note addressed to him on the 26th instant by Mr. Fox, envoy extraordinary and minister plenipotentiary of Great Britain.

The President derives great satisfaction from the information conveyed by Mr. Fox's note that, with reference to the reported movements of British troops within the territory in dispute, no actual change has taken place in the attitude of Her Majesty's authorities in the territory since the arrangements entered into by the two Governments at the commencement of last year for the preservation of tranquillity within its limits, and from his assurances that there exists no intention on the part of Her Majesty's authorities to infringe the terms of those arrangements so long as they are faithfully observed on the side of the United States. The President, however, can not repress a feeling of regret that the British colonial authorities, without graver motives than the possibility of a departure from the arrangements referred to by the State of Maine, should take upon themselves the discretion, and along with it the fearful responsibility of probable consequences, of being guided by circumstances liable, as these are, to be misapprehended and misjudged in the adoption within the disputed territory of measures of defense and precaution in manifest violation of the understanding between the two countries whenever they may imagine that acts of hostile aggression over the disputed territory are meditated or threatened on the part of the State of Maine. The President can not but hope that when Her Majesty's Government at home shall be apprised of the position assumed in this regard by its colonial agents proper steps will be taken to place the performance of express and solemn agreements upon a more secure basis than colonial discretion, to be exercised on apprehended disregard of such agreements on the part of the State of Maine.

It is gratifying to the President to perceive that Mr. Fox entertains the firm belief that the difficulty of conducting to an amicable issue the pending negotiation for the adjustment of the question of boundary is not so great as has by many persons been apprehended. As, under a corresponding conviction, the United States have, with a view to the final settlement of that exciting question, submitted a proposition for the consideration of Her Majesty's Government, the President hopes that the sentiments expressed by Mr. Fox have their foundation in an expectation of his

having it in his power at an early day to communicate to this Government a result of the deliberations had by that of Her Britannic Majesty upon the proposition alluded to which will present the prospect of a prompt and satisfactory settlement, and which, when known by the State of Maine, will put an end to all grounds of apprehensions of intentions or disposition on her part to adopt any measures calculated to embarrass the negotiation or to involve a departure from the provisional arrangements. In the existence of those arrangements the United States behold an earnest of the mutual desire of the two Governments to divest a question abounding in causes of deep and growing excitement of as much as possible of the asperity and hostile feeling it is calculated to engender; but unless attended with the most scrupulous observance of the spirit and letter of their provisions, it would prove but one more cause added to the many already prevailing of enmity and discord. Mr. Fox has already been made the channel of conveyance to his Government of the desire and determination of the President that the obligations of the country shall be faithfully discharged; that desire is prompted by a sense of expediency as well as of justice, and by an anxious wish to preserve the amicable relations now, so manifestly for the advantage of both, subsisting between the United States and Great Britain.

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

JOHN FORSYTH.

To the Senate of the United States:

In compliance with two resolutions of the Senate, dated the 30th ultimo, calling for information in relation to the disputed boundary between the State of Missouri and the Territory of Iowa, I transmit a report from the Secretary of State, which, with inclosures, contains all the information in the executive department on the subject not already communicated to Congress.

M. VAN BUREN.

JANUARY 31, 1840.

WASHINGTON, *February 4, 1840.*

To the Honorable the House of Representatives:

I lay before you a report from the Secretary of the Treasury, with several documents annexed, by which it will be seen that judicial constructions have been given to the existing laws for the collection of imposts, affecting extensively and injuriously the accruing revenue.

They embrace, with many others, the important articles of linens, woollens, and cottons, the last two of which are often treated as silks, because that material constitutes a component part of them, and thus exempted them from duty altogether. Assessments of duties which have prevailed for years, and in some cases since the passage of the laws themselves, are in this manner altered, and uncertainty and litigation introduced in regard to the future.

The effects which these proceedings have already produced in diminishing the amount of the revenue, and which are likely to increase hereafter, deserve your early consideration.

I have therefore deemed it necessary to bring the matter to your notice, with a view to such legislative action as the exigencies of the case

may in your judgment require. It is not believed that any law which can now be passed upon the subject can affect the revenue favorably for several months to come, and could not, therefore, be safely regarded as a substitute for the early provision of certain and adequate means to enable the Treasury to guard the public credit and meet promptly and faithfully any deficiencies that may occur in the revenue, from whatever cause they may arise.

The reasons in favor of the propriety of adopting at an early period proper measures for that purpose were explained by the Secretary of the Treasury in his annual report and recommended to your attention by myself. The experience of the last two months, and especially the recent decisions of the courts, with the continued suspension of specie payments by the banks over large sections of the United States, operating unfavorably upon the revenue, have greatly strengthened the views then taken of the subject.

M. VAN BUREN.

WASHINGTON CITY, *February 14, 1840.*

To the House of Representatives of the United States:

I lay before you a communication from the Secretary of War, accompanied by a report of the Commissioner of Pensions, showing the great importance of early action on the bill from the Senate providing for the continuance of the office of Commissioner of Pensions. The present law will expire by its own limitation on the 4th day of the next month, and, sensible of the suffering which would be experienced by the pensioners from its suspension, I have deemed it my duty to bring the subject to your notice and invite your early attention to it.

M. VAN BUREN.

FEBRUARY 17, 1840.

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

I submit to Congress a communication from the Secretary of the Treasury, repeating suggestions contained in his annual report in regard to the necessity of an early provision by law for the protection of the Treasury against the fluctuations and contingencies to which its receipts are exposed, with additional facts and reasons in favor of the propriety of the legislation then desired.

The application assumes that although the means of the Treasury for the whole year may be equal to the expenditures of the year, the Department may, notwithstanding, be rendered unable to meet the claims upon it at the times when they fall due.

This apprehension arises partly from the circumstance that the largest proportion of the charges upon the Treasury, including the payment of pensions and the redemption of Treasury notes, fall due in the early part of this year, viz, in the months of March and May, while the resources

on which it might otherwise rely to discharge them can not be made available until the last half of the year, and partly from the fact that a portion of the means of the Treasury consists of debts due from banks, for some of which delay has already been asked, and which may not be punctually paid.

Considering the injurious consequences to the character, credit, and business of the country which would result from a failure by the Government for ever so short a period to meet its engagements; that the happening of such a contingency can only be effectually guarded against by the exercise of legislative authority; that the period when such disability must arise, if at all, and which at the commencement of the session was comparatively remote, has now approached so near as a few days; and that the provision asked for is only intended to enable the Executive to fulfill existing obligations, and chiefly by anticipating funds not yet due, without making any additions to the public burdens, I have deemed the subject of sufficient urgency and importance again to ask for it your early attention.

M. VAN BUREN.

WASHINGTON, *February 21, 1840.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 7th instant, I communicate a report* from the Secretary of State, containing all the information in possession of the Executive respecting the matters referred to in that resolution.

M. VAN BUREN.

WASHINGTON, *February 27, 1840.*

To the Senate of the United States:

I transmit to the Senate, for their consideration with a view to its ratification, a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic, concluded and signed in the city of Washington on the 11th of April last. I also communicate, as explanatory of the motives to the adoption of a new convention and illustrative of the course of the negotiation, the correspondence between the Secretary of State and Mr. Martinez, the late minister of Mexico accredited to this Government, and also such parts of the correspondence between the former and Mr. Ellis as relate to the same subject. By the letters of Mr. Ellis it will be seen that the convention now transmitted to the Senate has been already ratified by the Government of Mexico. As some of the papers are originals, it is requested that they may be returned to the Department of State when the convention shall have been disposed of by the Senate.

M. VAN BUREN.

*Relating to the trade with China, etc.

WASHINGTON, March 4, 1840.

To the Senate:

I communicate a report from the Secretary of State, with documents* accompanying it, in compliance with the resolution of the Senate of the 17th of February last.

M. VAN BUREN.

WASHINGTON, March 9, 1840.

To the Senate:

In addition to information already communicated in compliance with the resolutions of the Senate of the 17th January last, I think it proper to transmit to the Senate copies of two letters, with inclosures, since received from the governor of Maine, and of a correspondence relative thereto between the Secretary of State and the British minister.

M. VAN BUREN.

EXECUTIVE DEPARTMENT,
Augusta, February 15, 1840.His Excellency M. VAN BUREN,
President United States.

SIR: A communication from Mr. Fox, the British minister, to Mr. Forsyth, Secretary of State, under date of January 26, contains the following statement:

"It appears from *accurate* information now in possession of the undersigned that the governor of Maine and through him the President and General Government of the United States have been misinformed as to the facts. In the first place, no *reinforcement* has been marched to the British post at the Lake Temiscouata; the *only change* occurring there has been the relief of a detachment of Her Majesty's Twenty-fourth Regiment by a detachment of *equal force* of the Eleventh Regiment, this force of *one company* being now stationed at the Temiscouata post, as it *always has been*, for the necessary purpose of protecting the stores and accommodations provided for the use of Her Majesty's troops who may be required, as heretofore, to march by that route to and from the Provinces of Canada and New Brunswick. In the second place, it is not true that the British authorities either have built or are building barracks on both sides of the St. John River or at the mouth of the Madawaska River; *no new barracks have in fact been built anywhere.*"

This statement has been read by the citizens of this State with the most profound astonishment, and however high may be the source from which it emanates I must be permitted to say, in the language of that high functionary, that "it is not true," though in justice to him I should add that he has undoubtedly been misinformed. Though this State, in the vindication of her rights and maintenance of her interests relative to her territorial boundary, from past experience had no reason to expect any material admissions of the truth on the part of the British authorities, she was not prepared to meet such a positive and unqualified denial of facts as the foregoing exhibits, especially of facts so easily susceptible of proof. The "*accuracy*" of the information alleged to be in the possession of the minister is only equaled by the *justice* of the pretensions heretofore set up in regard to title.

But not to be bandying assertions where proof is abundant, I deem it my duty to transmit to Your Excellency the depositions† of a number of gentlemen, citizens of

*Containing information relative to the necessity of amending the existing law regulating the transfer of property in American vessels abroad.

†Omitted.

this State, of great respectability, and whose statements are entitled to the most implicit confidence.

These depositions abundantly prove that up to May last, nearly two months subsequent to the arrangement entered into through the mediation of General Scott, *no troops* whatever were stationed at Temiscouata Lake; that in August, September, and October the number did not exceed 25, while now it has been increased to about 200; that prior to May no barracks had been erected at Temiscouata, but that since that time two have been built at the head of the lake, besides some five or six other buildings apparently adapted to the establishment of a permanent military post, and at the foot of the lake two or more buildings for barracks and other military purposes; that though no *new* barracks have been erected at Madawaska, certain buildings heretofore erected have been engaged for use as such; that a road has been constructed connecting the military post at the head and foot of the lake, a tow-path made the whole length of the Madawaska River, the road from the head of the lake to the military post at the river Des Loup thoroughly repaired, transport boats built, etc.

I would further inform Your Excellency that an agent has been dispatched to Temiscouata and Madawaska for the purpose of procuring exact information of the state of things there at the present moment; but having incidentally found some evidence of the state of things prior to November last, I have thought best to forward it without delay for the purpose of disabusing the Government and the country of the errors into which they may have been led by the communication before alluded to. The report of the agent will be transmitted as soon as received, which may not be short of two weeks.

Under these circumstances, I have only to repeat my official call upon the General Government for the protection of this State from *invasion*.

I have the honor to be, with great respect, Your Excellency's most obedient servant,

JOHN FAIRFIELD,
Governor of Maine.

DEPARTMENT OF STATE,
Washington, February 27, 1840.

His Excellency JOHN FAIRFIELD,
Governor of Maine.

SIR: I have the honor to acknowledge the receipt at this Department of your excellency's letter to the President of the 15th instant, inclosing three depositions of citizens of Maine in relation to certain movements of British troops in the disputed territory. The depositions have been informally communicated to the British minister by direction of the President, who desires me to apprise your excellency of his intention to cause an official communication to be addressed to the minister on the subject so soon as the report of the agent dispatched by your order to Temiscouata and Madawaska for the purpose of procuring exact information as to the present state of things there shall have been received.

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

JOHN FORSYTH.

EXECUTIVE DEPARTMENT,
Augusta, February 27, 1840.

His Excellency M. VAN BUREN,
President United States.

SIR: Having received the report of Benjamin Wiggin, esq., the agent referred to in my last communication, dispatched by me to the disputed territory to obtain exact information of British military movements in that quarter and of the existing state

of things, I hasten to lay the same* before you, accompanied by his plan* of the British military post at the head of Lake Temiscouata. It will be perceived that it goes to confirm in every essential particular the evidence already forwarded in the depositions of Messrs. Varnum, Bartlett, and Little, and is directly opposed to the statement contained in the letter of Mr. Fox to Mr. Forsyth under date of 26th of January last.

The course thus clearly proved to have been pursued by the British Government upon the disputed territory is utterly inconsistent with the arrangement heretofore subsisting, and evinces anything but a disposition to submit to an *amicable* termination of the question relating to the boundary.

Permit me to add that the citizens of Maine are awaiting with deep solicitude that action on the part of the General Government which shall vindicate the national honor and be fulfilling in part a solemn obligation to a member of the Union.

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

JOHN FAIRFIELD,
Governor of Maine.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, March 6, 1840.

HENRY S. FOX, Esq., etc.:

By the directions of the President, the undersigned, Secretary of State of the United States, communicates to Mr. Fox, envoy extraordinary and minister plenipotentiary of Great Britain, the inclosed copy of a report* made to the governor of the State of Maine by the agent commissioned on the part of the authorities of that State to ascertain the precise character and extent of the occupation of parts of the disputed territory by troops of Her Britannic Majesty and of the buildings and other public works constructed for their use and accommodation.

By that report and the three depositions which the undersigned informally communicated to Mr. Fox a few days since he will perceive that there must be some extraordinary misapprehension on his part of the facts in relation to the occupation by British troops of portions of the disputed territory. The statements contained in these documents and that given by Mr. Fox in his note of the 20th of January last exhibit a striking discrepancy as to the number of troops now in the territory as compared with those who were in it when the arrangement between Governor Fairfield and Lieutenant-Governor Harvey was agreed upon, and also as to the present and former state of the buildings there. The extensive accommodations prepared and preparing at an old and at new stations, the works finished and in the course of construction on the land and on the water, are not in harmony with the assurance that the only object is the preservation of a few unimportant buildings and storehouses for the temporary protection of the number of troops Her Majesty's ordinary service can require to pass on the road from New Brunswick to Canada.

The undersigned will abstain from any remarks upon these contradictory statements until Mr. Fox shall have had an opportunity to obtain the means of fully explaining them. How essential it is that this should be promptly done, and that the steps necessary to a faithful observance on the part of Her Majesty's colonial authorities of the existing agreements between the two Governments should be immediately taken, Mr. Fox can not fail fully to understand.

The undersigned avails himself of the occasion to renew to Mr. Fox assurances of his high consideration.

JOHN FORSYTH.

* Omitted.

*Mr. Fox to Mr. Forsyth.*WASHINGTON, *March 7, 1840.*

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acknowledge the receipt of the official note of yesterday's date addressed to him by Mr. Forsyth, Secretary of State of the United States, to which is annexed the copy of a report from Mr. Benjamin Wiggin, an agent employed by the State of Maine to visit the British military post at Lake Temiscouata, and in which reference is made to other papers upon the same subject, which were informally communicated to the undersigned by Mr. Forsyth a few days before; and the attention of the undersigned is called by Mr. Forsyth to different points upon which the information contained in the said papers is considered to be materially at variance with that which was conveyed to the United States Government by the undersigned in his official note of the 26th of last January.

The undersigned had already been made acquainted by the lieutenant-governor of New Brunswick with the circumstance of Mr. Wiggin's visit to the military post at Lake Temiscouata, where the officer in command very properly furnished to Mr. Wiggin the requisite information upon all matters connected with the British station which he appeared desirous to inquire about.

The alleged points of variance, after deducting what is fanciful and conjectural in the reports now produced and after comparing what is there stated in contradiction to other reports before produced from the same quarters, do not appear to the undersigned to be by any means so material as they seem to have been considered by the Government of the United States. The British military detachment stationed at Lake Temiscouata, which the agents employed by the State of Maine had, in the first instance with singular exaggeration represented as amounting to two regiments, is now discovered by the same parties to amount to 175 men, which instead of two regiments is something less than two companies. It is indeed true, should such a point be considered worth discussing, that the undersigned might have used a more technically correct expression in his note of the 26th of January if he had stated the detachment in question to consist of from one to two companies instead of stating it to consist of one company. But a detachment of Her Majesty's troops has been stationed at the Lake Temiscouata from time to time ever since the winter of 1837 and 1838, when the necessity arose from marching reinforcements by that route from New Brunswick to Canada; and it will be remembered that a temporary right of using that route for the same purpose was expressly reserved to Great Britain in the provisional agreement entered into at the beginning of last year.

It is not, therefore, true that the stationing a military force at the Lake Temiscouata is a new measure on the part of Her Majesty's authorities; neither is it true that that measure has been adopted for other purposes than to maintain the security of the customary line of communication and to protect the buildings, stores, and accommodations provided for the use of Her Majesty's troops when on march by that route; and it was with a view to correct misapprehensions which appeared to exist upon these points, and thus to do away with one needless occasion of dispute, that the undersigned conveyed to the United States Government the information contained in his note of the 26th of January.

With regard again to the construction of barracks and other buildings and the preserving them in an efficient state of repair and defense, a similar degree of error and misapprehension appears still to prevail in the minds of the American authorities.

The erection of those buildings within the portion of the disputed territory now referred to, for the shelter of Her Majesty's troops while on their march and for the safe lodgment of the stores, is no new act on the part of Her Majesty's authorities. The buildings in question have been in the course of construction from a period antecedent to the provisional agreements of last year, and they are now maintained

and occupied along the line of march with a view to the same objects above specified, for which the small detachments of troops also referred to are in like manner there stationed.

The undersigned will not refrain from here remarking upon one point of comparison exhibited in the present controversy. It is admitted by the United States authorities that the armed bands stationed by the government of Maine in the neighborhood of the Aroostook River have fortified those stations with artillery, and it is now objected as matter of complaint against the British authorities with reference to the buildings at Lake Temiscouata, not that those buildings are furnished with artillery, but only that they are defended by palisades capable of resisting artillery. It would be difficult to adduce stronger evidence of the acts on the one side being those of aggression and on the other of defense.

The fact, shortly, is (and this is the essential point of the argument) that Her Majesty's authorities have not as yet altered their state of preparation or strengthened their military means within the disputed territory with a view to settling the question of the boundary, although the attitude assumed by the State of Maine with reference to that question would be a clear justification of such measures, and it is much to be apprehended that the adoption of such measures will sooner or later become indispensable if the people of Maine be not compelled to desist from the extensive system of armed aggression which they are continuing to carry on in other parts of the same disputed territory.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

WASHINGTON, *March 9, 1840.*

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

I transmit to Congress, for their consideration, copies and translations of a correspondence between the Secretary of State and the Spanish legation, growing out of an application on the part of Spain for a reduction of tonnage duty on her vessels in certain cases.

By a royal order issued on the 29th of April, 1832, by the King of Spain, in consequence of a representation made to his Government by the minister of the United States against the discriminating tonnage duty then levied in the ports of Spain upon American vessels, said duty was reduced to 1 real de vellon, equal to 5 cents, per ton, without reference to the place from whence the vessel came, being the same rate as paid by those of all other nations, including Spain.

By the act approved on the 13th of July, 1832, a corresponding reduction of tonnage duty upon Spanish vessels in ports of the United States was authorized, but confined to vessels coming from ports in Spain; in consequence of which said reduction has been applied to such Spanish vessels only as came directly from ports in the Spanish Peninsula.

The application of the Spanish Government is for the extension of the provisions of the act to vessels coming from other places, and I submit for the consideration of Congress whether the principle of reciprocity would not justify it in regard to all vessels owned in the Peninsula and its dependencies of the Balearic and Canary islands, and coming from all

places other than the islands of Cuba, Porto Rico, and the Philippine, and the repayment of such duties as may have been levied upon Spanish vessels of that class which have entered our ports since the act of 1832 went into operation.

