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THE

AMERICAN

ANNUAL REGISTER;

FOR

THE YEAR 1830—31,

OR THE

FIFTY-FIFTH YEAR OF AMERICAN INDEPENDENCE.

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AMERICAN ANNUAL REGISTER,

FOR

THE YEARS 1830—1831.

HISTORY OF THE UNITED STATES.

CHAPTER I.

Policy of the Administration.—Sectional Parties.—Policy of the Southern States.—Of the Northern.—Periodical Press.—Political Machinery.—Political course of the President.—Quarrels with the Vice President.—Change of Cabinet.—Causes of Resignations.—Character of new Cabinet.—Opposition.—Anti-Masonic Party.—Origin of same.—Principles of Anti-Masonic Party.—Effect upon the Politics of the Union.

MORE than a year had now elapsed since the Inauguration of Andrew Jackson as the President of the United States; and although this was scarcely sufficient to afford a fair test of the merits of his administration, it was abundant time for the formation and promulgation of his scheme of National Policy. The profession of certain principles of action are so much words of course among public men, that no intelligible criterion could be found in the very general maxims advanced in his inaugural address, and as little could be gained from the oracular expressions contained in

his first message to Congress, on the great questions dividing the country. Even when a principle was advanced, it was so guarded, and couched in such ambiguous terms, as to commit the administration to nothing. A modification of the tariff might be safely recommended, while all parties were dissatisfied with the adjustment of its details; and professions of favoring the cause of internal improvement, were so limited by a reference to the doubtful construction of the Constitution, as to leave it still a question whether the Federal Government intended to continue the

exercise of that power. It seemed indeed on most subjects to be the policy of the administration to wait for the development of public opinion, and to receive rather than to give an impulse to the councils of the country.

This attitude of neutrality was not preserved on all questions.—On many of those, which had so much contributed to the division of the community into sectional parties, the administration evinced a more decided character, and materially contributed by its influence to the ascendancy in the national councils, of what had been denominated the Southern Policy.

This policy, which has occasionally triumphed in Congress, and has always exercised a strong influence in that body, results in a great degree from the peculiar structure of society in the Southern States.

Those States from the Potomac to the province of Texas, make one large but compact territory, 900 miles in length, and 600 in breadth, having the Ohio river for a northern boundary, in which slavery forms so important a feature of society, as to give a direction to capital and in a measure to control its employment. Excluding Maryland, a State, which has been detached by various causes, (and by none more than by a conviction of the unproductive character of slave labor,) from the influence of the political motives governing this portion of the Union, and it contains a territory of 472,000 square miles, inhabited by a population of 5,083,000, of which

1,850,000, or nearly two fifths, are slaves.

Society is thus divided into two great classes—the proprietors of the soil, and the slaves who cultivate it. There are indeed some smaller classes, such as overseers, (who are dependent on the planters) and factors and merchants, who facilitate the transportation of produce to market. The most important and influential class, however, is composed of planters, and they completely control the policy of that part of the Union.

From the low intellectual condition of the slaves, it follows that their labor can be more easily employed in cultivating the soil, than mechanical pursuits. It requires but little pains to teach a negro to dig, to sow, and to reap, and so long as the cultivation of the fertile soil of the Southern States can be profitably followed, it would be idle to expect that any attempts will be made to instruct the negroes in the more intricate arts of the workshop. Agriculture or planting, therefore, is not only the chief but almost the sole employment of the south, and owing to the debased character of those employed in cultivating the earth, a large portion of society is devoted to idleness; because education and public opinion has attached a kind of degradation to all engaged in what has hitherto been the chief employment of that portion of the Union.

This exemption from labor, while it affords leisure for the acquisition of the more elegant accomplishments and the urbane

manners of gentlemen, tends still farther to remove this class from the agricultural laborers and renders it an entirely unproductive class by preventing the acquisition of habits of industry.

The planters, in process of time, thus become unenterprising and indolent, and the whole community is supported by the labor of a part, and in the case referred to of scarcely two fifths of society. The fertility of the soil and the high price of their peculiar productions, have hitherto enabled those States to prosper, notwithstanding the disadvantage of so large a portion of their population remaining unemployed, and the residue being engaged solely in agriculture.

