

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

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

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

ministration of public affairs, which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands, a revenue fully adequate to defray all the expenses thus incurred, but, under no pretence whatsoever, to impose taxes upon the people to a greater amount than was actually necessary to the public service, conducted upon the principles I have stated

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

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

If this view of the proceedings of the Government, for the period it embraces, be warranted by the facts as they are known to exist; if the army and navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defence of the country, and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if ample provision has been made for the administration of justice and the execution of the laws; if the claims upon public gratitude in behalf of the soldiers of the Revolution have been promptly met, and faithfully discharged; if there have been no failures in defending the very large expenditures growing out of the war; if the continued and salutary policy of peaceably persuading the Indians to adopt a comparative safety and prosperity; if the public faith has at all times, and every where, been most scrupulously maintained by a prompt discharge of the numerous, extended, and diversified claims on the Treasury;—if all these great and permanent objects, with many others that might be stated, have, for a series of years, been marked by peculiar obstacles and difficulties, been successfully accomplished without a resort to permanent debt, or the aid of a national bank, have we not a right to expect that a policy, the object which has been to sustain the public service independently of either of these fruitful sources of discord, will receive the final sanction of a people whose unbiased and fairly elicited judgment upon public affairs is never ultimately wrong?

That embossment in the precarious careers of individuals, of unexampled duration, have recently existed in this as in other commercial nations, is undoubted truth. To suppose it necessary now to trace these reverses to their resources would be a reflection on the intelligence of my fellow-citizens. Whatever may have been the obscurity in which the subject was involved during the earlier stages of the revolution, there cannot now be many by whom the whole question is not fully understood.

Not deeming it within the constitutional powers of the General Government to repair private losses sustained by reverses in business, having no connexion with the public service, or by their direct appropriations from the Treasury or by special legislation designed to secure equal privileges and immunities to individuals or classes in private trade and at the expense of the great majority necessarily debared from participating in them, we attempt to do so neither by either made, recommended, or encouraged by the present Executive.

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

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

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

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

A steady adherence, on the part of the Government to the policy which has produced such salutary results aided by judicious State legislation, and, what is not less important, by the industry, enterprise, perseverance and economy of the American people, cannot fail to raise the whole country, at an early period, to a state of solid and enduring prosperity, not subject to be again overthrown by the suspension of banks or the explosion of a bloated credit system. It is for the people, and their representatives, to decide whether or not the permanent welfare of the country (which all good citizens equally desire, however widely they may differ as to the means of its accomplishment) shall be in the way secured; or whether the management of the pecuniary concerns of the Government, and by consequence, to a great extent, those of individuals also shall be carried back to a condition of things which fostered those contractions and expansions of the currency, and those reckless abuses of credit, from the baleful effects of which the country has so deeply suffered—a return that can promise, in the end, no better results than produce the embarrassments the Government has experienced; and to remove from the shoulders of the present, to those of fresh victims, the bitter fruits of that spirit of speculative enterprise to which our countrymen are so liable, and upon which the lessons of experience are so unavailing. The choice is an important one, and I sincerely hope that it may be wisely made.

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

The deontary duties connected with the removal of the Indians, in which the army has been constantly engaged on the northern and western frontiers, and in Florida, have rendered it impracticable to carry into full effect the plan recommended by the Secretary for improving discipline. In every instance where the remnants have been concentrated they have met great progress and the best results may be claimed for the continuance of this system.

On the 1st of June, a part of the troops here, removing Indians from the area, were assigned them in the area. They have performed efficiently in any manner, and are now in the process of being reformed in the area, in which has been stationed in Florida, continued active operations there throughout the year.

The policy of the United States in regard to the Indians, of which a succinct account is given in my message of 1833, and of the wisdom and expediency of which I am fully satisfied, has been continued in active operation throughout the period of my administration. Since the Spring of 1837, more than forty thousand Indians have been removed to their new homes west of the Mississippi, and I am happy to add, that all accounts concur in representing the result of this measure eminently beneficial to the people.

