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## CONGRESS

### PRESIDENT'S MESSAGE.

Washington City, December 5.

At 12 o'clock this day, the President of the United States transmitted to both Houses of Congress, by Mr. S. L. GORNEUR, the following

#### MESSAGE:

Fellow Citizens of the Senate,  
and of the House of Representatives.

The progress of our affairs since the last session has been such as may justly be claimed and expected, under a government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws, and of the powers vested by the constitution in the Executive, unremitting attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state that peace and amity are preserved with all, by a strict observance, on both sides, of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed, in any case, as to the conditions on which it should be placed, each party has pursued its own policy, without giving just cause of offence to the other. In this annual communication especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view; that errors, if such have been committed, may be corrected; that defects, which have become manifest may be remedied; and, on the other hand that measures which were adopted on due deliberation, and which experience has shown are just in themselves, and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavor to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light, as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations, when imported into the United States in foreign vessels, than when imported in vessels of the United States, were repealed, so far as respected the manufactures and productions of the nation to which such vessel belonged, on the condition, that the repeal should take effect only in favor of any foreign nation, when the Executive should be satisfied that such discriminating duties, to the disadvantage of the United States, had likewise been repealed by such nation. By this act, a proposition was made to all nations, to place our commerce, with each, on a basis, which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States, back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and, in return it was required that a like accommodation, should be granted to the vessels of the United States, in the ports of other powers. The article to be admitted or prohibited, on either side, formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity, and of rude materials, in demand for foreign manufactures, of great bulk, requiring for their transportation many vessels, the return for which in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is more especially applicable to those countries from which manufactures alone are im-

ported, but it applies in a great extent, to the European dominions of every European power, and, in a certain extent, to all the colonies of those powers. By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports, between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies, as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and, with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles, and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment of equal tonnage, a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be expected. The demand, in the present instance, would be the more unreasonable, in consideration of the inequality existing in the trade with the parent country.

Such was the basis of our system as established by the act of 1815, and such its true character. In the year in which this act was passed, a treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended, the British government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return, in her own vessels. To this claim the United States could not assent, and, in consequence, each party suspended the intercourse, in the vessels of the other, by a prohibition which still exists.

The same conditions were offered to France, but not accepted. Her Government has demanded other conditions, more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions, in the ports of the United States. To these it was thought improper to accede, and, in consequence, the restrictive regulations, which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries, in the vessels of each party, has been in a great measure suspended. It is much to be regretted, that although a negotiation has been long pending, such is the diversity of views entertained, on the various points, which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred, in this negotiation, respecting the construction of the eighth article of the Treaty of 1803, whereby Louisiana was ceded to the United States, and likewise respecting the seizure of the Apollo, in 1820, for a violation of our revenue laws. The claim of the government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it, in either instance. By the eighth article of the Treaty referred to, it is stipulated that, after the expiration of twelve years, during which it was provided, by the preceding or seventh article that the vessels of France and Spain should be admitted into the ports of the ceded Territory, without paying higher duties on merchandise, or tonnage on the vessels, than such as were paid by citizens of the United States, the ships of France should forever afterwards be placed on the footing of the

most favored nation. By the obvious construction of this article, it is presumed, that it was intended, that no favor should be granted to any power in those ports, to which France should not be forthwith entitled; nor should any accommodation be allowed, to another power, on conditions, to which she would not, also, be entitled upon the same conditions. Under this construction, no favour or accommodation, could be granted, to any power, to the prejudice of France. By allowing the equivalent, allowed by those powers, she would always stand, in those ports, on the footing of the most favoured nation. But, if this article should be so construed, as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions, as might be allowed to other powers, in return to important concessions made by them, then, the whole character of the stipulation would be changed. She would not be placed on the footing of the most favoured nation, but on a footing held by no other nation. She would enjoy all the advantages allowed to them, in consideration of like advantages allowed to us, free from every, and any, condition, whatever.

As little cause has the Government of France to complain of the seizure of the Apollo, and the removal of other vessels from the waters of the St. Mary's. It will not be denied, that every nation has a right to regulate its commercial system, as it thinks fit, and to enforce the collection of its revenue, provided it be done, without an invasion of the rights of other powers. The violation of its revenue laws, is an offence, which all nations punish—the punishment of which, gives no just cause of complaint, to the power to which the offenders belong, provided it be extended to all equally. In this case, every circumstance which occurred, indicated a fixed purpose to violate our revenue laws.—Had the party intended to have pursued a fair trade, he would have entered our ports, and paid the duties; or had he intended to have carried on a legitimate circuitous commerce, with the United States, he would have entered the port of some other power, landed his goods at the custom house according to law, and re-shipped and sent them in the vessels of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case, was altogether different. He entered the river St. Mary's, the boundary between the United States, and Florida, and took his position on the Spanish side, on which, in the whole extent of the river, there was no town, no port, or custom house, and scarcely any settlement. His purpose, therefore, was not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done, without a direct and palpable breach of our laws. It is known that a regular systematic plan, had been formed by certain other persons for the violation of our revenue system, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population, could give no protection to any party, in such a practice, is believed to be in strict accord, with the law of nations. It would not have comported with a friendly policy in Spain herself, to have established a custom house there, since it could have subverted no other purpose, than to elude our revenue laws. But the Government of Spain did not adopt that measure. On the contrary, it is understood, that the Captain General of Cuba, to whom an application to that effect was made, by these adventurers, had not acceded to it. The condition of those provinces for many years, before they were ceded to the United States, need not now be dwelt on. Inhabited by different tribes of Indians, and an inland for every kind of adventurer, the jurisdiction of Spain may be said to have been, almost exclusively, confined to her garrisons. It certainly could not extend to places, where she had no authority. The rules therefore, applicable to settled countries, governed by laws, could not be deemed so, to the deserts of Florida, and to the occurrences there. It merits attention, also, that the territory had been ceded to the United States, by a treaty, the ratification of which had not been refused, and which has since been performed. Under such circumstances, therefore, Spain became less responsible for such acts, committed there, and the United States, more at liberty to exercise authority, to prevent so great a mischief. The conduct of this Government, has, in every instance, been conciliatory and friendly to France. The construction of our revenue law, in its application to the cases, which have formed the ground of such