No efforts, consequently, have been made to divert their productive labor to other pursuits, and none probably will be made, until the low rate of profits in agriculture shall, by rendering the planters poor, compel them either to labor themselves or to devise new modes of employing their slaves. Until necessity furnishes a spur to invention, they will not readily believe that a subsistence can be obtained except by planting, and their whole domestic and external policy will be, as it hitherto has been, governed by considerations resulting from this peculiar structure of society.

This whole tract of country is intersected in almost every part by navigable rivers, on the banks of which, the plantations are most-ly situated.

After the crop is gathered in, it is transported on these streams to the sea coast, and from the pro-

ceeds of that crop, the plantation is supplied with what it requires for its consumption during the next year.

The active population of the towns, chiefly consist of factors who purchase the produce, or shop keepers who furnish the supplies to the planters, and they are consequently small, and without the capacity of increasing beyond a very limited extent. The greater part of the transportation both of produce to the sea coast and of foreign productions into the interior, is carried on by means of the rivers, and during only a portion of the year. Their sole market is a foreign country, and their supplies are wholly derived from abroad. Hence a deficiency of good roads and canals, which there are not so much needed as in other portions of the country, where the pursuits of industry are more varied and where large cities inhabited by mechanics and merchants, impart a greater and more constant activity to commerce.

These circumstances have given to the planting States a settled policy, which aims only to foster and sustain their own peculiar branch of industry, and finds no desirable object to be attained in the application of the National funds to construct works of internal improvement, which can only result in bringing plantations in the interior of the country, as competitors into a market already overstocked.

The same reluctance is evinced in aiding any of the peculiar objects of the patronage of the Federal Government, and the

army, the navy, the system of fortifications, and generally all those measures which aim at protecting and cherishing the great National interests, have not recommended themselves to the favorable consideration of the public men from that portion of the Union.

Their interests, therefore, incline them to anti-Federal principles, and it is in those States, that the policy, which the developing strength and interests of the country have compelled the General Government to adopt, has been denounced as a violation of the Federal compact.

The residue of the Union which is under the influence of different interests, comprehends a line of territory about 1500 miles in length and 350 in breadth, extending from the Mississippi to the river St Croix. The States comprising this part of the Union, possess 305,000 square miles of territory and 7,500,000 inhabitants.

In many of the States comprising this territory, slavery never existed. In all of them it is nearly extinct except Maryland, where it no longer operates either to affect the investment of capital or to control the policy of the State.

All these States are inhabited by freemen, among whom industry is honorable, and by the abolition of entails and the laws of primogeniture, overgrown fortunes are prevented from accumulating, and each generation is compelled to go through the same career of active industry by which their predecessors obtained wealth. They consequently abound in en-

terprise, activity, and vigor, and on every side are to be found striking proofs of the rapid improvement of the country and the ever wakeful intelligence of its inhabitants. The sea coast is studded with cities inhabited not merely by merchants, but by mechanics and manufacturers, whose productions vie with those of the workshops of Europe.

The interior too is filled with villages and towns, some of which bid fair to rival both in population and the arts the older cities on the Atlantic coast. A domestic market is created for the country produce, and vigorous efforts are made to supply their wants from domestic workshops.

An active internal commerce is thus created, requiring good roads between the towns and villages, and canals to connect the navigable streams. Hence strong interests are here enlisted in behalf of internal improvement, and as the chief sources of revenue are surrendered to the General Government; from that quarter aid is expected in promoting these works so necessary to the internal intercourse of this part of the country. The foreign commerce of the whole Union is carried on by a class from a portion of these States, and as either directly or indirectly connected with the commercial interest, the Judiciary, the navy, the army, the system of fortifications, and generally those measures, which tend to advance the national character, find their friends in the representatives from the same States.

The policy of this part of the country, however, is not so settled

and stable as that of the Southern States.

The questions constantly arising between the conflicting interests of a community whose resources are so rapidly developing in themselves, furnish a fruitful source of political divisions.

The varied pursuits of society, the great natural division between those who subsist by the labor of their own hands and those of independent circumstances, in a country where all possess equal rights, are also productive of political parties.