The emigration of the Seminoles, long resisted with serious difficulty, and often attended with bloodshed; hostilities having been excited by the Indians in Florida, under the apprehension that they would be compelled by force to comply with their treaty stipulations. The execution of the treaty of Payne's Land, signed in 1832, but not ratified until 1834, postponed, at the solicitation of the Indians, until 1836, when they again renewed their agreement to remove peaceably to their new homes west. In the face of this solemn and sacred compact, they broke their faith and commenced hostilities by the massacre of Major Dade's command, the murder of their agent Gen. Thompson, and other acts of cruel treachery. When this alarming and unexpected intelligence reached the seat of Government, an effort appears to have been made to reinstate General Clinch, who commanded the troops in Florida; General Eustis was despatched with reinforcements from Charleston, troops called on from Alabama, Tennessee and Georgia, and General Scott was sent to take the command, with ample powers and ample means. At the first alarm General Eustis sent his force at New Orleans, and without waiting for orders, landed in Florida, where he delivered over the troops he had brought with him to Scott.

upon the trade with the Indians of the country, who was sent from Washington for the purpose of carrying into effect the expressed wishes of Congress, and have continued their devastations ever since. Gen. Armistead, who was in Florida when General Taylor left the army, by permission, assumed the command, and after active summer operations, was met by propitious winds for peace; and, from the fortunate coincidence of the arrival in Florida, at the same period, of a delegation from the Seminoles who, he happily settled west of the Mississippi, and are now anxious to persuade their countrymen to join them there, hopes were for some time entertained that the Indians might be induced to leave the Territory without further difficulty. These hopes have proved fallacious, & hostilities have been renewed throughout the whole of the Territory. That this contest has endured so long is to be attributed to causes beyond the control of the Government. Experienced Generals have had the command of the troops; officers and soldiers have alike distinguished themselves for their activity, patience, and enduring courage; the army has been constantly furnished with supplies of every description; and we must look for the causes which have so long protracted the issue of the contest, in the vast extent of the theatre of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

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

The exploring expedition, at the latest date was preparing to leave the Bay of Islands, New Zealand, in further prosecution of objects which have thus far, been successfully accomplished. The discovery of a new continent, which was first seen in latitude 66 deg. 2 min. south, and longitude 153 deg. 40 min. east, by Lieutenant Wilkes and Huddoo, for an extent of eight hundred miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the honorable results of the enterprise. Lieut Wilkes bears testimony to the zeal and good conduct of his officers and men; and it is but justice to that officer to state that he appears to have performed the duty assigned to him with an order, ability, perseverance, which give every assurance of honorable issue to the undertaking.

The report of the Postmaster General, herewith transmitted, will exhibit the service of the department the past year, and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws: some improvements have been effected, which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few exceptions, have rendered their accounts and paid their quarterly balances with promptitude; and the whole service of the department has maintained the efficiency for which it has for several years been distinguished.

the year 1929. The Government of China, in establishing new routes, and requiring more expensive services than others, and the increasing wants of the country have for three years past, carried the expenditure something beyond the accounting revenues, the excess having been met, until the past year, by the surplus which had previously accumulated. That surplus having been exhausted, and the anticipated increase in the revenue not having been realized, owing to the depression in the commercial business of the country, the finances of the department exhibit a small deficit at the close of the fiscal year. Its resources, however, are ample; and the reduced rate of compensation for the transportation service is the only one expected on the future earnings, for the Government has anticipated this increase of revenue; that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the department in a prosperous condition.

Considering the unfavorable circumstances that have existed during the past year, it is a surprising result that the revenue has not decreased as compared with the preceding year; in the contrary exhibits a small increase. The circumstances reported to having no other effect than to check the expected income.

It will be seen that the Postmaster General suggests certain improvements in the establishment, designed to reduce the weight of mails, cheaper transportation, insure greater clarity in the service, and secure a considerable reduction in the rates of letter postage—a result highly desirable. The subject is one of great interest to the community, and is respectfully recommended to your attention.

