

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TO

THE TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE FIRST SESSION

OF

THE TWENTY SEVENTH CONGRESS.

JUNE 1, 1841.

Read and laid on the table, and 10,000 copies extra, with the accompanying documents, ordered to be printed.

WASHINGTON:

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1841.

MESSAGE

THE PRESIDENT OF THE UNITED STATES

THE TWO HOUSES OF CONGRESS

THE COMMISSIONER OF THE LAND OFFICE

THE TWENTY-SECOND CONGRESS

And on the 1st day of December, 1860, the President of the United States, in answer to a resolution of the Senate, presented to the Senate the following report:

WASHINGTON

1860

MESSAGE.

To the Senate and House of

Representatives of the United States:

FELLOW-CITIZENS: You have been assembled in your respective halls of legislation under a proclamation bearing the signature of the illustrious citizen who was so lately called by the direct suffrages of the people to the discharge of the important functions of their chief executive office. Upon the expiration of a single month from the day of his installation, he has paid the great debt of nature, leaving behind him a name associated with the recollection of numerous benefits conferred upon the country during a long life of patriotic devotion. With this public bereavement are connected other considerations which will not escape the attention of Congress. The preparations necessary for his removal to the seat of Government in view of a residence of four years must have devolved upon the late President heavy expenditures, which, if permitted to burden the limited resources of his private fortune, may tend to the serious embarrassment of his surviving family; and it is therefore respectfully submitted to Congress whether the ordinary principles of justice would not dictate the propriety of its legislative interposition. By the provisions of the fundamental law, the powers and duties of the high station to which he was elected have devolved upon me, and in the dispositions of the representatives of the States and of the people will be found to a great extent a solution of the problem to which our institutions are for the first time subjected.

In entering upon the duties of this office, I did not feel that it would be becoming in me to disturb what had been ordered by my lamented predecessor. Whatever, therefore, may have been my opinion, originally, as to the propriety of convening Congress at so early a day from that of its late adjournment, I found a new and a controlling inducement not to interfere with the patriotic desires of the late President, in the novelty of the situation in which I was so unexpectedly placed. My first wish under such circumstances would necessarily have been to have called to my aid, in the administration of public affairs, the combined wisdom of the two Houses of Congress, in order to take their counsel and advice as to the best mode of extricating the Government and the country from the embarrassments weighing heavily on both. I am then most happy in finding myself, so soon after my accession to the Presidency, surrounded by the immediate representatives of the States and people.

No important changes having taken place in our foreign relations since the last session of Congress, it is not deemed necessary on this occasion to go into a detailed statement in regard to them. I am happy to say that I see nothing to destroy the hope of being able to preserve peace.

The ratification of the treaty with Portugal has been duly exchanged between the two Governments. This Government has not been inattentive to the interests of those of our citizens who have claims on the Govern-

ment of Spain founded on express treaty stipulations, and a hope is indulged that the representations which have been made to that Government on this subject may lead ere long to beneficial results.

A correspondence has taken place between the Secretary of State and the Minister of her Britannic Majesty accredited to this Government, on the subject of Alexander McLeod's indictment and imprisonment, copies of which are herewith communicated to Congress.

In addition to what appears from these papers, it may be proper to state that Alexander McLeod has been heard by the Supreme Court of the State of New York on his motion to be discharged from imprisonment, and that the decision of that Court has not as yet been pronounced.

The Secretary of State has addressed to me a paper upon two subjects, interesting to the commerce of the country, which will receive my consideration, and which I have the honor to communicate to Congress.

So far as it depends on the course of this Government, our relations of good-will and friendship will be sedulously cultivated with all nations. The true American policy will be found to consist in the exercise of a spirit of justice to be manifested in the discharge of all our international obligations, to the weakest of the family of nations as well as to the most powerful. Occasional conflicts of opinion may arise, but when the discussions incident to them are conducted in the language of truth and with a strict regard to justice, the scourge of war will for the most part be avoided. The time ought to be regarded as having gone by when a resort to arms is to be esteemed as the only proper arbiter of national differences.

The census recently taken shows a regularly progressive increase in our population. Upon the breaking out of the war of the Revolution our numbers scarcely equalled three millions of souls; they already exceed seventeen millions, and will continue to increase in a ratio which duplicates in a period of about twenty-three years. The old States contain a territory sufficient in itself to maintain a population of additional millions, and the most populous of the new States may even yet be regarded as but partially settled, while of the new lands on this side of the Rocky Mountains, to say nothing of the immense region which stretches from the base of those mountains to the mouth of the Columbia river, about 770,000,000 of acres, ceded and unceded, still remain to be brought into market. We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly-growing family; and, for the blessings which we offer them, we require of them to look upon our country as their country, and to unite with us in the great task of preserving our institutions, and thereby perpetuating our liberties. No motive exists for foreign conquests. We desire but to reclaim our almost illimitable wildernesses, and to introduce into their depths the lights of civilization. While we shall at all times be prepared to vindicate the national honor, our most earnest desire will be to maintain an unbroken peace.

In presenting the foregoing views, I cannot withhold the expression of the opinion that there exists nothing in the extension of our empire over our acknowledged possessions to excite the alarm of the patriot for the safety of our institutions. The Federative system, leaving to each State the care of its domestic concerns, and devolving on the Federal Government those of general import, admits in safety of the greatest expansion; but, at the same time, I deem it proper to add that there will be found to exist at all times an imperious necessity for restraining all the functionaries of this Govern-

ment within the range of their respective powers, thereby preserving a just balance between the powers granted to this Government and those reserved to the States and to the people.

From the report of the Secretary of the Treasury, you will perceive that the fiscal means present and accruing are insufficient to supply the wants of the Government for the current year. The balance in the Treasury on the fourth day of March last, not covered by outstanding drafts, and exclusive of trust funds, is estimated at \$860,000. This includes the sum of \$215,000 deposited in the Mint and its branches to procure metal for coining, and in the process of coinage, and which could not be withdrawn without inconvenience; thus leaving subject to draft in the various depositories the sum of \$645,000. By virtue of two several acts of Congress, the Secretary of the Treasury was authorized to issue, on and after the fourth day of March last, Treasury notes to the amount of \$5,413,000, making an aggregate available fund of \$6,058,000 on hand.

But this fund was chargeable with outstanding Treasury notes redeemable in the current year and interest thereon to the estimated amount of five millions two hundred and eighty thousand dollars. There is also thrown upon the Treasury the payment of a large amount of demands accrued in whole or in part in former years, which will exhaust the available means of the Treasury, and leave the accruing revenue, reduced as it is in amount, burdened with debt and charged with the current expenses of the Government. The aggregate amount of outstanding appropriations on the fourth day of March last was \$33,429,616 50, of which \$24,210,000 will be required during the current year; and there will also be required for the use of the War Department additional appropriations to the amount of \$2,511,132 98, the special objects of which will be seen by reference to the report of the Secretary of War.

The anticipated means of the Treasury are greatly inadequate to this demand. The receipts from customs for the last three quarters of the last year, and the first quarter of the present year, amounted to \$12,100,000; the receipts for lands for the same time to \$2,742,430 60; showing an average revenue from both sources of \$1,236,870 per month. A gradual expansion of trade, growing out of a restoration of confidence, together with a reduction in the expenses of collecting, and punctuality on the part of collecting officers, may cause an addition to the monthly receipts from the customs. They are estimated for the residue of the year from the fourth of March at \$12,000,000; the receipts from the public lands for the same time are estimated at \$2,500,000; and from miscellaneous sources at \$170,000; making an aggregate of available fund within the year of \$14,670,000; which will leave a probable deficit of \$11,406,000. To meet this, some temporary provision is necessary, until the amount can be absorbed by the excess of revenues which are anticipated to accrue at no distant day.

There will fall due within the next three months Treasury notes of the issues of 1840, including interest, about \$2,850,000. There is chargeable in the same period for arrearages for taking the sixth census \$294,000; and the estimated expenditures for the current service are about \$8,100,000, making the aggregate demand upon the Treasury, prior to the first of September next, about \$11,340,000.

The ways and means in the Treasury, and estimated to accrue within the above named period, consist of about \$694,000, of funds available on

the 28th ultimo; an unissued balance of Treasury notes authorized by the act of 1841 amounting to \$1,955,000, and estimated receipts from all sources of \$3,800,000, making an aggregate of about \$6,450,000, and leaving a probable deficit on the 1st of September next of about \$4,845,000.

In order to supply the wants of the Government, an intelligent constituency, in view of their best interests, will, without hesitation, submit to all necessary burdens. But it is nevertheless important so to impose them as to avoid defeating the just expectations of the country, growing out of pre-existing laws. The act of the 2d March, 1833, commonly called the compromise act, should not be altered except under urgent necessities, which are not believed at this time to exist. One year only remains to complete the series of reductions provided for by that law, at which time provisions made by the same law, and which then will be brought actively in aid of the manufacturing interests of the Union, will not fail to produce the most beneficial results. Under a system of discriminating duties imposed for purposes of revenue, in unison with the provisions of existing laws, it is to be hoped that our policy will, in the future, be fixed and permanent, so as to avoid those constant fluctuations which defeat the very objects they have in view. We shall thus best maintain a position which, while it will enable us the more readily to meet the advances of other countries calculated to promote our trade and commerce, will at the same time leave in our own hands the means of retaliating with greater effect unjust regulations.

In intimate connexion with the question of revenue is that which makes provision for a suitable fiscal agent capable of adding increased facilities in the collection and disbursement of the public revenues, rendering more secure their custody, and consulting a true economy in the great, multiplied and delicate operations of the Treasury Department. Upon such an agent depends in an eminent degree the establishment of a currency of uniform value, which is of so great importance to all the essential interests of society; and on the wisdom to be manifested in its creation much depends. So intimately interwoven are its operations not only with the interests of individuals but of States, that it may be regarded in a great degree as controlling both. If paper be used as the chief medium of circulation, and the power be vested in the Government of issuing it at pleasure, either in the form of Treasury drafts or any other, or if banks be used as the public depositories, with liberty to regard all surplusses from day to day as so much added to their active capital, prices are exposed to constant fluctuations, and industry to severe suffering. In the one case, political considerations, directed to party purposes, may control, while excessive cupidity may prevail in the other. The public is thus constantly liable to imposition. Expansions and contractions may follow each other in rapid succession, the one engendering a reckless spirit of adventure and speculation, which embraces States as well as individuals; the other causing a fall in prices, and accomplishing an entire change in the aspect of affairs. Stocks of all kinds rapidly decline—individuals are ruined, and States embarrassed even in their efforts to meet with punctuality the interest on their debts. Such, unhappily, is the condition of things now existing in the United States. These effects may readily be traced to the causes above referred to. The public revenues, on being removed from the then Bank of the United States, under an order of a late President, were placed in selected State banks, which, actuated by the double motive of conciliating

the Government and augmenting their profits to the greatest possible extent, enlarged extravagantly their discounts, thus enabling all other existing banks to do the same. Large dividends were declared, which, stimulating the cupidity of capitalists, caused a rush to be made to the Legislatures of the respective States for similar acts of incorporation, which, by many of the States, under a temporary infatuation, were readily granted, and thus the augmentation of the circulating medium, consisting almost exclusively of paper, produced a most fatal delusion. An illustration, derived from the land sales of the period alluded to, will serve best to show the effect of the whole system. The average sales of the public lands, for a period of ten years prior to 1834, had not much exceeded \$2,000,000 per annum. In 1834 they attained, in round numbers, to the amount of \$6,000,000. In the succeeding year of 1835 they reached \$16,000,000. And in 1836 they amounted to the enormous sum of \$25,000,000. Thus crowding into the short space of three years upwards of twenty-three years' purchase of the public domain. So apparent had become the necessity of arresting this course of things, that the Executive department assumed the highly questionable power of discriminating in the funds to be used in payment by different classes of public debtors—a discrimination which was doubtless designed to correct this most ruinous state of things by the exaction of specie in all payments for the public lands, but which could not at once arrest the tide which had so strongly set in. Hence the demands for specie became unceasing, and corresponding prostration rapidly ensued under the necessities created with the banks to curtail their discounts, and thereby to reduce their circulation. I recur to these things with no disposition to censure pre-existing administrations of the Government, but simply in exemplification of the truth of the position which I have assumed. If, then, any fiscal agent which may be created shall be placed, without due restrictions, either in the hands of the administrators of the Government or those of private individuals, the temptation to abuse will prove to be resistless. Objects of political aggrandizement may seduce the first, and the promptings of a boundless cupidity will assail the last. Aided by the experience of the past, it will be the pleasure of Congress so to guard and fortify the public interests, in the creation of any new agent, as to place them, so far as human wisdom can accomplish it, on a footing of perfect security. Within a few years past, three different schemes have been before the country. The charter of the Bank of the United States expired by its own limitations in 1836. An effort was made to renew it, which received the sanction of the two Houses of Congress, but the then President of the United States exercised his *veto* power, and the measure was defeated. A regard to truth requires me to say that the President was fully sustained in the course he had taken by the popular voice. His successor in the Chair of State unqualifiedly pronounced his opposition to any new charter of a similar institution; and not only the popular election which brought him into power, but the elections through much of his term, seemed clearly to indicate a concurrence with him in sentiment on the part of the people. After the public moneys were withdrawn from the United States Bank, they were placed in deposite with the State banks, and the result of that policy has been before the country. To say nothing as to the questions whether that experiment was made under propitious or adverse circumstances, it may safely be asserted that it did receive the unqualified condemnation of most of its early

advocates, and it is believed was also condemned by the popular sentiment. The existing sub-Treasury system does not seem to stand in higher favor with the people, but has recently been condemned in a manner too plainly indicated to admit of a doubt. Thus, in the short period of eight years, the popular voice may be regarded as having successively condemned each of the three schemes of finance to which I have adverted. As to the first it was introduced at a time (1816) when the State banks, then comparatively few in number, had been forced to suspend specie payments, by reason of the war which had previously prevailed with Great Britain. Whether, if the United States Bank charter which expired in 1811 had been renewed in due season, it would have been enabled to continue specie payments during the war and the disastrous period to the commerce of the country which immediately succeeded, is, to say the least, problematical: and whether the United States Bank of 1816 produced a restoration of specie payments, or the same was accomplished through the instrumentality of other means, was a matter of some difficulty at that time to determine. Certain it is that, for the first years of the operation of that Bank, its course was as disastrous as for the greater part of its subsequent career it became eminently successful. As to the second, the experiment was tried with a redundant Treasury, which continued to increase until it seemed to be the part of wisdom to distribute the surplus revenue among the States, which, operating at the same time with the specie circular, and the causes before adverted to, caused them to suspend specie payments, and involved the country in the greatest embarrassment. And, as to the third, if carried through all the stages of its transmutation, from paper and specie to nothing but the precious metals, to say nothing of the insecurity of the public moneys, its injurious effects have been anticipated by the country in its unqualified condemnation. What is now to be regarded as the judgment of the American people on this whole subject, I have no accurate means of determining, but by appealing to their more immediate representatives. The late contest, which terminated in the election of General HARRISON to the Presidency, was decided on principles well known and openly declared: and, while the sub-Treasury received in the result the most decided condemnation, yet no other scheme of finance seemed to have been concurred in. To you, then, who have come more directly from the body of our common constituents, I submit the entire question, as best qualified to give a full exposition of their wishes and opinions. I shall be ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may in my view of it conflict with the constitution or otherwise jeopard the prosperity of the country; a power which I could not part with even if I would, but which I will not believe any act of yours will call into requisition.

I cannot avoid recurring, in connexion with this subject, to the necessity which exists for adopting some suitable measure whereby the unlimited creation of banks by the States may be corrected in future. Such result can be most readily achieved by the consent of the States, to be expressed in the form of a compact among themselves, which they can only enter into with the consent and approbation of this Government: a consent which in the present emergency of the public demands, may justifiably be given by Congress in advance of any action by the States as an inducement to such

action upon terms well defined by the act of tender. Such a measure, addressing itself to the calm reflection of the States, would find in the experience of the past and the condition of the present, much to sustain it. And it is greatly to be doubted whether any scheme of finance can prove for any length of time successful while the States shall continue in the unrestrained exercise of the power of creating banking corporations. This power can only be limited by their consent.

With the adoption of a financial agency of a satisfactory character, the hope may be indulged that the country may once more return to a state of prosperity. Measures auxiliary thereto, and, in some measure, inseparably connected with its success, will doubtless claim the attention of Congress. Among such, a distribution of the proceeds of the sales of the public lands, provided such distribution does not force upon Congress the necessity of imposing upon commerce heavier burdens than those contemplated by the act of 1833, would act as an efficient remedial measure by being brought directly in aid of the States. As one sincerely devoted to the task of preserving a just balance in our system of government, by the maintenance of the States in a condition the most free and respectable, and in the full possession of all their power, I can no otherwise than feel desirous for their emancipation from the situation to which the pressure on their finances now subjects them. And, while I must repudiate as a measure founded in error, and wanting constitutional sanction, the slightest approach to an assumption by this Government of the debts of the States, yet I can see, in the distribution adverted to, much to recommend it. The compacts between the proprietor States and this Government expressly guaranty to the States all the benefits which may arise from the sales. The mode by which this is to be effected addresses itself to the discretion of Congress, as the trustee for the States; and its exercise, after the most beneficial manner, is restrained by nothing in the grants or in the constitution, so long as Congress shall consult that equality in the distribution which the compacts require. In the present condition of some of the States, the question of distribution may be regarded as substantially a question between direct and indirect taxation. If the distribution be not made in some form or other, the necessity will daily become more urgent with the debtor States for a resort to an oppressive system of direct taxation, or their credit, and necessarily their power and influence, will be greatly diminished. The payment of taxes, after the most inconvenient and oppressive mode, will be exacted in place of contributions for the most part voluntarily made, and therefore comparatively unoppressive. The States are emphatically the constituents of this Government; and we should be entirely regardless of the objects held in view by them in the creation of this Government if we could be indifferent to their good. The happy effects of such a measure upon all the States would immediately be manifested. With the debtor States it would effect the relief to a great extent of the citizens from a heavy burden of direct taxation which presses with severity on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the State securities, and the attitude of the States would become once more, as it should ever be, lofty and erect. With States laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree. So far as this Government is concerned, appropriations to

domestic objects, approaching in amount the revenue derived from the land sales, might be abandoned, and thus a system of unequal and therefore unjust legislation would be substituted by one dispensing equality to all the members of this confederacy. Whether such distribution should be made directly to the States in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having these proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration. Nor would such disposition of the proceeds of the sales in any manner prevent Congress from time to time from passing all necessary pre-emption laws for the benefit of actual settlers, or from making any new arrangement as to the price of the public lands which might in future be esteemed desirable.

I beg leave particularly to call your attention to the accompanying report from the Secretary of War. Besides the present state of the war which has so long afflicted the Territory of Florida, and the various other matters of interest therein referred to, you will learn from it that the Secretary has instituted an inquiry into abuses, which promises to develop gross enormities in connexion with Indian treaties which have been negotiated, as well as in the expenditures for the removal and subsistence of the Indians. He represents, also, other irregularities of a serious nature that have grown up in the practice of the Indian Department, which will require the appropriation of upwards of \$200,000 to correct, and which claim the immediate attention of Congress.

In reflecting on the proper means of defending the country, we cannot shut our eyes to the consequences which the introduction and use of the power of steam upon the ocean are likely to produce in wars between maritime States. We cannot yet see the extent to which this power may be applied in belligerent operations, connecting itself as it does with recent improvements in the science of gunnery and projectiles; but we need have no fear of being left, in regard to these things, behind the most active and skilful of other nations, if the genius and enterprise of our fellow-citizens receive proper encouragement and direction from Government.

True wisdom would, nevertheless, seem to dictate the necessity of placing in perfect condition those fortifications which are designed for the protection of our principal cities and roadsteads. For the defence of our extended maritime coast, our chief reliance should be placed on our navy, aided by those inventions which are destined to recommend themselves to public adoption. But no time should be lost in placing our principal cities on the seaboard and the lakes in a state of entire security from foreign assault. Separated as we are from the countries of the old world, and in much unaffected by their policy, we are happily relieved from the necessity of maintaining large standing armies in times of peace. The policy which was adopted by Mr. Monroe, shortly after the conclusion of the late war with Great Britain, of preserving a regularly organized staff sufficient for the command of a large military force, should the necessity for one arise, is founded as well in economy as in true wisdom. Provision is thus made upon filling up the rank and file, which can readily be done on any emergency, for the introduction of a system of discipline both promptly and efficiently. All that is required in time of peace is to maintain a sufficient number of men to guard our fortifications, to meet any sudden contingency and to encounter the first shock of war. Our chief reliance must be placed on the militia. They constitute the great body of national guards, and, in-

spired, by an ardent love of country, will be found ready at all times and at all seasons to repair with alacrity to its defence. It will be regarded by Congress, I doubt not, at a suitable time, as one of its highest duties to attend to their complete organization and discipline.

By the report of the Secretary of the Navy it will be seen that the state of the navy pension fund requires the immediate attention of Congress. By the operation of the act of the 3d of March, 1837, entitled "An act for the more equitable administration of the navy pension fund," that fund has been exhausted. It will be seen that there will be required for the payment of navy pensions, on the first of July next, \$88,706 06, and on the first of January, 1842, the sum of \$69,000. In addition to these sums, about \$6,000 will be required to pay arrears of pensions which will probably be allowed between the first of July and the first of January, 1842, making in the whole \$163,706 06. To meet these payments there is within the control of the Department the sum of \$28,040, leaving a deficit of \$139,666 06. The public faith requires that immediate provision should be made for the payment of these sums.