These States are thus, by the structure of society and the very activity and enterprise, which cause their superiority in population and wealth, divided into local parties, and prevented from acting in the national councils with that unison and concert that prevails among the representatives from the Southern States.

The periodical press in the United States operates to increase these divisions at the north, while little or no effect can be produced upon the public mind at the south, where no counter-acting causes are brought in opposition to the notions which induce them to adopt their favorite and settled policy.

In the Southern States the newspapers are few in number and those mostly political. They are chiefly supported by political men, and of course they advocate the sectional policy of their patrons and leaders.

The newspapers in the other parts of the country find their most valuable patronage to be derived from the commercial

community, and the attention required to provide the foreign and domestic intelligence demanded at their hands by the merchants, prevent those papers which best represent the public interests from becoming leading political journals. Journals of this description indeed exist, but they are established merely to represent a particular party, and their object is to avail themselves of the various conflicting interests prevailing in their immediate neighborhood, and so to combine them as to secure the ascendancy of their own party. The political press, therefore, is not generally so fair a representation of the interests and deliberate judgments of the community, as of its passions and its prejudices; and skilful editors, not scrupulous as to the means, find it easy so to inflame those passions and to exasperate those prejudices, as often to carry a majority in direct opposition to the true interests of that portion of the Union.

This tendency to a misrepresentation of the Northern and Middle States, is augmented by the political machinery, that is there used to concentrate the votes of the several parties upon the candidates respectively presented by them for public office. The more active and industrious classes find their attention engrossed in their occupations, and it is only when the measures of the Government directly interfere with those pursuits, or when some signal violation of the Constitution arrests the public attention, that they are diverted from those occupations to political affairs. An-

other class of the community whose private concerns are not of so engrossing a character, furnish the active politicians, who give a character to the respective parties. In presenting the candidates for the popular suffrages in the Northern States, conventions are called, composed of delegates selected at meetings of the voters, in various parts of the district represented in convention, and these assemblages designate the candidate to be supported by the party. The opposite party pursue the same course, and thus candidates are presented professedly the choice of representatives appointed to make a selection of the best qualified candidate, but in reality the choice of a majority produced by a combination of some factitious and ephemeral interests, entirely distinct from the common weal. As the persons concerned in the formation of these conventions are comparatively few in number, the patronage of the Government is readily exerted to procure an influence over them, and it is thus that the Federal Government is enabled directly to interfere in the elections of those States where this machinery prevails.

In the southern States the candidates are self-nominated, and coming before the people without any adventitious influence, they succeed by force of those personal qualifications, which in public opinion best fit them to enforce the settled policy of that portion of the Union.

Hence it happens, that while in Congress, the representatives from the north are divided by the

various interests they represent into several parties, and by the habit of conflict into two great parties, those from the south act together upon all questions of general interests; and exercise an influence in the national councils altogether disproportioned to their numbers.

This view of the political situation of the United States is necessary to a full understanding of the policy adopted by the President upon his assuming the direction of affairs.

On the questions of protecting certain branches of domestic industry by high duties, of constructing works of internal improvement and of chartering a national bank; the south had shown itself hostile to the exercise of power by the Federal Government. The Secretary of State (M. Van Buren) had, previous to his elevation, manifested his predilections for the southern policy, but not in that open and decided manner which generally characterised the course of men holding so prominent a station before the public. Three of his colleagues, Messrs. Eaton, Branch, and Berrien, in the Cabinet, were from that part of the Union, and its sectional policy was supposed to be favored by the administration.

As the President determined, contrary to the practice of his predecessors, to hold no cabinet councils, no definite plan of policy was adopted as the result of the joint deliberations of his constitutional advisers. His opinions, therefore, and especially on subjects with which he was not intimately acquainted, were liable

to be influenced by the superior ability, or the dexterous management of any individual near him, who might obtain an undue share of his confidence.

Some allusion was made in the last volume to the means by which the Secretary of State obtained an ascendancy over the Vice President in the confidence of the the President, and the breach which was finally produced between these high dignitaries. From that moment the policy of the administration was controlled by the Secretary of State, and was in accordance with his opinions, so far as they were understood. As a large majority of the inhabitants of the Western and Northern States had indicated a preference for a protecting tariff, the administration on this question avoided the expression of any decided opinion; but expressed a hope that all might unite in diminishing any burthen of which either section could justly complain.

