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United States. The judicial system of the only fifteen members of the Union to three others, the Circuit Courts which constitute an important part of that system, have been imperfectly extended and, to the number six altogether denied. The effect has been to withhold from the inhabitants of the latter, the advantages afforded (by the Supreme Court) to their fellow citizens in other States, in the whole extent of the judicial and much of the civil authority of the Federal Judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted; neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the Circuit Courts equally throughout the different parts of the Union, and, at the same time, to avoid such a multiplication of members as would encumber the Supreme Appellate Tribunal, is the object desired. Perhaps it might be accomplished by dividing the Circuit Judges into two classes, and providing that the Supreme Court should be held by those classes alternately—the Chief Justice always presiding. If an extension of the Circuit Court system to those States which do not now enjoy its benefits should be determined upon, a would, of course, be necessary to revise the present arrangement of the circuits; and even if such a system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, on the completion of that work within a convenient time, claim the early attention of Congress. The great and constant increase of business in the Department of State, forced itself, at an early period, upon the attention of the Executive. Thirteen years ago, it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors & my comparatively limited experience has satisfied me of its justice. It has arisen from many causes, not the least of which is the large addition, that has been made to the family of independent nations, and the proportionate extension of foreign relations. The remedy proposed by the establishment of a Home Department, a measure which does not appear to have met the views of Congress, on account of a supposed tendency to increase gradually and imperceptibly, the already too strong bias of the federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that Department, that its Secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on this subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and so deep pecuniary interests. I feel that I cannot, in justice to the parties interested, to soon present it to the deliberate consideration of the Legislature and the People. Both the constitutionality and the expediency of the law creating this Bank, are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency. Under these circumstances, if such a situation is deemed essential to the operations of the Government, I submit to the wisdom of the Legislature, whether a national one, founded upon the credit of the Government & its revenue, might not be devised, which would avoid all constitutional difficulties, and at the same time, secure all the advantages to the Government and country which were expected to result from the present Bank.

I cannot close this communication without bringing to your view the just claims of the representatives of Commodore Decatur, his officers and crew, arising from the capture of the frigate Philadelphia, under the heavy batteries of Tripoli. Although, as a general rule of the propriety of Executive interference under a Government like ours, where every individual enjoys the right of directly petitioning Congress, yet viewing this case as one of a very peculiar character, I deem it my duty to recommend to your favourable consideration. Besides the justice of this claim, as corresponding to those which have been since received and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which fused life and confidence into our infant Navy, and contributed, as such as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps the seal upon it; and the merest should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication, that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

ANDREW JACKSON

like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service, during the present year. Consulting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

In time of peace, we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object, must lay in the harbours, where, without proper covering, they rapidly decay; and even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were, when committed to their proper element. On this subject there can be but little doubt that our best policy would be, to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power.

Judicious deposits in Navy yards, of timber and other materials, fashioned under the hands of skillful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishments of these yards are indicated with so much force, in the report of the Navy Board, that, in recommending to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The Yard in this District, being already furnished with most of the machinery necessary for ship building, will be competent to supply the two selected by the Board as the best for the facility and certainty of communication between them, it will be useless to incur, at these depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board, as now constituted; and substituting, in its stead, bureaux, similar to those already existing in the War Department. Each member of the Board transferred to the head of a separate bureau, charged with specific duties, would feel in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy, to the prosperity of which, each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character, its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the Marine Corps be merged in the artillery or infantry, as the best mode of curing the defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its Lieutenant Colonel, Commandant, five Brevet Lieutenant Colonels, who receive the full pay and emoluments of their respective rank, without rendering proportionate service. Details for marine service could as well be made from the infantry or artillery, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the Navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the secretary, to which I refer you for further interesting details. Among these I would bespeak the attention of Congress, for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to Congress whether it ought to be rectified.

The report of the Postmaster General is referred to as exhibiting a highly satisfactory administration of that department. Abuses have been reformed; increased expedition in the transportation of the mail secured; and its revenue much improved. In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the bony pulchre, what the veins and arteries are to the natural, conveying rapidly and regularly to the remotest parts of the system, correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the Judiciary. A uniform operation of the Federal Government in the different States is certainly desirable; and, existing as they do in the Union, on the basis of perfect equality, each State has a right to expect, that the benefits conferred on the citizens of others should be ex-

the same time, lost no opportunity to purchase their lands and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians in general receding further and further to the West have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only Sovereigns within their territories, extended the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares, that "no new State shall be formed or erected within the jurisdiction of any other State," without the consent of its Legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign State, always asserting her claim to certain limits within which, having been originally defined in her colonial charter, and subsequently re-recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? and unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people, under the protection of the United States? Could the Indian establish a separate republic on each of her reservations in Ohio? And if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed; and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the executive of the United States, and advised them to emigrate beyond the Mississippi, or submit to the laws of those States. Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct; and others have left but remnants to preserve for a while, their once terrible names. Surrounded by the whites, with their arts of civilization which, by destroying the resources of the savage, doom him to weakness and decay, the fate of the Mohican, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the States, does not admit of a doubt. Humanity and national honour demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bound of new States whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those States, and of every State, actuated by feelings of justice and regard for our national honour, submit to you the interesting question, whether something cannot be done consistently with the rights of the States, to preserve this much injured race?