In order to introduce into the navy a desirable efficiency, a new system of accountability may be found to be indispensably necessary. To mature a plan having for its object the accomplishment of an end so important, and to meet the just expectations of the country, require more time than has yet been allowed to the Secretary at the head of that Department. The hope is indulged that by the time of your next regular session measures of importance, in connexion with this branch of the public service, may be matured for your consideration.

Although the laws regulating the Post Office Department only require from the officer charged with its direction to report at the usual annual session of Congress, the Postmaster General has presented to me some facts connected with the financial condition of the Department which are deemed worthy the attention of Congress. By the accompanying report of that officer, it appears that the existing liabilities of that Department beyond the means of payment at its command cannot be less than \$500,000. As the laws organizing that branch of the public service confine the expenditure to its own revenues, deficiencies therein cannot be presented under the usual estimates for the expenses of Government. It must therefore be left to Congress to determine whether the moneys now due to contractors shall be paid from the public Treasury, or whether that department shall continue under its present embarrassments. It will be seen by the report of the Postmaster General that the recent lettings of contracts in several of the States have been made at such reduced rates of compensation as to encourage the belief that if the department was relieved from existing difficulties, its future operations might be conducted without any further call upon the general Treasury.

The power of appointing to office is one of a character the most delicate and responsible. The appointing power is evermore exposed to be led into error. With anxious solicitude to select the most trustworthy for official station, I cannot be supposed to possess a personal knowledge of the qualifications of every applicant. I deem it therefore proper, in this most public manner, to invite, on the part of the Senate, a just scrutiny into the character and pretensions of every person whom I may bring to their notice in the regular form of a nomination for office. Unless persons every way trustworthy are employed in the public service, corruption and

irregularity will inevitably follow. I shall, with the greatest cheerfulness, acquiesce in the decision of that body, and, regarding it as wisely constituted to aid the Executive department in the performance of this delicate duty, I shall look to its "consent and advice" as given only in furtherance of the best interests of the country. I shall also, at the earliest proper occasion, invite the attention of Congress to such measures as in my judgment will be best calculated to regulate and control the Executive power in reference to this vitally important subject.

I shall also, at the proper season, invite your attention to the statutory enactments for the suppression of the slave trade, which may require to be rendered more efficient in their provisions. There is reason to believe that the traffic is on the increase. Whether such increase is to be ascribed to the abolition of slave labor in the British possessions in our vicinity, and an attendant diminution in the supply of those articles which enter into the general consumption of the world, thereby augmenting the demand from other quarters, and thus calling for additional labor, it were needless to inquire. The highest considerations of public honor, as well as the strongest promptings of humanity, require a resort to the most vigorous efforts to suppress the trade.

In conclusion, I beg leave to invite your particular attention to the interests of this District. Nor do I doubt but that, in a liberal spirit of legislation, you will seek to advance its commercial as well as its local interests. Should Congress deem it to be its duty to repeal the existing sub-Treasury law, the necessity of providing a suitable place of deposit for the public moneys which may be required within the District must be apparent to all.

I have felt it due to the country to present the foregoing topics to your consideration and reflection. Others, with which it might not seem proper to trouble you at an extraordinary session, will be laid before you at a future day. I am happy in committing the important affairs of the country into your hands. The tendency of public sentiment, I am pleased to believe, is towards the adoption, in a spirit of union and harmony, of such measures as will fortify the public interests. To cherish such a tendency of public opinion is the task of an elevated patriotism. That differences of opinion as to the means of accomplishing these desirable objects should exist, is reasonably to be expected. Nor can all be made satisfied with any system of measures. But I flatter myself with the hope that the great body of the people will readily unite in support of those whose efforts spring from a disinterested desire to promote their happiness; to preserve the Federal and State Governments within their respective orbits; to cultivate peace with all the nations of the earth, on just and honorable grounds; to exact obedience to the laws; to entrench liberty and property in full security; and, consulting the most rigid economy, to abolish all useless expenses.

JOHN TYLER.

WASHINGTON, *June 1, 1841.*

DOCUMENTS FROM THE DEPARTMENT OF STATE.

Mr. Fox to Mr. Webster.

WASHINGTON, March 12, 1841.

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, is instructed by his Government to make the following official communication to the Government of the United States :

Her Majesty's Government have had under their consideration the correspondence which took place at Washington in December last, between the United States Secretary of State, Mr. Forsyth, and the undersigned, comprising two official letters from the undersigned to Mr. Forsyth, dated the 13th and 29th of December, and two official letters from Mr. Forsyth to the undersigned, dated the 26th and 30th of the same month, upon the subject of the arrest and imprisonment of Mr. Alexander McLeod, of Upper Canada, by the authorities of the State of New York, upon a pretended charge of arson and murder, as having been engaged in the capture and destruction of the steamboat *Caroline*, on the 29th of December, 1837.

The undersigned is directed, in the first place, to make known to the Government of the United States that her Majesty's Government entirely approve of the course pursued by the undersigned in that correspondence, and of the language adopted by him in the official letters above mentioned.

And the undersigned is now instructed again to demand from the Government of the United States, formally, in the name of the British Government, the immediate release of Mr. Alexander McLeod.

The grounds upon which the British Government make this demand upon the Government of the United States are these : that the transaction on account of which Mr. McLeod has been arrested, and is to be put upon his trial, was a transaction of a public character, planned and executed by persons duly empowered by her Majesty's colonial authorities to take any steps and to do any acts which might be necessary for the defence of her Majesty's territories and for the protection of her Majesty's subjects ; and that consequently those subjects of her Majesty who engaged in that transaction were performing an act of public duty for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country.

The transaction in question may have been, as her Majesty's Government are of opinion that it was, a justifiable employment of force for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who, having been permitted to arm and organize themselves within the territory of the United States, had actually invaded and occupied a portion of the territory of her Majesty ; or it may have been, as alleged by Mr. Forsyth, in his note to the undersigned of the 26th of December, "a most unjustifiable invasion in time of peace of the territory of the United States." But this is a question

especially of a political and international kind, which can be discussed and settled only between the two Governments, and which the courts of justice of the State of New York cannot by possibility have any means of judging or any right of deciding.

It would be contrary to the universal practice of civilized nations to fix individual responsibility upon persons who with the sanction or by the orders of the constituted authorities of a State engaged in military or naval enterprizes in their country's cause; and it is obvious that the introduction of such a principle would aggravate beyond measure the miseries, and would frightfully increase the demoralizing effects of war, by mixing up with national exasperation the ferocity of personal passions, and the cruelty and bitterness of individual revenge.

Her Majesty's Government cannot believe that the Government of the United States can really intend to set an example so fraught with evil to the community of nations, and the direct tendency of which must be to bring back into the practice of modern war, atrocities which civilization and Christianity have long since banished.

Neither can her Majesty's Government admit for a moment the validity of the doctrine advanced by Mr. Forsyth, that the Federal Government of the United States has no power to interfere in the matter in question, and that the decision thereof must rest solely and entirely with the State of New York.

With the particulars of the internal compact which may exist between the several States that compose the Union, foreign Powers have nothing to do: the relations of foreign Powers are with the aggregate Union; that Union is to them represented by the Federal Government; and of that Union the Federal Government is to them the only organ. Therefore, when a foreign Power has redress to demand for a wrong done to it by any State of the Union, it is to the Federal Government, and not to the separate State, that such power must look for redress for that wrong. And such foreign Power cannot admit the plea that the separate State is an independent body over which the Federal Government has no control. It is obvious that such a doctrine, if admitted, would at once go to a dissolution of the Union, as far as its relations with foreign Powers are concerned; and that foreign Powers, in such case, instead of accrediting diplomatic agents to the Federal Government, would send such agents not to that Government, but to the Government of each separate State; and would make their relations of peace and war with each State depend upon the result of their separate intercourse with such State, without reference to the relations they might have with the rest.

Her Majesty's Government apprehend that the above is not the conclusion at which the Government of the United States intend to arrive; yet such is the conclusion to which the arguments that have been advanced by Mr. Forsyth necessarily lead.

But, be that as it may, her Majesty's Government formally demand, upon the grounds already stated, the immediate release of Mr. McLeod; and her Majesty's Government entreat the President of the United States to take into his most deliberate consideration the serious nature of the consequences which must ensue from a rejection of this demand.

The United States Government will perceive that, in demanding Mr. McLeod's release, her Majesty's Government argue upon the assumption that he was one of the persons engaged in the capture of the steamboat

"Caroline;" but her Majesty's Government have the strongest reasons for being convinced that Mr. McLeod was not, in fact, engaged in that transaction; and the undersigned is hereupon instructed to say that, although the circumstance itself makes no difference in the political and international question at issue, and although her Majesty's Government do not demand Mr. McLeod's release upon the ground that he was not concerned in the capture of the "Caroline," but upon the ground that the capture of the "Caroline" was a transaction of a public character, for which the persons engaged in it cannot incur private and personal responsibility; yet the Government of the United States must not disguise from themselves that the fact that Mr. McLeod was not engaged in the transaction must necessarily tend greatly to inflame that national resentment which any harm that shall be suffered by Mr. McLeod at the hands of the authorities of the State of New York, will infallibly excite throughout the whole of the British empire.

The undersigned, in addressing the present official communication, by order of his Government, to Mr. Webster, Secretary of State of the United States, has the honor to offer to him the assurance of his distinguished consideration.

H. S. FOX

The Hon. DANIEL WEBSTER,
Secretary of State.

Mr. Webster to Mr. Fox.

DEPARTMENT OF STATE,

Washington, April 24, 1841.

The undersigned, Secretary of State of the United States, has the honor to inform Mr. Fox, envoy extraordinary and minister plenipotentiary of her Britannic Majesty, that his note of the 12th of March was received and laid before the President.

Circumstances well known to Mr. Fox have necessarily delayed, for some days, the consideration of that note.

The undersigned has the honor now to say, that it has been fully considered, and that he has been directed by the President to address to Mr. Fox the following reply.

Mr. Fox informs the Government of the United States, that he is instructed to make known to it, that the Government of her Majesty entirely approve the course pursued by him, in his correspondence with Mr. Forsyth, in December last, and the language adopted by him on that occasion; and that that Government have instructed him "again to demand from the Government of the United States, formally, in the name of the British Government, the immediate release of Mr. Alexander McLeod;" that "the grounds upon which the British Government make this demand upon the Government of the United States, are these: that the transaction on account of which Mr. McLeod has been arrested and is to be put upon his trial, was a transaction of a public character, planned and executed by persons duly empowered by her Majesty's colonial authorities to take any steps and to do any acts which might be necessary for the defence of her

Majesty's territories, and for the protection of her Majesty's subjects; and that consequently those subjects of her Majesty who engaged in that transaction, were performing an act of public duty for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country."

The President is not certain that he understands, precisely, the meaning intended by her Majesty's Government to be conveyed, by the foregoing instruction.

This doubt has occasioned, with the President, some hesitation; but he inclines to take it for granted that the main purpose of the instruction was, to cause it to be signified to the Government of the United States, that the attack on the steamboat "Caroline" was an act of public force, done by the British colonial authorities, and fully recognised by the Queen's Government at home; and that, consequently, no individual concerned in that transaction can, according to the just principle of the laws of nations, be held personally answerable in the ordinary courts of law, as for a private offence; and that upon this avowal of her Majesty's Government Alexander McLeod, now imprisoned, on an indictment for murder, alleged to have been committed in that attack, ought to be released, by such proceedings as are usual and are suitable to the case.

The President adopts the conclusion, that nothing more than this could have been intended to be expressed, from the consideration, that her Majesty's Government must be fully aware, that in the United States, as in England, persons confined under judicial process can be released from that confinement only by judicial process. In neither country, as the undersigned supposes, can the arm of the Executive power interfere, directly or forcibly, to release or deliver the prisoner. His discharge must be sought in a manner conformable to the principles of law, and the proceedings of courts of judicature. If an indictment, like that which has been found against Alexander McLeod, and under circumstances like those which belong to his case, were pending against an individual in one of the courts of England, there is no doubt that the law officer of the crown might enter a *nolle prosequi*, or that the prisoner might cause himself to be brought up on *habeas corpus*, and discharged, if his ground of discharge should be adjudged sufficient, or that he might prove the same facts and insist on the same defence or exemption on his trial.

All these are legal modes of proceeding, well known to the laws and practice of both countries. But the undersigned does not suppose, that if such a case were to arise in England, the power of the Executive Government could be exerted in any more direct manner. Even in the case of ambassadors, and other public ministers, whose right of exemption from arrest is personal, requiring no fact to be ascertained but the mere fact of diplomatic character, and to arrest whom is sometimes made a highly penal offence, if the arrest be actually made, it must be discharged by application to the courts of law.

It is understood that Alexander McLeod is holden as well on civil as on criminal process, for acts alleged to have been done by him, in the attack on the "Caroline;" and his defence, or ground of acquittal, must be the same in both cases. And this strongly illustrates, as the undersigned conceives, the propriety of the foregoing observations; since it is quite clear that the Executive Government cannot interfere to arrest a civil suit, between private parties, in any stage of its progress; but that such suit must

go on to its regular judicial termination. If, therefore, any course, different from such as have been now mentioned, was in contemplation of her Majesty's Government, something would seem to have been expected, from the Government of the United States, as little conformable to the laws and usages of the English Government as to those of the United States, and to which this Government cannot accede.

The Government of the United States, therefore, acting upon the presumption, which it readily adopted, that nothing extraordinary or unusual was expected or requested of it, decided, on the reception of Mr. Fox's note, to take such measures as the occasion and its own duty appeared to require.

In his note to Mr. Fox of the 26th of December last, Mr. Forsyth, the Secretary of State of the United States, observes, that "if the destruction of the 'Caroline' was a public act, of persons in her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission; and it will be for the court which has taken cognizance of the offence with which Mr. McLeod is charged to decide upon its validity when legally established before it." And adds, "the President deems this to be a proper occasion to remind the Government of her Britannic Majesty, that the case of the 'Caroline' has been long since brought to the attention of her Majesty's principal Secretary of State for Foreign Affairs; who, up to this day, has not communicated its decision thereupon. It is hoped that the Government of her Majesty will perceive the importance of no longer leaving the Government of the United States uninformed of its views and intentions upon a subject, which has naturally produced much exasperation, and which has led to such grave consequences."

The communication of the fact that the destruction of the "Caroline" was an act of public force, by the British authorities, being formally made to the Government of the United States, by Mr. Fox's note, the case assumes a decided aspect.

The Government of the United States entertains no doubt that, after this avowal of the transaction, as a public transaction, authorized and undertaken by the British authorities, individuals concerned in it ought not, by the principles of public law, and the general usage of civilized States, to be holden personally responsible in the ordinary tribunals of law, for their participation in it. And the President presumes that it can hardly be necessary to say that the American people, not distrustful of their ability to redress public wrongs, by public means, cannot desire the punishment of individuals, when the act complained of is declared to have been an act of the Government itself.

Soon after the date of Mr. Fox's note, an instruction was given to the Attorney General of the United States, from this Department, by direction of the President, which fully sets forth the opinions of this Government on the subject of McLeod's imprisonment, a copy of which instruction the undersigned has the honor herewith to enclose.

The indictment against McLeod is pending in a State court, but his rights, whatever they may be, are no less safe, it is to be presumed, than if he were holden to answer in one of the courts of this Government.

He demands immunity from personal responsibility by virtue of the law of nations, and that law in civilized States is to be respected in all courts.

None is either so high or so low as to escape from its authority in cases to which its rules and principles apply.

This Department has been regularly informed by his excellency the governor of the State of New York, that the chief justice of that State was assigned to preside at the hearing and trial of McLeod's case, but that, owing to some error or mistake in the process of summoning the jury, the hearing was necessarily deferred. The President regrets this occurrence, as he has a desire for a speedy disposition of the subject. The council for McLeod have requested authentic evidence of the avowal by the British Government of the attack on and destruction of the "Caroline," as acts done under its authority, and such evidence will be furnished to them by this Department.

It is understood that the indictment has been removed into the supreme court of the State by the proper proceeding for that purpose, and that it is now competent for McLeod, by the ordinary process of *habeas corpus*, to bring his case for hearing before that tribunal.

The undersigned hardly needs to assure Mr. Fox, that a tribunal so eminently distinguished for ability and learning as the supreme court of the State of New York, may be safely relied upon for the just and impartial administration of the law in this as well as in other cases; and the undersigned repeats the expression of the desire of this Government that no delay may be suffered to take place in these proceedings which can be avoided. Of this desire, Mr. Fox will see evidence in the instructions above referred to.

The undersigned has now to signify to Mr. Fox that the Government of the United States has not changed the opinion which it has heretofore expressed to her Majesty's Government of the character of the act of destroying the "Caroline."

It does not think that that transaction can be justified by any reasonable application or construction of the right of self-defence under the laws of nations. It is admitted that a just right of self-defence attaches always to nations as well as to individuals, and is equally necessary for the preservation of both. But the extent of this right is a question to be judged of by the circumstances of each particular case, and when its alleged exercise has led to the commission of hostile acts within the territory of a Power at peace, nothing less than a clear and absolute necessity can afford ground of justification. Not having up to this time been made acquainted with the views and reasons at length, which have led her Majesty's Government to think the destruction of the "Caroline" justifiable as an act of self-defence, the undersigned, earnestly renewing the remonstrance of this Government against the transaction, abstains for the present, from any extended discussion of the question. But it is deemed proper, nevertheless, not to omit to take some notice of the general grounds of justification stated by her Majesty's Government on their instruction to Mr. Fox.

Her Majesty's Government have instructed Mr. Fox to say, that they are of opinion that the transaction which terminated in the destruction of the "Caroline," was a justifiable employment of force, for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who, having been "permitted" to arm and organize themselves within the territory of the United States, had actually invaded a portion of the territory of her Majesty.

The President cannot suppose that her Majesty's Government, by the

use of these terms, meant to be understood as intimating that these acts, violating the laws of the United States and disturbing the peace of the British territories, were done under any degree of countenance from this Government, or were regarded by it with indifference; or, that under the circumstances of the case, they could have been prevented by the ordinary course of proceeding. Although he regrets that, by using the term "permitted," a possible inference of that kind might be raised, yet such an inference, the President is willing to believe, would be quite unjust to the intentions of the British Government.

That, on a line of frontier, such as separates the United States from her Britannic Majesty's North American Provinces, a line long enough to divide the whole of Europe into halves, irregularities, violences, and conflicts should sometimes occur, equally against the will of both Governments, is certainly easily to be supposed. This may be more possible, perhaps, in regard to the United States, without any reproach to their Government, since their institutions entirely discourage the keeping up of large standing armies in time of peace, and their situation happily exempts them from the necessity of maintaining such expensive and dangerous establishments. All that can be expected from either Government, in these cases, is good faith, a sincere desire to preserve peace and do justice, the use of all proper means of prevention, and that if offences cannot, nevertheless, be always prevented, the offenders shall still be justly punished. In all these respects, this Government acknowledges no delinquency in the performance of its duties.

Her Majesty's Government are pleased, also, to speak of those American citizens, who took part with persons in Canada, engaged in an insurrection against the British Government as "American pirates." The undersigned does not admit the propriety or justice of this designation. If citizens of the United States fitted out, or were engaged in fitting out, a military expedition from the United States, intended to act against the British Government in Canada, they were clearly violating the laws of their own country and exposing themselves to the just consequences, which might be inflicted on them, if taken within the British dominions. But notwithstanding this, they were certainly not pirates, nor does the undersigned think that it can advance the purpose of fair and friendly discussion, or hasten the accommodation of national difficulties, so to denominate them. Their offence, whatever it was, had no analogy to cases of piracy. Supposing all that is alleged against them to be true, they were taking a part in what they regarded as a civil war, and they were taking a part on the side of the rebels. Surely England herself has not regarded persons thus engaged as deserving the appellation which her Majesty's Government bestows on these citizens of the United States.

It is quite notorious that, for the greater part of the last two centuries, subjects of the British Crown have been permitted to engage in foreign wars, both national and civil, and in the latter in every stage of their progress; and yet it has not been imagined that England has at any time allowed her subjects to turn pirates. Indeed in our own times, not only have individual subjects of that Crown gone abroad to engage in civil wars, but we have seen whole regiments openly recruited, embodied, armed, and disciplined in England, with the avowed purpose of aiding a rebellion against a nation with which England was at peace; although it is true that, subsequently, an act of Parliament was passed to prevent

transactions so nearly approaching to public war, without license from the Crown.

It may be said that there is a difference between the case of a civil war arising from a disputed succession, or a protracted revolt of a colony against the mother country, and the case of the fresh outbreak, or commencement of a rebellion. The undersigned does not deny that such distinction may, for certain purposes, be deemed well founded. He admits that a Government called upon to consider its own rights, interests, and duties, when civil wars break out in other countries, may decide on all the circumstances of the particular case upon its own existing stipulations; on probable results, on what its own security requires, and on many other considerations. It may be already bound to assist one party, or it may become bound, if it so chooses, to assist the other, and to meet the consequences of such assistance.