Towards the system of internal improvement and the United States bank, hostile feelings were exhibited, but so tempered and modified by expressions calculated to soothe the friends of those measures, as to leave it doubtful whether the administration was guided by any settled principle of action, or merely by considerations of temporary expediency.

While suggesting doubts of the constitutionality of devoting the national treasure to the construction of works of internal improvement, [the President stated that he might not feel himself bound to negative a bill for the con-

struction of works of a national character.

This limitation of his doubts to works of a mere local description, was a surrender of the whole constitutional question; as the distinction between those national and those strictly local, was so difficult to be drawn, that the Government would be left without any intelligible rule of conduct, and must necessarily be solely guided by considerations of expediency. This intimation, however, was again qualified by a suggestion of the inexpediency of entering upon any system of internal improvement until the national debt should be paid off, and until the Constitution should be amended so as to define the powers of the Federal Government over the subject.

A similar policy was pursued in relation to the United States bank. The constitutionality and the expediency of such an institution were first questioned, and then a suggestion was made that a national bank, founded upon the credit and revenues of the Government, would avoid all Constitutional difficulties, and at the same time secure to the country the advantages that were expected from the present bank.

This policy, which was denominated a non-committal policy, was well calculated to promote the success of an administration relying upon the entire support of the south, and a numerous, zealous and united party in the rest of the Union, aided by the patronage of the Federal Government and a periodical press, sustained and supported by the offi-

cial and private patronage of the same party.

It gave to it the advantage of waiting upon the public opinions and of being governed by events, instead of controlling them.

It therefore did not permit a strong feeling of opposition to be excited to its course upon those points, no ground being given for an appeal to either section of the Union, by its decided preference for any particular line of policy.

Although the administration kept itself thus uncommitted on the great questions of principle, it indicated no such indecision in the dispensation of the patronage of the Government. Here every effort was made to secure the political ascendancy of its supporters.

The most active politicians in the sea ports and in the interior villages of the Northern and Western States, were appointed to places in the Custom House and Post Office, and many of the editors of leading journals were rewarded in the same way for their political services. The effects of this influence were speedily evinced in the uniformity of opinion exhibited in the administration journals, upon all political questions. It seemed as if they were actuated by one spirit and controlled by the same feeling that pervades a well disciplined corps.

While this harmonious concert of sentiment and action was imparting greater efficiency and strength to the administration party in its various ramifications

throughout the country, the jealousy existing between its leaders at the seat of Government was preparing the materials for an explosion which caused a complete separation between the President and a large portion of his early and prominent supporters.

This alienation of feeling had existed many months before it was generally suspected, and although an angry and acrimonious correspondence was carried on between him and the Vice President in reference to the Seminole campaign, appearances were preserved, and in the divisions which frequently took place in the Senate, his nominations had the support of the Vice President and of his friends. It was perceived by those who were admitted behind the scenes, that these collisions must ultimately result in a public explosion, and notwithstanding efforts were made to affect an adjustment of the difficulties, it was intimated shortly before the close of the second session of the twenty-first Congress that this correspondence would be soon laid before the American people. Pursuant to that intimation, the correspondence, (the character of which was given in the last volume of the Register,) was published at the adjournment of Congress.

This decisive step plainly indicated a division among the friends of the administration, and as the influence of the Vice President predominated in the Southern, and he was not without friends in the Middle States, his appeal began to affect injuriously the administration itself, from a

conviction that its head was operated upon by improper feelings and prejudices.

These indications of the withdrawal of public confidence, were immediately perceived at Washington, and with the view of producing a re-union of the party until after the Presidential election, arrangements were made for an entire re-organization of the Cabinet. It had now become a desirable object to effect the re-election of President Jackson. The difficulty of uniting the dominant party upon a successor, and possibly the sweets of power once tasted, has induced him to relinquish his professed intention of serving but one term, and he was now formally announced as a candidate for re-election. In this posture of affairs, the country was astonished by the information promulgated through the official journal at the seat of Government, April 20th, 1831, that the Cabinet Ministers of the President had resigned, and the most lively curiosity was manifested to learn the causes of this unexpected and unprecedented movement. This curiosity was not speedily gratified. The letters of the several members of the Cabinet were published, but they served to inflame rather than to gratify the public feeling. The first letter was from the Secretary of War, of the date of April 7th, in which, after referring to a verbal communication previously made of his wish to retire, he reiterates that request without assigning any reasons for taking that step. The President, in his answer, accepts his resignation and expresses en-

tire satisfaction with his performance of his official duties.

