

place jurisdiction of the State Government over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—confined forever to those small portions of their nominal territory, the Indian title to which had at that time been extinguished. It is, therefore, a duty which this Government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the General Government in relation to the States and Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the State Government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who take the Indian question as a subject of their own, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal, to relieve them from the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous courses of congratulation, the condition of our impost revenue deserves special mention, in as much as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry, is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case; this independent power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion, I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison and Monroe, who have each repeatedly recommended the exercise of this right under the constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts, because they would destroy the whole; others fear to touch the objectionable parts, lest those they approve should be jeopardized. I am persuaded that the advocates of these conflicting views do injustice to the American people, and to their Representatives. The general interest is the interest of each; and my confidence is entire, that, to ensure the adoption of such modifications of the tariff as the general interest requires, it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess, and effects they cannot produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners, the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another, the reduced price of manufactured articles. The probability is, that neither opinion approaches the truth, and that both are induced by that influence of interest and prejudice, to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw materials and the manufactured articles, but provisions and lands. The cause must, therefore, be deeper and more pervading than the tariff of the United States. It may, in a measure, be

attributable to the increased value of the precious metals, produced by a diminution of the supply, and an increase in the demand; while commerce has rapidly extended itself, and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But, on the whole, it is questionable whether the reduction in the price of lands, produce, and manufactures, has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected: of those the productions of our soil, our mines, and our workshops, essential to national defence, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exertion; and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived, in some of these respects, from the measures of your last session.

The best, as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit the question singly for deliberation. If, after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system, or to purchase support for a different interest—it should enlist in its favor a majority of our Representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them, which that protection forms part of a system by which portions of the country feel, or conceive themselves to be, oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities, founded, not on identity of conviction, but on combinations of small minorities, entered into for the purpose of mutual assistance in measures, which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interest it involves as to require that it should be touched with the utmost caution; and that, while an abandonment of the policy in which it originated—a policy coeval with our Government and pursued through successive administrations, is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partisan conflicts that are incident to free institutions, is fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, on taking leave of the subject, do earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the treasury during the present year will amount to twenty-four millions one hundred and sixty-one thousand and eighteen dollars, which will exceed by about three hundred thousand dollars the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at thirteen millions seven hundred and forty-two thousand three hundred and eleven dollars; and the payment on account of public debt for the same period will have been eleven millions three hundred and fifty-four thousand six hundred and thirty dollars; leaving a balance in the treasury, on the first of January, eighteen hundred and thirty-one, of four millions eight hundred and ninety thousand seven hundred and eighty-one dollars.

In connection with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers, and the more punctual payment of the public

dues. The Revenue Office Service has been organized, and placed on a good footing, and aided by an increase of inspectors at exposed points, and the regulations adopted under the act of May, 1830, for the inspection and appraisal of merchandise, have produced much improvement in the execution of the laws, and more security against the commission of frauds upon the revenue. Abuses in the allowance for fishing boats have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements, the system of exonerating for sick seamen belonging to the merchant service, has been revised; and, on being rendered uniform and economical, the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also to be ascribed to the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests entrusted to the War Department. Some of them were referred to in my former message; and they are presented in detail in the report of the Secretary of War, herewith submitted. I refer you, also, to the report of that officer for a knowledge of the state, of the Army, fortifications, arsenals, and Indian affairs; all of which, it will be perceived, have been guarded with zealous attention and care. It is worthy of your consideration whether the arrangements necessary for the fortifications on our maritime frontier, which are now, or shortly will be, completed, should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This preparation seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defence with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce, and harassing incursions upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always absent, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power, by which all such aggressions may be prevented or repelled. The attention of the Government has, therefore, been recently directed more to preserving the public vessels already built, and providing materials to be placed in depot for future use, than to increasing their number. With the aid of Congress, in a few years, the Government will be prepared, in case of emergency, to put afloat a powerful Navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster General, in like manner, exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of the Post Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts, improvements have been provided for the southern section of the country, and, at the same time, an annual saving made of upwards of seventy-two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting, to meet the demands created by the rapid growth and extension of our flourishing country; yet the satisfactory assurance is given, that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced, that subjects its receipts and disbursements to strict regulation, has entirely fulfilled its design. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers, and the ability and energy of contractors,

justify an increased confidence in its sustained prosperity.