But whether the revolt be recent or long continued, they who join those concerned in it, whatever may be their offence against their own country, or however they may be treated, if taken with arms in their hands in the territory of the Government, against which the standard of revolt is raised, cannot be denominated pirates, without departing from all ordinary use of language in the definition of offences. A cause which has so foul an origin as piracy cannot, in its progress, or by its success, obtain a claim to any degree of respectability or tolerance among nations; and civil wars, therefore, are not understood to have such a commencement.

It is well known to Mr. Fox that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one Government from taking part in the civil commotions of another. There is some reason, indeed, to think that such may be the opinion of her Majesty's Government at the present moment.

The undersigned has made these remarks from the conviction that it is important to regard established distinctions, and to view the acts and offences of individuals in the exactly proper light. But it is not to be inferred that there is, on the part of this Government, any purpose of extenuating, in the slightest degree, the crimes of those persons, citizens of the United States, who have joined in military expeditions against the British Government in Canada. On the contrary, the President directs the undersigned to say that it is his fixed resolution that all such disturbers of the national peace and violators of the laws of their country, shall be brought to exemplary punishment. Nor will the fact that they are instigated and led on to these excesses by British subjects, refugees from the provinces, be deemed any excuse or palliation; although it is well worthy of being remembered that the prime movers of these disturbances on the borders are subjects of the Queen, who come within the territories of the United States, seeking to enlist the sympathies of their citizens, by all the motives which they are able to address to them on account of grievances, real or imaginary. There is no reason to believe that the design of any hostile movement from the United States against Canada has commenced with citizens of the United States. The true origin of such purposes and such enterprises is on the other side of the line. But the President's resolution to prevent these transgressions of the laws is not, on that account, the less strong. It is taken, not only in conformity to his duty under the provisions

of existing laws, but in full consonance with the established principles and practice of this Government.

The Government of the United States has not, from the first, fallen into the doubts, elsewhere entertained, of the true extent of the duties of neutrality. It has held that, however it may have been in less enlightened ages, the just interpretation of the modern law of nations is, that neutral States are bound to be strictly neutral; and that it is a manifest and gross impropriety for individuals to engage in the civil conflicts of other States, and thus to be at war while their Government is at peace. War and peace are high national relations, which can properly be established or changed only by nations themselves.

The United States have thought, also, that the salutary doctrine of non-intervention by one nation with the affairs of others is liable to be essentially impaired if, while Government refrains from interference, interference is still allowed to its subjects, individually or in masses. It may happen, indeed, that persons choose to leave their country, emigrate to other regions, and settle themselves on uncultivated lands, in territories belonging to other States. This cannot be prevented by Governments, which allow the emigration of their subjects and citizens; and such persons, having voluntarily abandoned their own country, have no longer claim to its protection, nor is it longer responsible for their acts. Such cases, therefore, if they occur, show no abandonment of the duty of neutrality.

The Government of the United States has not considered it as sufficient to confine the duties of neutrality and non-interference to the case of Governments whose territories lie adjacent to each other. The application of the principle may be more necessary in such cases, but the principle itself they regard as being the same, if those territories be divided by half the globe. The rule is founded in the impropriety and danger of allowing individuals to make war on their own authority, or, by mingling themselves in the belligerent operations of other nations, to run the hazard of counteracting the policy, or embroiling the relations of their own Government. And the United States have been the first among civilized nations to enforce the observance of this just rule of neutrality and peace, by special and adequate legal enactments. In the infancy of this Government, on the breaking out of the European wars, which had their origin in the French Revolution, Congress passed laws with severe penalties for preventing the citizens of the United States from taking part in those hostilities.

By these laws, it prescribed to the citizens of the United States what it understood to be their duty, as neutrals, by the law of nations, and the duty, also, which they owed to the interest and honor of their own country.

At a subsequent period, when the American colonies of an European Power took up arms against their sovereign, Congress, not diverted from the established system of the Government, by any temporary considerations, not swerved from its sense of justice, and of duty, by any sympathies which it might naturally feel for one of the parties, did not hesitate, also, to pass acts applicable to the case of colonial insurrection and civil war. And these provisions of law have been continued, revised, amended, and are in full force at the present moment. Nor have they been a dead letter, as it is well known, that exemplary punishments have been inflicted on those who have transgressed them. It is known, indeed, that heavy penalties have fallen on individuals, citizens of the United States, engaged

in this very disturbance in Canada, with which the destruction of the *Caroline* was connected. And it is in Mr. Fox's knowledge, also, that the act of Congress of 10th March, 1838, was passed for the precise purpose of more effectually restraining military enterprises, from the United States into the British provinces, by authorizing the use of the most sure and decisive preventive means. The undersigned may add, that it stands on the admission of very high British authority, that during the recent Canadian troubles, although bodies of adventurers appeared on the border, making it necessary for the people of Canada to keep themselves in a state prepared for self-defence, yet that these adventurers were acting by no means in accordance with the feeling of the great mass of the American people, or of the Government of the United States.

This Government, therefore, not only holds itself above reproach in every thing respecting the preservation of neutrality, the observance of the principle of non-intervention, and the strictest conformity, in these respects, to the rules of international law, but it doubts not that the world will do it the justice to acknowledge, that it has set an example, not unfit to be followed by others, and that by its steady legislation, on this most important subject, it has done something to promote peace and good neighborhood among nations, and to advance the civilization of mankind.

The undersigned trusts, that when her Britannic Majesty's Government shall present the grounds, at length, on which they justify the local authorities of Canada, in attacking and destroying the "*Caroline*," they will consider that the laws of the United States are such as the undersigned has now represented them, and that the Government of the United States has always manifested a sincere disposition to see those laws effectually and impartially administered. If there have been cases in which individuals, justly obnoxious to punishment, have escaped, this is no more than happens in regard to other laws.

Under these circumstances, and under those immediately connected with the transaction itself, it will be for her Majesty's Government to show upon what state of facts, and what rules of national law, the destruction of the "*Caroline*" is to be defended. It will be for that Government to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorized them to enter the territories of the United States at all, did nothing unreasonable or excessive; since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the "*Caroline*," was impracticable, or would have been unavailing; it must be shown that day-light could not be waited for; that there could be no attempt at discrimination, between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror. A necessity for all this, the Government of the United States cannot believe to have existed.

All will see that if such things be allowed to occur, they must lead to bloody and exasperated war. And when an individual comes into the United States from Canada, and to the very place on which this drama was performed, and there chooses to make public and vain-glorious boast of the part he acted in it, it is hardly wonderful that great excitement should be created, and some degree of commotion arise.

This republic does not wish to disturb the tranquillity of the world. Its object is peace, its policy peace. It seeks no aggrandizement by foreign conquest, because it knows that no foreign acquisitions could augment its power and importance so rapidly as they are already advancing by its own natural growth, under the propitious circumstances of its situation. But it cannot admit that its Government has not both the will and the power to preserve its own neutrality, and to enforce the observance of its own laws upon its own citizens. It is jealous of its rights, and among others, and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and determination of this Government fully, and at all times, to maintain, while it will at the same time as scrupulously refrain from infringing on the rights of others.

The President instructs the undersigned to say, in conclusion, that he confidently trusts that this, and all other questions of difference between the two Governments, will be treated by both in the full exercise of such a spirit of candor, justice, and mutual respect, as shall give assurance of the long continuance of peace between the two countries.

The undersigned avails himself of this opportunity to assure Mr. Fox of his high consideration.

DANL. WEBSTER.

HENRY S. FOX, Esq.,

Envoy Extraordinary and Minister Plenipotentiary.

[Enclosure.]

DEPARTMENT OF STATE,

Washington, March 15, 1841.

SIR: Alexander McLeod, a Canadian subject of her Britannic Majesty, is now imprisoned at Lockport, in the State of New York, under an indictment for murder, alleged to have been committed by him in the attack on, and destruction of, the steamboat *Caroline*, at Schlosser, in that State, on the night of the 29th December, 1837; and his trial is expected to take place at Lockport, on the 22d instant.

You are apprized of the correspondence which took place between Mr. Forsyth, late Secretary of State, and Mr. Fox, her Britannic Majesty's minister here, on this subject, in December last.

In his note to Mr. Fox, of the 26th of that month, Mr. Forsyth says: "If the destruction of the *Caroline* was a public act, of persons in her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States, by a person authorized to make the admission; and it will be for the court, which has taken cognizance of the offence with which Mr. McLeod is charged, to decide upon its validity, when legally established before it.

"The President deems this to be a proper occasion to remind the Govern-

ment of her Britannic Majesty, that the case of the Caroline has been long since brought to the attention of her Majesty's principal Secretary of State for Foreign Affairs, who, up to this day, has not communicated its decision thereupon. It is hoped that the Government of her Majesty will perceive the importance of no longer leaving the Government of the United States uninformed of its views and intentions, upon a subject which has naturally produced much exasperation, and which has led to such grave consequences."

I have now to inform you that Mr. Fox has addressed a note to this Department, under date of the 12th instant, in which, under the immediate instruction and direction of his Government, he demands, formally and officially, McLeod's immediate release, on the ground that this transaction, on account of which he has been arrested and is to be put upon his trial, was of a public character, planned and executed by persons duly empowered by her Majesty's colonial authorities, to take any steps, and to do any acts, which might be necessary for the defence of her Majesty's territories, and for the protection of her Majesty's subjects, and that, consequently, those subjects of her Majesty who engaged in that transaction, were performing an act of public duty, for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country; and that her Majesty's Government has further directed Mr. Fox to make known to the Government of the United States, that her Majesty's Government entirely approved of the course pursued by Mr. Fox, and the language adopted by him in the correspondence above mentioned.

There is, therefore, now an authentic declaration on the part of the British Government, that the attack on the Caroline was an act of public force, done by military men, under the orders of their superiors, and is recognized as such by the Queen's Government. The importance of this declaration is not to be doubted, and the President is of opinion that it calls upon him for the performance of a high duty. That an individual forming part of a public force, and acting under the authority of his Government, is not to be held answerable, as a private trespasser or malefactor, is a principle of public law sanctioned by the usages of all civilized nations, and which the Government of the United States has no inclination to dispute. This has no connexion whatever with the question whether, in this case, the attack on the Caroline was, as the British Government think it, a justifiable employment of force, for the purpose of defending the British territory from unprovoked attack, or whether it was a most unjustifiable invasion, in time of peace, of the territory of the United States, as this Government has regarded it. The two questions are essentially different, and, while acknowledging that an individual may claim immunity from the consequences of acts done by him, by showing that he acted under national authority, this Government is not to be understood as changing the opinions which it has heretofore expressed in regard to the real nature of the transaction which resulted in the destruction of the Caroline. That subject it is not necessary for any purpose connected with this communication to discuss. The views of this Government in relation to it are known to that of England; and we are expecting the answer of that Government to the communication which has been made to it.

All that is intended to be said at present is, that since the attack on the Caroline is avowed as a national act which may justify reprisals, or even general war, if the Government of the United States, in the judgment which

it shall form of the transaction and of its own duty, should see fit so to decide, yet that it raises a question entirely public and political—a question between independent nations, and that individuals concerned in it cannot be arrested and tried before the ordinary tribunals, as for the violation of municipal law. If the attack on the *Caroline* was unjustifiable, as this Government has asserted, the law which has been violated is the law of nations; and the redress which is to be sought is the redress authorized, in such cases, by the provisions of that code.

You are well aware that the President has no power to arrest the proceeding in the civil and criminal courts of the State of New York. If this indictment were pending in one of the courts of the United States, I am directed to say that the President, upon the receipt of Mr. Fox's last communication, would have immediately directed a *nolle prosequi* to be entered.

Whether in this case the Governor of New York have that power, or, if he have, whether he would feel it his duty to exercise it, are points upon which we are not informed.

It is understood that McLeod is holden also on civil process, sued out against him by the owner of the *Caroline*. We suppose it very clear that the Executive of the State cannot interfere with such process; and, indeed, if such process were pending in the courts of the United States, the President could not arrest it. In such and many analagous cases the party prosecuted or sued, must avail himself of his exemption or defence, by judicial proceedings, either in the court into which he is called, or in some other court. But whether the process be criminal or civil, the fact of having acted under public authority, and in obedience to the orders of lawful superiors, must be regarded as a valid defence; otherwise, individuals would be holden responsible for injuries resulting from the acts of Government, and even from the operations of public war.

You will be furnished with a copy of this instruction, for the use of the Executive of New York, and the Attorney General of that State. You will carry with you also authentic evidence of the recognition by the British Government of the destruction of the *Caroline*, as an act of public force, done by national authority.

The President is impressed with the propriety of transferring the trial from the scene of the principal excitement to some other and distant country. You will take care that this be suggested to the prisoner's counsel. The President is gratified to learn that the Governor of New York has already directed that the trial take place before the Chief Justice of the State.

Having consulted with the Governor you will proceed to Lockport, or wherever else the trial may be holden, and furnish the prisoner's counsel with the evidence of which you will be in possession material to his defence. You will see that he have skilful and eminent counsel, if such be not already retained, and, although you are not desired to act as counsel yourself, you will cause it to be signified to him, and to the gentleman who may conduct his defence, that it is the wish of this Government that, in case his defence be overruled by the court in which he shall be tried, proper steps be taken immediately for removing the cause, by writ of error, to the Supreme Court of the United States.

The President hopes that you will use such despatch as to make your arrival at the place of trial sure before the trial comes on; and he trusts

you will keep him informed of whatever occurs by means of a correspondence through this Department.

I have the honor to be, Mr. Attorney General, your obedient servant,
DANIEL WEBSTER.

HON. JOHN J. CRITTENDEN,
Attorney General of the United States.

DEPARTMENT OF STATE,

Washington, May 24, 1841.

SIR: There are two subjects connected with the foreign commerce of the United States to which the Secretary of State considers it to be his duty to call the attention of the President at the earliest opportunity.

The first is, the collection of Sound-dues, or the tax payable at Elsinore, laid by the Danish Government upon the cargoes of vessels passing through the Sound, into and out from the Baltic sea.

The right of Denmark to levy these dues is asserted on the ground of ancient usage, coming down from the period when that power had possession of both shores of the Belt and Sound. However questionable the right or uncertain its origin, it has been recognized by European Governments, in several treaties with Denmark, some of them entered into at as early a period as the fourteenth century; and inasmuch as our treaty with that Power contains a clause putting us on the same footing in this respect as other the most favored nations, it has been acquiesced in, or rather has not been denied, by us.

The treaty of 1645, between Denmark and Holland, to which a tariff of the principal articles then known in commerce, with a rule of measurement and a fixed rate of duty, was appended, together with the subsequent one between the same parties in 1701, amendatory and explanatory of the former, has been generally considered as the basis of all subsequent treaties, and among them of our own, concluded in 1826, and limited to continue ten years from its date, and further until the end of one year after notice by either party of an intention to terminate it, and which is still in force.

Treaties have also been concluded with Denmark, by Great Britain, France, Spain, Portugal, Russia, Prussia, and Brazil, by which, with one or two exceptions in their favor, they are placed on the same footing as the United States.

There has recently been a general movement, on the part of the Northern Powers of Europe, with regard to the subject of these Sound-dues, and which seems to afford to this Government a favorable opportunity, in conjunction with them, for exerting itself to obtain some such alteration or modification of existing regulations as shall conduce to the freedom and extension of our commerce, or at least towards relieving it from some of the burdens now imposed, which, owing to the nature of our trade, operate, in many instances, very unequally and unjustly on it in comparison with that of other nations.

The ancient tariff of 1645, by which the payment of these dues was regulated, has never been revised, and by means of the various changes which have taken place in commerce since that period, and of the altera-

tion in price in many articles therein included, chiefly in consequence of the settlement of America, and the introduction of her products into general commerce, it has become quite inapplicable.

It is presumed to have been the intention of the framers of that tariff to fix a duty of about one per centum ad valorem upon the articles therein enumerated, but the change in value of many of those commodities, and the absence of any corresponding change in the duty, has, in many instances, increased the ad valorem from one per centum to three, four, and even seven; and this, generally, upon those articles which form the chief exports of the United States, of South America, and the West India Islands: such as the articles of cotton, rice, raw sugar, tobacco, rum, Campeachy wood, &c.

On all articles not enumerated in this ancient tariff it is stipulated by the treaty of 1701, that the "privileged nations," or those who have treaties with Denmark, shall pay an ad valorem of one per cent; but the value of these articles being fixed by some rules known only to the Danish Government, or at least unknown to us, this duty appears uncertain and fluctuating, and its estimate is very much left to the arbitrary discretion of the custom-house officers at Elsinore.

It has been, by some of the public writers in Denmark, contended that goods of privileged nations, carried in the vessels of unprivileged nations, should not be entitled to the limitation of one per centum ad valorem, but should be taxed one and a quarter per centum, the amount levied on the goods of unprivileged nations; and, also, that this limitation should be confined to the direct trade, so that vessels coming from or bound to the ports of a nation not in treaty with Denmark should pay on their cargoes the additional quarter per cent.

These questions, although the former is not of so much consequence to us, who are our own carriers, are still, in connexion with each other, of sufficient importance to render a decision upon them, and a final understanding, extremely desirable.

These Sound-dues are, moreover, in addition to the port charges of light-money, pass-money, &c., which are quite equal to the rates charged at other places, and the payment of which, together with the Sound-dues, often causes to vessels considerable delay at Elsinore.

The port charges, which are usual among all nations, to whose ports vessels resort, are unobjectionable, except that, in this case, they are mere consequences of the imposition of the Sound-dues, following, necessarily, upon the compulsory delay at Elsinore, of vessels bound up and down the Sound with cargoes, with no intention of making any importation into any port of Denmark, and having no other occasion for delay at Elsinore, than that which arises from the necessity of paying the Sound-dues, and in so doing, involuntarily subjecting themselves to these other demands.

These port-duties, would appear to have some reason in them, because of the equivalent; while, in fact, they are made requisite, with the exception, perhaps, of the expense of lights, by the delay necessary for the payment of the Sound-dues.

The amount of our commerce with Denmark, direct, is inconsiderable, compared with that of our transactions with Russia, Sweden, and the ports of Prussia, and the Germanic Association on the Baltic; but the sum annually paid to that Government in Sound-dues, and the consequent port

charges by our vessels alone, is estimated at something over one hundred thousand dollars.

The greater proportion of this amount is paid by the articles of cotton, sugar, tobacco, and rice; the first and last of these paying a duty of about three per cent. ad valorem, reckoning their value at the places whence they come.

By a list published at Elsinore, in 1840, it appears that between April and November of that year, seventy-two American vessels, comparatively a small number, lowered their topsails before the castle of Cronberg. These were all bound up the Sound to ports on the Baltic, with cargoes composed in part of the above named products, upon which alone, according to the tariff, was paid a sum exceeding forty thousand dollars for these dues.

Having disposed of these cargoes, they returned laden with the usual productions of the countries on the Baltic, on which, in like manner, were paid duties on going out through the Sound, again acknowledging the tribute by an inconvenient and sometimes hazardous ceremony.

The whole amount thus paid within a period of eight months on inward and outward bound cargoes, by vessels of the United States, none of which were bound for, or intended to stop at, any port in Denmark, except compulsorily at Elsinore, for the purpose of complying with these exactions, must have exceeded the large sum above named.

I have, therefore, thought proper to bring this subject before you at this time, and to go into these general statements in relation to it, which might be carried more into detail, and substantiated by documents now at the Department, to the end that, if you should deem it expedient, instructions may be given to the representative of the United States at Denmark, to enter into friendly negotiations with that Government, with a view of securing to the commerce of the United States, a full participation in any reduction of these duties, or the benefits resulting from any new arrangements respecting them which may be granted to the commerce of other States.

The other subject which, in the opinion of the Secretary, demands the early consideration of the Government, is the Germanic Association or Customs Union, established in Germany, and now in successful operation under the leading auspices of the Government of Prussia. This important association has for its objects, the union of many of the German States into one body, for the purpose of establishing uniform regulations of commerce; uniform duties of importation, exportation, and transit; a system of uniform weights and measures, and a uniform coinage throughout all the members of the association; objects resembling, as will be perceived, important purposes contemplated by the establishment of the General Government of the United States.

In all these States of the association the greatest variety and diversity had previously existed. Each had its own circle of custom-houses, and its peculiar system of duties, constituting them in these respects foreign countries to one another. The effect of these diversities upon trade and manufactures may easily be supposed to have been highly prejudicial to the general commerce of the country.

To Prussia, who had labored for years to bring about this commercial revolution in Germany, chiefly belongs the credit of its accomplishment. She has united the members of the confederation in a treaty which estab-

lishes one tariff for all, the duties to be collected on the frontiers of what now forms one great commercial league. The net revenues arising from the duties are divided among the several States in proportion to their respective amounts of population, every article, salt and playing cards excepted, having once paid the duties on the frontier, being permitted to circulate freely among all the States of the Union without any additional impost.