The next letter was from the Secretary of State, of the date of April 11th, declaring it to be his duty to retire from the Cabinet, and assigning as a reason for so doing, that circumstances beyond his control had presented him before the public as a candidate for the succession to the Presidency, and that the injurious effects necessarily resulting from a Cabinet Minister's holding that relation to the country, had left him only the alternative of retiring from the administration, or of submitting to a self-disfranchisement, hardly reconcileable with propriety or self-respect. To this letter, the President returned an answer fraught with expressions of esteem and entire confidence in the Secretary of State, of strong regret at the existence of a want of harmony in the Cabinet, and a hope that if the Government should require his services in any other station, that his consent would not be wanting. In this correspondence, although allusion was made to difficulties in the Cabinet, no explanation was given as to the nature of those difficulties. The reason assigned for his resignation, by the Secretary of State, did not appear even plausible, as he had not been formally nominated to the public as a candidate, and men's thoughts had scarcely wandered beyond the election of 1832, to that of 1836.

The mystery was still incomprehensible, and the letters of the other Secretaries were resorted to for an explanation.

These letters were of a subsequent date to those just alluded to, that of the Secretary of the Treasury being dated April 18th, and that of the Secretary of the Navy, April 19th.

By the first letter of the Secretary of the Treasury, it appeared that although the resignations of the Secretaries of State and War, had been accepted a week before the date of that letter, he had not been informed of that fact until the morning of the 18th, and that it was then communicated to him with an intimation that it might serve as the basis of some communication from him to the President. In this letter, he stated that perceiving the reasons assigned for their resignation to be in no way applicable to his situation, he was at a loss to know what kind of a communication was expected from him. From this difficulty he was relieved by the expression of a wish on the part of the President, that he should resign his commission. A similar intimation having been made to the Secretary of the Navy, their resignations were forthwith made, and were accepted by the President in formal letters, expressing his satisfaction with their official conduct, and stating his motive for requiring their resignations. This was, to use his own words, that having concluded to accept the resignations of the Secretaries of State and of War, he had come to the conviction, that he must entirely renew his Cabinet. 'Its members had been invited by me,' he said, 'to the stations they occupied. It had come together in

great harmony, and as a unit. Under the circumstances in which I found myself, I could not but perceive the propriety of selecting a Cabinet composed of entirely new materials, as being calculated in this respect at least, to command public confidence and satisfy public opinion.'

This intimation of his intention to re-organise his Cabinet, was also considered to extend to the Attorney General, who was then on a visit to Georgia. His resignation was accordingly tendered to the President upon his return to the seat of Government, the 15th of June.

The Cabinet had been partially reorganised about a month previous, by the appointment of the Secretaries of State and the Navy. The arrangements, however, were not finally completed until after the resignation of the Attorney General; and it was then generally understood that the Post Master General, would not follow the example of the other members of the administration—it being deemed improper for him to retire, while the charge made in the Senate, just before the adjournment, of his having behaved corruptly in his office, remained neither withdrawn, nor explained, nor investigated.

Notwithstanding two months had elapsed between the resignations of the Secretaries and that of the Attorney General, nothing transpired to throw light upon the real cause of the dissolution of the Cabinet. Allusion indeed was made in the letters of the President, to the Secretaries of the Treasury and Navy, to a

want of harmony in the Cabinet ; but the entire satisfaction expressed by him with their official conduct, forbid the supposition that it proceeded from a difference of opinion as to public measures.