M. VAN BUREN.

WASHINGTON, *March 10, 1840.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d of March, 1839, I communicate reports* from the several Departments, containing the information requested by the resolution.

M. VAN BUREN.

WASHINGTON, *March 11, 1840.*

To the Senate:

In compliance with the resolution of the Senate dated the 4th of February, 1840, I have the honor to transmit herewith copies of the correspondence between the Department of War and Governor Call concerning the war in Florida.

Very respectfully, your obedient servant,

M. VAN BUREN.

WASHINGTON CITY, *March, 1840.*

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

I lay before you for your consideration a communication of the Secretary of War, accompanied by a report of the Surgeon-General of the Army, in relation to sites for marine hospitals selected in conformity with the provisions of the act of March 3, 1837, from which it will be seen that some action on the subject by Congress seems to be necessary.

M. VAN BUREN.

WASHINGTON, D. C., *March 12, 1840.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to resolution of that body dated on the 9th instant, the inclosed report of the Secretary of State.

M. VAN BUREN.

DEPARTMENT OF STATE,

Washington, March 12, 1840.

THE PRESIDENT OF THE UNITED STATES:—

The Secretary of State, to whom has been referred a resolution of the House of Representatives dated the 9th instant, requesting the President to communicate to that body "whether any, and, if any, what, measures have been taken since the rejection

* Transmitting lists of removals from office since March 3, 1789.

of the recommendation of the King of Holland of a new line of boundary between the United States and the Province of New Brunswick to obtain information in respect to the topography of the territory in dispute by a survey or exploration of the same on the part of the United States alone, and also whether any measures have been adopted whereby the accuracy of the survey lately made under the authority of the British Government, when communicated, may be tested or examined," has the honor to report to the President that no steps have been thought necessary by this Government since the date above referred to to obtain topographical information regarding the disputed territory, either by exploration or survey on its part alone, nor has it thought proper to adopt any measures to test the accuracy of the topographical examination recently made by a British commission, the result of which has not been made public or communicated to the United States.

Respectfully submitted.

JOHN FORSYTH.

WASHINGTON CITY, *March 19, 1840.*

To the Senate of the United States:

I submit herewith for your consideration and constitutional action the treaty accompanying the inclosed communication of the Secretary of War, made with the Shawnee Indians west of the Mississippi River, for the purchase of a portion of their lands, with the view of procuring for the Wyandot Indians of Ohio a satisfactory residence west.

M. VAN BUREN.

WAR DEPARTMENT, *March, 1840.*

THE PRESIDENT OF THE UNITED STATES.

SIR: I have the honor to submit for your consideration, and, if it meets your approbation, for transmission to the Senate, a treaty concluded on the 18th December last with the Shawnee Indians by their chiefs, headmen, and counselors, and an explanatory communication of the 17th instant from the Commissioner of Indian Affairs.

Very respectfully, your obedient servant,

J. R. POINSETT.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,
March 17, 1840.

Hon. J. R. POINSETT,
Secretary of War.

SIR: Negotiations with the Wyandots for a cession of their lands in Ohio and removal to the country west of the Mississippi have been pending for some years. During the past season two exploring parties from that tribe have visited the West and were tolerably well pleased with the district to which it was proposed to remove them, but expressed a strong preference for a tract which the Shawnees and Delawares offered to sell to the United States for them. The commissioner charged with the business of treating with the Wyandots was of opinion that if this tract could be procured there would be little difficulty in concluding a treaty. He was therefore under these circumstances instructed to make the purchase, subject to the ratification of the President and Senate and dependent on the condition that the Wyandots will accept it, and on the 18th of December last effected a treaty with the Shawnees by which they ceded a tract of about 58,000 acres on those conditions at the price of \$1.50 per acre. No purchase has been made from the Delawares, as they refuse to

sell at a less price than \$5 per acre, and it is thought that the land ceded by the Shawnees will be amply sufficient for the present.

I have the honor herewith to submit the treaty with the Shawnees, to be laid, if you think proper, before the President and Senate for ratification.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

WASHINGTON, *March 24, 1840.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretaries of State, Treasury, and Navy and the Postmaster-General, with the documents which accompanied it, in compliance with the resolution of the House of Representatives of the 5th instant, relative to the General Post-Office building and the responsibilities of the architect and Commissioner of the Public Buildings, etc.

M. VAN BUREN.

WASHINGTON, *March 26, 1840.*

To the Senate of the United States:

I transmit to the Senate herewith copies of official notes which have passed between the Secretary of State and the British minister since my last message on the subject of the resolutions of the 17th of January.

M. VAN BUREN.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *March 13, 1840.*

Hon. JOHN FORSYTH, etc.:

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has been instructed by his Government to make the following communication to the Secretary of State of the United States in reference to the boundary negotiation and the affairs of the disputed territory.

Her Majesty's Government have had under their consideration the official note addressed to the undersigned by the Secretary of State of the United States on the 24th of last December in reply to a note from the undersigned of the 2d of November preceding, in which the undersigned protested in the name of his Government against the extensive system of aggression pursued by the people of the State of Maine within the disputed territory, to the prejudice of the rights of Great Britain and in manifest violation of the provisional agreements entered into between the authorities of the two countries at the beginning of the last year.

Her Majesty's Government have also had their attention directed to the public message transmitted by the governor of Maine to the legislature of the State on the 3d of January of the present year.

Upon a consideration of the statements contained in these two official documents, Her Majesty's Government regret to find that the principal acts of encroachment which were denounced and complained of on the part of Great Britain, so far from being either disproved or discontinued or satisfactorily explained by the authorities of the State of Maine, are, on the contrary, persisted in and publicly avowed.

Her Majesty's Government have consequently instructed the undersigned once more formally to protest against those acts of encroachment and aggression,

Her Majesty's Government claim and expect, from the good faith of the Government of the United States, that the people of Maine shall replace themselves in the situation in which they stood before the agreements of last year were signed; that they shall, therefore, retire from the valley of the St. John and confine themselves to the valley of the Aroostook; that they shall occupy that valley in a temporary manner only, for the purpose, as agreed upon, of preventing depredations; and that they shall not construct fortifications nor make roads or permanent settlements.

Until this be done by the people of the State of Maine, and so long as that people shall persist in the present system of aggression, Her Majesty's Government will feel it their duty to make such military arrangements as may be required for the protection of Her Majesty's rights. And Her Majesty's Government deem it right to declare that if the result of the unjustifiable proceedings of the State of Maine should be collision between Her Majesty's troops and the people of that State the responsibility of all the consequences that may ensue therefrom, be they what they may, will rest with the people and Government of the United States.

The undersigned has been instructed to add to this communication that Her Majesty's Government are only waiting for the detailed report of the British commissioners recently employed to survey the disputed territory, which report it was believed would be completed and delivered to Her Majesty's Government by the end of the present month, in order to transmit to the Government of the United States a reply to their last proposal upon the subject of the boundary negotiation.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, March 25, 1840.

HENRY S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, acknowledges to have received Mr. Fox's communication of the 13th instant, in reference to the boundary negotiation and the affairs of the disputed territory. The information given in the closing part of it—that a reply to the last proposition of the United States upon the subject of the boundary may be expected in a short time—is highly gratifying to the President, who has, however, given directions to the undersigned, in making this acknowledgment, to accompany it with the expression of his profound regret that Mr. Fox's note is in no other respect satisfactory.

After the arrangements which in the beginning of last year were entered into on the part of the two Governments with regard to the occupation of the disputed territory, the President had indulged the hope that the causes of irritation which had grown out of this branch of the subject could have been removed. Relying on the disposition of Maine to cooperate with the Federal Government in all that could lead to a pacific adjustment of the principal question, the President felt confident that his determination to maintain order and peace on the border would be fully carried out. He looked upon all apprehensions of designs by the people of Maine to take possession of the territory as without adequate foundation, deeming it improbable that on the eve of an amicable adjustment of the question any portion of the American people would without cause and without object jeopard the success of the negotiation and endanger the peace of the country. A troublesome, irritating, and comparatively unimportant, because subordinate, subject being thus disposed of, the President hoped that the parties would be left free at once to discuss and finally adjust the principal question. In this he has been disappointed. While the proceedings of Her Majesty's Government at home have been attended with unlooked-

for delays, its attention has been diverted from the great subject in controversy by repeated complaints imputing to a portion of the people of the United States designs to violate the engagements of their Government--designs which have never been entertained, and which Mr. Fox knows would receive no countenance from this Government.

It is to be regretted that at this late hour so much misapprehension still exists on the side of the British Government as to the object and obvious meaning of the existing arrangements respecting the disputed territory. The ill success which appears to have attended the efforts made by the undersigned to convey through Mr. Fox to Her Majesty's Government more correct impressions respecting them calls for a recurrence to the subject, and a brief review of the correspondence which has grown out of it may tend to remove the erroneous views which prevail as to the manner in which the terms of the arrangements referred to have been observed.

As Mr. Fox had no authority to make any agreement respecting the exercise of jurisdiction over the disputed territory, that between him and the undersigned of the 27th of February, 1839, had for its object some provisional arrangement for the restoration and preservation of peace in the territory. To accomplish this object it provided that Her Majesty's officers should not seek to expel by military force the armed party which had been sent by Maine into the district bordering on the Restook River, and that, on the other hand, the government of Maine would voluntarily and without needless delay withdraw beyond the bounds of the disputed territory any armed force then within them. Besides this, the arrangement had other objects--the dispersion of notorious trespassers and the protection of public property from depredation. In case future necessity should arise for this, the operation was to be conducted by concert, jointly or separately, according to agreement between the governments of Maine and New Brunswick.

In this last-mentioned respect the agreement looked to some further arrangement between Maine and New Brunswick. Through the agency of General Scott one was agreed to on the 23d and 25th of March following, by which Sir John Harvey bound himself not to seek, without renewed instructions to that effect from his Government, to take military possession of the territory or to expel from it by military force the armed civil posse or the troops of Maine. On the part of Maine it was agreed by her governor that no attempt should be made, without renewed instructions from the legislature, to disturb by arms the Province of New Brunswick in the possession of the Madawaska settlements or interrupt the usual communications between that and the upper Provinces. As to possession and jurisdiction, they were to remain unchanged--each party holding, in fact, possession of part of the disputed territory, but each denying the right of the other to do so. With that understanding Maine was without unnecessary delay to withdraw her military force, leaving only, under a land agent, a small civil posse, armed or unarmed, to protect the timber recently cut and to prevent further depredations.

In the complaints of infractions of the agreements by the State of Maine addressed to the undersigned Mr. Fox has assumed two positions which are not authorized by the terms of those agreements: First. Admitting the right of Maine to maintain a civil posse in the disputed territory for the purposes stated in the agreement, he does so with the restriction that the action of the posse was to be confined within certain limits; and, second, by making the advance of the Maine posse into the valley of the Upper St. John the ground of his complaint of encroachment upon the Madawaska settlement, he assumes to extend the limits of that settlement beyond those it occupied at the date of the agreement.

The United States can not acquiesce in either of these positions.

In the first place, nothing is found in the agreement subscribed to by Governor Fairfield and Sir John Harvey defining any limits in the disputed territory within which the operations of the civil posse of Maine were to be circumscribed. The task

of preserving the timber recently cut and of preventing further depredations *within the disputed territory* was assigned to the State of Maine after her military force should have been withdrawn from it, and it was to be accomplished by a civil posse, armed or unarmed, which was to continue in the territory and to operate in every part of it where its agency might be required to protect the timber already cut and prevent further depredations, without any limitation whatever or any restrictions except such as might be construed into an attempt to disturb by arms the Province of New Brunswick in her possession of the Madawaska settlement or interrupt the usual communication between the Provinces.

It is thus, in the exercise of a legitimate right and in the conscientious discharge of an obligation imposed upon her by a solemn compact, that the State of Maine has done those acts which have given rise to complaints for which no adequate cause is perceived. The undersigned feels confident that when those acts shall have been considered by Her Majesty's Government at home as explained in his note to Mr. Fox of the 24th of December last and in connection with the foregoing remarks they will no longer be viewed as calculated to excite the apprehensions of Her Majesty's Government that the faith of existing arrangements is to be broken on the part of the United States.

With regard to the second position assumed by Mr. Fox—that the advance of the Maine posse along the valley of the Restook to the mouth of Fish River and into the valley of the Upper St. John is at variance with the terms and spirit of the agreements—the undersigned must observe that if at variance with any of their provisions it could only be with those which secure Her Majesty's Province of New Brunswick against any attempt to disturb the possession of the Madawaska settlements and to interrupt the usual communications between New Brunswick and the upper Provinces. The agreement could only have reference to the Madawaska settlements as confined within their actual limits at the time it was subscribed. The undersigned in his note of the 24th of December last stated the reasons why the mouth of Fish River and the portion of the valley of the St. John through which it passes could in no proper sense be considered as embraced in the Madawaska settlements. Were the United States to admit the pretension set up on the part of Great Britain to give to the Madawaska settlements a degree of constructive extension that might at this time suit the purposes of Her Majesty's colonial authorities, those settlements might soon be made with like justice to embrace any portions of the disputed territory, and the right given to the Province of New Brunswick to occupy them temporarily and for a special purpose might by inference quite as plausible give the jurisdiction exercised by Her Majesty's authorities an extent which would render the present state of the question, so long as it could be maintained, equivalent to a decision on the merits of the whole controversy in favor of Great Britain. If the small settlement at Madawaska on the north side of the St. John means the whole valley of that river, if a boom across the Fish River and a station of a small posse on the south side of the St. John at the mouth of Fish River is a disturbance of that settlement, which is 25 miles below, within the meaning of the agreement, it is difficult to conceive that there are any limitations to the pretensions of Her Majesty's Government under it or how the State of Maine could exercise the preventive power with regard to trespassers, which was on her part the great object of the temporary arrangement. The movements of British troops lately witnessed in the disputed territory and the erection of military works for their protection and accommodation, of which authentic information recently received at the Department of State has been communicated to Mr. Fox, impart a still graver aspect to the matter immediately under consideration. The fact of those military operations, established beyond a doubt, left unexplained or unsatisfactorily accounted for by Mr. Fox's note of the 7th instant, continues an abiding cause of complaint on the part of the United States against Her Majesty's colonial agents as inconsistent with arrangements whose main object was

to divest a question already sufficiently perplexed and complicated from such embarrassments as those with which the proceedings of the British authorities can not fail to surround it.

If, as Mr. Fox must admit, the objects of the late agreements were the removal of all military force and the preservation of the property from further spoliations, leaving the possession and jurisdiction as they stood before the State of Maine found itself compelled to act against the trespassers, the President can not but consider that the conduct of the American local authorities strongly and most favorably contrasts with that of the colonial authorities of Her Majesty's Government. While the one, promptly withdrawing its military force, has confined itself to the use of the small posse, armed as agreed upon, and has done no act not necessary to the accomplishment of the conventional objects, every measure taken or indicated by the other party is essentially military in its character, and can be justified only by a well-founded apprehension that hostilities must ensue.

With such feelings and convictions the President could not see without painful surprise the attempt of Mr. Fox, under instructions from his Government, to give to the existing state of things a character not warranted by the friendly disposition of the United States or the conduct of the authorities and people of Maine; much more is he surprised to find it alleged as a ground for strengthening a military force and preparing for a hostile collision with the unarmed inhabitants of a friendly State, pursuing within their own borders their peaceful occupations or exerting themselves in compliance with their agreements to protect the property in dispute from unauthorized spoliation.

The President wishes that he could dispel the fear that these dark forebodings can be realized. Unless Her Majesty's Government shall forthwith arrest all military interference in the question, unless it shall apply to the subject more determined efforts than have hitherto been made to bring the dispute to a certain and pacific adjustment, the misfortunes predicted by Mr. Fox in the name of his Government may most unfortunately happen.

But no apprehension of the consequences alluded to by Mr. Fox can be permitted to divert the Government and people of the United States from the performance of their duty to the State of Maine. That duty is as simple as it is imperative. The construction which is given by her to the treaty of 1783 has been again and again, and in the most solemn manner, asserted also by the Federal Government, and must be maintained unless Maine freely consents to a new boundary or unless that construction of the treaty is found to be erroneous by the decision of a disinterested and independent tribunal selected by the parties for its final adjustment. The President on assuming the duties of his station avowed his determination, all other means of negotiation failing, to submit a proposition to the Government of Great Britain to refer the decision of the question once more to a third party.

In all the subsequent steps which have been taken upon the subject by his direction he has been actuated by the same spirit. Neither his dispositions in the matter nor his opinion as to the propriety of that course has undergone any change. Should the fulfillment of his wishes be defeated, either by an unwillingness on the part of Her Majesty's Government to meet the offer of the United States in the spirit in which it is made or from adverse circumstances of any description, the President will in any event derive great satisfaction from the consciousness that no effort on his part has been spared to bring the question to an amicable conclusion, and that there has been nothing in the conduct either of the Governments and people of the United States or of the State of Maine to justify the employment of Her Majesty's forces as indicated by Mr. Fox's letter. The President can not under such circumstances apprehend that the responsibility for any consequences which may unhappily ensue will by the just judgment of an impartial world be imputed to the United States.

The undersigned avails himself, etc.

JOHN FORSYTH,

*Mr. Fox to Mr. Forsyth.*WASHINGTON, *March 26, 1840.*

HON. JOHN FORSYTH, etc.:

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive the official note of yesterday's date addressed to him by Mr. Forsyth, Secretary of State of the United States, in reply to a note dated the 13th instant, wherein the undersigned, in conformity with instructions received from his Government, had anew formally protested against the acts of encroachment and aggression which are still persisted in by armed bands in the employment of the State of Maine within certain portions of the disputed territory.

It will be the duty of the undersigned immediately to transmit Mr. Forsyth's note to Her Majesty's Government in England, and until the statements and propositions which it contains shall have received the due consideration of Her Majesty's Government the undersigned will not deem it right to add any further reply thereto excepting to refer to and repeat, as he now formally and distinctly does, the several declarations which it has from time to time been his duty to make to the Government of the United States with reference to the existing posture of affairs in the disputed territory, and to record his opinion that an inflexible adherence to the resolutions that have been announced by Her Majesty's Government for the defense of Her Majesty's rights pending the negotiation of the boundary question offers to Her Majesty's Government the only means of protecting those rights from being in a continually aggravated manner encroached upon and violated.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

WASHINGTON, *March 28, 1840.**To the Senate:*

I communicate to the Senate, in compliance with their resolution of the 12th instant, a report from the Secretary of War, containing information on the subject of that resolution.

M. VAN BUREN.

WAR DEPARTMENT, *March 27, 1840.*

THE PRESIDENT OF THE UNITED STATES.

SIR: The resolution of the Senate of the 12th instant, "that the President of the United States be requested to communicate to the Senate, if in his judgment compatible with the public interest, any information which may be in the possession of the Government, or which can be conveniently obtained, of the military and naval preparations of the British authorities on the northern frontier of the United States from Lake Superior to the Atlantic Ocean, designating the permanent from the temporary and field works, and particularly by noting those which are within the claimed limits of the United States," having been referred by you to this Department, it was immediately referred to Major-General Scott and other officers who have been stationed on the frontier referred to for such information on the subjects as they possessed and could readily procure, and an examination is now in progress for such as may be contained in the files of this Department. General Scott is the only officer yet heard from, and a copy of his report is herewith submitted, together with a copy of that to which he refers, made upon the resolution of the House of Representatives of the 9th instant. As soon as the other officers who have been called upon

are heard from and the examination of the files of the Department is completed, any further information which may be thus acquired will be immediately laid before you.

Very respectfully, your most obedient servant,

J. R. POINSETT.

HEADQUARTERS, EASTERN DIVISION,
Elizabethtown, N. J., March 23, 1840.

Brigadier-General R. JONES,

Adjutant-General United States Army.

SIR: I have received from your office copies of two resolutions, passed, respectively, the 12th and 9th instant, one by the Senate and the other by the House of Representatives, and I am asked for "any information on the subject of both or either of the resolutions that may be in [my] possession."