The treaty was concluded in 1834, and was to continue in force until the 1st of January, 1842, and if, during that term, and at latest two years before its expiration, the contrary should not be declared, for twelve years more and afterwards, from twelve years to twelve years it has recently, under these provisions, been renewed for another term of twelve years. The effect of this confederation has probably been to give to Prussia and Germany a new weight in the political balance of Europe; but it is principally interesting to the United States, in its commercial tendencies, and in the hopes which it encourages, of furnishing an enlarged consumption of some of the staple articles of our production, such as cotton, tobacco, and rice. The German Commercial and Customs Association comprises an ample territory abounding in wealth, industry, population, and resources of every description. The States included in it are, the—

<i>States.</i>	<i>Population.</i>
The kingdom of Prussia - - - - -	14,271,530
The kingdom of Bavaria - - - - -	4,315,469
The kingdom of Wurtemberg - - - - -	1,649,839
The kingdom of Saxony - - - - -	1,652,114
The Grand Duchy of Baden - - - - -	1,277,403
Electorate of Hesse - - - - -	704,700
Grand Duchy of Hesse (with Homburg) - - - - -	807,671
Duchy of Nassau - - - - -	386,221
The Thuringian Union - - - - -	908,478
Free city of Frankfort on Mayn - - - - -	54,000
Total	26,027,425

It is understood that Brunswick has exhibited an inclination to separate from the Northwestern Union, of which she is now a member, and to join the association, and the accession of the Grand Duchy of Luxemburg is likely soon to swell still higher the total population of the States thus united, which constitutes already the most industrious, enlightened, and prosperous people of Germany.

Three of the German States have not yet acceded to the association, but have formed a separate Commercial and Customs Union, viz :

<i>States.</i>	<i>Population.</i>
The kingdom of Hanover - - - - -	1,772,107
The Grand Duchy of Oldenburg - - - - -	266,536
The Duchy of Brunswick - - - - -	251,000
Total	2,289,643

And a few of the States of Germany have neither acceded to the association, nor formed any special union among themselves—these are,

<i>States.</i>	<i>Population.</i>
The Duchies of Holstein and Lunenburg (belonging to the King of Denmark) - - - -	471,276
The Grand Duchy of Mecklenburg Schwerin - - - -	482,925
The Grand Duchy of Mecklenburg Strelitz - - - -	89,528
The Hanseatic cities of Lubeck, Hamburg and Bremen - - - -	245,500
Total - - - - -	<u>1,289,229</u>

In the accomplishment of her great political object, Prussia has been compelled to make considerable pecuniary sacrifices, her revenues from the customs being less than before the formation of the association; though this falling off has been gradually lessening, owing to the increased population and prosperity of the Kingdom. The attempts made to adjust and compensate this loss have not been successful; but it is believed that the difficulty will be removed by allowing Prussia to levy, for her own exclusive benefit, the transit duties on cotton and other commodities without any material change in the general system.

The nett revenues of the association have increased from about 12,000,000 thalers, collected in 1834, the year of its first establishment, to upwards of 20,000,000, the present amount, exclusive of the expense of collection, amounting to 12½ per cent—a prodigious increase, and mainly owing to the rapidly-increasing prosperity and consequently augmented consumption of the German States associated in the League.

With Hanover the United States has recently concluded a treaty of commerce and navigation, through the agency of Mr. Wheaton, minister of the United States at Berlin, which has been ratified. This treaty differs from our commercial treaties with Prussia, the Hanseatic towns, and Denmark, by confining the indirect trade to the productions of the kingdom of Hanover, and of any other country of the confederation on the one side; and on the other, to the productions of the United States and of the South American continent and West India islands. It gives us the right of carrying to Hanover in our vessels the productions of the United States, and of the North and South American continent and islands, in exchange for their right of bringing in Hanoverian vessels to the United States the productions of Hanover, and the countries composing the confederation, and may be regarded as favorable to our navigation.

Several States of the League have manifested dispositions to form treaties with the United States upon a similar basis; but it is not intended, on this occasion to express any opinion upon the policy of establishing the principle of entire reciprocity in commercial treaties with the minor States of Europe.

One of the advantages already acquired by the negotiations of our minister at Berlin, is a considerable reduction of the duties on rice, which, under a resolution of the House of Representatives of 11th June, 1838, he was instructed to endeavor to procure. This important object has been gained, and the consequences as foreseen were immediately beneficial to all parties. A great increase in the importation of Carolina rice, which took place as soon as the reduction of duty on the article became known, was followed by a correspondent increase of revenue drawn from its increased consumption in Germany. The success of this experiment en-

courages the belief that a like course in respect to other important staples would be followed by similar results.

The tobacco duties, however, serving as they do the two-fold purpose of raising revenue and of protecting the culture of the tobacco of native growth in Germany, still find formidable obstacles in the way of their removal or modification. The state of the negotiations on this subject up to the session of 1839 and 1840, is sufficiently explained in the correspondence transmitted to the House of Representatives with the President's message of the 14th of April, 1840.

Several of the States of the Germanic Association have no natural outlet to the sea. Their commerce, therefore, is carried on through rivers, the mouths of which open to the ocean in the territories of other Powers. This shows the importance of the union to all the States composing it; but as the union itself is not a Government, commercial stipulations and conventions must be made with the States of the Union in their political capacities. By a paper annexed, marked A, it will appear that, in March last, Great Britain entered into a convention of commerce and navigation with Prussia, Bavaria, Saxony, Wurtemberg, Baden, the Electorate of Hesse, the Grand Duchy of Hesse, the States forming the customs and commercial union of Thuringia, Nassau, and Frankfort; and similar arrangements with these States might probably be accomplished by the Government of the United States.

Such being the general nature of the association, and such our commercial intercourse with it, it becomes matter of interest to consider how far our relations with its several members might be beneficially extended, and if it be thought advisable to enter into commercial treaties with them or any of them, it will remain to be determined whether powers for such a purpose should be conferred upon the minister of the United States at Berlin, or some other diplomatic agency adopted; the general object being to seek the means of enlarging the consumption of the staples of the United States in Germany, and of securing all practicable benefit to their navigation.

There is another part of the subject of our connexion with Germany, which, though of less consequence than those that have been pointed out, is nevertheless one which deeply concerns the numerous German emigrants who are constantly selling their property to proceed to the United States, as well as our naturalized citizens, natives of Germany, inheriting property in that country. Throughout Germany the *droit d'aubaine* and the *droit de detraction* exist in the shape of a tax, payable on the withdrawal from the country of personal property which has been inherited by will or succession, or which forms the proceeds of real property inherited in the same manner. In the United States, as all know, no such tax exists.

It is probable that an exemption from this tax might be obtained on the ground of reciprocity. Some of the States have intimated their willingness to enter into arrangements for that purpose. If there should be thought to be no other reason for a formal convention, this particular object might be effected by a simple official declaration, signed by the Secretary of State, under the seal of the Department, certifying that the subjects and citizens of Germany enjoy this immunity in the United States; upon which there is reason to believe that an alteration in their own laws would be made by the States, or some of them, so as to make the right reciprocal. The form

of a declaration, such as is stated above, has been adopted by the English Government, as may be seen by a paper hereunto annexed, marked B.

All which is respectfully submitted.

DANIEL WEBSTER.

To the PRESIDENT of the United States.

[A.]

COMMERCE AND NAVIGATION.

Convention of Commerce and Navigation between Great Britain on the one part, and Prussia, Bavaria, Saxony, Wurtemberg, Baden, the Electorate of Hesse, the Grand Duchy of Hesse, the States forming the customs and commercial union of Thuringia, Nassau, and Frankfort, on the other part.

Art. 1. In consideration of the circumstance that British vessels are admitted, together with their cargoes, to enter into the ports of Prussia, and of the other States of the aforementioned union of customs, when coming from the ports of all countries, and in consideration of the concessions stipulated in this present convention for British trade with all the States of this union of customs; in consideration, also, of the facility which the application of steam power to inland navigation affords for the conveyance of produce and merchandise of all kinds up and down rivers; and in consideration of the new opening which may by these means be given to the trade and navigation between the United Kingdom and the British possessions abroad, on the one hand, and the States now composing the union of customs on the other; some of which States use, as the natural outlet of their commerce, ports not within their own dominions; it is agreed that, from and after the date of the exchange of the ratifications of this present convention, Prussian vessels, and the vessels of the other States forming the said union of customs, together with their cargoes, consisting of all such goods as can be legally imported into the United Kingdom and the British possessions abroad, by the said vessels, from the ports of the countries to which they respectively belong, shall, when coming from the mouths of the Meuse, of the Ems, of the Weser, and of the Elbe, or from the mouths of any navigable river lying between the Elbe and the Meuse, and forming the means of communication between the sea and the territory of any of the German States which are parties to this treaty, be admitted into the ports of the United Kingdom, and of the British possessions abroad, in as full and ample a manner as if the ports from which such vessels may have come, as aforesaid, were within the dominions of Prussia, or of any other of the States aforesaid; and such vessels shall be permitted to import the goods above mentioned upon the same terms on which the said goods might be imported if coming from the national ports of such vessels; and also that, in like manner, such vessels proceeding from Great Britain and her colonial possessions abroad to the ports or places thus referred to, shall be treated as if returning to a Prussian Baltic port—it being understood that these privileges are to extend to the vessels of Prussia and of the States aforesaid, and to their cargoes, only in respect to each of the said ports in which British vessels and their cargoes shall, upon their arrival thereat, and departure therefrom, continue to be placed

on the same footing as the vessels of Prussia and of the other States of the Union.

Art. 2. His Majesty the King of Prussia, in his own name, and in the name of the States aforesaid, agrees to place, always and in every way, the trade and navigation of the subjects of her Britannic Majesty, in respect to the importation of sugar and rice, upon the same footing as that of the most favored nation.

Art. 3. In the event of other German States joining the Germanic Union of Customs, it is hereby agreed that such other States shall be included in all the stipulations of the present convention.

Art. 4. The present convention shall be in force until the 1st of January, 1842, and further for the term of six years, provided neither of the high contracting parties shall have given to the other six months' previous notice that the same shall cease to be in force on the said 1st of January, 1842; and if neither party shall have given to the other six months' previous notice that the present convention shall cease on the 1st day of January, 1848, then the present convention shall further remain in force until the 1st day of January, 1854, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of the high contracting parties reserving to itself the right of giving such notice to the other; and it is hereby agreed between them, that at the expiration of twelve months after such notice shall have been received by either party from the other, this convention and all the provisions thereof shall altogether cease and determine.

Art. 5. The present convention shall be ratified, and the ratifications thereof shall be exchanged at London, at the expiration of two months, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the second day of March, in the year of our Lord one thousand eight hundred and forty-one.

[L. S.]
[L. S.]

PALMERSTON.
H. LABOUCHERE.

B.

Declarations relative to the duties payable on the withdrawal of the property of foreigners from Great Britain and Bavaria. April, 1836.

BAVARIAN DECLARATION.

Sa Majesté le Roi de Bavière, Comte Palatin du Rhin, Duc de Bavière, de Franconie et en Souabe, ayant eu connaissance que d'après les lois en vigueur dans le Royaume Uni de la Grande Bretagne et d'Irlande, il ne se perçoit aucun droit quelconque à raison de l'exportation et du transport des héritages et autres propriétés appartenant à des sujets Bavarois, le soussigné, Ministre d'Etat ayant le Département de la Maison du Roi et des Affaires Etrangères, declare par ces présentes, au nom du Gouvernement de sa Majesté, qu'aucune retenue ne sera désormais exercée sous le titre

de droits d'aubaine ou de détraction sur les héritages et autres biens échus en Bavière à des sujets de Sa Majesté Britannique, et que l'abolition de ces droits en faveur de ceux-ci aura son plein et entier effet, non seulement dans tous les cas à venir, tant que les lois ne seront pas changées à cet égard dans le Royaume de la Grande Bretagne ; mais encore dans tous ceux ou jusqu'au jour de la signature du présent acte, les droits ainsi abolis n'auront pas effectivement et définitivement été perçus.

En foi de quoi, cette déclaration, destinée à être échangée contre une déclaration semblable de la part du Gouvernement de Sa Majesté Britannique, assurant une parfaite réciprocité aux sujets Bavaois, a été délivrée par le Ministre d'Etat soussigné, et munie du sceau de ses armes.

Fait à Munic, ce 10me jour du mois d'Avril, en l'an de grace 1836.

[L. s.]

LE BARON DE GISE.

BRITISH DECLARATION.

The undersigned, his Britannic Majesty's principal Secretary of State for Foreign Affairs, certifies by these presents, that the subjects of his Majesty the King of Bavaria are at liberty to withdraw their property from the United Kingdom of Great Britain and Ireland, without being called upon to pay any duty, as aliens, on the withdrawal of it, and without paying any other duty than such as the subjects of his Britannic Majesty are equally liable to pay.

In witness whereof, the undersigned has signed the present declaration, and has affixed thereto the seal of his arms.

Done at London the 30th day of April, in the year of our Lord 1836.

[L. s.]

PALMERSTON.

DOCUMENTS FROM THE WAR DEPARTMENT.DEPARTMENT OF WAR, *May 31, 1841.*

SIR: I propose to bring to your notice, at the present time, only such matters confided to the superintendence of the Department of War as, from their nature or pressing emergency, or which from the general interest they excite, you may deem proper to communicate for the information of Congress and the public.

Although the inspections directed since the adjournment of Congress have been made with the greatest promptness, and furnish an extensive body of information in regard to the state of the public defences, as well as to the discipline and efficiency of the army, and bear full and satisfactory testimony to the importance of the Inspector's Department, yet, from the limited time allowed, and the immense extent of territory over which the numerous establishments connected with the military service are distributed, the inspections are necessarily incomplete; and it is therefore not designed to notice all the considerations suggested by the information they afford until a future occasion.

In the general condition and disposition of the army there has been no material change since the last annual report from this Department. The regular force stationed in Florida, consisting of eight regiments, and numbering in the aggregate, by the last returns, five thousand and fifty-seven, it has been found expedient to continue in service in that Territory.

A few incursions by small detachments of our troops into the fastnesses of the enemy, by which their atrocities have been signally visited upon their own heads, have been the only exceptions to the general cessation of hostilities which took place last fall, soon after the regiments, reinforced by new recruits and provided with every necessary supply, were prepared for active operations; nor have they been renewed since that time. Offers to negotiate from several chiefs, the device by which those crafty warriors have so often baffled our arms at the period most propitious to success, were renewed under such circumstances as induced the commanding general once more to embrace them. The strongest confidence appears to have been felt that, with the aid of a suitable amount of funds, applicable to that object, the whole of the hostile bands might soon be persuaded to surrender, and abandon the country. This line of policy, though tardy in its results, continued to hold out such hopes of complete success as to encourage the late Administration in the belief that this protracted war had at last been brought so near a close as to be no longer a subject of particular interest or anxiety. For these reasons it was not thought expedient to check or interrupt the negotiations in progress on the 4th of March last, by directing a different mode of operations. The result so far, since the negotiations were renewed in the fall, has been the surrender of four hundred and thirty-one Indians, including about one hundred warriors, all of whom have been transported to the country assigned them, west of the Mississippi. Some expectation is still indulged by the officer in command, that the re-

maining bands which have so long infested the upper and northern districts of the peninsula will surrender in a short time; but I regret to state that but little hope can be justly cherished that this unhappy and wasteful war, which has already cost so great a number of valuable lives, and so many millions of public treasure, will be terminated without still further sacrifices. It appears that, after six months' of negotiation, no access has been had to the principal and most powerful chief, or to any of his followers. Directions have accordingly been given for the most energetic and effective prosecution of the war the moment further negotiations shall appear to be useless. Steps have also been taken to increase the efficiency of the means now at the disposal of the officer in command; and, in the mean time, the retrenchment of every expenditure connected with the service, for purposes not essential in Indian warfare, has been earnestly enjoined.

The many weighty considerations which invite the immediate attention of Congress to the subject of the public defences generally, and particularly to the works absolutely necessary to the security of our great commercial emporiums, and the keys to our most valuable resources of every kind, must be so generally understood and appreciated that nothing this Department can urge could add anything to their force and conclusiveness. To say nothing of the destruction of property, and our weakened condition in a military point of view, attendant upon the carrying of any of our most assailable points, the penetration of our territory and the seizure of even one of our strongholds by a powerful enemy, upon the sudden outbreak of war, it would seem to be equally the dictate of patriotism and wisdom to make due provision against the infliction of such insults to the national honor and character.

It has been urged as an objection to the further progress of the works heretofore projected for the defence of our extensive sea-coast, that the recent experiments in the use of steam power in ocean navigation, and the ready application of the same powerful agent to the defence of our principal harbors, together with the late inventions in the means of increasing the destructiveness of shells, must soon introduce an entire change in the system of coast defence, as well as of maritime war in general. It is true that the mental activity characteristic of the age in every other art and science, has not been less fruitful in suggesting improvements in the art of war, the value of some of which has already been tested in practice, and doubtless others will, in time, prove equally successful. In no department of public affairs may the natural connexion and dependence between all the sciences and inventions of art, be more beneficially illustrated than in the improvement of the means of national defence. That the cause of humanity will be promoted in proportion as the existing systems and means of defensive warfare are perfected by new improvements, in affording to all nations greater security to the independent enjoyment of their own acquisitions and forms of society and government; in putting the weak upon a more equal footing with the strong; in rendering wars less frequent, and allowing all the arts of peace to flourish in uninterrupted vigor, cannot be doubted. It is a source of much gratification to observe that several gentlemen of high professional distinction in the army are employing themselves in these appropriate studies. But while in carrying forward the plans devised in former years, due regard should be had to the improvements already introduced in the means of defence, and, as far as practicable, to such modifications as may be rendered necessary by future

discoveries, we must take care, by the most efficient application of the means already known and approved, not to lose the advantage of present security.

The array of well-authenticated facts and results of past experience, and the well-sustained reasoning founded upon them, exhibited in the report of the board of officers referred to in the accompanying letter of the chief of the corps of engineers, appear to be conclusive in favor of completing the system of defence therein recommended, so far, at least, as to place the country in what is denominated a *good* state of defensive preparation against any sudden occurrence of war. To this extent the completion of the works heretofore projected, may be regarded as indispensable, however defective they may be as a perfect system of national defence. It will be seen from the estimates stated in the report alluded to, that to effect that object will require an appropriation of \$9,693,547 upon the fortifications, and \$2,493,000 for the armaments; making together the sum of \$12,186,547. The obligation of the Government to apply this sum to the objects contemplated as speedily as the nature and due permanence of the several constructions will admit, is rendered imperative and absolute by every consideration of public safety and public honor,

It is estimated by the chief engineer that the sum of \$1,435,500 can be judiciously and most beneficially applied upon these essential works of defence during the remainder of the present year, in addition to the appropriations heretofore made for the same objects. The expenditures in this branch of the service have been more considerable in the current quarter than usual, and hence the additional appropriations asked for are larger than they would have been under ordinary circumstances. How this has happened will be explained by the fact, that soon after the accession of your immediate and lamented predecessor, all the means at the disposal of this Department were directed to be employed upon the fortifications and other works for the protection of the Atlantic frontier, in the manner deemed best calculated to produce the greatest possible efficiency in the shortest time. This course appeared to be called for by the unsettled and threatening aspect of our foreign relations. While the whole of the resources at the disposal of this Department for this service were thus ordered to be applied to such unfinished works as could be made available, in whole or in part, in a reasonable time, it is proper to state, in this connexion, that directions were at the same time given to supply, without delay, the works already completed, with their appropriate armament.

The promptitude and liberality with which the Governor of New York and the Commissioner of public lands, in that State, responded to the recent application of the Department to be put in possession of the works constructed on Staten island under the supervision and at the expense of that State for the defence of New York harbor, deserve the thanks of the country, and should be further acknowledged by the immediate appropriation of the sum demanded as a compensation for the ground upon which they are situated. The works are regarded as of great importance to the object for which they were designed, and they are now in a course of repair and improvement under the direction of a competent officer of the corps of engineers. The correspondence between this Department and the Governor of New York, and the report of the chief engineer, will show the terms upon which the title to this property will be vested in the United States.

It will be seen from the accompanying report from the Ordnance Department, that some additional appropriations for that service are believed to be important to the public interest. The amount called for is \$220,000. The importance of the operations of this Department, and its immediate connexion with the national defence, in providing guns, gun-carriages, and other munitions, will at once be perceived.

It is necessary that the attention of Congress should be called to the policy recently adopted in the management of the public armories. The duty of increasing, by every practicable means, the efficiency of these important establishments, not less than a due regard to economy, influenced the Department in giving its sanction to the plan of dispensing with the civil superintendency authorized by law. After full consideration, it was believed that this could be safely and advantageously done. Accordingly, the armories are now in charge of skilful and experienced officers of the Ordnance Department. One defect in the policy of taking superintendents from civil life, as shown by past experience, is the want of the proper qualifications in the persons usually selected. Some degree of science, as well as a practical knowledge in the construction and use of arms, are indispensable requisites in the superintendents. The desired and proper qualifications are rarely to be found united in the same person in civil life, whose services can be commanded by the Government. Another and more serious objection to the system of supervision heretofore practised, is founded in the defective and inadequate control which the Department has been able to exercise over the superintendents. It has been found impossible, in some instances, to enforce the most salutary regulations. The necessary degree of deference to the orders and wishes of the superior authority, it is manifest, has not been felt. This, probably, is the inevitable result of the nature of the interests and influences, in no manner connected with the objects of these establishments, which too often control the conduct of the superintendents. For these reasons, it is deemed of great importance that the armories should be separated, as far as possible, from all connexion with the party politics of the day. The force of the objections suggested, to a civil superintendence, cannot be better illustrated than by the statements contained in the accompanying memorandum of the Ordnance Department, which appears to be taken chiefly from the correspondence between that Department and the superintendent of the armory at Harper's Ferry.