Still, his request for their resignations ; their ignorance, until that request, of the resignation of their colleagues, a week before, and the difference of tone between the warm and affectionate expressions of confidence and good will in his answers to the Secretaries of State and of War, and the measured and formal phrase of his official letter to the Secretary of the Treasury, —a copy of which was sent to the Secretary of the Navy,—all indicated the existence of two parties in the Cabinet, and that the President warmly espoused the cause of those, who, by tendering their resignations, gave him an opportunity of requesting the others to retire.

The mystery was finally developed by a communication of the Attorney General to the public, in which the cause of this want of harmony in the administration, was attributed to a determination to compel the families of the dismissed members to associate with the wife of the Secretary of War. By this statement it appeared that these ladies had, in accordance with the general understanding of the female part of society at Washington, declined to visit the family of the Secretary of War, and that this neglect, being resented by that gentleman, had produced a coolness between him and the heads of those families. As the President warmly espoused the feelings of the Secretary of War, as of an

old and confidential friend, it was rumored, early in the year, that their removal would be a consequence of this resentment ; and the Attorney General stated, that about that time a confidential friend of the President (Richard M. Johnson) called upon him and the other refractory members, as from the President, and intimated to them, that unless they would consent to at least a formal intercourse between their families and that of the Secretary of War, he had determined to remove them from office. They replied, that while they felt bound to maintain a frank and harmonious intercourse with their colleagues, they would not permit any interference with the social relations of their families, and wholly refused to comply with the request. Other friends, however, interfered, and the President was induced to waive any further prosecution of the subject at that time.

To that refusal, however, he attributed the want of harmony of the Cabinet and its consequent dissolution.

This charge, from a high and unquestioned source, imputing so discreditable and undignified an interference with the private and domestic relations of the members of his Cabinet, produced a strong impression upon the public mind ; and with the view of obviating that unfavorable impression, a different version was soon furnished of these transactions, by the friends of the administration. According to this version, it seemed that the President, believing that a combination had been entered into by the Vice President

and a portion of his Cabinet, to drive the Secretary of War from the administration, by excluding his family from society, had determined on re-organising his Cabinet, unless its members would consent to meet upon terms of harmonious intercourse. With the view of averting that result, Mr Johnson called upon the members of the Cabinet and suggested to them the propriety of associating with the family of the Secretary of War, or at least of assenting to a formal intercourse, which would be all that the President could desire. In making this proposition, Colonel Johnson asserted, that he was actuated solely by a desire to prevent a dissolution of the Cabinet; that it was upon his own authority; and that he was in no shape authorised by the President to make any such requisition.

This version was sustained by an authorised publication on the part of the President, while that of the Attorney General was supported by the testimony of the Secretaries of the Navy and of the Treasury. It was, however, impossible to avoid the conclusion, that to the influence of these domestic dissensions, the dissolution of the Cabinet was to be solely attributed, and that the cause assigned in the letter of the Secretary of State, was merely ostensible, and with the design of diverting the public attention from these discreditable occurrences. The satisfaction that was felt by the community at large at the breaking up of the most incompetent Cabinet, that was ever called to the administration of the

Government of the United States, in some measure compensated for the manner in which it was dissolved. This satisfaction was increased by the character of the gentlemen invited to act as their successors.

The new Cabinet, which was not completely organised until late in the summer of 1831, was constituted as follows:

EDWARD LIVINGSTON, of Louisiana, Secretary of State.

LOUIS McLANE, of Delaware, Secretary of the Treasury.

LEWIS CASS, of Ohio, Secretary of War.

LEVI WOODBURY, of New-Hampshire, Secretary of the Navy.

ROGER B. TANEY, of Maryland, Attorney General.

This Cabinet was not only in every particular, and in every department, superior to that which preceded it, but might fairly compare, in point of talent and ability, with that of any previous administration, and its character furnished strong testimony of the tribute paid to public opinion in the selection of his public advisers by a Chief Magistrate of great personal popularity.

Before, however, the organisation of this Cabinet, an opposition had been excited to the administration, both on account of the principles by which its domestic policy was directed, and of its proscriptive and intolerant course towards those who were not ranked among its supporters. The friends of the American system began to correspond and to take steps to sustain those interests which they deemed to be threat-

ened by the policy of the administration. The authority of the Federal Judiciary was said to be endangered by the movements of some of its prominent friends in Congress, and although the President had indicated his dissatisfaction with the principle of nullification as asserted in South Carolina, this was imputed to his personal feelings towards the Vice President, and his sanction of the same principle as practised by Georgia, was regarded as a more direct proof of his real sentiments on the supremacy of the laws and treaties of the Federal Government.