The attention of Congress was called, on a former occasion, to the necessity of such a modification of the office of Attorney General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury, and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer, and defunct his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the Attorney General's office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendance of the various law agencies of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing to him, at the same time, such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney General are of frequent occurrence, and the proper consideration of the questions so referred tends much to facilitate the despatch of business in those Departments. The report of the Secretary of the Treasury, hereto appended, shows also a branch of the public service, not specifically entrusted to any officer, which might be advantageously committed to the Attorney General.

But, independently of these considerations, this office is now one of duty duty it was originally organized, and its compensation fixed with a view to an occasional service, leaving the incumbent free for the exercise of his profession in private practice. The services which warranted such an organization no longer exist. The frequent claims upon the services of his office would render his absence from the Department, in professional attendance upon the courts, injurious to the public service and to the interest of the Government could not fail to be promoted by casting him with the general superintendance of all its legal concerns.

Under a strong conviction of the justice of these suggestions, I recommend to Congress to make the necessary provisions for giving effect to them, and to place the Attorney General, in regard to compensation, on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted the cognizance of the cases of insolvency in public debtors, especially if the views which I submitted in this subject last year should meet the approbation of Congress, to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed, by the Constitution, under the exclusive jurisdiction and control of Congress, this District is centrically entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration, and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac, the offence is punishable in equal degrees, and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance, in some cases, to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the selection of a Delegate to represent the wants of the citizens of this District on the floor of Congress, is not due to them, and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation to Congress, with the same privileges that are allowed to that of the other Territories of the U. S.

The importance of the principle involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present Bank through the agency of a Bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having means to operate on the hopes, fears, and interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, through issuing no paper, would check the issues of the State banks, by taking their notes in deposit, and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which cannot continue to exist in its present form without occasional collision with the local authorities, and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow citizens, allow me to invoke, in behalf of your deliberations, that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence, the agency of this spirit has thus far been signified in the prosperity and glory of our beloved country. May its influence be eternal!

ANDREW JACKSON.

## State Legislature.

SENATE.

Wednesday, Dec. 8.

Mr. Meares, from the committee on the Judiciary, to whom was referred the act of the last session of the General Assembly to incorporate the Lake Dumfries and Onysk Canal Company, with sundry amendments enacted by the Legislature of Virginia, reported that it is the opinion of the committee expedient to adopt all the alterations proposed, except that which totally repeals the 18th section; and that instead of a total repeal of said section, it be amended so as to extend the duration of the corporation to 70 years. The report was concurred in and the act laid on the table.

Mr. Dodson, presented the petition of sundry citizens of the county of Surry, praying the passage of an act to compel John Frost to keep open his mill during a certain period in each year, for the passage of fish. Referred.

The Senate agreed to the proposition of the House of Commons, contained in the resolutions submitted by Mr. Glenn to raise a joint select committee, to inquire into the expediency of selling the Cherokee lands, and of memorializing Congress on the establishment of a branch of the U. S. Mint in this State; and appointed Messrs. Spaight, Guilan, and Biddle to form said committee on their part.

On motion of Mr. Martin the Senate took up the bill to establish a bank on the funds of the State in committee of the whole, Mr. Hinton of Wake in the Chair, and after some time spent there in, the committee rose, reported progress and obtained leave to sit again.

Bills presented. By Mr. Skinner, a bill to incorporate the Gates Canal Company; by Mr. Simmons, a bill concerning the Superior and County Courts of the several counties in this State; by Mr. McKay, a bill to authorize Judges to grant writs of Habeas Corpus in certain cases; and a bill to amend an act, passed 1799, entitled "an act for the better observation and keeping of the Lord's day," &c. passed 1741; which were read the first time and passed.

Thursday, Dec. 9.

Mr. Miller presented the petition of sundry citizens of Duplin, praying the passage of an act more effectually to prohibit the retailing of ardent spirits in the small measure. He also submitted a resolution instructing the committee of Finance to inquire what alteration is necessary to be made in the law authorizing County Courts to grant license to retail ardent spirits by the small measure. Referred.

Mr. Sneed, from the committee on Finance to whom was referred the bill passed in 1823, to provide a revenue for the payment of the civil list, &c. made report recommending the rejection of the bill. The bill was made the order of the day for to-morrow.

Mr. Dick, from the select joint committee to whom was referred the several bills and resolutions relative to the