In respect to the naval force recently maintained upon the American lakes by Great Britain, I have just had the honor to report to the Secretary of War, by whom the resolution of the House of Representatives (of the 9th instant) was directly referred to me.

I now confine myself to the Senate's resolution, respecting "military [I omit *naval*] preparations of the British authorities on the northern frontiers of the United States from Lake Superior to the Atlantic Ocean, distinguishing the permanent from the temporary and field works, and particularly noting those which are within the claimed limits of the United States."

I will here remark that however well my duties have made me acquainted with the greater part of the line in question, I have paid but slight attention to the forts and barracks erected by the British authorities near the borders of Maine *above* Frederickton, in New Brunswick, or in Upper Canada *above* Cornwall, being of the fixed opinion (which need not here be developed) that all such structures would be of little or no military value to either of the parties in the event of a new war between the United States and Great Britain.

I was last summer at the foot of Lake Superior, and neither saw nor heard of any British fort or barrack on the St. Marys River, the outlet of that lake.

Between Lakes Huron and Erie the British have three sets of barracks—one at Windsor, opposite to Detroit; one at Sandwich, a little lower down; and the third at Malden, 18 miles from the first—all built of sawed logs, strengthened by blockhouses, loopholes, etc. Malden has long been a military post, with slight defenses. These have been recently strengthened. The works at Sandwich and Windsor have also, I think, been erected within the last six or eight months.

Near the mouth of the Niagara the British have two small forts—George and Mississauga; both existed during the last war. The latter may be termed a permanent work. Slight barracks have been erected within the last two years on the same side near the Falls and at Chippewa, with breastworks at the latter place, but nothing, I believe, above the works first named on the Niagara which can be termed a fort.

Since the commencement of recent troubles in the Canadas and (consequent thereupon) within our limits Fort William Henry, at Kingston, and Fort Wellington, opposite to Ogdensburg (old works), have both been strengthened within themselves, besides the addition of dependencies. These forts may be called permanent.

On the St. Lawrence below Prescott, and confronting our territory, I know of no other military post. Twelve miles above, at Brockville, there may be temporary barracks and breastworks. I know that of late Brockville has been a military station.

In the system of defenses on the approaches to Montreal the Isle aux Noix, a few miles below our line, and in the outlet of Lake Champlain, stands at the head. This island contains within itself a system of permanent works of great strength. On them the British Government has from time to time since the peace of 1815 expended much skill and labor,

Odletown, near our line, on the western side of Lake Champlain, has been a station for a body of Canadian militia for two years, to guard the neighborhood from refugee incendiaries from our side. I think that barracks have been erected there for the accommodation of those troops, and also at a station, with the like object, near Alburgh, in Vermont.

It is believed that there are no important British forts or extensive British barracks on our borders from Vermont to Maine.

In respect to such structures on *the disputed territory*, Governor Fairfield's published letters contain fuller information than has reached me through any other channel. I have heard of no new military preparations by the British authorities on the St. Croix or Passamaquoddy Bay.

Among such preparations, perhaps I ought not to omit the fact that Great Britain, besides numerous corps of well-organized and well-instructed militia, has at this time within her North American Provinces more than 20,000 of her best regular troops. The whole of those forces might be brought to the verge of our territory in a few days. Two-thirds of that regular force has arrived out since the spring of 1838.

I remain, sir, with great respect, your most obedient servant,

WINFIELD SCOTT.

WASHINGTON, *March 28, 1840.*

To the House of Representatives of the United States:

I communicate to the House of Representatives, in compliance with their resolution of the 9th instant, reports* from the Secretaries of State and War, with documents, which contain information on the subject of that resolution.

M. VAN BUREN.

WASHINGTON, *March 31, 1840.*

To the House of Representatives of the United States:

I communicate to the House of Representatives a report† from the Secretary of State, with documents, containing the information called for by their resolution of the 23d instant.

M. VAN BUREN.

WASHINGTON CITY, *April 3, 1840.*

HON. R. M. T. HUNTER,

Speaker of the House of Representatives.

SIR: In compliance with a resolution of the House of Representatives of the 9th ultimo, I communicate herewith, accompanied by a report from the Secretary of War, "copies of the arrangement entered into between the governor of Maine and Sir John Harvey, lieutenant-governor of New Brunswick, through the mediation of Major-General Scott, in the month of March last (1839), together with copies of the instructions given to

* Relating to the British naval armament on the American lakes, etc.

† Relating to the demand of the minister of Spain for the surrender of the schooner *Amistad*, with Africans on board, detained by the American brig of war *Washington*, etc.

General Scott and of all correspondence with him relating to the subject of controversy between the State of Maine and the Province of New Brunswick.”

M. VAN BUREN.

WASHINGTON, *April 10, 1840.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d March last, I transmit a report* from the Secretary of State, which, with the documents accompanying it, contains the information in possession of the Department in relation to the subject of the resolution.

M. VAN BUREN.

WASHINGTON, *April, 1840.*

To the House of Representatives of the United States:

I transmit herewith communications from the Secretary of War and Commissioner of Indian Affairs, giving the information “in possession of the Government respecting the assemblage of Indians on the northwestern frontier, and especially as to the interference of the officers or agents of any foreign power with the Indians of the United States in the vicinity of the Great Lakes,” which I was requested to communicate by the resolution of the House of Representatives of the 9th ultimo.

M. VAN BUREN.

WASHINGTON, *April 14, 1840.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report † from the Secretary of State, with documents, containing the information required by their resolution of the 9th March last.

M. VAN BUREN.

APRIL, 15, 1840.

To the Senate of the United States:

In further compliance with a resolution of the Senate passed December 30, 1839, I herewith submit reports ‡ from the Secretary of the Navy and the Postmaster-General, together with a supplemental statement from the Secretary of the Treasury, and the correspondence annexed.

M. VAN BUREN.

*Relating to the seizure and condemnation by British authorities of American vessels engaged in the fisheries.

†Relating to the tobacco trade between the United States and foreign countries.

‡Relating to the sale or exchange of Government drafts for bank notes and the payment of Government creditors in depreciated currency.

WASHINGTON, *April 15, 1840.**To the Senate and House of Representatives of the United States:*

I transmit a copy of a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic, for such legislative action on the part of Congress as may be necessary to carry the engagements of the United States under the convention into full effect,

M. VAN BUREN.

WASHINGTON CITY, *April 18, 1840.**To the House of Representatives of the United States:*

I transmit herewith a communication from the Secretary of War, accompanied by a letter from the Commissioner of Indian Affairs, indicating the importance of an extension of the authority given by the sixteenth clause of the first section of the act entitled "An act providing for the salaries of certain officers therein named, and for other purposes," approved 9th May, 1836.

M. VAN BUREN.

WASHINGTON CITY, *April 24, 1840.**To the Senate of the United States:*

I transmit herewith a report and accompanying documents from the Secretary of War, which furnish the information in relation to that portion of the defenses* of the country intrusted to the charge and direction of the Department of War, called for by the resolution of the Senate of the 2d of March, 1839.

M. VAN BUREN.

WASHINGTON, *April 27, 1840.**To the Senate of the United States:*

I lay before the Senate a report † of the Postmaster-General, in further compliance with a resolution of the Senate of the 30th December, 1839.

M. VAN BUREN.

WASHINGTON, *May 2, 1840.**To the Senate of the United States:*

I transmit to the Senate a report ‡ from the Secretary of State, which, with the papers accompanying it, contains in part the information requested by a resolution of the Senate of the 30th December last.

M. VAN BUREN.

* Military and naval.

† Relating to the sale or exchange of Government drafts, etc.

‡ Relating to bonds of the Territory of Florida.

WASHINGTON, *May 9, 1840.*

To the House of Representatives of the United States:

I communicate to the House of Representatives a report* from the Secretary of State, which, with the documents accompanying it, furnishes the information requested by their resolution of the 23d of March last.

M. VAN BUREN.

MAY 11, 1840.

To the Senate of the United States:

In part compliance with the resolution of the Senate of the 29th of December last, I herewith submit a report† from the Secretary of the Treasury, with the documents therein referred to.

M. VAN BUREN.

WASHINGTON, *May 12, 1840.*

To the Senate of the United States:

I communicate to the Senate a copy of a letter‡ from the secretary of the Territory of Florida, with documents accompanying it, received at the Department of State since my message of the 2d instant and containing additional information on the subject of the resolution of the Senate of the 30th of December last.

M. VAN BUREN.

WASHINGTON, *May 16, 1840.*

To the House of Representatives of the United States:

I transmit the report of the Secretary of War furnishing a statement of the amounts paid to persons concerned in negotiating Indian treaties since 1829, etc., which completes the information called for by the resolution of the House of Representatives dated the 28th January, 1839, upon that subject and the disbursing officers in the War Department.

M. VAN BUREN.

WASHINGTON, *May 18, 1840.*

To the Senate of the United States:

I communicate to the Senate a copy of a letter‡ from the governor of Florida to the Secretary of State, containing, with the documents accompanying it, further information on the subject of the resolution of the Senate of the 30th of December last.

M. VAN BUREN.

*Transmitting correspondence with France, Sweden, Denmark, and Prussia relating to the surrender to the United States of persons charged with piracy and murder on board the United States schooner *Plattsburg* in 1817; correspondence relating to the demand by the chargé d'affaires of Great Britain for the surrender of a mutineer in the British armed ship *Lee* in 1819; opinion of the Attorney-General with regard to the flight of the President of the United States or the governor of a State to deliver up, on the demand of any foreign government, persons charged with crimes committed without the jurisdiction of the United States.

†Relating to the sale or exchange of Government drafts, etc.

‡Relating to bonds of the Territory of Florida.

WASHINGTON, *May 21, 1840.**To the Senate and House of Representatives of the United States:*

I communicate to Congress sundry papers, from which it will be perceived that the Inaum of Muscat has transmitted to this country and, through the agency of the commander of one of his vessels, offered for my acceptance a present, consisting of horses, pearls, and other articles of value. The answer of the Secretary of State to a letter from the agents of the vessel communicating the offer of the present, and my own letter to the Inaum in reply to one which he addressed to me, were intended to make known in the proper quarter the reasons which had precluded my acceptance of the proffered gift. Inasmuch, however, as the commander of the vessel, with the view, as he alleges, of carrying out the wishes of his Sovereign, now offers the presents to the Government of the United States, I deem it my duty to lay the proposition before Congress for such disposition as they may think fit to make of it; and I take the opportunity to suggest for their consideration the adoption of legislative provisions pointing out the course which they may deem proper for the Executive to pursue in any future instances where offers of presents by foreign states, either to the Government, its legislative or executive branches, or its agents abroad, may be made under circumstances precluding a refusal without the risk of giving offense.

The correspondence between the Department of State and our consul at Tangier will acquaint Congress with such an instance, in which every proper exertion on the part of the consul to refrain from taking charge of an intended present proved unavailing. The animals constituting it may consequently, under the instructions from the Secretary of State, be expected soon to arrive in the United States, when the authority of Congress as to the disposition to be made of them will be necessary.

M. VAN BUREN.

— WASHINGTON, *May 23, 1840.**To the Senate of the United States:*

I transmit a communication from the Secretary of War, together with the papers therein referred to, relative to the proceedings instituted under a resolution of Congress to try the title to the Pea Patch Island, in the Delaware River, and recommend that Congress pass a special act giving to the circuit court of the district of Maryland jurisdiction to try the cause.

M. VAN BUREN.

— JUNE 4, 1840. —

To the House of Representatives:

I herewith submit a report from the Secretary of the Treasury, showing the progress made in complying with the requirements of a resolution passed February 6, 1839, concerning mineral lands of the United States.

The documents he communicates contain much important information on the subject of those lands, and a plan for the sale of them is in a course of preparation and will be presented as soon as completed.

M. VAN BUREN.

WASHINGTON, *June 5, 1840.*

To the Senate of the United States:

In compliance with the resolution of the Senate dated the 30th December, 1839, I transmit herewith the report* of the Secretary of War, furnishing so much of the information called for by said resolution as relates to the Executive Department under his charge.

M. VAN BUREN.

WASHINGTON, *June 5, 1840.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 30th December, 1839, I communicate the report † of the Secretary of War, containing the information called for by that resolution as far as it relates to the Department under his charge.

M. VAN BUREN.

WASHINGTON, *June 6, 1840.*

To the House of Representatives:

I herewith submit a report from the Secretary of the Treasury, in relation to certain lands falling within the Chickasaw cession which have been sold at Chocchuma and Columbus, in Mississippi, and invite the attention of Congress to the subject of further legislation in relation to them.

M. VAN BUREN.

WASHINGTON, *June 13, 1840.*

To the House of Representatives:

I communicate to the House of Representatives a report ‡ from the Secretary of State, with documents, containing the information requested by their resolution of the 26th of May last.

M. VAN BUREN.

WASHINGTON, *June 19, 1840.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

SIR: I transmit a communication from the Secretary of the Navy, suggesting that an appropriation of \$50,000 be made by Congress to

* Relating to the refusal of banks to pay the Government demands in specie since the general resumption in 1838, and the payment of Government creditors in depreciated currency.

† Relating to the manner in which the public funds have been paid out by disbursing officers and agents during 1838 and 1839.

‡ Relating to charges preferred by Dr. John Baldwin, of Louisiana, against Marmaduke Burroughs, consul at Vera Cruz.

meet claims of navy pensioners, payable on the 1st of July next, reimbursable by a transfer of stocks belonging to the fund at their nominal value to the amount so appropriated, and respectfully recommend the measure to the consideration and action of Cōngress.

M. VAN BUREN.

WASHINGTON, *June 22, 1840.*

To the Senate of the United States:

I lay before you, for your consideration, a treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover, signed by their ministers on the 20th day of May last.

M. VAN BUREN.

WASHINGTON, *June 27, 1840.*

To the Senate:

The importance of the subject to the tranquillity of our country makes it proper that I should communicate to the Senate, in addition to the information heretofore transmitted in reply to their resolution of the 17th of January last, the copy of a letter just received from Mr. Fox, announcing the determination of the British Government to consent to the principles of our last proposition for the settlement of the question of the northeastern boundary, with a copy of the answer made to it by the Secretary of State. I can not doubt that, with the sincere disposition which actuates both Governments to prevent any other than an amicable termination of the controversy, it will be found practicable so to arrange the details of a conventional agreement on the principles alluded to as to effect that object.

The British commissioners, in their report communicated by Mr. Fox, express an opinion that the true line of the treaty of 1783 is materially different from that so long contended for by Great Britain. The report is altogether *ex parte* in its character, and has not yet, as far as we are informed, been adopted by the British Government. It has, however, assumed a form sufficiently authentic and important to justify the belief that it is to be used hereafter by the British Government in the discussion of the question of boundary; and as it differs essentially from the line claimed by the United States, an immediate preparatory exploration and survey on our part, by commissioners appointed for that purpose, of the portions of the territory therein more particularly brought into view would, in my opinion, be proper. If Congress concur with me in this view of the subject, a provision by them to enable the Executive to carry it into effect will be necessary.

M. VAN BUREN.

*Mr. Fox to Mr. Forsyth.*WASHINGTON, *June 22, 1840.*

HON. JOHN FORSYTH, etc.:

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to transmit to the Secretary of State of the United States, by order of his Government, the accompanying printed copies of a report and map which have been presented to Her Majesty's Government by Colonel Mudge and Mr. Featherstonhaugh, the commissioners employed during the last season to survey the disputed territory.

The undersigned is instructed to say that it will of course have become the duty of Her Majesty's Government to lay the said report and map before Parliament; but Her Majesty's Government have been desirous, as a mark of courtesy and consideration toward the Government of the United States, that documents bearing upon a question of so much interest and importance to the two countries should in the first instance be communicated to the President. The documents had been officially placed in the hands of Her Majesty's Government only a few days previously to the date of the instruction addressed to the undersigned.

Her Majesty's Government feel an unabated desire to bring the long-pending questions connected with the boundary between the United States and the British possessions in North America to a final and satisfactory settlement, being well aware that questions of this nature, as long as they remain open between two countries, must be the source of frequent irritation on both sides and are liable at any moment to lead to events that may endanger the existence of friendly relations.

It is obvious that the questions at issue between Great Britain and the United States must be beset with various and really existing difficulties, or else those questions would not have remained open ever since the year 1783, notwithstanding the frequent and earnest endeavors made by each Government to bring them to an adjustment; but Her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success.

The best clue to guide the two Governments in their future proceedings may perhaps be obtained by an examination of the causes of past failure; and the most prominent amongst these causes has certainly been a want of correct information as to the topographical features and physical character of the district in dispute.

This want of adequate information may be traced as one of the difficulties which embarrassed the Netherlands Government in its endeavors to decide the points submitted to its arbitration in 1830. The same has been felt by the Government in England; it has been felt and admitted by the Government of the United States, and even by the local government of the contiguous State of Maine.

The British Government and the Government of the United States agreed, therefore, two years ago that a survey of the disputed territory by a joint commission would be the measure best calculated to elucidate and solve the questions at issue. The President proposed such a commission and Her Majesty's Government consented to it, and it was believed by Her Majesty's Government that the general principles upon which the commission was to be guided in its local operations had been settled by mutual agreement, arrived at by means of a correspondence which took place between the two Governments in 1837 and 1838. Her Majesty's Government accordingly transmitted in April of last year, for the consideration of the President, the draft of a convention to regulate the proceedings of the proposed commission. The preamble of that draft recited textually the agreement that had been come to by means of notes which had been exchanged between the two Governments, and the articles of the draft were framed, as Her Majesty's Government considered, in strict conformity with that agreement.

But the Government of the United States did not think proper to assent to the convention so proposed.

The United States Government did not, indeed, allege that the proposed convention was at variance with the result of the previous correspondence between the two Governments, but it thought that the convention would establish a commission of "mere exploration and survey," and the President was of opinion that the step next to be taken by the two Governments should be to contract stipulations bearing upon the face of them the promise of a final settlement under some form or other and within a reasonable time.

The United States Government accordingly transmitted to the undersigned, for communication to Her Majesty's Government, in the month of July last a counter draft of convention varying considerably in some parts (as the Secretary of State of the United States admitted in his letter to the undersigned of the 29th of July last) from the draft proposed by Great Britain, but the Secretary of State added that the United States Government did not deem it necessary to comment upon the alterations so made, as the text itself of the counter draft would be found sufficiently perspicuous.

Her Majesty's Government might certainly well have expected that some reasons would have been given to explain why the United States Government declined to confirm an arrangement which was founded upon propositions made by that Government itself and upon modifications to which that Government had agreed, or that if the American Government thought the draft of convention thus proposed was not in conformity with the previous agreement it would have pointed out in what respect the two were considered to differ.

Her Majesty's Government, considering the present state of the boundary question, concur with the Government of the United States in thinking that it is on every account expedient that the next measure to be adopted by the two Governments should contain arrangements which will necessarily lead to a final settlement, and they think that the convention which they proposed last year to the President, instead of being framed so as to constitute a mere commission of exploration and survey, did, on the contrary, contain stipulations calculated to lead to the final ascertainment of the boundary between the two countries.

There was, however, undoubtedly one essential difference between the British draft and the American counter draft. The British draft contained no provision embodying the principle of arbitration; the American counter draft did contain such a provision.

The British draft contained no provision for arbitration, because the principle of arbitration had not been proposed on either side during the negotiations upon which that draft was founded, and because, moreover, it was understood at that time that the principle of arbitration would be decidedly objected to by the United States.

But as the United States Government have now expressed a wish to embody the principle of arbitration in the proposed convention, Her Majesty's Government are perfectly willing to accede to that wish.

The undersigned is accordingly instructed to state officially to Mr. Forsyth that Her Majesty's Government consent to the two principles which form the main foundation of the American counter draft, namely: First, that the commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the questions of boundary at issue between the two countries, and, secondly, that in order to secure such a result the convention by which the commission is to be created shall contain a provision for arbitration upon points as to which the British and American commissioners may not be able to agree.