But the expediency of continuing the superintendency of these officers must finally be decided by Congress. Some hesitation was felt in dropping, temporarily, the civil superintendency; but as neither of the late superintendents, though of much personal worth, was regarded as possessing, in a due degree, those particular qualifications which are important in the management of such establishments, their removal was thought a fit occasion to introduce a new system. Time has not yet been allowed to test, sufficiently, its advantages or defects. If it shall be the pleasure of Congress to allow the existing vacancies under the law, as it now stands, to continue for a short period, the public interests will be subserved, whatever may be the result of the experiment. If the policy recommended by the Ordnance Department, and so far sanctioned by this Department, shall succeed, it will be well for the public service. If it shall fail, there will no longer be any pretext for future changes; and the Department will look to the selection of the most competent superintendents from the walks of

civil life, and to the means of improving the efficiency of these establishments by such new regulations, under your direction, as may be suggested by experience.

Additional appropriations, to the amount of \$825,637 86, are required by the Pay and Quartermaster's Departments for the service of the present year. The amount asked by the Quartermaster General appears to be indispensable. It is about the sum which Congress at the last session failed to appropriate, though included in the estimates and understood to be in part for arrearages for the year 1840; and a large portion of the present demand may not be improperly set down to the same account. A portion of the sum required by the Pay Department is for arrearages of the year 1840, as will appear from the report of the Paymaster General.

The agents and superintendents heretofore employed in the construction of the various improvements on the lakes, the seacoast, and in the interior, have been discharged, except such as have been retained at a small compensation, to guard some of the most important works remaining in an unfinished state, and the public property connected with them. In a few instances, it has been found expedient to employ an agent to take care of the property of the Government collected for the construction of these works, until Congress shall determine upon the question of continuing or abandoning them, where there was no fund out of which they could be paid. Some of these agents have been paid from the proceeds of the sale of a portion of the public property; others can be paid only by further sales, or under an appropriation by Congress. It has also been ascertained that the expenditures upon several of these works have exceeded the appropriations made for their construction. These arrearages are generally due to contractors and laborers in no way responsible for this error; and provision should therefore be made for the payment of them. The amount necessary to discharge them, as well as to pay the expenses of the agents employed as above stated, appears from the report of the Chief of the Corps of Topographical Engineers to be \$39,997 12.

The subject of the expediency of completing the Cumberland road, and of improving certain harbors and the navigation of certain great rivers, which may be regarded as necessary and proper, in making adequate provision for the public defence, I propose to postpone the further notice of, until the stated session of Congress, as the consideration of it will involve the propriety of making appropriations for various works of internal improvement not necessarily connected with that object, and consequently will require more time than Congress, at its approaching session, may find it convenient to give.

At the late session of Congress the sum of \$30,000 was appropriated to be expended under the direction of this Department, in repairing the breach in the Potomac bridge. Soon after the adjournment, an officer of the Corps of Topographical Engineers, distinguished alike for his science and practical skill, was selected to make the necessary examinations, and to report a suitable plan for the execution of the work. With what skill and accuracy he has performed this preliminary service will appear from his report to the chief of the corps. The highest confidence being reposed in the soundness of his judgment, it was determined at once to expend no portion of the money placed at the disposal of the Department for the accomplishment of so important a work upon a plan which did not promise to secure, what was held to be indispensable, its permanence and durability. From

the statements contained in the report of Major Turnbull, it is obvious that the repairs, if done upon the plan which formed the basis of the estimate upon which the appropriation was made, could not stand through a single season of freshet or ice. The question was then presented, whether it was proper to commence the repairs upon the only plan which promised the requisite strength and durability, but the cost of which would far exceed the appropriation made by Congress, and which, it was known to the Department, was supposed to be ample for the object, or wait the sanction of that body at the approaching session. The great convenience and importance of the bridge, at this point, and the strong interest felt by the citizens of this District that the repairs should not be delayed, urged the immediate commencement of the work, while its questionable propriety, under the prospect of an immediate session of Congress, decided the Department to postpone further operations until that body should have an opportunity of acting upon the subject. The utility and importance of this bridge not only to the citizens of this city and District, but to the carrying of the public mail, and to the southern travel at the season of the year when the river is obstructed by ice, are so generally felt and acknowledged, that I need say no more to recommend the additional appropriation required; or that the sanction of Congress be given in some other form, at an early day of the session, to the making of the necessary repairs upon the only safe and durable plan which presents itself.

Another public work of great interest committed to the care of this Department deserves some notice at this time. The sum of \$75,000 was appropriated at the late session of Congress for clearing out the Red river raft. The large sums of money heretofore expended on this object, the high expectation indulged, after the first successful experiment, of the practicability of effecting it, the subsequent accumulation and continuance of partial obstructions, and the consequent disappointment of the public, caused the Department to give its early and serious attention to the subject. Believing that Congress, in making this appropriation, indulged the hope that it would be all that would be required for the completion of the work, the Department was resolved that the highest degree of permanence and utility attainable by the use of the means placed at its disposal should be accomplished, directed that an officer of the highest credit for skill and judgment should proceed without delay to ascertain the nature, extent, and causes of the obstructions which interrupt the navigation of that river, and to submit a plan for their removal. That officer has not yet reported to the Department. It is intended that the steam and snag boats after being repaired shall ascend Red river, while it continues in a navigable state, to the point of obstruction; but it is not designed to enter upon the work until autumn. This policy, as will fully appear from the report of the chief of the topographical engineers, and the accompanying letter of the superintendent, was dictated by a sound economy, if not by the necessity of the case.

A practice has prevailed in the Indian Department of making payments from moneys drawn from the Treasury under appropriations by Congress, without regarding in all cases the objects of the appropriations, as specified in the law.

This practice virtually defeats that provision of the Constitution which declares that no money shall be drawn from the Treasury, except under appropriations by Congress; for the object of this provision must have

been, not merely that money shall not be drawn from the Treasury without being duly appropriated, but that it shall be paid only for objects specified in the acts of appropriation.

The practice of making payments under such circumstances—that is, of taking money drawn from the Treasury under an appropriation for one object, and applying it to the payment of accounts, and for objects for which no appropriation has been made, renders the reports of the condition of the Treasury entirely fallacious, and utterly destroys all confidence in them. The true condition of the Treasury, or of its liabilities, is not and cannot be presented under such a practice.

The Indian department has favored itself in the means of practising this irregularity by another usage, directly in contravention of the law of Congress requiring that unexpended balances of appropriations, at the expiration of two years, shall revert to the Treasury. It has been customary, before the expiration of the two years, to withdraw from the Treasury the balances not actually required for disbursement within the specified period; and these balances have been placed in the hands of disbursing agents, forming a very large fund, from which payments have been made from time to time, for objects for which no appropriations have been made by Congress. The amount of funds in the hands of these special agents of the department has ranged, on an average, from two to three hundred thousand dollars for the last seven or eight years; and this has been generally deposited in banks, selected at the discretion of the agent himself.

Under these circumstances the disbursing agents, having received moneys under authorized heads of appropriation, which have been applied to objects not sanctioned by law, have had their accounts brought into such a condition as will not allow of their settlement at the Treasury without special appropriation by Congress; and hence there are disbursing agents who have been unable to obtain a settlement during several years, and whose accounts are still open, notwithstanding the act of Congress, most salutary in its object, requiring a settlement annually on the 1st of October.

As one irregularity is often the parent of another, so, under the usage of the Indian Bureau, by which large amounts of money have been held by disbursing agents, which should have reverted to the Treasury, these agents have had the means of loaning, and have actually loaned large sums, within the last few years, to meet the necessities of the Treasury in other departments of the Government, or other and distinct branches of the Indian department; and, in this manner, a system of accommodation has obtained without responsibility, and unknown to the law.

The evils of the practice, the subject of these remarks, will sufficiently appear, when it is considered that they are precisely those which it was the object of the provision in the constitution, prescribing the mode of drawing money from the Treasury, to guard against; and those also which were intended to be counteracted by the law of Congress requiring that unexpended balances shall revert to the Treasury at the expiration of two years.

In the present condition of the accounts of disbursing agents, it is impossible to ascertain the precise amount of payments requiring appropriations by Congress for their final adjustment at the Treasury; but the amount is known, thus far, to exceed \$200,000, and it will probably require \$250,000, and possibly \$300,000.

It would be easy to multiply remarks upon the impropriety of this

practice of the department. The objections to it are numerous and weighty; and some of them are founded so deeply in vital principles as to deserve some further notice in this report.

All officers hold their powers in trust under the obligation of fulfilling the objects for which those powers were granted. Congress is entrusted with the power of granting money for objects to be accomplished by executive agents. If the agents divert the money to other objects there is a breach of trust. But as all the officers of the Government are presumed to have in view the common good, Congress, more or less, relies upon the executive agents to indicate the objects requiring appropriations, with estimates of the amounts necessary for their accomplishment. This confidence in executive agents seems to have been regarded, in some cases, as an implied authority in the agent to undertake objects not yet sanctioned by Congress, the agents looking prospectively for that sanction. But if this discretion is to be tolerated under any pretence whatever, for objects however apparently needful or important, the checks and guards provided by the constitution and the laws are at once removed, and the most dangerous experiments may be made with the public money, having no higher sanction than the judgment of the heads of departments, while the discretion thus exercised at the fountain is liable to become licentiousness in the subordinate agents, resulting in frauds and defalcations of extraordinary character and magnitude.

The attention of the department has been directed to the subject of Indian treaties, and particularly to the manner in which some of those recently made have been executed, involving the disbursement of large sums of money for the emigration and subsistence of Indians.

The frauds that have been practised in the Southwest have been to some extent inquired into; but a full disclosure of all the facts has not yet been arrived at. Enough has, however, been brought to light to establish the conviction that certain contractors have realized the most enormous profits, the greater portion of which is believed to have been the direct fruit of gross fraud upon the Government or the Indians, practised by bribing some of the subordinate instruments in the public employment, or through the mismanagement of higher public agents who can only screen themselves from the suspicion of a connivance in the frauds, by submitting to the imputation of gross negligence, ignorance, or incompetency in the performance of their duty.

From the involved character of these transactions and the difficulty of procuring full and precise information, it has been found impossible as yet to fix upon the point where these frauds commenced, or to ascertain the boundaries of responsibility among the numerous public officers and agents through whose direct or indirect instrumentality, connivance or ignorance, the contractors were able to consummate their unprincipled designs. This investigation has been prosecuted with the most painful reluctance, though persevered in under a paramount sense of duty; and enough has been disclosed to suggest an inquiry, whether the guilty recipients may not be compelled to refund their iniquitous gains to the Treasury by process of law.

All of which is respectfully submitted.

JOHN BELL.

To the PRESIDENT.

ENGINEER DEPARTMENT,

Washington, May 31, 1841.

SIR: In compliance with your request, I had the honor on the 27th instant to submit detailed estimates of additional sums required during the present year for the advancement of fortifications now in progress, and for the repair of old works; which estimates amounted in the aggregate to \$1,019,500; also detailed estimates of the sums required during the present year, for the commencement of new works connected with the system of national defence, and amounting in the aggregate to \$466,000.

In connexion with these estimates, and by way of illustrating their necessity, I now beg leave to offer a few general remarks touching the present condition of our military defences; remarks which, though general in their character, will perhaps, on the present occasion, supply the place of the detailed statements usually submitted on the approach of each regular session of Congress, and which set forth the particular condition of each work under construction or repair.

Our fortifications consist 1st, *of works constructed anterior to the war of 1812*. A few of these are revolutionary relics; some were constructed about the year 1798; but the greater portion between the years 1806 and 1812. In general, these forts occupy the best positions for defence. Several defences which belonged to these periods, and particularly some which covered the more important points of the coast, have been superseded within the last fifteen years, by works of greater power and better adapted to their object.

2d. *Works constructed since the year 1816*. Soon after the close of the last war with Great Britain, the Government determined on the establishment of an entirely new system of defences; and to that end a commission consisting of naval and engineer officers was organized with instructions to take up the whole subject, there being connected with it collaterally the selection of sites for two principal naval depots. In execution of these duties, all the harbors on the coast of the United States, which admit sea-going vessels, were examined by the board; the more important ones surveyed under these instructions; and not only the general system of defence agreed upon, but the particular works discussed, planned, and drawn out in detail ready for execution, for all, or nearly all, the positions of importance. In measure as these defences, in the order of relative consequence were projected, they were submitted to the approval of the Executive, and put under construction as fast as the appropriations by Congress would allow. Although very desirable that the execution should be in strict conformity to this order of importance, local influence was sometimes able to disturb it; and although, considering the number of points at which vast amounts of interest were exposed, the necessity for unremitting diligence was apparent, the operations were several times suspended for want of grants by Congress.

Of this system of defence several important works have been completed, and many are nearly finished or either in a good state of advancement.

The leading principle which is studiously attended to in the application of the funds granted for fortifications, whether the operation be one of construction or repair, is to aim at producing, at the earliest day possible, a state of efficiency. It often happens in constructions, that portions of the new work may be successively brought into a state for service at an early day, and

this is carefully kept in mind in prosecuting the labors; so, in applying repairs, those are first taken in hand which relate to the use of the armament and resistance to attacks.

I am happy in being able to state that within the last year or two much has been done towards producing this state of efficiency in some of the more important positions; although results much more satisfactory would have followed in the same time, with means more justly apportioned to the necessities of our condition.

It is most earnestly to be hoped that your desire for a more vigorous advancement of these defences may be fully sustained by Congress.

The estimates will be seen to contain many items for repairs; of these, by far the greater number are for works erected before the war of 1812, of which several had been entirely abandoned for years. In such cases, especially as most of those constructions were originally defective in both materials and workmanship, the repairs must be considerable. But some of the first works erected under the new system now need some further expenditures, especially that in the Gulf of Mexico. A large item in these expenditures is consequent however, upon a modification required to prepare for the new barbet gun-carriages, and must not therefore be considered as repair; still a portion of the work now to be done is strictly speaking either a renewal of decayed, or repair of injured portions. Some of these injuries have resulted from the nature of the climate; some from the nature of the ground on which the works stand; and some from neglect and abandonment.

It is particularly my duty to call your attention to the state of abandonment in which many of our forts have been left for several years past, as involving in some cases material injury. It is not possible to estimate this damage in dollars and cents; but there can be no doubt whatever that the presence at each of the forts, of persons charged with its preservation and competent to apply immediate remedy to every injury, will save the country large sums of money, and keep besides the defences in constant readiness for action. The presence of a garrison under good discipline, and in the observance of a strict police, will undoubtedly avert many evils that would most certainly befall in the absence of all responsible occupants. But unless there be persons in this garrison technically competent to the preservation of the work, as well as responsible therefor, the condition of constant preparation cannot be maintained without considerable expenditures from time to time. In other words, there should be stationed in every fort, according to the size, from one to six or eight persons regularly trained to the duty, whose sole business would be its maintenance in a state of constant efficiency. A shingle blown from the roof, a little pointing thrown out of the wall by the frost, a hole in the leaden covering of a casemate, a few defective sods in the earthen slopes, a slight gally in the rampart, a broken pane of glass in the quarters; these, and many other of the like nature, are injuries unavoidably occurring; but they are at once detected by persons on the watch; they are instantly remedied by persons duly instructed, and they lead, if neglected, to costly repairs, some of them to injuries that are irreparable. It is the presence, in our fortifications, of persons capable of repairing all these injuries as they occur, that I must urge upon your consideration as of vital importance, not only to economy in the maintenance of the works, but to the support of that ever-ready condition which is so important. Ordinary garrisons, without these, will not avail.

Among the works estimated for as new to Congress, and therefore comprised in a separate estimate, is included the putting in condition for service the forts and batteries belonging to the State of New York on Staten island, in New York harbor. These works occupy one of the very best positions for defence, and it is of the highest importance that they should belong to the United States, and be fitted for action without delay. It is understood that the State is disposed and ready to make the transfer on reasonable terms.

The 1st, 2d, 3d 4th, and 5th items of the same estimate relate to the defences of the northern and northeastern inland frontier. The military committee of the House of Representatives, to which these items were submitted, by direction of the Secretary of War, sanctioned them all, and warmly urged them on the acceptance of the House. The 6th item is for the preservation of Lovell's island, which belongs to the United States, and is connected with the defence of the main channel into Boston harbor. The 7th is for the commencement of a small fort on Rose island at the entrance into Narragansett Roads, which in conjunction with fort Adams, now nearly finished, is designed to control the entrance and anchorage. The 9th item is for the commencement of a fort for the protection of Baltimore, now as much exposed as ever to attack by the way of North Point. Both the last mentioned works were recommended by the same military committee.

Before closing this letter, I must take the liberty of referring you for many most important facts and considerations connected with the general system of defence of the country, to a report made by a board of officers on the 10th of May, 1840. (See Doc. No. 206, 26th Congress, 1st session, House of Representatives.)

As exhibiting in brief terms the extent of this system of defence, and the expense yet to be incurred, I have abstracted from that report the following summary, viz :

The works which are likely to be erected on the Atlantic and Gulf of Mexico coast within a reasonable time, and which are regarded as indispensable to security, will need war garrisons to the extent of	-	-	- 33,140 men
They will require the further expenditure for their repairs or completion of	-	-	- 9,693,547 dollars
They will require for their armament the additional provision of	-	-	- 2,779 pieces of ordnance
And	-	-	- 5,006 carriages
At an expense of	-	-	- 2,493,010 dollars

There will still remain many posts and harbors and establishments of one sort or another, which, either as presenting less temptation to the cupidity of an enemy as being more out of the way of enterprises, as acting a secondary part in the defensive arrangement, or as being of inferior importance, it is supposed may be omitted till the completion of the first portion of the system.

To give these their due measure of security, will need, in addition, war garrisons to the extent of	-	-	- 30,695 men
The works will require for repair or construction, the expenditure of	-	-	- 19,521,824 dollars

And they will want for their armament the supply of	-	-	-	5,447 pieces of ordnance
And	-	-	-	5,554 carriages
At a cost of	-	-	-	3,735,330 dollars

Supposing the entire system to be completed—

There will be required for war garrisons	-	-	-	63,835 men
To complete the fortifications	-	-	-	29,215,371 dollars
To arm them	-	-	-	8,226 pieces of ordnance
And	-	-	-	10,560 carriages
At the cost of	-	-	-	6,228,340 dollars

In relation to the mode of obtaining the garrisons, above stated to be necessary in time of war, I must refer you to the report beforementioned, pp. 41 to 43. It will there be seen that for the great mass of this force, reliance is placed on the militia of the several towns and cities, as being well adapted and entirely competent to the defence of the works.

Very respectfully, sir, your most obedient servant,

JOS. G. TOTTEN,
Col. and Chief Engineer.

Hon. JOHN BELL, *Secretary of War.*

ENGINEER DEPARTMENT, *May 12, 1841.*

SIR: I think it my duty to bring to your notice a matter which is considered to demand immediate action in reference to the defence of the sea-coast. It is this. The most defensible part of the main channel to the inner harbor of New York is what is called the Narrows, about seven miles below the city. On the Long island side, are forts Hamilton and Lafayette, to both of which it is designed to apply repairs with appropriations now in hand. On the Staten island side, are four forts and batteries, called fort Richmond, fort Tompkins, battery Hudson and battery Morton, all occupying excellent positions, but though now in a state of great dilapidation, capable of being brought, by judicious repairs, to contribute in a most important degree to the defence of the harbor. These works on Staten island, belong, however, to the State of New York, and while thus possessed, it would seem that the United States cannot engage in their repairs, nor indeed, even in preparatory operations tending thereto.

I take leave to bring the subject now before you, in order that, the Government concurring, the proper measures may be taken for a transfer of the works to the United States.

No appropriations have been made by Congress for these works in particular, but material advantage might follow, even from the small sum that could be applied out of the contingent fund, and also from the privilege that might thus be exercised of preparing for more extensive operations.

The importance of this transfer has often been stated to the Government in reports on the defences of the country.

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

JOS. G. TOTTEN,
Col. and Chief Eng.

Hon. JOHN BELL, *Secretary of War.*

WAR DEPARTMENT, *May 13, 1841.*

SIR : I submit to your excellency the enclosed letter from the chief engineer, on the subject of the importance, in providing the proper defences for the harbor of the city of New York, of transferring to the United States the four forts and batteries on Staten island, called fort Richmond, fort Tompkins, battery Hudson, and battery Morton, in order that they may be repaired and put in as defensible a condition as the means at the disposal of the department will admit.

At this juncture it is particularly important that all the great Atlantic cities should be placed in as secure a situation as possible from a sudden attack by an enemy ; and this is especially necessary with regard to the great and wealthy city of New York, to which a hostile fleet could so readily penetrate, and lay under contribution. I, therefore, beg leave to request, should you concur in these views, that you will urge the necessary measures for having those forts and batteries, and the land appurtenant to them, transferred to the United States, at as early a period as it may be convenient to have this done.

I have the honor to be, your Excellency's obedient servant,

JOHN BELL.

His Excellency WILLIAM H. SEWARD,

Governor of New York, Albany, N. Y.