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

M. VAN BUREN.
Washington, December 5, 1840.

*Of Mr. HAMILTON C. JONES, of Rowan
on the Bill to locate the Judges.*

MR. SPEAKER: The Bill that has come hither from the Senate, threatens so serious an infraction upon the Judicial character of North Carolina, that this House will pardon me for occupying a small portion of their attention in an examination of its provisions. It proposes that the Judges who may be hereafter elected, shall reside, one within each of the Judicial Circuits of the State. The effect of this rule will be to narrow down the field of selection from the whole State to one-seventh part of it. Nay, sir, in times of high party excitement—such times as some of us have more than once witnessed in this Hall, it will be limited to a still smaller fraction; for it will be made from the Attorneys within that limit belonging to the dominant party. Has it not been the fact in more instances than one, and at various times, that there was not more than one practising Lawyer within a given Judicial Circuit belonging to the party having a majority in this Assembly; and that Lawyer no means distinguished? Yet, sir, the practical operation of this law would be “*thrust greatness*” on him. Will you permit the Senate’s Bill, choke up the spring of professional merit, and lessen the *quantity* of material out of which to make Judges over the whole State? What will become of the *esprit de corps*? What of that noble emulation, which makes the ardent struggle on to eminence, at the expense of health and domestic happiness?

Ab! who could tell how hard it is to climb
The steep, where fame's proud Temple shines
afar!

Who would attempt to climb? Who would toil against the rugged steep, when saw another, taken perhaps from the rear of the Profession, lifted by operation of law to the goal of his aspirations? Who would ruin his organs of digestion over "digested laws," when he had a fair chance of being thus easily translated to pinnacle of his hopes without this sacrifice?

But it may be told, that this Bill does confine the selection to the Circuit. It provides that when selected, he shall fix residence within the vacant Circuit. It does not advert to the impropriety of a candidate making a bargain to break up his establishment and go into an infected region, for office of this sacred kind; but *the operation and effect* will be generally, as I have stated it—to confine the selection to the vacant Circuit. There is no law compelling a Solicitor to reside within his circuit, much less to confine the selection to given section; yet, whoever thinks of one for that office, but the Attorneys live within the Circuit. Although another may have the very highest degree of qualifications and although he may have personal favor and influence in the Assembly, and although he may be a favorite with his party, (as we ourselves have witnessed at this very session) there is always a strong disinclination to confer him to this office. Professional pride and local jealousies take fire at the bare suggestion. Like the Officer of the Syrian King they say "are not Abans and Pharar, rulers of Damascus, better than all the waters of Israel?" Are not our own Attorneys as good as the Attorneys of any other Circuit? Shall we be beholden to others for our respective Judge?

But what is the great good to come breaking up our old and venerated system? It is alleged, that great inconvenience arises from the want of a Judge in vacation grant Writs of Injunction, *Certiorari*, *Coram Vobis* and *Habeas Corpus*. To this I answer—that in all the cases mentioned, the last, relief can be had by preparing papers and sending them by mail even to the most distant part of the State; and even in the cases, the three Judges of the Supreme Court have concurrent power with the Superior Court Judges to grant these extraordinary writs. With these ten officers scattered, not always promiscuously, (for *terris paribus* his location is always more or less regarded in the present mode) there is no great danger of extreme hardship. It is remembered, also, that there is already a tribunal for granting the privilege of bail writ, the examining Magistrates. If they do not execute their office over rigidly, there is no necessity for the application. Does not comport with the observation of a gentleman present that these officers are prone to the side of mercy? Is not the case even to a fault? Let gentlemen just consider how rarely a case of hardship occurs in fact. When has it been seen a man, obviously not guilty, has been re-bail in a capital case by a Magistrate? When has it occurred that even in such case he has suffered oppression long for of a Judge to examine into the cause of tainer? If such untoward occurrences happen, they are certainly very rare. ought not to form the basis of legislation? It is wrong to reason from extreme case but it is out of the question to make experiments upon the vital part of our Judiciary a few poor and respectable manly house-breakers may happen to stay in a few days longer than they deserved.

But there is another feature in this which I regard as peculiarly objectionable.

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