The undersigned is, however, instructed to add that there are many matters of detail in the American counter draft which Her Majesty's Government can not adopt. The undersigned will be furnished from his Government, by an early opportunity, with an amended draft in conformity with the principles above stated, to be

submitted to the consideration of the President. And the undersigned expects to be at the same time furnished with instructions to propose to the Government of the United States a fresh, local, and temporary convention for the better prevention of incidental border collisions within the disputed territory during the time that may be occupied in carrying through the operations of survey or arbitration.

The undersigned avails himself of this occasion to renew to the Secretary of State the assurance of his distinguished consideration.

II. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, June 26, 1840.

H. S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, has had the honor to receive a note addressed to him on the 22d instant by Mr. Fox, envoy extraordinary and minister plenipotentiary of Great Britain, inclosing printed copies of the report and map laid before the British Government by the commissioners employed during the last season to survey the territory in dispute between the two countries, and communicating the consent of Her Britannic Majesty's Government to the two principles which form the main foundation of the counter proposition of the United States for the adjustment of the question.

The undersigned, having laid Mr. Fox's note before the President, is instructed to say in answer that the President duly appreciates the motives of courtesy which prompted the British Government to communicate to that of the United States the documents referred to, and that he derives great satisfaction from the announcement that Her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success, and from the prospect held out by Mr. Fox of his being accordingly furnished by an early opportunity with the draft of a proposition amended in conformity with the principles to which Her Majesty's Government has acceded, to be submitted to the consideration of this Government.

Mr. Fox states that his Government might have expected that when the American counter draft was communicated to him some reasons would have been given to explain why the United States Government declined accepting the British draft of convention, or that if it thought the draft was not in conformity with previous agreement it would have pointed out in what respect the two were considered to differ.

In the note which the undersigned addressed to Mr. Fox on the 29th July of last year, transmitting the American counter draft, he stated that in consequence of the then recent events on the frontier and the danger of collision between the citizens and subjects of the two Governments a mere commission of exploration and survey would be inadequate to the exigencies of the occasion and fall behind the just expectations of the people of both countries, and referred to the importance of having the measure next adopted bear upon its face stipulations which must result in a final settlement under some form and in a reasonable time. These were the reasons which induced the President to introduce in the new project the provisions which he thought calculated for the attainment of so desirable an object, and which in his opinion rendered obviously unnecessary any allusion to the previous agreements referred to by Mr. Fox. The President is gratified to find that a concurrence in those views has brought the minds of Her Majesty's Government to a similar conclusion, and from this fresh indication of harmony in the wishes of the two cabinets he permits himself to anticipate the most satisfactory result from the measure under-consideration.

The undersigned avails himself of the opportunity to offer to Mr. Fox renewed assurances of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *June 29, 1840.**To the Senate of the United States:*

I transmit, in answer to a resolution of the Senate of the 12th of March last, a communication of the Secretary of War, accompanied by such information as could be obtained in relation to the military and naval preparations of the British authorities on the northern frontier of the United States from Lake Superior to the Atlantic Ocean.

M. VAN BUREN.

WAR DEPARTMENT, *June 27, 1840.*

The PRESIDENT OF THE UNITED STATES.

SIR: I have the honor to transmit herewith a report of the Commanding General, embracing the substance of the answers of the several officers who were applied to to furnish the information required by a resolution of the Senate of the 12th March last, referred by you to this Department, requesting the President to communicate to the Senate, if in his judgment compatible with the public interests, any information which may be in the possession of the Government, or which can be conveniently obtained, of the military and naval preparations of the British authorities on the northern frontier of the United States from Lake Superior to the Atlantic Ocean, distinguishing the permanent from the temporary and field works, and particularly by noticing those which are within the claimed limits of the United States.

This report and a letter of General Scott on the subject, which was transmitted to the Senate on the 27th of March last, furnish all the information the Department is in possession of in relation to the requirements of the above resolution.

Very respectfully, your most obedient servant,

J. R. POINSETT.

HEADQUARTERS OF THE ARMY,

Washington, June 26, 1840.

The SECRETARY OF WAR.

SIR: I have the honor to report that in obedience to your instructions letters have been addressed to the various officers who it was supposed might be able to procure the information required by the resolution of the Senate of the 12th of March, to wit: "*Resolved*, That the President of the United States be requested to communicate to the Senate, if in his judgment compatible with the public interest, any information which may be in possession of the Government, or which can be conveniently obtained, of the military and naval preparations of the British authorities on the northern frontier of the United States from Lake Superior to the Atlantic Ocean, distinguishing the permanent from the temporary and field works, and particularly by noting those which are within the claimed limits of the United States." In answer to the letter addressed to him on the subject, and with regard to the Senate's resolution as far as relates to "military preparations of the British authorities on the northern frontier of the United States," General Scott communicates the following facts: That he has paid but little attention to the forts and barracks erected by the British authorities near the borders of Maine *above* Frederickton, in New Brunswick, or in Upper Canada *above* Cornwall, being of the fixed opinion that all such structures would be of little or no military value to either of the parties in the event of a new war between the United States and Great Britain; that he was last summer at the foot of Lake Superior, and neither saw nor heard of any British fort or barracks on the St. Marys River; that ~~between Lakes Huron and Erie~~ the British have three sets of barracks—one at Windsor, opposite to Detroit; one at Sandwich, a little lower down; and the third at Malden, 18 miles below the first—all built of sawed logs, strengthened by

blockhouses, loopholes, etc.; that Malden has long been a military post, with slight defenses; these have been recently strengthened. The works at Sandwich and Windsor have also, he thinks, been erected within the last six or eight months. That near the mouth of the Niagara the British have two small forts—George and Mississauga; both existed during the last war; the latter may be termed a permanent work. Slight barracks have been erected within the last two years on the same side near the Falls and at Chippewa, with breastworks at the latter place, but nothing, he believes, above the work first named on the Niagara which can be termed a fort.

That since the commencement of recent troubles and (consequent thereon) within our own limits Fort William Henry, at Kingston, and Fort Wellington, opposite to Ogdensburg (old works), have both been strengthened within themselves, besides the addition of dependencies. These forts may be called permanent. That on the St. Lawrence below Prescott, and confronting our territory, he knows of no other military post. Twelve miles above, at Brockville, there may be temporary barracks and breastworks; that he knows that of late Brockville has been a military station.

That in the system of defenses on the approaches to Montreal the Isle aux Noix, a few miles below our line, and in the outlet of Lake Champlain, stands at the head. This island contains within itself a system of permanent works of great strength; on them the British Government has from time to time expended much skill and labor.

That Odletown, near our line, on the western side of Lake Champlain, has been a station for a body of Canadian militia for two years, to guard the neighborhood from refuge incendiaries from our side. He thinks that barracks have been erected there for the accommodation of those troops, and also at a station, with the like object, near Alburgh, Vt. He believes that there are no important British forts or extensive British barracks on our borders from Vermont to Maine. In respect to such structures on the disputed territory, that Governor Fairfield's published letters contain fuller information than has reached him through any other channel; that he has heard of no new military preparations by the British authorities on the St. Croix or Passamaquoddy Bay.

That among such preparations, perhaps he ought not to omit the fact that Great Britain, besides numerous corps of well-organized and well-instructed militia, has at this time within her North American Provinces more than 20,000 of her best regular troops. The whole of those forces might be brought to the verge of our territory in a few days. Two-thirds of that regular force has arrived out since the spring of 1838. General Scott states that he has had the honor to report directly to the Secretary of War with regard to the naval force recently maintained upon the American lakes by Great Britain. In answer to a similar letter to that addressed to General Scott, General Brady writes from Detroit that the only permanent work of which he has any knowledge is the one at Fort Malden, which has in the last year been thoroughly repaired, and good substantial barracks of wood have been erected within the works, sufficient, he thinks, to contain six if not eight hundred men; that the timber on the island of Bois Blanc has been partly taken off and three small blockhouses erected on the island. These are all the military improvements he knows of between the mouth of Detroit River and the outlet of Lake Superior. That temporary barracks of wood capable of containing perhaps 150 men have been erected opposite to Detroit; that some British militia are stationed along the St. Clair River.

Colonel Bankhead writes that of the military and naval preparations of the British on the northern frontier of the United States, he can only state that Fort Mississauga, nearly opposite our Fort Niagara, has been enlarged and strengthened; that permanent and extensive barracks were commenced last summer at Toronto and are probably completed by this time, and that a large vessel for a steamer was being constructed last fall at Niagara City by and for the service of the Government; that the British Government has on Lake Ontario a steamboat commanded and officered by officers of the navy, and is commissioned, he presumes, as a Government vessel;

that the authorities of Upper Canada had last summer in their service on Lake Erie two steamboats, which were at first hired from citizens of Buffalo, but which they subsequently purchased, as he was informed.

Lieutenant-Colonel Crane writes from Buffalo that the only military work in that vicinity undergoing repairs (within his knowledge) is Fort Mississauga, at the mouth of the Niagara River, on the Canada side, which the English have been repairing and extending for two years past, and it is believed to be now in a very efficient state; that there have been rumors of armed steamers being built or building at Chippewa, but on inquiry he could learn of none except the ordinary steamboats for the navigation of the lakes. It has been said, however, that one is building on Lake Ontario by the English, and intended for the revenue service, but he does not know what truth there is in this statement.

Lieutenant-Colonel Pierce reports from Plattsburg that he has no knowledge of any military or naval preparations of the British authorities on the line of frontier adjacent to his command, comprising what is generally called the Lake Champlain frontier, except the introduction of troops at Odletown and Napierville, near the boundary line between New York and Canada, on the west side of the lake, and also the establishment of a line of posts from Missisquoi Bay, on the east side of the lake, along and near to the Vermont frontier as far as the Connecticut River, the erection of a new barrack and fieldwork at St. John, and the repairs and armament of the Isle aux Noix, with increased force at both of these posts; that none of the positions so occupied by British troops are within the claimed limits of the United States; that these military preparations (it has been heretofore understood) have been made by the British authorities to suppress rebellion and insurrection among the Canadian population.

Captain Johnson reports from Fort Brady that he has heard nothing on the subject of the resolution but mere rumors, and that there is no appearance of any works going up anywhere on the Canada side of the St. Marys River. The files of the Adjutant-General's Office have been examined, but no further information has been elicited.

Respectfully submitted.

ALEX. MACOMB,
Major-General.

WASHINGTON, June 29, 1840.

To the House of Representatives of the United States:

I transmit herewith a communication of the Secretary of War, accompanied by a report of the Commanding General of the Army, embracing all the information which can be obtained in answer to a resolution of the House of Representatives of the 6th of April, 1840, requesting to be furnished with any information in possession of the executive department showing the military preparation of Great Britain by introducing troops into Canada or New Brunswick or erecting or repairing fortifications on our northern or northeastern boundary or by preparing naval armaments on any of the great northern lakes, and what preparations, if any, have been made by this Government to put the United States, and especially those frontiers, in a posture of defense against Great Britain in case of war.

M. VAN BUREN.

WASHINGTON CITY, *June 20, 1840.**To the House of Representatives of the United States:*

I transmit the inclosed report of the Secretary of War, with accompanying documents, furnishing all the information the Department has been able to obtain in relation to any violation of or desire on the part of Great Britain to annul the agreement entered into between that Government and the United States in the month of April, 1817, relative to the naval force to be maintained upon the American lakes, called for by a resolution of the House of Representatives of the 9th March last.

M. VAN BUREN.

HON. R. M. JOHNSON,
President of the Senate.

SIR: I transmit herewith to the Senate a statement from the Secretary of the Navy of the transfers which have been made since the commencement of the present year from different appropriations for the naval service to other appropriations for the same service, which had become necessary for the public interests.

The law under which these transfers were made conveys no authority for refunding the different amounts which may be transferred. On the contrary, so soon as the appropriations for the year shall pass and the means be furnished for refunding these sums the repayments would be prohibited by the law of 3d March, 1809, in relation to general transfers.

Some authority to refund the amounts which may be transferred under the law of 30th of June, 1834, seems so obviously indispensable to any beneficial exercise of the power which it grants that its omission may be presumed to have been accidental.

The subject is respectfully referred to the consideration of Congress for such action as they may deem proper to accomplish the restoration of these transfers, and thus confirm the original appropriations as they are established by Congress, instead of leaving their expenditure discretionary with the Executive.

M. VAN BUREN.

JULY 2, 1840.

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

WASHINGTON, *July 20, 1840.**To the Senate of the United States:*

I transmit herewith, in reply to the resolution of the Senate of the 11th March last, a report* from the Secretary of War, accompanied by a communication and other documents from the Commissioner of Indian Affairs.

M. VAN BUREN.

*Relating to purchases of Indian lands since the establishment of the Federal Government.

JULY 25, 1840.

The President of the United States, in pursuance of a resolution of the Senate of the 20th instant, herewith transmits to the honorable Secretary of the Senate a copy of the report of Captain M. C. Perry in relation to the light-houses of England and France.

M. VAN BUREN.

EXECUTIVE ORDER.

WASHINGTON CITY, *March 31, 1840.*

The President of the United States, finding that different rules prevail at different places as well in respect to the hours of labor by persons employed on the public works under the immediate authority of himself and the Departments as also in relation to the different classes of workmen, and believing that much inconvenience and dissatisfaction would be removed by adopting a uniform course, hereby directs that all such persons, whether laborers or mechanics, be required to work only the number of hours prescribed by the ten-hour system.

M. VAN BUREN.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 5, 1840.**Fellow-Citizens of the Senate and House of Representatives:*

Our devout gratitude is due to the Supreme Being for having graciously continued to our beloved country through the vicissitudes of another year the invaluable blessings of health, plenty, and peace. Seldom has this favored land been so generally exempted from the ravages of disease or the labor of the husbandman more amply rewarded, and never before have our relations with other countries been placed on a more favorable basis than that which they so happily occupy at this critical juncture in the affairs of the world. A rigid and persevering abstinence from all interference with the domestic and political relations of other States, alike due to the genius and distinctive character of our Government and to the principles by which it is directed; a faithful observance in the management of our foreign relations of the practice of speaking plainly, dealing justly, and requiring truth and justice in return as the best conservatives of the peace of nations; a strict impartiality in our manifestations of friendship in the commercial privileges we concede and those we require from others—these, accompanied by a disposition as

prompt to maintain in every emergency our own rights as we are from principle averse to the invasion of those of others, have given to our country and Government a standing in the great family of nations of which we have just cause to be proud and the advantages of which are experienced by our citizens throughout every portion of the earth to which their enterprising and adventurous spirit may carry them. Few, if any, remain insensible to the value of our friendship or ignorant of the terms on which it can be acquired and by which it can alone be preserved.

A series of questions of long standing, difficult in their adjustment and important in their consequences, in which the rights of our citizens and the honor of the country were deeply involved, have in the course of a few years (the most of them during the successful Administration of my immediate predecessor) been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the powers of the world our relations are those of honorable peace. Since your adjournment nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have lowered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civilizing triumphs all may participate with a generous emulation. Yet it behooves us to be prepared for any event and to be always ready to maintain those just and enlightened principles of national intercourse for which this Government has ever contended. In the shock of contending empires it is only by assuming a resolute bearing and clothing themselves with defensive armor that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a great measure subsided, it is hoped that a favorable period is approaching for its final settlement. Both Governments must now be convinced of the dangers with which the question is fraught, and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that the proposition for a commission of exploration and survey promised by Great Britain had been received, and that a counter project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British Government for its consideration. The answer of that Government, accompanied by additional propositions of its own, was received through its minister here since your separation. These were promptly considered, such as were deemed correct in principle and consistent with a due regard to the just rights of the United

States and of the State of Maine concurred in, and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the Secretary of State to Mr. Fox. That minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own Government for its further decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three commissioners were appointed shortly after the adjournment of Congress under the act of the last session providing for the exploration and survey of the line which separates the States of Maine and New Hampshire from the British Provinces. They have been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labors as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy and serve to remove any erroneous impressions which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which in our peculiar system of government impede and complicate negotiations involving the territorial rights of a State that I thought it my duty, as you have been informed on a previous occasion, to propose to the British Government, through its minister at Washington, that early steps should be taken to adjust the points of difference on the line of boundary from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods by the arbitration of a friendly power in conformity with the seventh article of the treaty of Ghent. No answer has yet been returned by the British Government to this proposition.

With Austria, France, Prussia, Russia, and the remaining powers of Europe I am happy to inform you our relations continue to be of the most friendly character. With Belgium a treaty of commerce and navigation, based upon liberal principles of reciprocity and equality, was concluded in March last, and, having been ratified by the Belgian Government, will be duly laid before the Senate. It is a subject of congratulation that it provides for the satisfactory adjustment of a long-standing question of controversy, thus removing the only obstacle which could obstruct the friendly and mutually advantageous intercourse between the two nations. A messenger has been dispatched with the Hanoverian treaty to Berlin, where, according to stipulation, the ratifications are to be exchanged. I am happy to announce to you that after many delays and difficulties a treaty of commerce and navigation between the United States and Portugal was concluded and signed at Lisbon on the 26th of

August last by the plenipotentiaries of the two Governments. Its stipulations are founded upon those principles of mutual liberality and advantage which the United States have always sought to make the basis of their intercourse with foreign powers, and it is hoped they will tend to foster and strengthen the commercial intercourse of the two countries.

Under the appropriation of the last session of Congress an agent has been sent to Germany for the purpose of promoting the interests of our tobacco trade.

The commissioners appointed under the convention for the adjustment of claims of citizens of the United States upon Mexico having met and organized at Washington in August last, the papers in the possession of the Government relating to those claims were communicated to the board. The claims not embraced by that convention are now the subject of negotiation between the two Governments through the medium of our minister at Mexico.

Nothing has occurred to disturb the harmony of our relations with the different Governments of South America. I regret, however, to be obliged to inform you that the claims of our citizens upon the late Republic of Colombia have not yet been satisfied by the separate Governments into which it has been resolved.

The chargé d'affaires of Brazil having expressed the intention of his Government not to prolong the treaty of 1828, it will cease to be obligatory upon either party on the 12th day of December, 1841, when the extensive commercial intercourse between the United States and that vast Empire will no longer be regulated by express stipulations.

It affords me pleasure to communicate to you that the Government of Chili has entered into an agreement to indemnify the claimants in the case of the *Macedonian* for American property seized in 1819, and to add that information has also been received which justifies the hope of an early adjustment of the remaining claims upon that Government.

The commissioners appointed in pursuance of the convention between the United States and Texas for marking the boundary between them have, according to the last report received from our commissioner, surveyed and established the whole extent of the boundary north along the western bank of the Sabine River from its entrance into the Gulf of Mexico to the thirty-second degree of north latitude. The commission adjourned on the 16th of June last, to reassemble on the 1st of November for the purpose of establishing accurately the intersection of the thirty-second degree of latitude with the western bank of the Sabine and the meridian line thence to Red River. It is presumed that the work will be concluded in the present season.

The present sound condition of their finances and the success with which embarrassments in regard to them, at times apparently insurmountable, have been overcome are matters upon which the people and Government of the United States may well congratulate themselves. An

overflowing Treasury, however it may be regarded as an evidence of public prosperity, is seldom conducive to the permanent welfare of any people, and experience has demonstrated its incompatibility with the salutary action of political institutions like those of the United States. Our safest reliance for financial efficiency and independence has, on the contrary, been found to consist in ample resources unencumbered with debt, and in this respect the Federal Government occupies a singularly fortunate and truly enviable position.

When I entered upon the discharge of my official duties in March, 1837, the act for the distribution of the surplus revenue was in a course of rapid execution. Nearly \$28,000,000 of the public moneys were, in pursuance of its provisions, deposited with the States in the months of January, April, and July of that year. In May there occurred a general suspension of specie payments by the banks, including, with very few exceptions, those in which the public moneys were deposited and upon whose fidelity the Government had unfortunately made itself dependent for the revenues which had been collected from the people and were indispensable to the public service.

This suspension and the excesses in banking and commerce out of which it arose, and which were greatly aggravated by its occurrence, made to a great extent unavailable the principal part of the public money then on hand, suspended the collection of many millions accruing on merchants' bonds, and greatly reduced the revenue arising from customs and the public lands. These effects have continued to operate in various degrees to the present period, and in addition to the decrease in the revenue thus produced two and a half millions of duties have been relinquished by two biennial reductions under the act of 1833, and probably as much more upon the importation of iron for railroads by special legislation.