STATE OF NEW YORK,

EXECUTIVE DEPARTMENT, *Albany, May 17, 1841.*

SIR : Your letter of the 13th instant, submitting that it is deemed important by the War Department, in providing the proper defences for the harbor of the city of New York, that the four forts and batteries on Staten island, called fort Richmond, fort Tompkins, battery Hudson, and battery Morton, should be transferred to the Federal Government, in order that they may be repaired and put in as defensible a condition as the means at the disposal of the department will admit, has been received.

In 1836, a law was passed by the Legislature of this State, authorizing the commissioners of the land office to sell to the Federal Government the lands in question, for the purposes mentioned in your letter, and ceding the jurisdiction after a conveyance should be made.

Fully concurring in the views you have presented in regard to the importance of providing for the defence of the city of New York, and the usefulness of the sites of those forts for that purpose, I have advised the commissioners of the land office to convey the same to the Federal Government. They will communicate with you without delay concerning the terms and form of the conveyance, and if delay shall be deemed prejudicial, the authorities of this State will raise no objection to the immediate occupancy of the lands in question.

I am, &c.,

WILLIAM H. SEWARD.

HON. JOHN BELL, *Secretary of War,*

Washington City.

SECRETARY'S OFFICE, ALBANY, *March 17, 1841.*

SIR: Your communication to the Governor of this State of the 13th instant, on the subject of transferring certain forts and batteries to the United States, was transmitted by him to the commissioners of the land office. A statute of 1836 authorizes them to *sell* to the United States upon such terms as they may think proper the land in question. If you wish to refer to the act, you will find it in the session laws of 1836, at page 22, chapter 19. The statutes of this State are in the office of the Secretary of State of the United States, and in the Library of Congress.

One of the tracts was purchased November 24, 1794, for \$3,062 50, and the other November 20, 1809, for \$7,500. As they are really wanted for the national defence, it has appeared but reasonable to the commissioners, that the State of New York should be reimbursed the money it advanced, for what is to become national property, and should be regarded as the agent of the United States in making the purchase. We have therefore supposed it was but right to ask repayment of the principal and interest.

A certified copy of the resolution of the commissioners offering to sell on these terms is herewith transmitted.

It is proper to mention that a small portion of the land—three rods and seven perches—was, on the 4th of June, 1828, ceded and conveyed to the United States for a light-house.

Should the Government wish to occupy what remains of the forts and batteries on the ground, for military purposes, before a cession is made, there will be no objection on the part of the commissioners to such occupation.

Very respectfully, your obedient servant,

JOHN C. SPENCER,

Secretary of State.

HON. JOHN BELL, *Secretary of War.*

At a meeting of the commissioners of the land office of the State of New York, at the Secretary of State's office, in the city of Albany, March 17, 1841, present John C. Spencer, Secretary of State, Orville L. Holley, Surveyor General, John A. Collier, Comptroller, Jacob Height, Treasurer.

Application having been made by the Secretary of War of the United States, by the directions of the President, for a transfer to the United States of the four forts and batteries on Staten island called fort Richmond, fort Tompkins, battery Hudson, and battery Morton, to construct and maintain proper defences for the protection of the harbor of New York,

Resolved, That the commissioners of the land office will sell and convey to the United States of America, pursuant to the authority given by the "Act authorizing the sale to the United States of certain lands on Staten island," passed February 6, 1836, the land upon Staten island belonging to the people of this State, heretofore used for military purposes, conveyed to the said people by Ann Jacobson and Catharine Vandeventer, on the 24th day of November, 1794, and by John V. D. Jacobson and Helethay his wife, on the 20th day of November, 1809, containing in the whole about 47½ acres, on receiving from the said United States the consideration money paid by this State for the said land, and the interest thereon at six

per cent. per annum, amounting to the sum of \$33,281 87½, upon receiving an engagement from the United States that the said sum shall be paid to this State.

STATE OF NEW YORK, *Secretary's Office.*

I certify the preceding to be a true extract from the minutes of the commissioners of the land office of this State.

ARCH'D CAMPBELL, *Dep'y Sec'y,*
and *Clerk of the Commissioners of the Land Office.*

ALBANY, March 17, 1841.

ENGINEER DEPARTMENT,

Washington, March 25, 1841.

SIR: By reference to the letter to you from the Governor of the State of New York, and to the letter of the Secretary of State of the same State, together with a resolution of the commissioners of the land office, all dated the 17th instant, it appears that said commissioners will sell and convey to the United States the land upon Staten island belonging to that State, heretofore used for military purposes, obtained by the State partly from Ann Jacobson and Catherine Vandeventer, November 24, 1794, and partly from John V. D. Jacobson, Helethay, his wife, November 20, 1809, containing in the whole about 47½ acres, on receiving from the United States the consideration money paid by the State for said lands, and interest thereon at six per cent. per annum, amounting, as calculated by the commissioners, to \$33,281 87½. The amount paid by the State for this land, at the periods above mentioned, is stated to be \$10,562 50.

Before any purchase can be made, it will be necessary to obtain the sanction of Congress through a specific appropriation, and, to that end, I will bring the subject again to your notice at the proper time for making a call on that body. In the mean time, it is very desirable that the military structures erected by the State on these grounds, or rather that a portion of them, should be submitted to such of the more indispensable repairs as the small means now available for contingent and incidental operations in fortifications will permit; and I have therefore to recommend that application be made to the proper State authorities for permission to enter without delay upon the grounds in question, and take possession of any of the military works thereon, for the purpose of repairing them, or improving their efficiency, using for such purpose any materials now there belonging to those works. The following sentence in the letter from Mr. Spencer, the Secretary of State of New York, shows that no objection to this request need be apprehended. He says: "Should the Government wish to occupy what remains of the forts and batteries on the ground for military purposes, before a cession is made, there will be no objection on the part of the commissioners to such occupation."

It might be well to have it distinctly stated that in the sale of the above mentioned lands is to be included also the forts and batteries, all buildings erected thereon, and all matters and things appurtenant thereto; and it would be well also to have a gross sum set as to the price, instead of the amount of principal and interest, because, otherwise, the last being a variable quantity, the sum asked of Congress at the beginning of the session would no longer be adequate at its close.

The papers above mentioned, together with a copy of the act referred to in the letter of the Secretary of State for the State of New York, are herewith transmitted.

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

J. G. TOTTEN,
Col. and Chief Engineer.

HON. JOHN BELL, *Secretary of War.*

An Act authorizing the sale to the United States of certain lands on Staten island.—Passed February 6, 1836.

The people of the State of New York, represented in Senate and Assembly, do enact as follows :

SEC. 1. The commissioners of the land office are hereby authorized to sell to the United States of America, upon such terms as they may think proper, so much of the land upon Staten island, belonging to the State of New York, heretofore used for military purposes, as may be required by the Government of the United States to construct and maintain proper defences for the protection of the harbor of New York.

SEC. 2. The jurisdiction over such land as may be sold by virtue of the first section of this act, from and after such sale, shall be ceded to the United States of America, for the purposes for which such land shall have been sold. But such jurisdiction shall not be construed so as to prevent or impede the execution of any process, civil or criminal, under the authority of this State, except so far as such process may affect the real or personal property of the United States within the said tract of land.

SEC. 3. This act shall take effect from the passage thereof.

WAR DEPARTMENT, *March 31, 1841.*

SIR : I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing a resolution of the commissioners of the land office of the State of New York, agreeing to sell and convey to the United States on certain conditions therein named the land on Staten island owned by that State.

The sanction of Congress to the purchase is necessary before an agreement for the purchase can be entered into, and the subject will be presented to that body, and recommended for its favorable consideration, and no doubt is entertained that the necessary provision will be made.

In the mean time, I respectfully request that authority be conferred upon this Department to take possession of the works on Staten island, for the purpose of repairing them, and improving their efficiency.

I have the honor to be, &c.,

JOHN BELL.

JOHN C. SPENCER, Esq.,

Sec. of State of the State of New York, Albany, N. Y.

STATE OF NEW YORK, SECRETARY'S OFFICE.

Albany, April 5, 1841.

SIR : By the resolution of the commissioners of the land office, herewith transmitted, you will perceive that they have given their assent to the occu-

pation of the forts and military works on Staten island, by the officers and agents of the United States.

Strictly speaking, the authority of the commissioners is confined to a sale of these premises; but, as they have the general care and superintendence of all the lands belonging to the State, their assent to their occupation will be a sufficient justification. We could, doubtless, procure the passage of a law authorizing the United States to occupy the premises desired; but it would just now produce an unnecessary excitement.

Very respectfully, your obedient servant,

JOHN C. SPENCER,

Secretary of State.

HON. JOHN BELL, *Secretary of War.*

At a meeting of the Commissioners of the Land Office of the State of New York, at the Secretary's Office, April 5, 1841.

Present:

John C. Spencer, *Secretary of State*, John A. Collier, *Comptroller*,
Orville L. Holley, *Surveyor General*, Jacob Haight, *Treasurer.*

The Secretary of State having laid before the board a communication to him of the Hon. John Bell, Secretary of War of the United States, in which authority is requested to be conferred upon the War Department to take possession of the forts and military works on Staten Island, for the purpose of repairing them, and improving their efficiency:

Resolved, That so far as this board has any authority on the subject, its assent is cheerfully given to the occupation of the said forts and military works by the Government of the United States, its officers, or agents, for the purpose of repairing and improving them, until provision be made for the purchase of the title of this State to the same.

STATE OF NEW YORK, *Secretary's Office.*

I certify the preceding to be a true extract from the minutes of the commissioners of the land office of this State.

ARCH'D CAMPBELL,

Dept'y Sec'y and Clerk of Com'r of Land Office.

ALBANY, *April 5, 1841.*

ORDNANCE OFFICE,

Washington, May 31, 1841.

SIR: In explanation of the additional estimate for \$220,000 for the service of this Department for the year 1841, I have the honor to submit the following:

1. The additional sum is required for the repair of arms which have been in service, and for the preservation of other public property which must suffer further injury from remaining in a damaged condition; also, for preparing ammunition, &c.

2. The supply of field artillery on hand is entirely inadequate for the armament of the regiments of artillery in case of emergency, and it is particularly advisable that an additional quantity should now be procured,

as the models of both guns and carriages have recently undergone considerable modifications and improvements. Another object of this estimate is, to have the means of procuring horse equipments for the two regiments of dragoons, for which new patterns were adopted by the War Department in January last, and the duty of procuring the supplies transferred from the Purchasing Department: a proportional reduction in the estimates of the Clothing Bureau will no doubt appear.

3. The inadequacy of the means for arming the fortifications in case of emergency, has been the subject of repeated communications from this office, urging the expediency of granting more liberal supplies for the purpose, chiefly, of constructing carriages for mounting the guns on hand, and of procuring materials for carriages, especially *timber*, which requires a long time to season, and for which contracts can only be made to the extent authorized by the appropriations.

4. The policy has been adopted of laying up a stock of materials for gunpowder, at a time when they can be purchased on low terms; and as the present time is very favorable for the prosecution of that purpose, it is therefore proposed to restore the amount which was struck off from the estimate of this year.

Very respectfully, your obedient servant,

By order.

A. MORDECAI,

Captain of Ordnance, Ass't to Col. of Ordnance.

HON. JOHN BELL, *Secretary of War.*

Memorandum relative to operations at the National Armories, May 29, 1841.

HARPER'S FERRY ARMORY.

December 20, 1838.—Superintendent reminded that at the close of the third quarter the national armory fund was largely indebted (more than \$46,000) to other appropriations, which had been used for the manufacture of arms, whilst there remained in the Treasury but \$43,000 to meet this debt and all the expenses of the fourth quarter. He was told that it was absolutely necessary to make a gradual reduction in the operations of the armory and the number of persons employed there.

April 5, 1839.—Remittance refused, because the returns for January and February were not in, to show the application of the funds previously remitted.

November 8, 1839.—Attention again called to the instructions in the letter of 20th December, 1838, which were stated to be applicable with even greater force than before. But \$8,000 then remained in the Treasury to pay all the expenses of the fourth quarter, and until a new appropriation could be made.

February 13, 1840.—The outstanding debts of the armory, which there were no funds to meet, amounted to \$30,351 77, besides the December and rolls remaining unpaid, say \$15,000 more. The superintendent was directed to reduce the expenditures within the means provided by

March 1, 1840.—Remittance again refused, because the number of arms had not been sufficiently reduced. A statement was called

for of all the outstanding claims, in order that measures might be taken to liquidate them. This statement has not been received; but when a change took place in the superintendence, it became necessary to make a list of debts; and it then appeared that,

April 1, 1841.—After exhausting the appropriation of 1840, there remained due at the end of the first quarter of 1841, \$28,000, in addition to \$33,000 required for paying the first quarter's rolls.

To prevent the occurrence of such debts and liabilities, the ordnance regulations (article 148) direct that all accounts shall be paid during the quarter in which they accrued, or within so short a time as to be embraced in the quarter's accounts.

The ordnance regulations (article 24) also require that "the number of men employed shall not exceed the number necessary to execute, by constant employment, all the business of the armory."

Under the instructions of 20th December, 1838, it would seem that some reduction was made to bring the expenses of the establishment within its means. In November, 1838, the number of persons employed (exclusive of carpenters and laborers, employed chiefly on buildings and improvements) was 318; in 1839 the average number was 275; and in 1840, 251; the reduction being made chiefly in the last quarter of that year. The number of persons similarly employed at Springfield armory is almost uniformly about 230.

In a letter of 7th February, 1840, presenting a statement of outstanding debts, exclusive of the December rolls, the superintendent says: "the workmen were permitted to *make all they could* in the preceding month, (November,) to enable them to lay in provisions," &c.; thus showing that the regulation on this subject was not ordinarily attended to, and that the number was greater than necessary, if they had been constantly employed.

The report of the inspector of arsenals shows that the same state of things exists, in some degree, at Springfield armory, although the number of persons employed there is considerably less than at Harper's Ferry.

Respectfully submitted. By order:

A. MORDCAI, *Captain of ordnance,*
Assistant to colonel of ordnance.

ORDNANCE OFFICE, *May 29, 1841.*

PAYMASTER GENERAL'S OFFICE, *May 31, 1841.*

SIR: The following appropriations will be necessary, in addition to those made at the last session of Congress, to meet the disbursements of the Pay department the present year, as shown by the detailed estimates heretofore submitted to you:

For arrearages of pay for militia called into service by the Governor of Florida in 1840 - - - - \$19,388 02

Two hundred and twenty-one thousand two hundred and forty-four dollars and two cents were asked for by the Pay department, under the above head, at the last session of Congress. This was blended with the Quartermaster General's estimate, and included in one appropriation. The sum appropriated was less than the amount required, and leaves a deficiency in the funds of the Pay department for which this estimate is respectfully submitted.

For pay of a battalion of Georgia volunteers - - \$68,995 92

The first item of the above estimate was presented to Congress at the last session, but was not appropriated. (See document No. 70, H. of R., page 3.) The balance, \$39,549 84, was included in the estimate for 1,500 mounted and 500 foot volunteers for 1841, for which no appropriation was made.—(See same document, pages 4 and 5.)

For pay of Florida volunteers - - - 297,213 92

The above was included in the sum of \$566,217 78 estimated for by this department, and submitted to the last Congress under the head of pay of 1,500 mounted and 500 foot volunteers for the year 1841.—(See document No. 70, H. of R., pages 4 and 5.) No appropriation was made for these troops.

Total - - \$385,597 86

Respectfully, your obedient servant,

N. TOWSON, *Paymaster General.*

Hon. JOHN BELL, *Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,

Washington City, May 29, 1841.

SIR: In reply to your inquiry whether any further appropriation will be required for this Department during the present year, I have the honor to report, that at least \$440,040, will be necessary for the service of this Department connected with the operations in Florida.

On the 14th of November, 1840, I presented an estimate for the Florida service of \$1,300,000, of which only the sum of \$859,960 was appropriated, leaving a deficiency of the sum I now ask. The reduced appropriation, I have no doubt, was in consequence of the belief, generally entertained, that the war would soon terminate: I did not then, and do not now, concur in that belief. My estimate was founded on a perfect knowledge of the difficulties to be encountered, and of the wants of the service in Florida; and, if I am not greatly mistaken, it will be found before the close of the year, that it was a minimum estimate, every dollar of which will be necessary.

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

TH. S. JESUP.

Quartermaster General.

The Hon. JOHN BELL,

Secretary of War, Washington.

BUREAU OF TOPOGRAPHICAL ENGINEERS,

Washington, May 31, 1841.

SIR: In conformity with the estimate in detail, which I had the honor to submit to your consideration in compliance with your orders, it will appear that the amount of arrearages due, on various subjects of surveys,

harbors, roads, and rivers, up to the 31st of March, is \$27,993 28; and the amounts which will be required for the current expenses of preserving the public property, machinery, and tools, under the same heads, up to the 31st December, 1841, will be \$12,003 84. Making a total of arrearages due on the 31st of March, and which will be due on the 31st of December, of \$39,997 12.

These amounts have accumulated and are accumulating from the following causes:

Of those which have accumulated:

1st. Amounts due agents, mechanics, and laborers, as the appropriations became exhausted.

2d. Amounts due for materials which had been delivered.

3d. Amounts due persons employed to watch over and take care of the public property.

Of those which are accumulating:

1st. For compensation to persons employed in taking care of the boats, machinery, materials, and works at the various places, stated in the detailed estimates.

2d. For the necessary contingent expenses, in the fulfilment of these duties.

There are large amounts of public property at various places, consisting of stone, timber, sheds, boats of various kinds, tools and machinery, for the preservation of which arrangements had to be made.

The system has been to employ agents at the least compensation for which persons adequate to the duties required of them could be obtained, under the expectation that in due time Congress would make the requisite appropriations: or, if appropriations should be withheld, and it should be decided to abandon these works, then proceeds from the sale of the property would meet all demands against it.

It was a case of extreme necessity—either such a course had to be adopted, or the public property be left to destruction.

Very respectfully, sir, your obedient servant,

J. J. ABERT,

Col. Corps Topographical Engineers.

HON. JOHN BELL,

Secretary of War.

BUREAU OF TOPOGRAPHICAL ENGINEERS,

Washington, May 28, 1841.

SIR: I have the honor to acknowledge your direction to report in reference to the Red-river raft, and the Potomac bridge.

1st. *Red-river raft.*—As this work had been some time suspended, it was considered advisable to know something about its actual condition, before the work was re-commenced. Accordingly on the 10th of March, Lieut. Col. S. H. Long was directed to repair to the locality of the raft, to report upon the extent of the work which had to be done, his opinion of a plan for future operations, and his opinion of the probable expense of completing the removal of the raft. He has accomplished the examination as directed, and by letter dated at New Orleans the 5th May, reports that he

was then on his way to St. Louis to examine into the capacity and condition of the boats and machinery belonging to the work.

By a letter from St. Louis, dated the 19th instant, Lieutenant Colonel Long reports that he had examined the boats and equipment, had directed the necessary repairs, and had made arrangements to have them, as soon as repaired, at their appropriate stations on the Red river, in order to be in readiness for service as soon as the season would admit. Having completed these arrangements, he would as soon as practicable make the report required of him.

In order to obtain information from all sources on this subject, Captain Shreve, the former agent, was also written to. A copy of his letter, in reference to a plan of operations and the proper time for recommencing the work, is hereto annexed.

2d. *The Potomac Bridge*.—After an examination of the condition of the bridge, it was concluded that the injuries it had sustained could be repaired for about the amount appropriated, but, to keep within this amount, the repairs must be upon the plan adopted in the construction of the bridge. This plan was considered extremely defective, and adapted to produce only the most temporary results.

In consequence, the engineer in charge of the work was directed to report some other plan with estimates of probable cost.

His two reports, with the one from this office, submitting them to the consideration of the War Department, will be found hereto annexed.

The second plan required \$15,805 more than the amount appropriated. Under these circumstances, the plan within the appropriation being considered too defective to be adopted; the plan approved being so much beyond the amount appropriated; and as Congress was about soon to meet, it was considered advisable to defer the construction for the further action of Congress which it required.

Very respectfully, sir, your obedient servant,

J. J. ABERT,

Col. Corps Topographical Engineers.

Hon. JOHN BELL, *Secretary of War.*

ST. LOUIS, *April 12, 1841.*

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, informing me that Colonel S. H. Long had been placed in charge of the operations in reference to the removal of the Red river raft, and requesting me to deliver over to him, or his order, the property under my charge belonging to that work, and that you would be gratified with any information I may be disposed to communicate in relation to that work.

In reply, I have to state that the property alluded to will be delivered to Colonel Long, or his order, as requested.

My reports on the subject of that work, published in the executive documents of the last session of Congress, contain all the information I could now communicate, to which I respectfully refer; except that which may relate to the time and manner of executing that work under the late appropriations, which may be presumptuous for me to offer. Notwithstanding, I will give my opinion on the subject. In my letter to you, dated the 23d

ultimo, I stated the condition of the snag-boat Eradicator, and other property belonging to the Red river work, to which I also refer you.

It is my opinion that the season is now too far advanced to commence the work at the Red river raft with any hopes of success, as it will require some weeks before the necessary repairs can be made, and a force collected to prosecute the work, and twelve to fifteen days will be required after leaving this place or Louisville, before such force can arrive at the raft. My experience, for five years, in that work, has proved to my mind the impossibility of carrying on that work after the 1st of June. The location of the raft is extremely unhealthy. Besides, the nature of the work is such as to expose the laborers to the water and heat of the sun, which creates disease in that climate to a great extent, so that no calculation can be made on being able to work any force that might be taken there at the season of the year when the men must arrive, if an attempt be made to proceed with the work until about the 1st of November next.