As a means of effecting this end, I suggest for your consideration, the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes, as long as they shall occupy it: each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benedict may endeavour to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

This emigration should be voluntary; for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the States, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the States, and receiving,

decided that the prosecution was barred by the statute which limits prosecution for fraud to two years. In this case all the evidence of fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession; and, at least of all, in favour of a public officer who continues to defraud the Treasury and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connection with this subject, I invite the attention of Congress to a general and minute inquiry into the condition of the government; with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations. The report of the Secretary of War will make you acquainted with the condition of our Army Fortifications, Armies, and Indian Affairs. The proper discipline of the Army, the training and equipment of the Militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the Naval force, will tend to prolong the peace, we now enjoy, and which every good citizen more especially those who have left the miseries of even a successful warfare—must ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and orderly creditable to its character; both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is, nevertheless, of further legislation, to obviate the inconveniences specified in the report under consideration to some of which it is proper that I should call your particular attention. The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the paymaster and surgeon General, assign to them an annual salary of two thousand five hundred dollars; but are silent as to allowances which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances, at different times, under former administrations; but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases in which the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defence, the Military Academy. This institution has a ready exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and, in a measure secure to that class of troops the advantages which, in this respect, belong to standing armies.

I would also suggest a review of the Pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. Those relics of the War of Independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labour. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulations had been preferred, to the number of one hundred and fifty-four; of which, on the 27th of March, the date of its revocation, eighty-seven were admitted. For the amount, there was neither estimate nor appropriation, and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the department, exceed the estimate of its late Secretary, by about fifty thousand dollars; for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the Executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and has recently been invested in United States three per cent stock.

The condition and ulterior destiny of the Indian Tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at

authority to construct such houses, therefore, with the proposed alteration of the credits, remains need to your attention.

It is worthy of notice, that the laws for the collection and security of the revenue arising from imports were chiefly framed when the extent of duties on imported goods presented much less temptation for illicit trade, than at present exists. There is reason to believe that these laws are, in some respects, quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling, is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

On an examination of the records of the Treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government, a considerable portion is undoubtedly desperate; and in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it belongs to the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost, though the inadequacy of the means provided for the collection of debts due to the public, and that this inadequacy lies chiefly in the want of legal skill, habitually and consistently employed in the direction of the agents engaged in the service. It must, I think be admitted, that the supervisory power over suits brought by the public, which is now vested in an accounting officer of the Treasury, not selected with a view to his legal knowledge, and engaged as he is with numerous other duties, operates unfavourably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the Executive Department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the Agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings, on the part of the United States, be transferred to the Attorney General, and that this officer be placed on the same footing, in all respects, as the Heads of the other Departments—receiving like compensation, and having such subordinate officers provided for his Department, as may be requisite for the discharge of these additional duties. The professional skill of the Attorney General, employed in directing the conduct of Marshals and District Attorneys, would hasten the collection of debts now in suit, and hereafter, save much to the Government. It might be further extended to the superintendence of all criminal proceedings against the United States. In making this transfer, great care should be taken, however, that the power necessary to the Treasury Department be not impaired; one of its great duties consisting in a control over all accounts, until they are audited or reported for suit.

In connection with the foregoing views, I would suggest also an inquiry, whether the provisions of the act of Congress, authorizing the discharge of the persons of debtors to the Government, from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor or, where his resources are but partial, the want of power in the Government, to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society, or a virulent member of it, if not a feeling witness of the rigour and inhumanity of his country. A Providence proves, that oppressive debts is the bane of enterprise; and it should be the care of a Republic not to exert a grinding power over misfortune and poverty.

Since the last Session of Congress, numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States' Court for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th Congress, approved 3d March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual; and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily entrusted with its guardianship, can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and criminals, deserving to be punished under its provisions, have been rescued by legal subtleties, it ought to be made so plain, by amendatory provisions, as to baffie the arts of perversion, and accomplish the ends of its original enactment.

In one of the most flagrant cases, the Court