Whilst such has been our condition for the last four years in relation to revenue, we have during the same period been subjected to an unavoidable continuance of large extraordinary expenses necessarily growing out of past transactions, and which could not be immediately arrested without great prejudice to the public interest. Of these, the charge upon the Treasury in consequence of the Cherokee treaty alone, without adverting to others arising out of Indian treaties, has already exceeded \$5,000,000; that for the prosecution of measures for the removal of the Seminole Indians, which were found in progress, has been nearly fourteen millions, and the public buildings have required the unusual sum of nearly three millions.

It affords me, however, great pleasure to be able to say that from the commencement of this period to the present day every demand upon the Government, at home or abroad, has been promptly met. This has been done not only without creating a permanent debt or a resort to additional taxation in any form, but in the midst of a steadily progressive

reduction of existing burdens upon the people, leaving still a considerable balance of available funds which will remain in the Treasury at the end of the year. The small amount of Treasury notes, not exceeding \$4,500,000, still outstanding, and less by twenty-three millions than the United States have in deposit with the States, is composed of such only as are not yet due or have not been presented for payment. They may be redeemed out of the accruing revenue if the expenditures do not exceed the amount within which they may, it is thought, be kept without prejudice to the public interest, and the revenue shall prove to be as large as may justly be anticipated.

Among the reflections arising from the contemplation of these circumstances, one, not the least gratifying, is the consciousness that the Government had the resolution and the ability to adhere in every emergency to the sacred obligations of law, to execute all its contracts according to the requirements of the Constitution, and thus to present when most needed a rallying point by which the business of the whole country might be brought back to a safe and unvarying standard—a result vitally important as well to the interests as to the morals of the people. There can surely now be no difference of opinion in regard to the incalculable evils that would have arisen if the Government at that critical moment had suffered itself to be deterred from upholding the only true standard of value, either by the pressure of adverse circumstances or the violence of unmerited denunciation. The manner in which the people sustained the performance of this duty was highly honorable to their fortitude and patriotism. It can not fail to stimulate their agents to adhere under all circumstances to the line of duty and to satisfy them of the safety with which a course really right and demanded by a financial crisis may in a community like ours be pursued, however apparently severe its immediate operation.

The policy of the Federal Government in extinguishing as rapidly as possible the national debt, and subsequently in resisting every temptation to create a new one, deserves to be regarded in the same favorable light. Among the many objections to a national debt, the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders is one which is every day gathering strength. Already have the resources of many of the States and the future industry of their citizens been indefinitely mortgaged to the subjects of European Governments to the amount of twelve millions annually to pay the constantly accruing interest on borrowed money—a sum exceeding half the ordinary revenues of the whole United States. The pretext which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm. Fortunately, the Federal Government, with the exception of an obligation entered into in behalf of the District of Columbia, which must soon be discharged,

is wholly exempt from any such embarrassment. It is also, as is believed, the only Government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt. To maintain a distinction so desirable and so honorable to our national character should be an object of earnest solicitude. Never should a free people, if it be possible to avoid it, expose themselves to the necessity of having to treat of the peace, the honor, or the safety of the Republic with the governments of foreign creditors, who, however well disposed they may be to cultivate with us in general friendly relations, are nevertheless by the law of their own condition made hostile to the success and permanency of political institutions like ours. Most humiliating may be the embarrassments consequent upon such a condition. Another objection, scarcely less formidable, to the commencement of a new debt is its inevitable tendency to increase in magnitude and to foster national extravagance. He has been an unprofitable observer of events who needs at this day to be admonished of the difficulties which a government habitually dependent on loans to sustain its ordinary expenditures has to encounter in resisting the influences constantly exerted in favor of additional loans; by capitalists, who enrich themselves by government securities for amounts much exceeding the money they actually advance—a prolific source of individual aggrandizement in all borrowing countries; by stockholders, who seek their gains in the rise and fall of public stocks; and by the selfish importunities of applicants for appropriations for works avowedly for the accommodation of the public, but the real objects of which are too frequently the advancement of private interests. The known necessity which so many of the States will be under to impose taxes for the payment of the interest on their debts furnishes an additional and very cogent reason why the Federal Government should refrain from creating a national debt, by which the people would be exposed to double taxation for a similar object. We possess within ourselves ample resources for every emergency, and we may be quite sure that our citizens in no future exigency will be unwilling to supply the Government with all the means asked for the defense of the country. In time of peace there can, at all events, be no justification for the creation of a permanent debt by the Federal Government. Its limited range of constitutional duties may certainly under such circumstances be performed without such a resort. It has, it is seen, been avoided during four years of greater fiscal difficulties than have existed in a similar period since the adoption of the Constitution, and one also remarkable for the occurrence of extraordinary causes of expenditures.

But to accomplish so desirable an object two things are indispensable: First, that the action of the Federal Government be kept within the boundaries prescribed by its founders, and, secondly, that all appropriations for objects admitted to be constitutional, and the expenditure of them also, be subjected to a standard of rigid but well-considered and

practical economy. The first depends chiefly on the people themselves—the opinions they form of the true construction of the Constitution and the confidence they repose in the political sentiments of those they select as their representatives in the Federal Legislature; the second rests upon the fidelity with which their more immediate representatives and other public functionaries discharge the trusts committed to them. The duty of economizing the expenses of the public service is admitted on all hands; yet there are few subjects upon which there exists a wider difference of opinion than is constantly manifested in regard to the fidelity with which that duty is discharged. Neither diversity of sentiment nor even mutual recriminations upon a point in respect to which the public mind is so justly sensitive can well be entirely avoided, and least so at periods of great political excitement. An intelligent people, however, seldom fail to arrive in the end at correct conclusions in such a matter. Practical economy in the management of public affairs can have no adverse influence to contend with more powerful than a large surplus revenue, and the unusually large appropriations for 1837 may without doubt, independently of the extraordinary requisitions for the public service growing out of the state of our Indian relations, be in no inconsiderable degree traced to this source. The sudden and rapid distribution of the large surplus then in the Treasury and the equally sudden and unprecedentedly severe revulsion in the commerce and business of the country, pointing with unerring certainty to a great and protracted reduction of the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditures.

But to change a system operating upon so large a surface and applicable to such numerous and diversified interests and objects was more than the work of a day. The attention of every department of the Government was immediately and in good faith directed to that end, and has been so continued to the present moment. The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced \$6,000,000. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions, being between two and three millions less than those of the preceding year and nine or ten millions less than those of 1837. Nor has it been found necessary in order to produce this result to resort to the power conferred by Congress of postponing certain classes of the public works, except by deferring expenditures for a short period upon a limited portion of them, and which postponement terminated some time since—at the moment the Treasury Department by further receipts from the indebted banks became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is believed, justify a still further reduction without injury to any important national interest. The expenses of sustaining the troops

employed in Florida have been gradually and greatly reduced through the persevering efforts of the War Department, and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the Treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished or nearly so, and we may, I think, safely promise ourselves a continued exemption from border difficulties.

The available balance in the Treasury on the 1st of January next is estimated at \$1,500,000. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the Government to meet every engagement and have a suitable balance in the Treasury at the end of the year, if the remedial measures connected with the customs and the public lands heretofore recommended are adopted and the new appropriations by Congress shall not carry the expenditures beyond the official estimates.

The new system established by Congress for the safe-keeping of the public money, prescribing the kind of currency to be received for the public revenue and providing additional guards and securities against losses, has now been several months in operation. Although it might be premature upon an experience of such limited duration to form a definite opinion in regard to the extent of its influences in correcting many evils under which the Federal Government and the country have hitherto suffered, especially those that have grown out of banking expansions, a depreciated currency, and official defalcations, yet it is but right to say that nothing has occurred in the practical operation of the system to weaken in the slightest degree, but much to strengthen, the confident anticipations of its friends. The grounds of these have been heretofore so fully explained as to require no recapitulation. In respect to the facility and convenience it affords in conducting the public service, and the ability of the Government to discharge through its agency every duty attendant on the collection, transfer, and disbursement of the public money with promptitude and success, I can say with confidence that the apprehensions of those who felt it to be their duty to oppose its adoption have proved to be unfounded. On the contrary, this branch of the fiscal affairs of the Government has been, and it is believed may always be, thus carried on with every desirable facility and security. A few changes and improvements in the details of the system, without affecting any principles involved in it, will be submitted to you by the Secretary of the Treasury, and will, I am sure, receive at your hands that attention to which they may on examination be found to be entitled.

I have deemed ~~this brief summary~~ of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the Constitution. It will serve also to illustrate more fully the principles by which

I have been guided in reference to two contested points in our public policy which were earliest in their development and have been more important in their consequences than any that have arisen under our complicated and difficult, yet admirable, system of government. I allude to a national debt and a national bank. It was in these that the political contests by which the country has been agitated ever since the adoption of the Constitution in a great measure originated, and there is too much reason to apprehend that the conflicting interests and opposing principles thus marshaled will continue as heretofore to produce similar if not aggravated consequences.

Coming into office the declared enemy of both, I have earnestly endeavored to prevent a resort to either.

The consideration that a large public debt affords an apology, and produces in some degree a necessity also, for resorting to a system and extent of taxation which is not only oppressive throughout, but is likewise so apt to lead in the end to the commission of that most odious of all offenses against the principles of republican government, the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes and the gratification of individual cupidity, is alone sufficient, independently of the weighty objections which have already been urged, to render its creation and existence the sources of bitter and unappeasable discord. If we add to this its inevitable tendency to produce and foster extravagant expenditures of the public moneys, by which a necessity is created for new loans and new burdens on the people, and, finally, refer to the examples of every government which has existed for proof, how seldom it is that the system, when once adopted and implanted in the policy of a country, has failed to expand itself until public credit was exhausted and the people were no longer able to endure its increasing weight, it seems impossible to resist the conclusion that no benefits resulting from its career, no extent of conquest, no accession of wealth to particular classes, nor any nor all its combined advantages, can counterbalance its ultimate but certain results—a splendid government and an impoverished people.

If a national bank was, as is undeniable, repudiated by the framers of the Constitution as incompatible with the rights of the States and the liberties of the people; if from the beginning it has been regarded by large portions of our citizens as coming in direct collision with that great and vital amendment of the Constitution which declares that all powers not conferred by that instrument on the General Government are reserved to the States and to the people; if it has been viewed by them as the first great step in the march of latitudinous construction, which unchecked would render that sacred instrument of as little value as an unwritten constitution, dependent, as it would alone be, for its meaning on the interested interpretation of a dominant party, and affording no security to the rights of the minority—if such is undeniably the case, what rational

grounds could have been conceived for anticipating aught but determined opposition to such an institution at the present day.

Could a different result have been expected when the consequences which have flowed from its creation, and particularly from its struggles to perpetuate its existence, had confirmed in so striking a manner the apprehensions of its earliest opponents; when it had been so clearly demonstrated that a concentrated money power, wielding so vast a capital and combining such incalculable means of influence, may in those peculiar conjunctures to which this Government is unavoidably exposed prove an overmatch for the political power of the people themselves; when the true character of its capacity to regulate according to its will and its interests and the interests of its favorites the value and production of the labor and property of every man in this extended country had been so fully and fearfully developed; when it was notorious that all classes of this great community had, by means of the power and influence it thus possesses, been infected to madness with a spirit of heedless speculation; when it had been seen that, secure in the support of the combination of influences by which it was surrounded, it could violate its charter and set the laws at defiance with impunity; and when, too, it had become most apparent that to believe that such an accumulation of powers can ever be granted without the certainty of being abused was to indulge in a fatal delusion?

To avoid the necessity of a permanent debt and its inevitable consequences I have advocated and endeavored to carry into effect the policy of confining the appropriations for the public service to such objects only as are clearly within the constitutional authority of the Federal Government; of excluding from its expenses those improvident and unauthorized grants of public money for works of internal improvement which were so wisely arrested by the constitutional interposition of my predecessor, and which, if they had not been so checked, would long before this time have involved the finances of the General Government in embarrassments far greater than those which are now experienced by any of the States; of limiting all our expenditures to that simple, unostentatious, and economical administration of public affairs which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands a revenue fully adequate to defray all the expenses thus incurred; but under no pretense whatsoever to impose taxes upon the people to a greater amount than was actually necessary to the public service conducted upon the principles I have stated.

In lieu of a national bank or a dependence upon banks of any description for the management of our fiscal affairs, I recommended the adoption of the system which is now in successful operation. That system affords every requisite facility for the transaction of the pecuniary concerns of the Government; will, it is confidently anticipated, produce in other respects many of the benefits which have been from time to time expected from the creation of a national bank, but which have never been realized;

avoid the manifold evils inseparable from such an institution; diminish to a greater extent than could be accomplished by any other measure of reform the patronage of the Federal Government—a wise policy in all governments, but more especially so in one like ours, which works well only in proportion as it is made to rely for its support upon the unbiased and unadulterated opinions of its constituents; do away forever all dependence on corporate bodies either in the raising, collecting, safe-keeping, or disbursing the public revenues, and place the Government equally above the temptation of fostering a dangerous and unconstitutional institution at home or the necessity of adapting its policy to the views and interests of a still more formidable money power abroad.

It is by adopting and carrying out these principles under circumstances the most arduous and discouraging that the attempt has been made, thus far successfully, to demonstrate to the people of the United States that a national bank at all times, and a national debt except it be incurred at a period when the honor and safety of the nation demand the temporary sacrifice of a policy which should only be abandoned in such exigencies, are not merely unnecessary, but in direct and deadly hostility to the principles of their Government and to their own permanent welfare.

The progress made in the development of these positions appears in the preceding sketch of the past history and present state of the financial concerns of the Federal Government. The facts there stated fully authorize the assertion that all the purposes for which this Government was instituted have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace, and in the face of opposition as formidable as any that was ever before arrayed against the policy of an Administration; that this has been done when the ordinary revenues of the Government were generally decreasing as well from the operation of the laws as the condition of the country, without the creation of a permanent public debt or incurring any liability other than such as the ordinary resources of the Government will speedily discharge, and without the agency of a national bank.

If this view of the proceedings of the Government for the period it embraces be warranted by the facts as they are known to exist; if the Army and Navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defense of the country and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if ample provision has been made for the administration of justice and the execution of the laws; if the claims upon public gratitude in behalf of the soldiers of the Revolution have been promptly met and faithfully discharged; if there have been no failures in defraying the very large expenditures growing out of that long-continued and salutary policy of peacefully removing the Indians to regions of comparative safety and prosperity; if the public faith has at all times and everywhere been most scrupulously maintained by a prompt

discharge of the numerous, extended, and diversified claims on the Treasury—if all these great and permanent objects, with many others that might be stated, have for a series of years, marked by peculiar obstacles and difficulties, been successfully accomplished without a resort to a permanent debt or the aid of a national bank, have we not a right to expect that a policy the object of which has been to sustain the public service independently of either of these fruitful sources of discord will receive the final sanction of a people whose unbiased and fairly elicited judgment upon public affairs is never ultimately wrong?

That embarrassments in the pecuniary concerns of individuals of unexampled extent and duration have recently existed in this as in other commercial nations is undoubtedly true. To suppose it necessary now to trace these reverses to their sources would be a reflection on the intelligence of my fellow-citizens. Whatever may have been the obscurity in which the subject was involved during the earlier stages of the revulsion, there can not now be many by whom the whole question is not fully understood.

Not deeming it within the constitutional powers of the General Government to repair private losses sustained by reverses in business having no connection with the public service, either by direct appropriations from the Treasury or by special legislation designed to secure exclusive privileges and immunities to individuals or classes in preference to or at the expense of the great majority necessarily debarred from any participation in them, no attempt to do so has been either made, recommended, or encouraged by the present Executive.

It is believed, however, that the great purposes for the attainment of which the Federal Government was instituted have not been lost sight of. Intrusted only with certain limited powers, cautiously enumerated, distinctly specified, and defined with a precision and clearness which would seem to defy misconstruction, it has been my constant aim to confine myself within the limits so clearly marked out and so carefully guarded. Having always been of opinion that the best preservative of the union of the States is to be found in a total abstinence from the exercise of all doubtful powers on the part of the Federal Government rather than in attempts to assume them by a loose construction of the Constitution or an ingenious perversion of its words, I have endeavored to avoid recommending any measure which I had reason to apprehend would, in the opinion even of a considerable minority of my fellow-citizens, be regarded as trenching on the rights of the States or the provisions of the hallowed instrument of our Union. Viewing the aggregate powers of the Federal Government as a voluntary concession of the States, it seemed to me that such only should be exercised as were at the time intended to be given.

I have been strengthened, too, in the propriety of this course by the conviction that all efforts to go beyond this tend only to produce dis-

satisfaction and distrust, to excite jealousies, and to provoke resistance. Instead of adding strength to the Federal Government, even when successful they must ever prove a source of incurable weakness by alienating a portion of those whose adhesion is indispensable to the great aggregate of united strength and whose voluntary attachment is in my estimation far more essential to the efficiency of a government strong in the best of all possible strength—the confidence and attachment of all those who make up its constituent elements.

Thus believing, it has been my purpose to secure to the whole people and to every member of the Confederacy, by general, salutary, and equal laws alone, the benefit of those republican institutions which it was the end and aim of the Constitution to establish, and the impartial influence of which is in my judgment indispensable to their preservation. I can not bring myself to believe that the lasting happiness of the people, the prosperity of the States, or the permanency of their Union can be maintained by giving preference or priority to any class of citizens in the distribution of benefits or privileges, or by the adoption of measures which enrich one portion of the Union at the expense of another; nor can I see in the interference of the Federal Government with the local legislation and reserved rights of the States a remedy for present or a security against future dangers.

The first, and assuredly not the least, important step toward relieving the country from the condition into which it had been plunged by excesses in trade, banking, and credits of all kinds was to place the business transactions of the Government itself on a solid basis, giving and receiving in all cases value for value, and neither countenancing nor encouraging in others that delusive system of credits from which it has been found so difficult to escape, and which has left nothing behind it but the wrecks that mark its fatal career.

That the financial affairs of the Government are now and have been during the whole period of these wide-spreading difficulties conducted with a strict and invariable regard to this great fundamental principle, and that by the assumption and maintenance of the stand thus taken on the very threshold of the approaching crisis more than by any other cause or causes whatever the community at large has been shielded from the incalculable evils of a general and indefinite suspension of specie payments, and a consequent annihilation for the whole period it might have lasted of a just and invariable standard of value, will, it is believed, at this period scarcely be questioned.

A steady adherence on the part of the Government to the policy which has produced such salutary results, aided by judicious State legislation and, what is not less important, by the industry, enterprise, perseverance, and economy of the American people, can not fail to raise the whole country at an early period to a state of solid and enduring prosperity, not subject to be again overthrown by the suspension of banks or the

explosion of a bloated credit system. It is for the people and their representatives to decide whether or not the permanent welfare of the country (which all good citizens equally desire, however widely they may differ as to the means of its accomplishment) shall be in this way secured, or whether the management of the pecuniary concerns of the Government, and by consequence to a great extent those of individuals also, shall be carried back to a condition of things which fostered those contractions and expansions of the currency and those reckless abuses of credit from the baleful effects of which the country has so deeply suffered—a return that can promise in the end no better results than to reproduce the embarrassments the Government has experienced, and to remove from the shoulders of the present to those of fresh victims the bitter fruits of that spirit of speculative enterprise to which our countrymen are so liable and upon which the lessons of experience are so unavailing. The choice is an important one, and I sincerely hope that it may be wisely made.

A report from the Secretary of War, presenting a detailed view of the affairs of that Department, accompanies this communication.

The desultory duties connected with the removal of the Indians, in which the Army has been constantly engaged on the northern and western frontiers and in Florida, have rendered it impracticable to carry into full effect the plan recommended by the Secretary for improving its discipline. In every instance where the regiments have been concentrated they have made great progress, and the best results may be anticipated from a continuance of this system. During the last season a part of the troops have been employed in removing Indians from the interior to the territory assigned them in the West—a duty which they have performed efficiently and with praiseworthy humanity—and that portion of them which has been stationed in Florida continued active operations there throughout the heats of summer.