The laborers required for the work must all be taken from the Ohio or the Mississippi river, above the mouth of the Ohio, as there is no surplus labor in the States of Louisiana or Arkansas, where the work is located. At least, I have never been able to procure any laborers in that country, although every effort has been made to do so at several times, when my force at the raft was reduced by sickness. I am, therefore, clearly of the opinion that the best plan that can be adopted at present would be, to have the Eradicator put into the dry dock and repaired, to put all the other property in a condition to commence operations, and proceed to the work as early as practicable in the ensuing fall, which will be in November, as the Red river does not rise to a stage to admit of boats ascending it at an earlier period. It might, however, be well to refit the Eradicator, and repair such tools as would be necessary to be taken on board of her, and send her to the vicinity of the raft to lay up, with a small crew. This might ensure the commencement of the work at an early period in the fall, and the laborers may be taken on in keel-boats towed by a small steamer. The keel-boats will be necessary for quarters for the men, and the small steamboat will be indispensable for the necessary operations in the removal of the raft.

I am, sir, very respectfully, your obedient servant,

HENRY M. SHREVE.

Col. J. J. ABERT,

Chief Topographical Engineers, Washington.

BUREAU OF TOPOGRAPHICAL ENGINEERS,

Washington, April 15, 1841.

SIR: I have the honor of submitting to your consideration, two reports from Major Turnbull, in reference to the repairs of the Potomac bridge.

The first is upon the supposition that the repairs will be made upon the plan adopted in the previous construction of the bridge, namely, to sustain the superstructure over the channel way by a system of piles. The estimate for the repairs, according to this plan, is \$30,782 74.

The plan according to which the bridge had been constructed, was that of a solid causeway over the shoal parts of the river, and a system of pile-work over the channel ways. This was considered defective at the time it was adopted, and advised against. Its evil consequences were then

pointed out, many of which have been since realized. It carried with itself the cause of its own destruction. The flowing water of the river being denied a passage throughout so great an extent by the solid causeway, was necessarily forced with additional velocity and volume through the channel ways; and the set of the stream and direction of the causeway, being both adapted to such a result, have thrown the great mass of flowing water upon the Virginia shore, and of consequence the more violent action of the stream has been upon that shore, sweeping the supporting earth from the piles, and overthrowing the bridge. A diagram of the soundings at different periods, which accompanies these reports, will exhibit the extent of this action up to the present time, and the probability that it has not yet ceased. The great increase in depth thus created on the southern side of the river, and the evidence from the soundings that this increased depth is extending in distance, renders it extremely doubtful if repairs upon the original plan would endure the accidents of a single winter and spring. The accidents most to be apprehended are those resulting from the impinging force of the floating ice during spring floods against a pile-work, which will have to be, in a great extent, from 24 to 30 feet without any support from surrounding earth, and from the lifting power of the ice and tide during the winter. The flow of the tide is about three feet, the ice generally, during some part of the winter, from four to six inches thick. It is easily conceived, from these facts, how readily a pile enclosed by the ice can be lifted from its bed. Many of the piles were so lifted in the winter of '39 and '40, and occasioned the destruction of much of the bridge, which then gave way; also, in consequence of the increased action of the flowing water in the channel way, the mud has been entirely removed throughout a great extent, to a very compact gravel stratum, into which it would be extremely difficult, if not impracticable, to drive a pile to a sufficient depth.

The second report of Major Turnbull proposes that the repairs be made on the plan of a truss-bridge, supported on piers of framed timber, filled in with rubble stone. The estimate for this plan is \$45,805 41. It is, no doubt, in my mind, the better plan, and is, therefore, recommended for consideration.

The appropriation for the repairs of the bridge (excluding some charges for objects foreign to the repairs) may be stated at - - \$30,000

The estimate to repair, according to the plan of original construction, is - - - - - 30,782

The estimate to repair, in conformity with the truss-bridge plan, is - - - - - 45,805

Respectfully submitted for your directions, by, sir, your obedient servant,
J. J. ABERT,

Colonel Corps Topographical Engineers.

Hon. JOHN BELL, *Secretary of War.*

WASHINGTON, *April 8, 1841.*

SIR: In compliance with your order of the 19th of March, I have embraced the earliest opportunity to "examine the present condition of the Potomac bridge." A freshet in the river rendered it impossible to make the examination, or to take the necessary soundings with any degree of accuracy before the first of this month.

I find the present condition of the bridge to be as follows :

Of the 2,105 feet of wooden bridge, supported by piles between the causeway and the southern abutment, 636 feet, including the draw over the Virginia channel, have been entirely swept away by the freshet which occurred in 1840; 225 feet of wooden bridge remaining next the southern abutment is very much injured, having been lifted by the ice and thrown out of alignment, the whole of which requires to be renewed; a great portion of the same materials, however, may be used in doing so.

The 1,244 feet of wooden bridge between the causeway and the breach is not materially injured: about 75 feet in length at the end next to the breach, requires renewing, which, and the replacing of several braces, a few spur shores and piles, would restore it to its former condition.

This report of the present condition of the bridge varies slightly from that made by Colonel Kenney in February, 1840, immediately after the freshet which caused the breach, owing no doubt to the unprotected state of the bridge and to the permission granted to an individual to establish a ferry in the breach, to facilitate which it was necessary to cut down the ends of the bridge to form inclined places for the convenience of carriages approaching the boat.

To restore the bridge to its former condition, and upon the same plan as originally built, I submit the following *estimate* :

For piles and spur shores of oak	-	-	-	\$2,264	40
For caps, braces, floor timbers (N. C. pine)	-	-	-	5,043	45
For plank for roadway lumber	-	-	-	1,703	32
For iron, (spikes, bolts, &c.)	-	-	-	645	20
For draw over the Virginia channel, including the necessary wharfing for its support and protection	-	-	-	6,000	00
For taking up 300 feet of pile bridging	-	-	-	1,500	00
For replacing 100 feet bridging (the materials on hand)	-	-	-	800	00
For replacing one pile, 10 spur shores and 58 braces	-	-	-	600	00
For painting and sanding handrails, &c.	-	-	-	770	00
For renewing 44 feet in length of the parapet wall on the southern abutment, and repairing the end of the abutment	-	-	-	300	00
For labor, including superintendence	-	-	-	9,656	37
For contingencies	-	-	-	1,500	00
Total				\$30,782	74

There are other slight repairs required to the draws of the causeway, to the wingwall of the southern abutment, a part of which has fallen down, and to the ice-breakers &c., which is not included in the above estimate. The 70 feet of the parapet wall, on the causeway, reported by Colonel Kearney as having been thrown down by the ice, has been renewed.

In submitting the above estimate, I beg leave to be understood as by no means recommending the restoration of the bridge on the original plan. I have done so only because my order or letter of instruction states, "It is *not* considered that the law is intended to justify any serious deviation from the original plan."

The original plan was objected to by an officer much more capable of judging it than myself, and the experience of past years, the bridge having been twice carried off at the Virginia channel, has more than realized his objections.

The same objections still exist, greatly, strengthened by the actual occurrence of the effects anticipated by the introduction of the causeway in the original plan of the bridge.

The effect of the causeway has been to throw a greater volume of water into the southern channel of the river; and the breadth of the stream being materially diminished with the same volume of water to be discharged, the velocity is proportionally increased, and what was wanting breadth has been made up by an increased depth.

In the channel way, where there is 27 feet of water at low tide, and in fact for nearly the whole width of the breach, the mud and sill which heretofore sustained the piles of the bridge have been to a considerable extent entirely swept off, leaving a bed of compact gravel, into which piles could not be made to penetrate. (In the recent examination, a heavy sounding rod, shod with iron, could not be forced into the gravel more than six inches, with the strength of four men.)

Admitting that the piles could be driven to a sufficient depth to sustain themselves, their great length between the bottom of the river and the roadway of the bridge, would render them insecure, even against a moderate freshet: besides, there is no certainty that the abrasion of the bottom of the river has ceased. By comparing the profile of the river made by Colonel Kearney in February, 1840, with the one recently made, it will be seen that a considerable change has taken place since that time.

To restore the bridge on the old plan would be, in my opinion, merely to place it there to be swept off by the next freshet.

In fact, I am persuaded that no system of piling could be devised for the support of the bridge capable of supporting the maximum of the pressure to which it is annually exposed in that situation.

From the tenor of my instructions I infer that the repairs of the bridge are limited to the amount appropriated by Congress. I therefore refrain from submitting a plan for the more permanent restoration of the bridge, but am prepared to do so should I be instructed to that effect.

The accompanying drawing exhibits a profile of the river at the breach, from soundings recently taken, and one made by Col. Kearney in February, 1840; also one from a survey in 1833.

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

W. TURNBULL, *Major Top. Eng.*

Col. J. J. ABERT,

Chief Topographical Engineer, Washington.

WASHINGTON, *April 13, 1841.*

SIR: I have the honor herewith to submit a plan and estimate for the restoration of that portion of the Potomac bridge which was carried away and injured by the freshet which occurred in the month of February, 1840.

The plan which I propose is a trussed bridge, designed by Colonel Long, supported upon piers of framed timber, filled in with rubble stone, usually called *crib-work*, arranged as follows: Two large piers 20 feet in thickness in the channel way, 66 feet apart in the clear, for the support of the draw for the passage of vessels, and five smaller piers, 15 feet in thickness and 120 feet apart, each pier to be provided with an ice-breaker.

This I conceive to be as permanent a plan as can be devised without re-

sorting to coffer dams and piers of masonry, and for which I have estimated as follows :

\$2,228 08	Timber and workmanship for one large pier.
259 80	Oak piles.
108 00	Shoeing and driving piles.
100 00	Iron for bolts, &c.
1,250 00	Rubble stone filling.

\$3,945 88 Cost of one large pier.

Cost of two large piers for the support of the draw - - -	\$7,891 76
Cost of five small piers at \$2,672 59 each - - -	13,362 45
835 running feet of trussed superstructure, including the right to use it - - - - -	18,370 00
66 feet draw, including the machinery for opening and closing it - - - - -	4,000 00
Add for contingencies - - - - -	2,181 20
	<u>\$45,805 41</u>

I have made but a sketch of the *crib-work* for the purpose of estimating its cost. A drawing showing the details of construction will be submitted. Accompanying this, is a profile of the river at the breach in the ridge, showing the arrangement of the piers.

Very respectfully, &c.,

WM. TURNBULL.

Major Top. Engineers.

Col. J. J. ABERT,

Chief Top. Engineers, Washington.

DOCUMENTS FROM THE NAVY DEPARTMENT.

NAVY DEPARTMENT, *May 31, 1841.*

SIR : The appropriations made at the last session of Congress will be found amply sufficient to cover the expenditures for the current year, under the several heads of appropriation, unless it should become necessary or be deemed proper to assume another and larger basis of operations than that on which the estimates from the Department were founded.

The state of the navy pension fund will require the immediate action of Congress. Under the operation of the act entitled "An act for the more equitable administration of the navy pension fund," that fund has been exhausted. It will be seen from the accompanying report of the Commissioner of Pensions that there will be required, for the payment of navy pensioners, on the 1st of July next, the sum of \$88,706 06; and, on the 1st of January, 1842, the further sum of \$69,000. In addition to these sums, about \$6,000 will be required to pay arrears of pensions, which will probably be allowed between July next and the 1st of January, ma-

king in the whole \$163,706 06. To meet these payments, there is within the control of the Department the sum of \$28,040 ; leaving a deficiency of \$139,666 06, which the public faith requires should be promptly supplied.

The sudden return of the Brandywine seems to require some explanation. From the despatches sent to the Department by Captain Bolton, of that ship, it appears that the great excitement prevailing in England in the early part of March last, induced our minister at that court to address a communication to Commodore Hull, the officer commanding the United State naval forces in the Mediterranean, the result of which was that the squadron, then lying at Mahon, left the station with a view to get out of that sea, ascertain the true state of things between the United States and Great Britain, and either resume their station or return home according to the result. The Brandywine, out-sailing the Commodore, and Captain Bolton having received no information on his voyage deemed satisfactory by him, he returned to the United States.

Though it is presumed Congress will scarcely be willing to give attention to general matters unconnected with the objects for which the extraordinary session of that body was convoked, yet recent events induce me to bring to your notice, with a view to the action of Congress, two subjects as worthy of present consideration. The first is the establishment of a home squadron. While squadrons are maintained in various parts of the world for the preservation of our commerce, our own shores have been left without any adequate protection. Had a war with Great Britain been the result, as was at one time generally feared, of the subjects of difficulty now in a course of adjustment between that Power and the United States, not only would our trade have been liable to great interruption, and our merchants to great losses abroad, but a naval force, comparatively small, might, on our very shores, have seized our merchant ships and insulted our flag, without suitable means of resistance or immediate retaliation being at the command of the Government. To guard against such a result—to be ever ready to repel or promptly to chastise aggressions upon our own shores, it is necessary that a powerful squadron should be kept afloat at home. This measure is recommended by other considerations. There is no situation in which greater skill or seamanship can be exercised and acquired than on the coast of the United States; and in no service would our officers and seamen become more thoroughly initiated in all that is necessary for the national defence and glory. In that service, aided by the coast survey now in progress, a thorough acquaintance would be gained with our own seacoast, extensive and hitherto but imperfectly known—the various ports would be visited—the bays, inlets, and harbors, carefully examined—the uses to which each could be made available during war, either for escape, defence, or annoyance, be ascertained, and the confidence resulting from perfect knowledge would give to us, what we ought surely to possess, a decided advantage over an enemy on our own shores. Should it be thought desirable that such a squadron be put in commission immediately, and kept constantly on duty, an additional appropriation may be necessary; for the amount of which, as well as the force deemed proper to be employed, I beg to refer to the accompanying report on the subject, prepared under my direction, by the Board of Navy Commissioners.

The attention of Congress has been heretofore earnestly invited to the

state of our ordnance and ordnance stores, and I deem it worthy of immediate consideration. A sufficient supply of suitable arms and munitions of war is indispensable to the successful operation of the bravest officers and men; and it cannot, from the nature of the case, be provided upon a sudden emergency. Sailors may be hastily collected from our commercial marine, ships may be purchased, but ordnance cannot be supplied on such an emergency, nor can some of the materials for the preparation of ammunition be procured either by purchase or manufacture. Hence the ordnance should, by a timely foresight, be provided in advance, and the materials be secured, from which a supply of ammunition can be speedily prepared. The accompanying report from the board of navy commissioners shows the amount of expenditure which will be required under this head. Should the object be deemed of such importance and urgency as to require the immediate attention of Congress, I respectfully recommend that an appropriation of one-third of the estimated amount be now made.

The opinion seems to have become general, as well in the service as in the nation at large, that a thorough reorganization of the navy is demanded by considerations connected with the defence and honor of the country, and in this opinion I heartily concur. Yet I am fully aware that any plan for this purpose should be the result of the most careful deliberation, and that it would be at once unwise and injurious to submit to Congress and the country any proposed arrangements which should be liable to the charge of haste and inconsideration. Deeply sensible, therefore, at once of the importance and difficulty of the measure, I have taken proper steps to collect and avail myself of all the results of experience and observation from those whose opportunities have afforded the means of knowledge, and their intelligence the ability to use them profitably, and I entertain the hope of being able, before the next regular meeting of Congress, to submit for your consideration a comprehensive and well digested system of reform in the branch of the public service committed to my charge.

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

GEORGE E. BADGER.

The PRESIDENT of the United States.

NAVY COMMISSIONERS' OFFICE,

May 26, 1841.

SIR: In conformity with your verbal directions, the Board of Navy Commissioners respectfully suggest, that it may be advisable to employ upon our own coasts, as well for its protection as to be ready for the performance of any other service for which it may be suddenly wanted, the following vessels, viz:

Two frigates, three sloops-of-war, and two smaller vessels, with the two sea steamers, when completed.

The expense of employing these vessels, in addition to the pay which the officers would receive, when not employed, and its distribution under the several heads of the appropriation, is, by estimate, as follows, viz:

Under the heads of pay & subsistence.		Increase & repairs.	Medicines.	Contingent.
For 2 frigates	\$214,720	\$69,000	\$4,500	\$13,500
For 3 sloops	165,420	36,000	3,000	9,000
For 2 small vessels	46,550	11,400	700	2,100
For 2 steamers	165,420	36,000	3,000	9,000
Total	\$592,110	\$152,400	\$11,200	\$33,600

or a total amount of \$789,310 per annum.

The amount stated for the steamers is merely conjectural, as their complements have not yet been determined, and their expenses will depend greatly upon the nature of their employment.

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

C. MORRIS,

For the Board of Navy Commissioners.

HON. GEORGE E. BADGER,

Secretary of the Navy.

NAVY COMMISSIONERS' OFFICE, May 19, 1841.

SIR: The Board of Navy Commissioners respectfully present for your consideration, the following statements and remarks upon the subject of arming the vessels of the navy, and for procuring a further supply of ordnance and ordnance stores.

The armament originally proposed for the vessels which were commenced under the law for the gradual *increase* of the navy, has been modified several times, with the approbation of the Department, and there has been no special decision made respecting the armament of those for which frames have been collected, and are now collecting, under the law for the gradual *improvement* of the navy. The proposed use of shells on board vessels of war, and other proposed modifications of naval ordnance, induced the Board to postpone action upon the subject as long as it could be done with propriety, that they might obtain information upon the intentions of other nations, in relation to their naval ordnance, and to ascertain the results of experiments in our own service, which were making to determine the relative efficiency, and other qualities, of guns of different calibres, forms, and weights.

When the Board were about to present their views to the Secretary of the Navy, and to request authority to procure such ordnance and ordnance stores as he might approve, the funds which had been reserved for this purpose were, by order of Congress, transferred for the construction of steamers; and the annual appropriation under the head which embraces the armament of vessels, is too small to meet outstanding contracts for other articles, the current wants of the service, and to justify new contracts for ordnance and ordnance stores, to the extent which the public interest seems to demand.

By an estimate made in January, 1836, and which contemplated the use of all our ordnance, which could be used with any propriety, even in an emergency, there were armaments, as then arranged, for 11 ships of the line, 22 frigates, 16 sloops of war, and 12 small vessels; but many of these guns, though of the same calibre, are of such different dimensions, and so

differently formed, that it is desirable to dispense with their use, so soon as others of better quality and more uniform patterns can be procured.

Having reference to the number of frames which have been delivered, and are still to be delivered, under existing contracts, and to the number of vessels built and building, and supposing the estimate of 1836 to be still available, armaments would be still wanting for 14 ships of the line, 13 frigates, 9 sloops of war, and 13 smaller vessels, and also for 25 steamers, which it is presumed must be soon provided.

These armaments will require 75 10-inch guns, 600 8-inch guns, and 1,868 32-pound guns, of different lengths and weights. These will weigh about 6,000 tons, which, at the prices heretofore paid, would cost about	\$800,000
An adequate supply of shot and shells for these, would cost about	425,000
Small arms, cutlasses, pikes, &c., are required, to cost about	175,000
A reserve of powder	200,000
For a reserve of refined nitre and sulphur	200,000

Shows the wants of the service, under this head, to be about \$1,800,000

Although the *immediate* collection of *all* these articles may not be necessary, yet, in the opinion of the Board, a proper regard for the probable future wants of the service, requires that measures for their collection should be adopted as early as the necessary appropriations can be obtained.

If it should be assumed that these articles should be procured within three years, and the appropriations be distributed accordingly, it would probably be as soon as they could be obtained from the establishments now in operation.

In the present improved character of our gunpowder, and in the refining of nitre, both those articles may be preserved without injury for a great length of time; and the other articles are of the most durable character.

I have the honor to be, with great respect, sir, your obedient servant,
C. MORRIS,

For the Board of Navy Commissioners.

HON. GEORGE E. BADGER,
Secretary of the Navy.

PENSION OFFICE, June 1, 1841.

SIR: In compliance with your directions, I have the honor to submit the following statement:

The sum wanted to pay navy pensions on the 1st of January, 1841, was	\$63,906 06
The sum sent to agents was	44,200 00
Balance now due,	\$19,706 06
Wanted 1st of July, 1841, <i>about</i>	69,000 00
Total wanted 1st of July, 1841,	<u>\$88,706 06</u>

In addition to the above, it is estimated that about \$6,000 will be re-

quired to pay arrears of pensions which will probably be allowed between July next and the 1st of January, 1842; and about \$69,000 to pay the pensions which will be due on the 1st January, 1842, making an aggregate of \$163,706 06.

It is very important that the funds to meet the payments in July next shall be available at the Department at least so early as the 15th inst., in order that they may be distributed to the different agencies in time for the purpose. If this cannot be done, the pensioners will be much distressed and disappointed.

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

J. L. EDWARDS,

Commissioner of Pensions.

HON. GEORGE E. BADGER,

Secretary of the Navy.

DOCUMENTS FROM THE POST OFFICE DEPARTMENT.

POST OFFICE DEPARTMENT, May 29, 1841.