serious complaint on her part, and the order to the Collector of St. Mary's, in accord with it, were given two years before these cases occurred, and in reference to a breach, which was attempted by the subjects of another power. Its application, therefore, to the cases in question, was inevitable. As soon as the Treaty, by which these provinces were ceded to the United States, was ratified, and all danger of further breach of our revenue laws ceased, an order was given for the release of the vessel, which had been seized, and for the dismissal of the libel, which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the Kingdom of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws, in regard to the Netherlands, Prussia, Hamburg, and Bremen, that such produce and manufactures, as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels, wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The government of Norway has, by an ordinance, opened the ports of that part of the dominions of the King of Sweden, to the vessels of the United States, upon the payment of no other or higher duties than are paid by the Norwegian vessels, from whatever place arriving, and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress; and as it may involve the commercial relations of the Union with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relation with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may in its wisdom decide, whether any change ought to be made, and, if any, in what respect. If this basis is subject or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of the principles of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent, has been, by a joint act of the Representatives of the United States and of Great Britain, at the court of St. Petersburg, submitted to the decision of his Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The Commissioners, under the 5th article of that treaty not having been able to agree upon their decision, their reports to the two Governments, conformably to the provisions of the treaty, may be expected at an early day.

With Spain, the treaty of February 22d, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service by an order from his Catholic Majesty, delivered by his Minister to the Secretary of State, and transmitted by a special agent to the Captain General of Cuba, to whom it was directed, and in whom the government of those provinces was vested, have not only omitted, in contravention of the orders of their sovereign the performance of the express stipulation, to deliver over the archives and documents relating to the property and sovereignty of those provinces, all of which it was expected would have been delivered, either before or when the troops were withdrawn, but defeated, since, every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the documents, which will hereafter be communicated.

In every other circumstance the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants for the term specified, all the civil, military, and judicial powers, exercised by the existing government of those provinces, an adequate number of officers, as was presumed, were appointed, and ordered to their respective

stations. Both provinces were formed into one territory, and a governor appointed for it, but, in consideration of the pre-existing division, and of the distance and difficulty of communication between Pensacola, the residence of the Governor of West Florida, and St. Augustine, that of the Governor of East Florida, at which places the inconsiderable population of each province was principally collected, two Secretaries were appointed, one to reside at Pensacola, and the other at St. Augustine. Due attention was also paid to the execution of the laws of the United States relating to the revenue and the slave trade, which were extended to these provinces. The whole territory was divided into three collection districts, that part lying between the river St. Mary's and Cape Florida, forming one, that from the Cape to the Apalachicola, another, and that from the Apalachicola to the Perdido, the third. To these districts the usual number of revenue officers were appointed; and, to secure the due operation of these laws, one judge & a district attorney were appointed, to reside at Pensacola; and, likewise, one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part of it relating to the powers of the existing government of those provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from other pursuits, hereby to subject the government to claims which could not be gratified, and the parties to losses, which it would be painful to witness.

It has been seen, with much concern, that, in the performance of these duties, a collision arose between the Governor of the Territory, and the Judge appointed for the Western District. It was presumed, that the law under which this transitory Government was organized, and the commissions which were granted to the officers, who were appointed to execute each a branch of the system, and to which the commissions were adapted, would have been understood in the same sense, by them, in which they were understood by the Executive. Much allowance is due to officers, employed in each branch of this system, and the more so, as there is good cause to believe that each acted under a conviction, that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe, that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event, which would ensure complete protection to an important part of our Union, which had suffered much, from incursion and invasion, and to the defence of which, his very gallant and patriotic services, had been so signally, and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and, indeed the necessity, of establishing, as soon as may be practicable, a well organized government over the territory, on the principles of our system, is apparent. This subject, therefore, is recommended to the early consideration of Congress.

In compliance with an injunction of the law of the 3d of March last, three Commissioners have also been appointed, and a board organized, for carrying into effect the eleventh article of the Treaty above recited, making provision for the payment of such of our citizens as have well founded claims on Spain, of the character specified by that treaty. This board has entered on its duties, and made some progress therein. The Commissioner and Surveyor of His Catholic Majesty, provided for by the fourth article of the Treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive, corresponding appointments will be made, and every facility be afforded, for the due execution of this service.

The Government of His Most Faithful Majesty, since the termination of the last session of Congress, has been removed from Rio de Janeiro to Lisbon, where a revolution, similar to that which had occurred in the neighbouring kingdom of Spain, had, in like manner, been sanctioned, by the accepted and pledged faith of the reigning Monarch. The diplomatic intercourse between the United States and the Portuguese dominions, in-