The policy of the United States in regard to the Indians, of which a succinct account is given in my message of 1838, and of the wisdom and expediency of which I am fully satisfied, has been continued in active operation throughout the whole period of my Administration. Since the spring of 1837 more than 40,000 Indians have been removed to their new homes west of the Mississippi, and I am happy to add that all accounts concur in representing the result of this measure as eminently beneficial to that people.

The emigration of the Seminoles alone has been attended with serious difficulty and occasioned bloodshed, hostilities having been commenced by the Indians in Florida under the apprehension that they would be compelled by force to comply with their treaty stipulations. The execution of the treaty of Payne's Landing, signed in 1832, but not ratified until 1834, was postponed at the solicitation of the Indians until 1836, when they again renewed their agreement to remove peaceably to their new

homes in the West. In the face of this solemn and renewed compact they broke their faith and commenced hostilities by the massacre of Major Dade's command, the murder of their agent, General Thompson, and other acts of cruel treachery. When this alarming and unexpected intelligence reached the seat of Government, every effort appears to have been made to reenforce General Clinch, who commanded the troops then in Florida. General Eustis was dispatched with reinforcements from Charleston, troops were called out from Alabama, Tennessee, and Georgia, and General Scott was sent to take the command, with ample powers and ample means. At the first alarm General Gaines organized a force at New Orleans, and without waiting for orders landed in Florida, where he delivered over the troops he had brought with him to General Scott.

Governor Call was subsequently appointed to conduct a summer campaign, and at the close of it was replaced by General Jesup. These events and changes took place under the Administration of my predecessor. Notwithstanding the exertions of the experienced officers who had command there for eighteen months, on entering upon the administration of the Government I found the Territory of Florida a prey to Indian atrocities. A strenuous effort was immediately made to bring those hostilities to a close, and the army under General Jesup was reenforced until it amounted to 10,000 men, and furnished with abundant supplies of every description. In this campaign a great number of the enemy were captured and destroyed, but the character of the contest only was changed. The Indians, having been defeated in every engagement, dispersed in small bands throughout the country and became an enterprising, formidable, and ruthless banditti. General Taylor, who succeeded General Jesup, used his best exertions to subdue them, and was seconded in his efforts by the officers under his command; but he too failed to protect the Territory from their depredations. By an act of signal and cruel treachery they broke the truce made with them by General Macomb, who was sent from Washington for the purpose of carrying into effect the expressed wishes of Congress, and have continued their devastations ever since. General Armistead, who was in Florida when General Taylor left the army by permission, assumed the command, and after active summer operations was met by propositions for peace, and from the fortunate coincidence of the arrival in Florida at the same period of a delegation from the Seminoles who are happily settled west of the Mississippi and are now anxious to persuade their countrymen to join them there hopes were for some time entertained that the Indians might be induced to leave the Territory without further difficulty. These hopes have proved fallacious and hostilities have been renewed throughout the whole of the Territory. That this contest has endured so long is to be attributed to causes beyond the control of the Government. Experienced generals have had the command of the troops, officers and soldiers have alike distinguished themselves for their activity, patience, and enduring courage,

the army has been constantly furnished with supplies of every description, and we must look for the causes which have so long procrastinated the issue of the contest in the vast extent of the theater of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

The sites for marine hospitals on the rivers and lakes which I was authorized to select and cause to be purchased have all been designated, but the appropriation not proving sufficient, conditional arrangements only have been made for their acquisition. It is for Congress to decide whether these conditional purchases shall be sanctioned and the humane intentions of the law carried into full effect.

The Navy, as will appear from the accompanying report of the Secretary, has been usefully and honorably employed in the protection of our commerce and citizens in the Mediterranean, the Pacific, on the coast of Brazil, and in the Gulf of Mexico. A small squadron, consisting of the frigate *Constellation* and the sloop of war *Boston*, under Commodore Kearney, is now on its way to the China and Indian seas for the purpose of attending to our interests in that quarter, and Commander Aulick, in the sloop of war *Yorktown*, has been instructed to visit the Sandwich and Society islands, the coasts of New Zealand and Japan; together with other ports and islands frequented by our whale ships, for the purpose of giving them countenance and protection should they be required. Other smaller vessels have been and still are employed in prosecuting the surveys of the coast of the United States directed by various acts of Congress, and those which have been completed will shortly be laid before you.

The exploring expedition at the latest date was preparing to leave the Bay of Islands, New Zealand, in further prosecution of objects which have thus far been successfully accomplished. The discovery of a new continent, which was first seen in latitude $66^{\circ} 2'$ south, longitude $154^{\circ} 27'$ east, and afterwards in latitude $66^{\circ} 31'$ south, longitude $153^{\circ} 40'$ east, by Lieutenants Wilkes and Hudson, for an extent of 1,800 miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the honorable results of the enterprise. Lieutenant Wilkes bears testimony to the zeal and good conduct of his officers and men, and it is but justice to that officer to state that he appears to have performed the duties assigned him with an ardor, ability, and perseverance which give every assurance of an honorable issue to the undertaking.

The report of the Postmaster-General herewith transmitted will exhibit the service of that Department the past year and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws; some improvements have been effected which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few

exceptions, have rendered their accounts and paid their quarterly balances with promptitude, and the whole service of the Department has maintained the efficiency for which it has for several years been distinguished.

The acts of Congress establishing new mail routes and requiring more expensive services on others and the increasing wants of the country have for three years past carried the expenditures something beyond the accruing revenues, the excess having been met until the past year by the surplus which had previously accumulated. That surplus having been exhausted and the anticipated increase in the revenue not having been realized owing to the depression in the commercial business of the country, the finances of the Department exhibit a small deficiency at the close of the last fiscal year. Its resources, however, are ample, and the reduced rates of compensation for the transportation service which may be expected on the future lettings from the general reduction of prices, with the increase of revenue that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the Department in a prosperous condition.

Considering the unfavorable circumstances which have existed during the past year, it is a gratifying result that the revenue has not declined as compared with the preceding year, but, on the contrary, exhibits a small increase, the circumstances referred to having had no other effect than to check the expected income.

It will be seen that the Postmaster-General suggests certain improvements in the establishment designed to reduce the weight of the mails, cheapen the transportation, insure greater regularity in the service, and secure a considerable reduction in the rates of letter postage—an object highly desirable. The subject is one of general interest to the community, and is respectfully recommended to your consideration.

The suppression of the African slave trade has received the continued attention of the Government. The brig *Dolphin* and schooner *Grampus* have been employed during the last season on the coast of Africa for the purpose of preventing such portions of that trade as were said to be prosecuted under the American flag. After cruising off those parts of the coast most usually resorted to by slavers until the commencement of the rainy season, these vessels returned to the United States for supplies, and have since been dispatched on a similar service.

From the reports of the commanding officers it appears that the trade is now principally carried on under Portuguese colors, and they express the opinion that the apprehension of their presence on the slave coast has in a great degree arrested the prostitution of the American flag to this inhuman purpose. It is hoped that by continuing to maintain this force in that quarter and by the exertions of the officers in command much will be done to put a stop to whatever portion of this traffic may have been carried on under the American flag and to prevent its use

in a trade which, while it violates the laws, is equally an outrage on the rights of others and the feelings of humanity. The efforts of the several Governments who are anxiously seeking to suppress this traffic must, however, be directed against the facilities afforded by what are now recognized as legitimate commercial pursuits before that object can be fully accomplished.

Supplies of provisions, water casks, merchandise, and articles connected with the prosecution of the slave trade are, it is understood, freely carried by vessels of different nations to the slave factories, and the effects of the factors are transported openly from one slave station to another without interruption or punishment by either of the nations to which they belong engaged in the commerce of that region. I submit to your judgments whether this Government, having been the first to prohibit by adequate penalties the slave trade, the first to declare it piracy, should not be the first also to forbid to its citizens all trade with the slave factories on the coast of Africa, giving an example to all nations in this respect which if fairly followed can not fail to produce the most effective results in breaking up those dens of iniquity.

M. VAN BUREN.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1840.*

HON. R. M. T. HUNTER,
Speaker of the House of Representatives.

SIR: I herewith transmit a letter from the Secretary of the Navy, in relation to the navy pension fund, to which the attention of Congress is invited, and recommend an immediate appropriation of \$151,352.39 to meet the payment of pensions becoming due on and after the 1st of January, 1841.

M. VAN BUREN.

WASHINGTON, *December 10, 1840.*

To the Senate of the United States:

I transmit, for the action of the Senate, a communication from the Secretary of War, on the subject of the transfer of Chickasaw stock to the Choctaw tribe, which the accompanying papers explain.

M. VAN BUREN.

WAR DEPARTMENT, *December 10, 1840.*

THE PRESIDENT OF THE UNITED STATES. --

SIR: I have the honor to lay before you a communication from the Commissioner of Indian Affairs, relative to the transfer of \$500,000 Chickasaw stock to the Choctaws in execution of the compact of 17th January, 1837, between those tribes, that if you

think it advisable you may assent to the proposed transfer and lay the matter before the Senate for the sanction of that body.

Very respectfully, your most obedient servant,

J. R. POINSETT.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,

December, 1840.

Hon. J. R. POINSETT,

Secretary of War.

SIR: A compact was made on the 17th January, 1837, "subject to the approval of the President and Senate of the United States," which it received from the former on the 24th March, 1837, in conformity with the resolution of the Senate of 25th February, between the Choctaw and Chickasaw tribes of Indians, of which I have the honor to inclose a copy.

By this instrument the right to occupy a portion of the Choctaw country west of the Mississippi was, with certain privileges, secured to the Chickasaws, who agreed to pay therefor \$530,000, of which \$30,000 were paid in 1837, and the remaining \$500,000 it was agreed should be invested under the direction of the Government of the United States and that the interest should be paid annually to the Choctaws.

There being no money to place in the hands of the United States, but a very large amount of Chickasaw stock under the direction of the Treasury, the reasonable desire of the Choctaws that this large fund belonging to them should be put in their own names on the books of the Government can be gratified by a transfer of so much of the stock to the Secretary of War for their use, upon which the interest will be received and paid over to them. This will be an execution of the agreement of the parties. A sale of stocks to raise the money and then a reinvestment of it according to the letter of the compact ought not to be resorted to on account of their present low price in the market.

In considering this subject in the course of the autumn the thirteenth article of the treaty of 24th May, 1834, with the Chickasaws was adverted to, by which it is provided: "If the Chickasaws shall be so fortunate as to procure a home within the limits of the United States, it is agreed that, with the consent of the President and Senate, so much of their invested stock as may be necessary to the purchase of a country for them to settle in shall be permitted to them to be sold, or the United States will advance the necessary amount upon a guaranty and pledge of an equal amount of their stocks." The compact before referred to having been ratified by the President and Senate, it was doubted whether that was not a virtual consent to the application of so much of the stock as would be required to pay for the land and privileges contracted for by the said compact, and an authority for the transfer of it. The question was referred to the Attorney-General, who was of opinion that the transfer could not be legally made without the assent of the President and Senate to the particular act.

I have therefore respectfully to request that you will lay the matter before the President, that if he concurs in the propriety of so doing he may give his own and ask the consent of the Senate to the proposed proceeding.

Very respectfully, your most obedient,

T. HARTLEY CRAWFORD.

To the Senate:

WASHINGTON, *December 10, 1840.*

I communicate a report* of the Secretary of State, with the documents accompanying it, in compliance with the resolution of the Senate of the 20th of July last.

M. VAN BUREN.

* Relating to sales and donations of public lots in Washington, D. C.

WASHINGTON, *December 21, 1840.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate with a view to its ratification, a treaty of commerce and navigation between the United States of America and His Majesty the King of the Belgians, signed at Washington on the 29th day of March, 1840.

M. VAN BUREN.

WASHINGTON, *December 23, 1840.*

To the House of Representatives of the United States:

Herewith I transmit a communication* from the Secretary of the Treasury and also copies of certain papers accompanying it, which are believed to embrace the information contemplated by a resolution of the House of Representatives of the 17th instant.

M. VAN BUREN.

WASHINGTON, *December 28, 1840.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report † from the Secretary of State, with accompanying papers, in answer to their resolution of the 21st instant.

M. VAN BUREN.

WASHINGTON, *December 28, 1840.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate with a view to its ratification, a treaty of commerce and navigation between the United States and Portugal, signed at Lisbon on the 26th day of August, 1840, and certain letters relating thereto, of which a list is annexed.

M. VAN BUREN.

WASHINGTON, *December 29, 1840.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report ‡ from the Secretary of State, with accompanying papers, in answer to their resolution of the 23d instant.

M. VAN BUREN.

* Relating to the suspension of appropriations made at the last session of Congress.

† Transmitting correspondence with Great Britain relative to the burning of the steamboat *Caroline* at Schlosser, N. Y., December 29, 1837.

‡ Transmitting correspondence with Great Britain relative to proceedings on the part of that Government which may have a tendency to interrupt our commerce with China.

WASHINGTON, *January 2, 1841.**To the House of Representatives of the United States:*

I think proper to communicate to the House of Representatives, in further answer to their resolution of the 21st ultimo, the correspondence which has since occurred between the Secretary of State and the British minister on the same subject.

M. VAN BUREN.

*Mr. Fox to Mr. Forsyth.*WASHINGTON, *December 29, 1840.*

Hon. JOHN FORSYTH, etc.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, in which, in reply to a letter which I had addressed to you on the 13th, you acquaint me that the President is not prepared to comply with my demand for the liberation of Mr. Alexander McLeod, of Upper Canada, now imprisoned at Lockport, in the State of New York, on a pretended charge of murder and arson, as having been engaged in the destruction of the piratical steamboat *Caroline* on the 29th of December, 1837.

I learn with deep regret that such is the decision of the President of the United States, for I can not but foresee the very grave and serious consequences that must ensue if, besides the injury already inflicted upon Mr. McLeod of a vexatious and unjust imprisonment, any further harm should be done to him in the progress of this extraordinary proceeding.

I have lost no time in forwarding to Her Majesty's Government in England the correspondence that has taken place, and I shall await the further orders of Her Majesty's Government with respect to the important question which that correspondence involves.

But I feel it my duty not to close this communication without likewise testifying my vast regret and surprise at the expressions which I find repeated in your letter with reference to the destruction of the steamboat *Caroline*. I had confidently hoped that the first erroneous impression of the character of that event, imposed upon the mind of the United States Government by partial and exaggerated representations, would long since have been effaced by a more strict and accurate examination of the facts. Such an investigation must even yet, I am willing to believe, lead the United States Government to the same conviction with which Her Majesty's authorities on the spot were impressed—that the act was one, in the strictest sense, of self-defense, rendered absolutely necessary by the circumstances of the occasion for the safety and protection of Her Majesty's subjects, and justified by the same motives and principles which upon similar and well-known occasions have governed the conduct of illustrious officers of the United States. The steamboat *Caroline* was a hostile vessel engaged in piratical war against Her Majesty's people, hired from her owners for that express purpose, and known to be so beyond the possibility of doubt. The place where the vessel was destroyed was nominally, it is true, within the territory of a friendly power, but the friendly power had been deprived through overbearing piratical violence of the use of its proper authority over that portion of territory. The authorities of New York had not even been able to prevent the artillery of the State from being carried off publicly at midday to be used as instruments of war against Her Majesty's subjects. It was under such circumstances, which it is to be hoped will never recur, that the vessel was attacked by a party of Her Majesty's people, captured, and destroyed. A remonstrance against the act in question has been addressed by the United States to Her Majesty's Government in England. I am not authorized to pronounce the decision of Her Majesty's Government upon that remonstrance, but I have felt myself bound to record in the meantime the above opinion,

in order to protest in the most solemn manner against the spirited and loyal conduct of a party of Her Majesty's officers and people being qualified, through an unfortunate misapprehension, as I believe, of the facts, with the appellation of outrage or of murder.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, December 31, 1840.

SIR: I have the honor to acknowledge the receipt of your note of the 29th instant, in reply to mine of the 26th, on the subject of the arrest and detention of Alexander McLeod as one of the perpetrators of the outrage committed in New York when the steamboat *Caroline* was seized and burnt. Full evidence of that outrage has been presented to Her Britannic Majesty's Government with a demand for redress, and of course no discussion of the circumstances here can be either useful or proper, nor can I suppose it to be your desire to invite it. I take leave of the subject with this single remark, that the opinion so strongly expressed by you on the facts and principles involved in the demand for reparation on Her Majesty's Government by the United States would hardly have been hazarded had you been possessed of the carefully collected testimony which has been presented to your Government in support of that demand.

I avail myself of the occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *January 4, 1841.*

To the Senate of the United States:

I submit herewith a treaty concluded with the Miami Indians for the cession of their lands in the State of Indiana. The circumstances attending this negotiation are fully set forth in the accompanying communication from the Secretary of War. Although the treaty was concluded without positive instructions and the usual official preliminaries, its terms appear to be so advantageous and the acquisition of these lands are deemed so desirable by reason of their importance to the State of Indiana and the Government, as well as on account of the Indians themselves, who will be greatly benefited by their removal west, that I have thought it advisable to submit it to the action of the Senate.

M. VAN BUREN.

WAR DEPARTMENT, *January 4, 1841.*

THE PRESIDENT OF THE UNITED STATES.

SIR: I have the honor to transmit herewith a treaty concluded with the Miami Indians of the State of Indiana, to be laid before the Senate for their ratification if upon due consideration of the circumstances under which this treaty was negotiated you should think proper to do so. These circumstances are fully and correctly set forth in the accompanying communication from the Commissioner of Indian Affairs, to which I beg leave respectfully to refer you.

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

J. R. POINSETT.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,

December 29, 1840.

HON. J. R. POINSETT,
Secretary of War.

SIR: A treaty made with the Miami tribe of Indians in the State of Indiana on the 28th day of November last for the residue of their lands in that State has been unexpectedly received.

Great anxiety has been manifested by the citizens of Indiana and made known by their representatives in both Houses of Congress that a cession of the Miami land should be procured, and it seems to have been met by a correspondent disposition on the part of the leading men among the Indians. On the 25th May last a communication was received from General Samuel Milroy, subagent, etc., expressing the belief that the Miamies would treat and that their principal chief was desirous before the close of his life, now drawing near, to effect a negotiation, as in his opinion the emigration or extinction of the tribe were the alternatives before them, and suggesting that the most judicious course would be to conduct the business informally at the annuity payment. In reply he was informed on the 2d July that the Department did not open negotiations for the purchase of Indian lands unless thereto previously authorized by Congress, and that at the request of a portion of the representation of Indiana an estimate had been furnished of the sum that would be required to hold a treaty, and that if the presumed intention of obtaining the estimate should be realized an effort would be made to execute the purpose for which the appropriation would be obtained. (Extracts from these letters, so far as they relate to the subject, are herewith sent, marked A.*) On the 31st July he renewed the subject, accompanied by an extract of a letter of 2d July to himself from Allen Hamilton, esq., the confidential friend of Chief Richardville, urging the propriety of a negotiation. (B.*)

On the 12th August, no appropriation having been made by Congress, a letter was addressed to you by the Hon. O. H. Smith, of the Senate of the United States from Indiana, inclosing a letter from Mr. Hamilton, dated on the 11th, urging the vast importance of treating with the Miamies, as well to them as to the State, and giving the reasons which in the judgment of both led to the conclusion that their particular case should form an exception to the general rule that obtains in regard of Indian treaties, and recommending strongly the appointment of General Milroy as a suitable person to conduct the negotiation. A communication of similar character (except the last feature), dated 20th August, was received from Mr. Milroy. The letter of the Hon. Mr. Smith was referred by you to this office, and on the 27th August, after a conference with you on the subject, I replied that exceptions to the rule stated might under very peculiar circumstances exist, but that as the Senate certainly, and it was believed the House too, had rejected an application for an appropriation, the opening of a negotiation might be considered to be opposed to an expression of legislative opinion. In answer to the suggestion that little or perhaps no expense need be incurred, as the treaty could be made at the payment of the annuities, it was remarked that the consideration money must necessarily be large, as the Miami lands were very valuable, and an appropriation of it required, which Congress might be disinclined to grant after what had happened; that it was therefore deemed advisable to decline treating, and that perhaps a future application for legislative sanction might be more successful. Of this letter a copy was sent to General Milroy as a reply on the subject in hand to his communication of 31st July, and his letter of 20th August was further answered on 2d September. (C.*)

In consequence of the representations referred to, and probably others which did not reach me, you addressed me an unofficial note on 14th September, suggesting that Allen Hamilton, esq., might at the payment of the annuities make an arrangement with the Miamies that would be "gratifying to the people as well as beneficial to

* Omitted.

the service." With this expressed wish of the head of the Department, and after consultation with you, I wrote unofficial letters to General Samuel Milroy and to Allen Hamilton, esq., on the 18th September, setting forth the views of the Department as heretofore expressed in regard of precedent legislative sanction and the importance to Indiana of treating with the Miamies, whose disposition to cede their remaining lands on just and equitable terms might not continue. It was thought, however, to be in keeping with the rule adopted to ascertain informally from the Miamies what they would be willing to take for their lands when it was their pleasure to emigrate, etc. It was doubted whether it would be judicious to reduce the terms to writing, however informally, on account of the difficulty there might be in convincing the Indians that it was not a treaty, although it was desirable, if it could be safely done, that it should be so; and they were informed that a report from them would answer "all my purposes, as my object is to be able to say to each branch of Congress upon what terms the Miami lands can be had by the United States, so that if the terms are approved the necessary law may be passed." It was suggested that the annuity payment would afford a good opportunity for procuring the information desired, which it was expected could be had without any expense, for which there were no funds, and that if there were it would not be proper to expend them in the way proposed. (D.)*

I desire to state the facts as they exist so fully as to exhibit precisely what has been the action of the Department, without going into more detail than may be necessary, and therefore annex extracts and copies of the papers referred to instead of embodying them in this communication.