His refusal to maintain the stipulations of the treaties made with the Cherokee tribes, or to enforce the laws passed in compliance with those treaties, had excited lively apprehensions in a large portion of the community, not only as to the ultimate fate of those tribes, but also as to the stability of a government, whose settled policy and most solemn engagements seemed to be so dependent upon the will of an individual.

Other objections were urged against the administration, drawn from the alleged violation of the pledges, upon the strength of which it came into power. Instead of a diminution of salaries or of the number of offices, it was alleged that they had been augmented. The expenses of the Government had been increased, and the reform which had been promised when out of power was now dismissed as an unpalatable topic. The influence of the Federal Government in local elections was now more directly exerted

than before. Persons appointed to lucrative offices continued to manage the journals of which they were formerly the editors.

The Post-office was used as an engine to subserve the political designs of the administration, and with the view of consolidating this scheme, of controlling the Federal Government, and of appropriating its emoluments among the leaders of an extensive political combination formed only for that end, it was said that the President had been induced to become a candidate for a re-election, notwithstanding his open and reiterated recommendation of a constitutional provision limiting the term of service to four years.

Upon these grounds, an opposition was formed to the re-election of General Jackson, and in some portions of the Union this party, which was denominated 'national republican,' manifested a disposition to present Henry Clay, the Secretary of State during the late administration, as its candidate for the Presidency. He was accordingly nominated by the legislatures of several States, and with the view of producing a concentration of action in the opposition, a national convention was recommended to be held at Baltimore, on the 12th of December, 1831.

While these events were transpiring, another party, at first merely local and confined to a small district of the Union, was fast gathering strength, and had now so far extended itself beyond the narrow limits of the spot of its origin, as to assume consequence as a national party, and claimed

the right of being consulted as to the candidates to be placed before the country, in opposition to the candidates of the administration party.

This new party had its origin in the abduction and murder of one William Morgan, a citizen of the State of New York, who was forcibly taken in open day from the jail of Canandaigua, in the month of September, 1826, by a party of fanatic and misguided members of the masonic fraternity, carried to the Niagara frontier, and there murdered for an alleged violation of his masonic obligations. This lawless outrage in a civilised community, having excited great sensibility, efforts were made to bring the perpetrators of the crime to justice. To these efforts a systematic opposition was soon discovered to exist, and circumstances speedily transpired to prove, that a strong influence was exerted by masons of high standing to prevent any investigation of the offence.

The Sheriffs of the counties, where the outrage was perpetrated, were members of the Society, and all attempts to inquire into the fate of Morgan were in most places effectually thwarted by their selecting grand juries principally composed of masons, who ignored all bills against any concerned in the abduction. Bills of indictment however were found in Ontario county, (the Sheriff and District Attorney of which, were above this illegal influence,) against some of the principal actors in the conspiracy and a series of judicial investigations were finally commenced in the seven-

ral counties through which Morgan had been carried. In the progress of these investigations, it was discovered that many of the principal witnesses of the abduction, were withdrawn from the process of the courts, and that in various instances they successfully eluded all attempts to procure their attendance before the juries engaged in inquiring into the conspiracy. Many of the masons, who were on the grand juries and in official stations, manifested a leaning in favor of the accused and an unwillingness to investigate the truth of the accusation. This extraordinary conduct inflamed rather than quieted the public mind, and the indignation, which was at first directed against those personally concerned in the abduction, was finally turned against the institution of Masonry itself, to which was attributed the original instigation of the crime and the immunity and protection of the perpetrators. A determination was now formed by a large portion of the citizens of those counties, through which Morgan had been carried in his passage from Canandaigua jail to Niagara river, fully to investigate all the circumstances connected with his abduction, and to bring the criminals, who seemed to be merely the agents of a powerful and extensive combination, to justice.