SIR: The arrangement of business at, and the manner of returns to, the General Post Office, forbid a detailed report of its operations at the approaching session of Congress. I have, however, felt it my duty, at this time, to call public attention to the present state of its finances, so far as I have yet been able to learn their condition.

When first entering upon my official duties, my attention was forced to the constant demands for payment beyond the ability of the Department to discharge; and with a view to ascertain, as nearly as might be, its undisputed liabilities and probable means, on the 27th day of March last, a letter was addressed to the Auditor of the treasury for the Post Office Department, requesting from him information on those subjects. A copy of which letter, marked A, is herewith submitted. Such statements have not been furnished, for reasons clearly set forth in a letter from the Auditor, dated the 25th day of May instant—of which a copy is hereto appended, marked B.

It was also important to learn without delay what were the pressing liabilities and what the active funds of the Department. For this purpose directions were given to the chief clerk to state the amount due to contractors, anterior to and for the quarter ending the 31st December, 1840, so far as they had been reported by the Auditor, and also the amount in deposit subject to draft, for the discharge of such arrearages. His report is herewith submitted, marked C.

By an examination of that statement it will be seen that there was due and unpaid to contractors, of ascertained balances, on the 1st day of January last, the sum of *four hundred forty-seven thousand and seventy-nine dollars*, (\$447,079,) a considerable portion of which has been paid from the revenues of the quarter ending on the 31st March. A report from the Auditor upon all the outstanding contracts will undoubtedly increase this amount of indebtedness to a total exceeding *half a million* of dollars. In

addition to which, heavy demands are frequently made on the Department upon unliquidated claims. Of such demands no notice can be taken at this time, nor is it proper that an opinion as to their justice should be now expressed.

Under these circumstances two questions naturally present themselves : How is the Department to be sustained under its present embarrassments ? and, What are its financial hopes for the future ?

As no estimates, upon which can be based an answer to the first inquiry, can be presented, until a full statement of the balances due from postmasters shall have been reported by the Auditor, it is passed, with the single remark, that although it can hardly be doubted that a large aggregate sum will be found due, it is to be feared, that from the small amount of most of such separate balances, scattered throughout this wide-spread nation ; the want of responsibility in many of these officers and many of their securities, and the lapse of time since these balances accrued, but an inconsiderable part of the amount actually due will ever be received. It therefore remains for Congress to determine whether the amount now due to contractors shall be paid from the national Treasury, or whether this Department shall struggle on with its present embarrassments ; consuming its daily accruing revenues in the partial payment of old debts, and still leaving large balances which it has not the ability to discharge.

Notwithstanding the heavy increased expenditure consequent upon the act of 7th July, 1838, and although, instead of the supposed gradual increase of revenue, the receipts for the quarter ending 31st March last, present, as compared with the corresponding quarter of the year before, a diminution of more than *six* per cent., still the Department would probably find sufficient relief in its future operations, from the decrease of prices, which it may be calculated will be hereafter demanded, upon most of the routes, were it not for the continually increasing exactions, in other branches of the service.

To present this subject in its most intelligible form, the First Assistant Postmaster General has prepared a tabular view of recent proposals, that comparison may be made, between the amount of present bids and the sums now paid for mail service upon the same routes. This table is hereto annexed, marked D.

On an examination of this statement, it will be seen that, in some cases, the amount demanded by railroad companies for transportation of the mails, is more than *two hundred per cent.* higher than is paid for coach service, upon roads forming connecting links between different railroad companies, upon the same main route, and that too where the night service upon the railroads is less than that performed in coaches. Such demands deserve more consideration from the fact, that, whilst at the recent lettings in New York and in the six Eastern States, the accepted service by coaches and other modes of conveyance has been secured at an average saving of *twenty-two* per cent. upon the contracts of 1837, there are but few instances where the demands of incorporated companies have not been increased, in such manner as imposed upon me the necessity of suspending the contracts. Nor is the extravagant price demanded for mail transportation upon railroads the only manner in which these incorporations affect the revenue of this Department. The facilities secured by this mode of conveyance for sending letters by private hands, very seriously diminish the receipts of the offices upon these routes. A single illustration will establish this assertion.

Boston is one of the most important points of railroad concentration in the Union. Its business prosperity is proverbial; and yet in that city the quarter ending 31st March last, shows, as compared with the corresponding quarter of the year before, a decrease in postage receipts of *three thousand one hundred and ninety-five dollars*—being double the amount of diminution to be found, within the same time, in any other post office in the nation, with the single exception of Philadelphia, which is another great *terminus* of railroad communication.

These facts are presented in no spirit of unkindness towards those to whose management these incorporations are intrusted, but that I have considered it due to our whole people to refer to this subject, as one which will ere long call for national and State legislation, unless a corrective be sooner applied by public opinion.

A considerable saving will be found in the curtailment of service generally, directed by my immediate predecessor, in limiting the transportation of the mails to six trips a week upon most of the routes throughout the nation. The embarrassed condition of the finances of the Department, if it was to remain unaided by Government, clearly indicated the propriety of some reduction of service, and the religious sense of the community, will certainly approve the feeling, that selects the Sabbath as the day on which that service should not be performed. Yet it cannot be denied that this order has borne heavily upon contractors, and in many instances causes great derangement in the transportation of the mails.

Whilst in some sections of our country, this alteration has not only received a cheerful acquiescence, but is warmly approved, there has been great general complaint of its operation, and daily appeals for the old facilities are pressed upon the Department. Without entering upon this subject at large, it is sufficient for my present purpose to state that, as this order purports to have been given to reduce the expenses of the Department, and to aid in bringing them within its receipts, a return to the former service, at this time, might well be considered as a declaration of my confidence in its ability to sustain the expenditure necessary for such restoration. I have therefore felt it imperative upon me, to adhere to this order of curtailment.

The building now being erected for the General Post Office, is so far advanced as to give assurance, that it can be completed before the session of Congress in December. This is much to be desired, not only for the convenience of the transaction of business, but that the public property may be kept in security. Such means as are within my power are continually employed, to protect the present building from fire, but in its exposed condition, the danger of destruction to the books and papers of the office, is a source of constant anxiety.

All which is respectfully submitted,

FRANCIS GRANGER.

To the PRESIDENT of the United States.

A.

GENERAL POST OFFICE, *March 27, 1841.*

SIR: The financial embarrassments of this Department render it particularly necessary to ascertain its exact condition, at the latest day within

your power, which, for this purpose, I assume to be the 31st December, 1840. In forming the necessary statements you will please present not only the balances then due from postmasters, but debts due for penalties and forfeitures imposed upon them. These debts and balances of every description should be so classified, as to distinguish the amount due more than two years, from what has accrued within that period, and the statements should also present the amount now in progress of collection by suit, and that on which judgment has been obtained.

On the third of March, 1837, the Postmaster General submitted to Congress a report of the Auditor for the Post Office Department, containing a statement of the balances and debts due to the Department, by the late postmasters, and I desire you to state how much of said debts and balances has been collected and how much remains due. The sums yet due to be so classified as to show as nearly as may be which are not collectable.

The 31st of December has been fixed upon, from the difficulty, if not impossibility, of including the subsequent quarter. But to show as nearly as practicable the amount of funds at the disposal of the Postmaster General, you will state what amount of revenue which has accrued during the present quarter, has been applied since its commencement, to the payment of debts due to contractors for services rendered before the 1st of January last.

You are also requested to report the amount due to mail contractors on the 31st of December last, and, as nearly as may be, the amount due them at the close of the current quarter, which will terminate before the statements herein required can be prepared.

Very respectfully, your obedient servant,

FR. GRANGER.

ELISHA WHITTLESEY, Esq. *Auditor, &c.*

B.

AUDITOR'S OFFICE FOR THE
POST OFFICE DEPARTMENT, May 25, 1841.

SIR: Not being able to report, as requested by your letter of the 27th March last, the state of the funds of the Department on the 1st January, 1841, by the time you desired it, I submit, in explanation, the measures adopted with a view to a compliance, and the difficulties encountered. Such a report must be composed of the following statements:

1. A statement of the amount of cash in the Treasury for the service of the Post Office Department, including its subordinate branches;
2. The aggregate amount of money due from postmasters in office;
3. The balances due from late postmasters;
4. The amount of balances due to contractors and other persons; and
5. The amount of revenue which has accrued since the 1st January, 1841, and which has been applied to pay services rendered before that day.

A statement of cash in the Treasury and its branches; a statement of the funds of the 1st quarter, 1841, now applied for the service of preceding quarters; and a statement (without stating accounts) derived from the registers of the money due from postmasters in office, can be furnished in a short time. It is only upon the expiration of a quarter that postmasters from all parts of the country begin to transmit their returns. When re-

ceived, they are examined, the errors corrected, (of which the Postmasters must have notice,) and the receipts and expenditures at each office registered, before the balances due from the several offices can be ascertained. At the date of your letter, all of the returns for the 4th quarter of 1840 were not received; but the examination and registry of the accounts for that and for the first quarter of 1841 have been diligently pressed, and the aggregate amount due from postmasters in office on the 1st January last, in most of the States, can now be drawn off.

A statement of balances due to contractors depends chiefly upon their acknowledgments to the Department and upon receipts which the contractors have given to postmasters for collections made on their routes, which are received through the mail from every part of the United States. But the statement, to be complete, requires an investigation of previous settlements, so as to include amounts which, for any reason, may not have been paid, and amounts apparently due for supplying special offices with the mail, which are frequently found to have been paid out of the proceeds of such offices, although they appear from the registers to be due *to* the contractors and *from* the postmasters. This is owing to the negligence of such postmasters in taking and forwarding the necessary receipts to this office. The preparation of this statement has been pursued with diligence, and is almost completed.

The greatest obstacle to a compliance with the call by the time designated, is in the statement of balances due from late postmasters. This statement must embrace such balances as have arisen, from time to time, antecedent to the 1st January, 1841, and which the department has been unable to collect, on statements furnished and drafts issued, or by suit, and such balances as existed where the accounts were not prepared for final settlement. Of the class last mentioned, the accounts had not been stated and drafts issued for final settlement, in some of the collecting divisions, later than the third quarter of 1839, and the average period for which such settlements were deficient, in all, was from the fourth quarter of 1839. The number of postmasters, who had gone out of office, prior to the 1st January, 1841, and the greater part with balances large or small in their hands, and whose accounts had not been thus prepared for settlement, was two thousand five hundred and fifty-nine. From the 1st January, 1841, to 27th March, this number was increased seven hundred and seventy-eight, making together three thousand three hundred and thirty-seven.

The importance of despatch in bringing up this business, not only to prevent the losses, in collection, arising from delay, but to avail the department, at the earliest period, of the balances due, to aid in meeting its engagements and to carry on its extended operations, appeared sufficient to justify the employment of additional clerks. Ten have been employed directly in the business of these accounts, and two on business incidentally connected therewith, one in sending out the notifications of errors more promptly, which the progress of the business rendered necessary, and the other in assisting, generally, in taking copies, &c. of the increased correspondence. All these clerks have been unremittingly occupied.

To enable you more fully to understand the labor required and the progress that has been made, it will be proper briefly to explain the necessary course of the business. The first step is to draw off from the books, a general statement of the account of the postmaster, varying according to the time he may have been in office, from one year and sometimes less, to two, five,

ten, or more, the average period being perhaps about five years. This statement is then copied. The original is retained, and the copy is sent to the late postmaster, in order that he may point out any omission or state any other exception, to which he may consider it liable. If no exception to the statement is made to the office, within a reasonable time, a draft is issued in favor of some contractor or postmaster convenient to the residence of the party, for the collection of the balance. The names of his sureties are at the same time given, and the contractor or postmaster, as the case may be, is instructed, in the event of the late postmaster's failure to pay, to call on them; and, if all fail, to report their present residences, circumstances, &c., in order that the office may be prepared to direct a suit, if one be found necessary.

Of the number of two thousand five hundred and fifty-nine accounts of late postmasters, prior to the 1st January, 1841, requiring to be thus acted on, two hundred and seventy-seven have been stated and copied, the copies sent out, and the drafts issued for the collection of the balances. Five hundred and thirty-five have been stated, copied, and the copies sent out, leaving the drafts yet to be issued. One hundred and fifty-five have been stated and copied only, and seven hundred have been stated only; making in the aggregate the number of one thousand six hundred and sixty-seven accounts, which have been either fully acted on, so far, for final settlement, or are in the various stages of advancement mentioned, towards that object.

The estimate founded on these details is, that since the employment of the additional clerks, on the 29th March, the work in arrear has been more than half done. I propose to give it a continued attention, not only with a view to the preparation of the report required, but as connected with the speedy collection of the balances due and demanded for the current service of the Department.

A statement of the collections made since the reorganization of the Department, compared with the balances due from late postmasters, as reported to Congress on the 3d March, 1837, is also in progress, under your call, though not so necessary to exhibit the condition of the Department as to its funds, on the 1st January, 1841, and will be submitted as soon as it can be completed, without injuriously retarding the current business.

I am, most respectfully and sincerely, yours,

E. WHITTLESEY, *Auditor.*

HON. FRANCIS GRANGER, *Postmaster General.*

C.

POST OFFICE DEPARTMENT, *April 14, 1841.*

The chief clerk respectfully states, for the information of the Postmaster General, that the balances reported to be due and unpaid to creditors of the Post Office Department for services rendered in the fourth quarter of 1840, amounted, on the 31st March, 1841, to - - - \$264,962

The cash in the several depositories and draft offices on that day, amounted to - - - - - 89,782

Deficiency of means - - - - - 175,180

Up to the 31st March, 1841, there had been used of the revenue accruing within the quarter, ending that day, the sum of - \$271,899

Which, added to the deficiency above stated, shows that the actual deficiency on the 1st January last was - - - \$447,079

But as the service of the fourth quarter of 1840 was not actually payable by contract until the month of February, 1841, the revenue which accrued in January, amounting to \$92,083, may be deducted from the above, so as to show the actual condition of the department on the 1st of February, when its engagements for the fourth quarter's service became due 92,083

Deficiency on the 1st February, 1841 - - - \$354,996

As the sum of \$89,782 now in deposit, does not exceed the amount subject to draft on the 1st of January last, and is merely the residue of cash on hand, after having used \$271,899 of the revenue of the quarter just ended, it is here stated without reference to the quarter or quarters in which it may have been derived.

Absolute correctness is not claimed for the above statements, but they are believed to approach it as nearly as any statements can which are founded, for the most part, on open and unadjusted accounts necessarily kept in advance of the official settlements of the Auditor.

No notice is taken of outstanding claims upon the Department not settled and reported upon by the Auditor, because it is not here proposed to give a general view of its affairs, but simply to show its present means and liabilities as they connect themselves with our current operations. It is proper to state, however, that all balances reported between the 1st and 10th instant, by the Auditor as due on the 4th quarter are included in these statements.

Respectfully submitted, by

JOHN MARRON, *Chief Clerk.*

D.

Statement of the annual lettings.

The present contracts for carrying the mails in the New England States and in New York, expire on the 30th of June next. They amount at present, to the sum of \$795,448 per annum.

At the last annual lettings in April, 770 of the routes belonging to this section were assigned to contract for the period of four years from the 1st of July next, as follows:

In railroad and steamboat conveyance at	-	-	\$25,732 a year.
In coach	-	-	431,189
On horse	-	-	67,112
			<u>\$524,033</u>

The present cost on the same routes is \$672,488 per annum, thus effecting a reduction of expense on these routes of 22 per cent., amounting to \$148,455 a year.

This, however, will not be fully realized, as in finally adjusting the arrangements, it will doubtless become necessary to increase the mail accommodations, but not to an extent, it is hoped, that will bring the saving below 20 per cent. on the routes now let.

Sixty-two routes still remain undisposed of. A few of these can be dispensed with, and others are depending on the final adoption of some unsettled arrangements on the leading routes. The chief portion of the suspended service consists of certain railroad lines with a few steamboat routes, which stand in the proposals at the yearly sum of

	-	\$185,811
in the present contracts	-	110,253

Excess of bids over present prices	-	\$75,558
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The following exhibits such of these routes as are found in the two main lines in this section, and presents a comparison between the prices asked and those now paid, with the difference in the rate per mile between the railroad or steamboat routes, and the coach route, wherever it intervenes as a link in the same chain of communication :

803. New York to New Haven, 80 miles; bid, \$25,000.	} Steamboat, daily.	{ \$312 50 per mile per annum.
Now paid, \$10,000; (the Sunday trip by coach.)		
651. New Haven to Hartford, 35 miles; bid, \$8,000.	} Railroad, daily.	{ \$228 57 per mile per annum.
Now paid, \$5,000.		
662. Hartford to Springfield, 26 miles; bid, \$2,340.	} Coaches, daily.	{ \$150, or \$90 for one mail, and \$60 for the other, per mile per annum.
Now paid, \$2,600.		
661. Hartford to Springfield, 26 miles; bid, \$1,560.	} Coaches, 6 times a week.	{ \$272 22 per mile per annum.
Now paid, —.		
443. Springfield to Worcester, 55 miles; bid, \$21,000.	} Railroad, twice daily.	{ \$381 81 per mile per annum.
Now paid, \$4,000 for a single daily mail.		
411. Worcester to Boston, 45 miles; bid, \$11,250.	} Railroad, twice daily.	{ \$272 22 per mile per annum.
Now paid, \$8,500.		
912. Albany to Schenectady, 16 miles; bid, \$4,800.	} Railroad, twice daily 8 months,	{ \$300 per mile per annum.
Now paid, \$5,384.	} daily residue.	
969. Schenectady to Utica, 78 miles; bid, \$23,400.	} Same.	{ \$300 per mile per annum.
Now paid, \$21,055.		
1004. Utica to Syracuse, 53 miles; bid, \$15,900.	} Same.	{ \$300 per mile per annum.
Now paid, \$9,253.		
1038. Syracuse to Auburn, 26 miles; bid, \$7,800.	} Same.	{ \$300 per mile per annum.
Now paid, \$4,626.		
1082. Auburn to Canandaigua, 41 miles; bid, \$6,000.	} Coaches, twice daily 8 months,	{ \$146 34 per mile per annum.
Now paid, \$5,722.	} daily residue.	

1119. Canandaigua to Rochester, 29 miles; no amount bid.	}		}
Now paid, \$2,000 coach contract.			
1165. Rochester to Batavia, 33 miles; no amount bid.	}		}
Now paid, \$2,500.			
1174. Batavia to Buffalo, 39 miles; bid, \$2,000.	}	Coaches, daily.	{
Now paid, \$4,600, twice daily 8 months.			
1173. Batavia to Buffalo, 40 miles; bid, \$1,000, with a 3 mile branch	}	Coaches, daily.	
Now paid, \$900.			

\$75 for both, per mile per annum.

The old pay on Nos. 912 and 969 was not fixed in amount, but made to depend on the weight of the mails, according to a rule prescribed in a bill then before Congress, but which was afterwards set aside by the adoption of a different principle of compensation in the act that was finally passed.

The compensation asked on the suspended railroad and steamboat routes is at an increase of 68 per cent upon the present cost of the *same* grade of service. The act of Congress regulating the adjustment of railroad pay on the basis of coach compensation, prohibits the Department from giving a greater advance than twenty-five per cent. even on the cost of the *inferior* grade. Since the present terms were arranged, prices have universally declined; and the revenues of the Department, which are in arrear to its expenditures, so far from promising an improvement to justify this enhanced demand upon them, are falling off, as is shown by the receiving clerk's report upon the last quarterly returns, at the rate of 6 per cent. :—which decrease of revenue, instead of being counteracted by the greater despatch and facilities of mail transmission obtained, from railroads at so enlarged an expense, appears to be at its *maximum* on the railroad lines themselves. To exemplify: take the main points on the great railroad routes above presented, and premising that the general decline is 6 per cent.

We find that the last quarter's returns, as compared with the corresponding quarter of the preceding year, indicate

At New Haven a decrease of	-	-	-	-	4	"
Hartford	"	-	-	-	13	"

Springfield the revenue is about stationary;

Worcester there is an advance of 2 per cent.

But at Boston there is a falling off, in the quarter, of the extraordinary amount of \$3,193, being over	-	-	11	"
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on \$27,742.

At Albany there is a decrease of	-	-	-	-	6	per cent.
Schenectady	"	-	-	-	10	"
Amsterdam	"	-	-	-	13	"
Little Falls	"	-	-	-	1	"
Utica	"	-	-	-	12	"
Whitestown	"	-	-	-	12	"
Rome	"	-	-	-	10	"
Syracuse	"	-	-	-	16	"
Auburn	"	-	-	-	23	"
Seneca Falls	"	-	-	-	5	"

At Geneva there is a decrease of	-	-	-	20 per cent.
Canandaigua	"	-	-	00 $\frac{1}{2}$ "
Rochester	"	-	-	10 "
Batavia	"	-	-	20 "
Buffalo	"	-	-	11 "

Respectfully submitted,

S. R. HOBBIE,
First Assistant P. M. Gen'l.

POST OFFICE DEPARTMENT,
Contract Office, May 27, 1841.

P. S. There are 270 special routes, so called, embraced in these lettings, which are not yet finally disposed of. The details in regard to them are unimportant. They are for the purpose of furnishing the mail to offices established off from the public post routes, and must be taken, in each case, at a compensation within the nett proceeds of the office and the usual rates of pay, or the office will be reported to another branch of the Department for discontinuance.