On the 28th day of November last a treaty was concluded by Messrs. Samuel Milroy and Allen Hamilton with "the chiefs, warriors, and headmen of the Miami tribe of Indians," which was received here on the 19th instant, accompanied by a letter explanatory of the treaty and stating it to have been made by "the undersigned, acting under instructions contained in your unofficial letter dated September 18, 1840;" that it was made at the annuity payment, when "the views and instructions of the Department" were "communicated to the Miami Indians in full council," and that "after full consideration of the subject they decided to reduce to treaty form a proposition or the terms upon which they would consent to cede their remaining lands in Indiana to the United States, subject, as they understand it, to the approval of the Department and the approval and ratification of the President and Senate of the United States before being of any binding force or efficiency as a treaty." With the original treaty I send a copy of the explanatory letter and of a communication from General Milroy giving the reasons for the money provisions made for the chief Richardville and the family of Chief Godfroy. (E.)*

It will be thus seen that the negotiation of a treaty was not authorized; but if in the opinion of the President and Senate it shall be advisable to adopt and confirm it, I do not see any legal objection to such a course. The quantity of land ceded is estimated at about 500,000 acres, for which the consideration is fixed at \$550,000, or \$1.10 per acre, of which \$250,000 are payable presently and the balance in annual payments of \$15,000, which will be discharged in twenty years. In addition, we will be bound to remove them west of the Mississippi within five years, the period stipulated for their emigration, and to subsist them for one year after their arrival. These are the chief provisions in which the United States are interested. By the second (it is called in the treaty now submitted the "22," which, if the President should decide to lay it before the Senate, can be corrected by that body) article of the treaty of 6th November, 1838, there is reserved from the cession contained in that instrument 10 miles square for the band of Me-to-sin-ia, in regard of which the seventh article says:

"It is further stipulated that the United States convey by patent to Me-shing-go-

* Omitted.

me-zia, son of Ma-to-sin-ia, the tract of land reserved by the twenty-second article of the treaty of 6th of November, 1838, to the band of Ma-to-sin-ia."

This is a change as to the title of a reservation heretofore sanctioned and not now ceded, and so far as the United States are concerned does not vary the aspect of the present compact. There are reserved to the chief Richardville seven sections of land, and to him and the family of the deceased chief Godfroy are to be paid, respectively, considerable sums of money, which it seems from the statement of General Milroy were debts due to them and acknowledged by the tribe.

The treaty of November, 1838, which was ratified on the 8th February, 1839, extinguished the Indian title to about 177,000 acres of land and cost the United States \$335,680, or nearly \$2 per acre. Measured by this price the present arrangement would seem to be very advantageous. It is stated by Messrs. Milroy and Hamilton that more favorable terms will not be assented to by the Miamies under any circumstances, and considering the great importance of the adoption of this compact, however irregularly made, to the State of Indiana, as well as the belief that any postponement will probably swallow up what remains to these Indians in debts which they most improvidently contract and the conviction that nothing can save them from moral ruin but their removal west, I think it would be judicious in all views of the matter to adopt and ratify this treaty, and respectfully recommend that it, with the accompanying papers, be laid before the President, and, if he and you concur in my views, that the sanction of it by the Senate be asked.

Respectfully submitted.

T. HARTLEY CRAWFORD.

WASHINGTON, *January 5, 1841.*

To the Senate of the United States:

I communicate to the Senate sundry papers,* in further answer to its resolution of the 30th of December, 1839, which have been received from the governor of Florida since the adjournment of the last session of Congress.

M. VAN BUREN.

WASHINGTON, *January 6, 1841.*

Hon. R. M. JOHNSON,
President of the Senate.

SIR: The report of the Secretary of War herewith and the accompanying documents are respectfully submitted in reply to the resolution of the Senate of June 30, 1840, calling for information in relation to the number of soldiers enlisted in the late war and entitled to bounty land, etc.

M. VAN BUREN.

WASHINGTON, *January 7, 1841.*

Hon. R. M. JOHNSON,
President of the Senate.

SIR: The communication of the Secretary of War and the accompanying report of the colonel of Topographical Engineers are respectfully submitted in reply to the resolution of the 15th of June last, calling for a

* Relating to bonds of the Territory of Florida.

plan and estimate for the improvement of Pennsylvania avenue west of the President's square and for the construction of a stone bridge across Rock Creek, etc.

M. VAN BUREN.

WASHINGTON, *January 18, 1841.*

To the Senate of the United States:

I herewith transmit to the Senate, in reply to their resolution of the 20th of July last, a report from the Secretary of State, with accompanying papers.*

M. VAN BUREN.

WASHINGTON, *January 19, 1841.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report, with accompanying papers,† from the Secretary of State, in answer to the resolution of the House of the 16th of December last.

M. VAN BUREN.

WASHINGTON, *January 22, 1841.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives of the United States a report from the Director of the Mint, exhibiting the operations of that institution during the year 1840, and I have to invite the special attention of Congress to that part of the Director's report in relation to the overvaluation given to the gold in foreign coins by the act of Congress of June 28, 1834, "regulating the value of certain foreign gold coin within the United States."

Applications have been frequently made at the Mint for copies of medals voted at different times by Congress to the officers who distinguished themselves in the War of the Revolution and in the last war (the dies for which are deposited in the Mint), and it is submitted to Congress whether authority shall be given to the Mint to strike off copies of those medals, in bronze or other metal, to supply those persons making application for them, at a cost not to exceed the actual expense of striking them off.

M. VAN BUREN.

WASHINGTON, *January 29, 1841.*

To the Senate and House of Representatives:

By the report of the Secretary of State herewith communicated and the accompanying papers it appears that an additional appropriation is

*Correspondence imputing malpractices to N. P. Trist, American consul at Havana, in regard to granting papers to vessels engaged in the slave trade, etc.

†Relating to the origin of any political relations between the United States and the Empire of China, &c.

necessary if it should be the pleasure of Congress that the preparatory exploration and survey of the northeastern boundary of the United States should be completed.

M. VAN BUREN.

WASHINGTON, *February 1, 1841.*

To the Senate of the United States:

I respectfully transmit herewith a report and accompanying documents from the Secretary of War, in answer to a resolution of the 22d of December, 1840, requesting the President to transmit to the Senate any information in his possession relative to the survey directed by the act of the 12th of June, 1838, entitled "An act to ascertain and designate the boundary line between the State of Michigan and Territory of Wisconsin."

M. VAN BUREN.

WASHINGTON, *February 8, 1841.*

To the Senate and House of Representatives:

I transmit herewith the copy of a report from the commissioners for the exploration and survey of the northeastern boundary, in addition to the documents sent to Congress, with reference to a further appropriation for the completion of the duty intrusted to the commission.

M. VAN BUREN.

Report of the commissioners appointed by the President of the United States under the act of Congress of 20th July, 1840, for the purpose of exploring and surveying the boundary line between the States of Maine and New Hampshire and the British Provinces.

NEW YORK, *January 6, 1841.*

HON. JOHN FORSYTH,
Secretary of State.

SIR: The commissioners, having assembled in this city in conformity with your orders under date of 29th of July, beg leave respectfully to report—

That the extent of country and the great length of the boundary line included in the objects of their commission would have rendered it impossible to have completed the task assigned them within the limits of a single season. In addition to this physical impossibility, the work of the present year was entered upon under circumstances very unfavorable for making any great progress. The law under which they have acted was passed at the last period of a protracted session, when nearly half of the season during which working parties can be kept in the field had elapsed; and although no delay took place in the appointment of commissioners to carry it into effect, the organization of the board was not effected, in consequence of the refusal of one of the commissioners and the agent to accept of their nomination. The commissioners, acting under these disadvantages, have done all that lay in their power to accomplish the greatest practicable extent of work, and have obtained many results which can not but be important in the examination of the vexed and important question which has been committed to them; but after having fully and maturely considered the subject and interchanged the results of their respective operations

they have come to the conclusion that it would be premature to embody the partial results which they have attained in a general report for the purpose of being laid before the political and scientific world. The meridian line of the St. Croix has not been carried to a distance of more than 50 miles from the monument at the source of that river, and the operations of the other commissioners, although they have covered a wide extent of country, have fulfilled but one part of the duty assigned them, namely, that of exploration; while even in the parts explored actual surveys will be necessary for the purpose of presenting the question in such form as can admit of no cavil. In particular, the results of the examination of the most northern part of the line appear to differ in some points from the conclusions of the late British commission. Satisfied that the latter have been reached in too hasty a manner and without a sufficient time having been expended upon comparative observations, they are cautioned by this example against committing a like error. In respect to the argumentative part of the report of the British commissioners, the duty of furnishing a prompt and immediate reply to such parts of it as rest upon the construction of treaties and the acts of diplomacy has been rendered far less important than it might at one time have appeared by the publication of the more important parts of the argument laid before the King of the Netherlands as umpire. This argument, the deliberate and studied work of men who well understood the subject, is a full exposition of the grounds on which the claim of the United States to the whole of the disputed territory rests. It has received the sanction of successive Administrations of opposite politics, and may therefore be considered, in addition to its original official character, as approved by the whole nation. To this publication your commission beg leave to refer as embodying an argument which may be styled unanswerable.

The operations of the parties under the command of the several commissioners were as follows:

The party under the direction of Professor Renwick left Portland in detachments on the 26th and 27th of August. The place of general rendezvous was fixed at Woodstock, or, failing that, at the Grand Falls of the St. John. The commissary of the party proceeded as speedily as possible to Oldtown, in order to procure boats and engage men. Professor Renwick passed by land through Brunswick, Gardiner, and Augusta. At the former place barometer No. 1 was compared with that of Professor Cleaveland, at Gardiner with that of Hallowel Gardiner, esq.; and arrangements were made with them to keep registers, to be used as corresponding observations with those of the expedition. At Augusta some additional articles of equipment were obtained from the authorities of the State, but the barometer which it had been hoped might have been procured was found to be unfit for service. At Houlton two tents and a number of knapsacks, with some gunpowder, were furnished by the politeness of General Eustis from the Government stores.

The boats and all the stores reached Woodstock on the 3d September, and all the party were collected except one engineer, who had been left behind at Bangor in the hopes of obtaining another barometer. A bateau was therefore left to bring him on. The remainder of the boats were loaded, and the party embarked on the St. John on the morning of the 4th of September. This, the main body, reached the Grand Falls at noon on the 8th of September. The remaining bateau, with the engineer, arrived the next evening, having ascended the rapids of the St. John in a time short beyond precedent. On its arrival it was found that the barometer, on whose receipt reliance had been placed, had not been completed in time, and although, as was learnt afterwards, it had been committed as soon as finished by the maker to the care of Major Graham, the other commissioners felt compelled to set out before he had joined them. The want of this barometer, in which defects observed in the others had been remedied, was of no little detriment.

A delay of eighteen days had occurred in Portland in consequence of the refusal of Messrs. Cleaveland and Jarvis to accept their appointments, and it was known from

the experience of the commissioners sent out in 1838 by the State of Maine that it would require at least three weeks to reach the line claimed by the United States from Bangor. It was therefore imperative to push forward, unless the risk of having the whole of the operations of this party paralyzed by the setting in of winter was to be encountered. It was also ascertained at the Grand Falls that the streams which were to be ascended were always shallow and rapid, and that at the moment they were extremely low, so that the boats would not carry more stores than would be consumed within the time required to reach the region assigned to Professor Renwick as his share of the duty and return. It became, therefore, necessary, as it had been before feared it must, to be content with an exploration instead of a close and accurate survey. Several of the men employed had been at the northern extremity of the meridian line, but their knowledge was limited to that single object. Inquiry was carefully made for guides through the country between the sources of the Grande Fourche of Restigouche and of Tuladi, but none were to be found. One Indian only had passed from the head of Green River to the Grande Fourche, but his knowledge was limited to a single path, in a direction not likely to shed any light on the object of the commission. He was, however, engaged. The French hunters of Madawaska had never penetrated beyond the sources of Green River, and the Indians who formerly resided on the upper waters of the St. John were said to have abandoned the country for more than twelve years.

The party was now divided into four detachments, the first to proceed down the Restigouche to the tide of the Bay of Chaleurs, the second to ascend the Grande Fourche of Restigouche to its source, the third to be stationed on Green River Mountain, the fourth to convey the surplus stores and heavy baggage to Lake Temiscouata and thence to ascend the Tuladi and Abagusquash to the highest accessible point of the latter. It was resolved that the second and fourth detachments should endeavor to cross the country and meet each other, following as far as possible the height of land. A general rendezvous was again fixed at Lake Temiscouata.

In compliance with this plan, the first and second detachments ascended the Grande River together, crossed the Wagansis portage, and reached the confluence of the Grande Fourche and southwest branch of Restigouche.

The first detachment then descended the united stream, returned by the same course to the St. John, and reached the portage at Temiscouata on the 7th October. All the intended objects of the detachment were happily accomplished.

The second detachment, under the personal direction of the commissioner, reached the junction of the north and south branches of the Grande Fourche on the 22d September. Two engineers, with two men to carry provisions, were then dispatched to cross the country to the meridian line, and thence to proceed westward to join the detachment at Kedgwick Lake. This duty was performed and many valuable observations obtained, but an accident, by which the barometer was broken, prevented all the anticipated objects of the mission from being accomplished.

All the stores which could possibly be spared were now placed in a depot at the junction of the south branch, and the commissioner proceeded with the boats thus lightened toward Kedgwick Lake. The lightening of the boats was rendered necessary in consequence of the diminution of the volume of the river and the occurrence of falls, over which it would have been impossible to convey them when fully loaded. For want of a guide, a branch more western than that which issues from the lake was entered. One of the boats was therefore sent round into the lake to await the return of the engineers dispatched to the meridian line. The stores, which were all that could be brought up in the state of the waters, were now found to be wholly insufficient to allow of committing the party to the unexplored country between this stream and Tuladi. Even the four days which must intervene before the return of the engineers could be expected would do much to exhaust them. The commissioner therefore resolved to proceed across the country, with no other companion

than two men, carrying ten days' provisions. It was hoped that four or five days might suffice for the purpose, but ten of great toil and difficulty were spent before Lake Tuladi was reached. The remainder of the detachment, united by the return of the engineers, descended the north branch of the Grande Fourche to the junction of the south branch, ascended the latter, and made the portage to Green River. In this the boats were completely worn out, and the last of their food exhausted just at the moment that supplies sent up the Green River to meet them arrived at their camp.

No arrangement which could have been made would have sufficed to prevent the risk of famine which was thus encountered by the second detachment. A greater number of boats would have required more men, and these would have eaten all they could have carried. No other actual suffering but great fatigue and anxiety were encountered; and it is now obvious that had the rains which were so abundant during the first week of October been snow (as they sometimes are in that climate) there would have been a risk of the detachment perishing.

The third detachment reached their station on Green River Mountain on the 13th September and continued there until the 12th October. A full set of barometric observations was made, the latitude well determined by numerous altitudes, and the longitude approximately by some lunar observations.

The fourth detachment, after depositing the stores intended for the return of the party in charge of the British commissary at Fort Ingall, who politely undertook the care of them, ascended the Tuladi, and taking its northern branch reached Lake Abagusquash. Here one of the engineers wounded himself severely and was rendered unfit for duty. The commissary then proceeded a journey of five days toward the east, blazing a path and making signals to guide the second detachment.

The difference between the country as it actually exists and as represented on any maps prevented the commissioner from meeting this party. It found the source of the central or main branch of Tuladi to the north of that of the Abagusquash, and following the height of land reached the deep and narrow valley of the Rimouski at the point where, on the British maps, that stream is represented as issuing from a ridge of mountains far north of the line offered to the King of the Netherlands as the bounds of the American claim. The commissary therefore found it impossible to ascend Rimouski to its source, and crossing its valley found himself again on a dividing ridge, where he soon struck a stream running to the southeast. This, from a comparison of courses and distances, is believed to be the source of the main branch of the Grande Fourche of Ristaymoh; and thus the second and fourth detachments had reached points within a very short distance of each other. The greater breadth of the dividing ridge has thus been explored, but it will remain to trace the limits of the valley of the Rimouski, which will form a deep indenture in the boundary line. This line having been explored, a party was formed, after the assemblage of the several divisions at Temiscouata, for the purpose of leveling it with the barometer; but the expedition was frustrated by a heavy snowstorm, which set in on the 12th October. This, the most important part of the whole northern line, therefore remains for future investigation. It can only be stated that strong grounds exist for the belief that its summits are not only higher than any point which has been measured, but that, although cut by the Rimouski, it exceeds in average elevation any part of the disputed territory.

The leveling of the Temiscouata portage appeared to be an object of great importance, not only on its own account, but as furnishing a base for future operations. As soon as a sufficient force had been assembled at Lake Temiscouata a party was therefore formed to survey the portage with a theodolite. Orders were also given by the commissioner that the first barometer which should be returned should be carried over the portage. It was believed that this double provision would have secured the examination of this point beyond the chance of failure. A snowstorm, however

(the same which interrupted the last operation referred to), set in after the level had been run to the mountain of Biort, and one of the laboring men, worn out by his preceding fatigues, fell sick. The party being thus rendered insufficient, the engineer in command found himself compelled to return. The contemplated operation with the barometer was also frustrated, for on examination at Temiscouata it was found that all were unfit for further service. In order that the desired object might be accomplished, a new expedition was dispatched from New York on the 12th of November, furnished with four barometers. This party, by great exertions, reached St. André, on the St. Lawrence, on the eighth day and accomplished the object of its mission. The operation was rendered possible at this inclement season by its being confined to a beaten road and in the vicinity of human habitations.

The country which has been the object of this reconnoissance is, as may already be understood, of very difficult access from the settled parts of the State of Maine. It is also, at best, almost impenetrable except by the water courses. It furnishes no supplies except fish and small game, nor can these be obtained by a surveying party which can not be strong enough to allow for hunters and fishermen as a constituent part. The third detachment alone derived any important benefit from these sources. The best mode of supplying a party moving on the eastern section would be to draw provisions and stores from the St. Lawrence. It is, indeed, now obvious, although it is contrary to the belief of any of the persons professing to be acquainted with the subject, that had the commissioner proceeded from New York by the way of Montreal and Quebec he must have reached the district assigned to him a fortnight earlier and have accomplished twice as much work as his party was able to perform.

Although much remains to be done in this region, an extensive knowledge of a country hitherto unknown and unexplored has been obtained; and this not only sheds much light upon the boundary question in its present state, but will be of permanent service in case of a further *ex parte* examination, or of a joint commission being agreed upon by the Governments of Great Britain and the United States.

The season was too late for any efficient work, as the line to be explored was not reached before the 22d September. Not only were the rivers at their lowest ebb, but ice was met in the progress of the parties as early as the 12th September, and snow fell on the 21st and 22d September. The actual setting in of winter, which sometimes occurs in the first week of October, was therefore to be dreaded. From this time the country becomes unfit for traveling of any description until the streams are bound with solid ice and a crust formed on the snow of sufficient firmness to make it passable on snowshoes. The only road is that along the St. John River, and it would be almost impossible for a party distant more than 10 or 12 miles from that stream to extricate itself after the winter begins.

No duty could be well imagined more likely to be disagreeable than that assigned to Professor Renwick. The only feasible modes of approach lay for hundreds of miles through the acknowledged limits of the British territory, and the line he was directed to explore was included within the military post of that nation. It may be likened to the entry upon the land of a neighbor for the purpose of inquiring into his title. Under these circumstances of anticipated difficulty it becomes his duty, as well as his pleasure, to acknowledge the uniform attention and civilities he has experienced from all parties, whether in official or in private stations. All possibility of interruption by the local authorities was prevented by a proclamation of His Excellency Sir John Harvey, K. C. B., lieutenant-governor of the Province of New Brunswick, and the British warden, Colonel Maclauchlan, was personally instrumental in promoting the comforts of the commissioner and his assistants. Similar attentions were received from the officers of the garrison at Fort Ingall, and the commandant of the citadel of Quebec, and from His Excellency the Governor-General. Even the private persons whose property might be affected by the acknowledgment of the American claim exhibited a generous hospitality.

The party under the direction of Captain Talcott left the settlements on Halls Stream on the 6th of September. The main branch of this was followed to its source in a swamp, in which a branch of the St. Francis also had its origin. From this point the party followed the ridge dividing the Atlantic from the St. Lawrence waters until it was supposed that all the branches of Indian Stream had been headed. In this work the party was employed until the 14th September. It had now arrived at a point where the Magalloway River should be found to the left, according to the most authentic map of the country, especially that prepared by the New Hampshire commissioner appointed in 1836 to explore the boundary of that State, and accompanying that report.* The party accordingly bore well north to avoid being led from the true "height of land" by the dividing ridge between the Connecticut and Androscoggin rivers. After crossing several small streams, it came on the afternoon of the 15th to a rivulet about 12 feet wide running to the east, which was supposed to be the main Magalloway. The 16th was spent in exploring it to its source. The next day it was discovered that what had been taken for the Magalloway was a tributary of Salmon River, a large branch of the St. Francis, and consequently the party was considerably to the north of the boundary.

The supply of provisions did not allow the party to retrace its steps to the point where it had diverged from the true dividing ridge. The course was therefore changed until it bore a little south; but it was not until the 22d that the party found itself again on the dividing ridge, and then upon the waters of the Magalloway.

The party reached Arnold River, or Chaudiere, above Lake Megantic, on the 24th September. After having recruited and taken a fresh supply of provisions from the depot established there, the party was divided into two detachments. One returned westward to find the corner of the State of New Hampshire as marked by the commission in 1789 appointed to trace the boundary line.

It was there ascertained that the corner was on the true *dividing* ridge, and not from 8 to 10 miles south, as has been erroneously reported by the surveyor employed by the New Hampshire commissioners in 1836 and reiterated in several official papers. From the State corner the dividing ridge was followed to where it had been previously explored by the party. Thence a course was taken to the northeast so as to reach the head of Lake Megantic, and thence to Lake Magaumac, where on the 8th October the two detachments were again united. The detachment led by the assistant, Mr. Cutts, had successfully followed the dividing ridge from the camp of the 24th on Arnold River to this place.

It was now ascertained that the provisions remaining were not sufficient to subsist all of the company until the Kennebec road could be reached by following the *height of land*. It was thought advisable again to separate into two detachments—one to follow the ridge, supplied with provisions for twenty days, and the other to strike for the nearest settlement, which it was supposed could be reached in four or five days. This movement commenced on the 10th October, and the detachment, following the high land, reached the Kennebec road on the 23d, and on the following day provisions for the party for fifteen days were placed there and a like quantity at the mouth of the Metjarmette. It was intended that the two detachments should move simultaneously from these two points on the 26th to explore the boundary line as far as Lake Etchemin. A deep snow, which commenced falling on the night of the 25th, compelled the commissioner to abandon further explorations at that time; and there was not the slightest probability that they could be resumed before another year.

The result of these explorations may be stated as follows:

About 160 miles of country along or near the "*height of land*" have been traversed, the traveled distances carefully estimated, and the courses measured with a compass. Barometrical observations were made as often as necessary for giving a profile of the

* Also see report No. 176, House of Representatives, Twenty-fifth Congress, third session.

route from the head of Halls Stream to Arnold or the Chaudiere River, and thence to Lake Magannac via the corner of the State of New Hampshire. Some further barometrical observations were made between the lake and the Kennebec road, but for a portion of that distance the barometer was unserviceable in consequence of air having entered the tube. Astronomical observations were made as often as there was an opportunity, but, owing to the prevalence of clouds, not as often as was desirable. They will serve for correcting the courses and estimated distances traveled. Barometrical observations for comparison were made at the intersection of the Kennebec road and height of land hourly from 7 a. m. to 5 p. m. while the parties were on the dividing ridge.

The only discovery of interest made by this party is that the Magalloway River does not head any of the branches of the Connecticut, as it was generally believed it did, and consequently our claim to Halls Stream is deprived of the support it would have had from the fact that *all* the other branches were headed by an Atlantic river, and consequently could not be reached by the line along the height of land from the northwest angle of Nova Scotia.

The other commissioner (Major Graham) did not receive his appointment until 16th August to fill the place left vacant by the nonacceptance of Professor Cleveland, and to him was assigned the survey and examination of the due north line, commencing at the source of the river St. Croix and extending to the highlands which divide the waters that flow into the river St. Lawrence from those which flow into the Atlantic Ocean.

Immediately after receiving his appointment he took the necessary steps for organizing his party, and in addition to two officers of the Corps of Topographical Engineers, assigned to him by the commandant of the Corps for this service, he called to his aid two civil engineers possessing the requisite qualifications for the duties to be performed. So soon as the requisite instruments could be procured and put in proper order he left New York for Portland, Me., where he arrived on the 5th of September, expecting there to join his colleagues of the commission. They had, however, proceeded to the points designated for the commencement of their respective duties, the season being too far advanced to justify their incurring any further delay.

At Portland a short conference was had with Mr. Stubbs, the agent of the State Department, who furnished the necessary means for procuring an outfit for the party in provisions, camp equipage, etc.

The party then proceeded to Bangor, where it was occupied until the 12th in procuring the necessary supplies of provisions, camp equipage, transportation, etc., to enable it to take the field; and a few astronomical observations were made here for the purpose of testing the rates of the chronometers which were to be used upon this service, as well as of obtaining additional data for computing the longitude of this place, which, together with the latitude, had been determined by the commissioner by a very near approximation in the summer of 1838, while occupied upon the military reconnoissances of the northeastern frontier.

On the 12th the party left Bangor for Houlton, where it arrived on the evening of the 13th. A depot of provisions was established here for supplying the line of their future operations, and the services of the requisite number of men as axmen, chain bearers, instrument carriers, etc., were engaged.

Pending these preparations and the time necessarily occupied in cutting a roadway through the forest from a convenient point on the Calais road to the monument at the source of the river St. Croix, a series of astronomical observations was made, both by day and by night, by which the latitude and longitude of Houlton were satisfactorily determined and the rates of the chronometers further tested.

By the 24th of September the roadway was sufficiently opened to permit a camp to be established upon the experimental line traced by the United States and British

surveyors in the year 1817, when an attempt was made to mark this portion of the boundary between the two countries agreeably to the provisions of the treaty of Ghent of 1815.

The provisions and camp equipage were transported upon a strong but roughly constructed sled, drawn by horses, whilst the instruments were carried by hand, the surface of the country over which this roadway was opened being too rough for any wheeled vehicle to pass.

The point decided upon as the true source of the river St. Croix by the United States and British commissioners appointed for that purpose under the fifth article of the treaty of 1794 was found and identified, both by the inscriptions upon the monument erected there to mark the spot and also by the testimony of a living witness of high respectability, who has known the locality since it was first designated by the commissioners under the treaty of 1794.

The avenue which had been cleared through a dense forest from the monument to a distance of 12 miles north of it by the surveyors in 1817 was easily recognized by the new and thick growth of young timber, which, having a width of from 40 to 50 feet, now occupied it. Axmen were at once set at work to reopen this avenue, under the supposition that the due north line would at least fall within its borders for a distance of 12 miles. In the meantime the first astronomical station and camp were established, and the transit instrument set up at a distance of 4,578 feet north of the monument, upon an eminence $45\frac{1}{2}$ feet above the level of its base. This position commanded a distinct view of the monument to the south, and of the whole line to the north for a distance of 11 miles, reaching to Parks Hill. Whilst the work of clearing the line of its young growth of timber was progressing a series of astronomical observations was commenced at this first camp, and continued both day and night without intermission (except when interrupted by unfavorable weather), with the sextant, the repeating circle of reflection, and the transit instrument, until the latitude and longitude of the monument and of this first camp were satisfactorily ascertained, and also the direction of the true meridian from the said monument established. For this latter purpose several observations were in the first place made upon the polar star (α Ursæ Minoris) when at its greatest eastern diurnal elongation, and the direction thus obtained was afterwards verified and corrected by numerous transit observations upon stars passing the meridian at various altitudes both north and south of the zenith. These were multiplied with every degree of care, and with the aid of four excellent chronometers, whose rates were constantly tested, not only by the transit observations, but also by equal altitudes of the sun in the day, to correct the time at noon and midnight, and by observed altitudes of east and west stars for correcting the same at various hours of the night.

The direction of this meridian, as thus established by the commissioner, was found to vary from the experimental line traced by the surveyors of 1817 by running in the first place to the west of their line, then crossing it, and afterwards deviating considerably to the east of it.

At the second principal station erected by the party, distant 6 miles and 3,952 feet north of the first camp, or 7 miles and 3,240 feet north of the monument, it found itself 60 feet to the west of the line of 1817. This appeared to be the maximum deviation to the west of that line as near as its trace could be identified, which was only marked by permanent objects recognized by the party at the termination of each mile from the monument. Soon after passing this station the line of 1817 was crossed, and the party did not afterwards touch it, but deviated more and more to the east of it as it progressed north by an irregular proportion to the distance advanced.

In order to obtain a correct profile or vertical section along the whole extent of this meridian line, in the hopes of furnishing data for accurate comparisons of elevations so far as they might be considered relevant to the subject in dispute between the two Governments, and also to afford an accurate base of comparison for the barometers

along an extended line which must traverse many ridges that will be objects of minute exploration for many miles of lateral extent, an officer was detailed to trace a line of levels from the base of the monument marking the source of the river St. Croix to tide water at Calais, in Maine, by which means the elevation of the base of the monument above the planes of mean low and mean high water, and also the elevations of several intermediate points of the river St. Croix on its expanded lake surface, have been accurately ascertained.

Another officer was at the same time charged with tracing a line of levels from the base of the same monument along the due north line as marked by the commissioner, by which it is intended that every undulation with the absolute heights above the plane of mean low water at Calais shall be shown along the whole extent of that line.

At Parks Hill, distant only 12 miles from the monument, a second station for astronomical observations was established, and a camp suitable for that purpose was formed. On the 26th day of October, whilst occupied in completing the prolongation of the meridian line to that point and in establishing a camp there, the party was visited by a snowstorm, which covered the ground to a depth of 4 inches in the course of six hours. This was succeeded by six days of dark, stormy weather, which entirely interrupted all progress, and terminated by a rain, with a change to a milder temperature, which cleared away the snow. During this untoward event the parties made themselves as comfortable as practicable in their tents, and were occupied in computing many of the astronomical and other observations previously made.

On the 2d of November the weather became clear, and the necessary astronomical observations were immediately commenced at Parks Hill. From this elevated point the first station could be distinctly seen by means of small heliotropes during the day and bright lights erected upon it at night. Its direction, with that of several intermediate stations due south of Parks Hill, was verified by a new series of transit observations upon high and low stars, both north and south of the zenith. By the same means the line was prolonged to the north.

In one week after commencing the observations at Parks Hill the weather became again unfavorable. The sky was so constantly overcast as to preclude all astronomical observations, and the atmosphere so thick as to prevent a view to the north which would permit new stations to be established with sufficient accuracy in that direction. Unwilling to quit the field while there was a prospect of the weather becoming sufficiently favorable to enable the party to reach the latitude of Mars Hill, or even proceed beyond it, it was determined that some of the party should continue in the tents, and there occupy themselves with such calculations as ought to be made before quitting the field. The officers charged with the line of levels and with the reconnoissances in advance for the selection of new positions for stations continued their labors in the field, notwithstanding they were frequently exposed to slight rain and snow storms, as these portions of the work could go on without a clear sky.

On the 13th of November a severe snowstorm occurred, which in a single night and a portion of the following morning covered the surface of the whole country and the roofs of the tents to a depth of 16 inches. The northern extremity of the avenue which had been cleared by the surveyors of 1817 was now reached, and, in addition to the young growth which had sprung up since that period upon the previous part of the line, several miles had been cleared through the dense forest of heavy timber in order to proceed with the line of levels, which had reached nearly to the Meduxnakeag. The depth of snow now upon the ground rendered it impracticable to continue the leveling with the requisite accuracy any further, and that part of the work was accordingly suspended for the season. The thermometer had long since assumed a range extending during the night and frequently during a great portion of the day to many degrees below the freezing point.

The highlands bordering on the Aroostook, distant 40 miles to the north of the

party, were distinctly seen from an elevated position whenever the atmosphere was clear, and a long extent of intermediate country of inferior elevation to the position then occupied presented itself to the view, with the two peaks of Mars Hill rising abruptly above the general surface which surrounded their base. The eastern extremity of the base of the easternmost peak was nearly 2 degrees of arc, or nine-tenths of a mile in space, to the west of the line as it passed the same latitude.

To erect stations opposite to the base of Mars Hill and upon the heights of the Aroostook, in order to obtain exact comparisons with the old line at these points, were considered objects of so much importance as to determine the commissioner to continue the operations in the field to the latest practicable period in hopes of accomplishing these ends.

On the 18th day of November the party succeeded in erecting a station opposite Mars Hill and very near the meridian line. It was thus proved that the line would pass from nine-tenths of a mile to 1 mile east of the eastern extremity of the base of the northeast peak of Mars Hill.

On the 30th of November a series of signals was commenced to be interchanged at night between the position of the transit instrument on Parks Hill and the highlands of the Aroostook. These were continued at intervals whenever the weather was sufficiently clear until by successive approximations a station was on the 9th of December established on the heights 1 mile south of that river and on the meridian line. The point thus reached is more than 50 miles from the monument at the source of the St. Croix, as ascertained from the land surveys made under the authority of the States of Maine and Massachusetts. The measurements of the party could not be extended to this last point, owing to the depth of the snow which lay upon the ground since the middle of November, but the distance derived from the land surveys must be a very near approximation to the truth. A permanent station was erected at the position established on the Aroostook heights and a measurement made from it due west to the experimental or exploring line of 1817, by which the party found itself 2,400 feet to the east of that line.

Between the 1st and 15th of December the observations were carried on almost exclusively during the night, and frequently with the thermometer ranging from 0 to 10 and 12 degrees below that point by Fahrenheit's scale. Although frequently exposed to this temperature in the performance of their duties in the open air at night, and to within a few degrees of that temperature during the hours of sleep, with no other protection than the tents and camp beds commonly used in the Army, the whole party, both officers and men, enjoyed excellent health.

During the day the tents in which the astronomical computations were carried on were rendered quite comfortable by means of small stoves, but at night the fire would become extinguished and the temperature reduced to within a few degrees of that of the outward air. Within the observatory tent the comfort of a fire could not be indulged in, in consequence of the too great liability to produce serious errors of observation by the smoke passing the field of the telescope. The astronomical observations were therefore always made in the open air or in a tent open to the heavens at top during the hours of observation, and without a fire.

On the 16th of December the tents were struck and this party retired from the field for the season, there being then more than 2 feet of snow on the ground. To the unremitting zeal amidst severe exposures, and to the scientific and practical attainments of the officers, both civil and military, who served under the orders of the commissioner on this duty, he acknowledges himself in a great measure indebted for the progress that he was enabled to make, notwithstanding the many difficulties encountered.

Observations were made during portions of three lunations of the transit of the moon's bright limb and of such tabulated stars as differed but little in right ascension and declination from the moon, in order to obtain additional data to those

furnished by chronometrical comparisons with the meridian of Boston for computing the longitude of this meridian line.

At the first station, 4,578 feet north of the monument, and also at the Parks Hill station, the dip of the magnetic needle was ascertained by a series of observations—in the one case upon two and in the other upon three separate needles. The horizontal declination was also ascertained at both these stations by a full set of observations upon six different needles.

The details of these and of all the astronomical observations alluded to will be prepared as soon as practicable for the use of the commission, should they be required. To His Excellency Major-General Sir John Harvey, K. C. B., lieutenant-governor of the Province of New Brunswick, Major Graham acknowledges himself greatly indebted for having in the most obliging manner extended to him every facility within his power for prosecuting the examinations. From Mr. Connell, of Woodstock, a member of the colonial parliament, and from Lieutenant-Colonel Maclauchlan, the British land agent, very kind attentions were received.

Major Graham has also great pleasure in acknowledging his obligations to General Eustis, commandant of the Eastern Department; to Colonel Pierce, commanding the garrison at Houlton, and to his officers; and also to Major Ripley, of the Ordnance Department, commanding the arsenal at Augusta, for the prompt and obliging manner in which they supplied many articles useful to the prosecution of the labors of his party.

The transit instrument with which the meridian line was traced had been loaned to the commission by the Hon. William A. Duer, president of Columbia College, New York, and the commissioners feel bound to return their acknowledgments for the liberality with which the use of this astronomical instrument was granted at a time when it would have been difficult, and perhaps impossible, to have procured one as well suited to the object.

All which is respectfully submitted.

JAS. RENWICK,
JAMES D. GRAHAM,
A. TALCOTT,
Commissioners.

WASHINGTON, *February 12, 1841.*

To the Senate of the United States:

I transmit a report of the Secretary of State, containing the information asked for by the resolution of the Senate of the 5th instant, relative to the negroes taken on board the schooner *Amistad*.

M. VAN BUREN.

WASHINGTON, *March 2, 1841.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Attorney-General, with accompanying documents,* in compliance with the request contained in their resolution of the 23d of March last.

M. VAN BUREN.

*Opinions of the Attorneys-General of the United States from the commencement of the Government to March 1, 1841.

WASHINGTON, *March 2, 1841.**To the House of Representatives:*

I transmit the accompanying report from the Secretary of State, in relation to the resolution of the House of Representatives of the 12th ultimo, on the subject of claims of citizens of the United States on the Government of Hayti. The information called for thereby is in the course of preparation and will be without doubt communicated at the commencement of the next session of Congress.

M. VAN BUREN.

WASHINGTON, *March 3, 1841.**To the House of Representatives:*

I transmit to the House of Representatives, in compliance with their resolution of the 30th January last, a report* from the Secretary of State, with accompanying documents.

M. VAN BUREN.

PROCLAMATION.

[From Senate Journal, Twenty-sixth Congress, second session, p. 247.]

WASHINGTON, *January 6, 1841.**The President of the United States to ———, Senator for the State of ———:*

Certain matters touching the public good requiring that the Senate of the United States should be convened on Thursday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

M. VAN BUREN.

*Relating to the search or seizure of United States vessels on the coast of Africa or elsewhere by British cruisers or authorities, and to the African slave trade, etc.