Various indictments were accordingly found in the counties alluded to, and certain individuals implicated in the conspiracy were brought to trial, and the judicial proceedings consequent upon these indictments occupied

the public attention in the western portion of the State of New York for several years subsequent to the abduction.

Many who were accused, were acquitted; some after an impartial trial, and others from a refusal on the part of witnesses who were members of the fraternity, to testify, either from an unwillingness to compromit themselves, or to violate their Masonic obligations. Nicholas G. Cheesebro, Edward Sawyer, and Loton Lawson, pleaded guilty; and Eli Bruce, the Sheriff of Niagara at the time of the murder, John Sheldon, and John Whitney were all convicted at different terms of the courts in Ontario county, and were sentenced to imprisonment. Lawson for two years, Eli Bruce for two years and four months, Cheesebro for one year, Whitney for one year and three months, Sheldon for three months and Sawyer for one month.

Convictions were also had of Jesse French, James Hurlburt, and Roswell Wilcox for forcibly arresting David C. Miller, a printer, connected with Morgan in his expositions of the secrets of Masonry. French was sentenced to one year's imprisonment, Wilcox to six months and Hurlburt to three months.

Still however the chief actors in the last scene of this outrage escaped conviction and punishment, and a powerful but secret agency was constantly exerted to protect the criminals. Witnesses, whose evidence was required to prove essential particulars, were removed beyond the reach of the courts.

Those who were accused as having committed the murder with their own hands, escaped from the State, and a veil of impenetrable darkness was interposed between the investigations of justice, and the ultimate fate of Morgan.

The abortive results of all judicial attempts to throw any light upon this matter; the perfect immunity with which the offenders were enabled to perpetrate one of the most atrocious of crimes; and the aid afforded to the accused by the Masonic fraternity in evading the inquiries of justice, conspired to excite a strong feeling of indignation against the order itself, in counties where these circumstances transpired. The institution of Masonry was denounced as incompatible with the institutions of a republican government, and as aiming to control or counteract the regular deliberation and action of the constituted authorities. Its oaths and secret ceremonies were said to be immoral and unlawful, and an actual adherence to the principles contained in the obligations of the order was declared to be inconsistent with the paramount duties owing by all citizens to the community, and to be a disqualification for offices of public trust.

In acting up to the principles of this declaration, a political party was at once formed in the western part of the State of New York upon the simple footing of hostility to Masonry.

So much had the public mind been excited by the circumstances connected with the abduction

of Morgan, that all political differences were speedily merged in opposition to Masonry, and an overwhelming Anti-Masonic majority in those counties soon placed its leaders in power, and enabled them to state its objects and to vindicate its principles in the Legislature of the State. In 1827, the Anti-Masonic party polled 17,000 votes in the local elections. The next year candidates were nominated on their part for Governor and Lieutenant Governor, but they having declined, from an unwillingness to divide the votes of those opposed to the election of General Jackson, candidates were nominated by some, who were not unwilling to produce that result, and they received nearly 34,000 votes.

In 1829 the Anti-Masonic party had swallowed up in most of the western counties all other parties in opposition to the administration, and their candidates received between 60 and 70,000 votes.

Stimulated by this result they again determined to nominate gubernatorial candidates, who, being the only opposition candidates, received at the election of 1830, 120,000 votes.

In the mean time the attention of the citizens of other States was attracted by these proceedings to the institution of Masonry, and a strong feeling of hostility to the order began to manifest itself in the States of Vermont, Pennsylvania, Massachusetts, Rhode Island, and Ohio. In Vermont the Anti-Masonic candidates in 1831 obtained a plurality above the other candidates, and in Penn-

sylvania the gubernatorial candidate of the Anti-Masons in 1829, received 50,000 votes.

These indications of increasing strength, encouraged the leading Anti-Masons in the United States to hold a national convention for the purpose of organising a general opposition to the order throughout the country.

The first meeting of this convention was held at Philadelphia, on the 11th of September, 1830, and was attended by delegates from Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, and Michigan.

Proceedings were there adopted with the view of exposing the dangerous character of the institution to the world, and a national convention was recommended to be held at Baltimore on the 26th September, 1831, for the purpose of nominating candidates for the Presidency and Vice Presidency of the United States. As this party avowed its determination to put down Masonry at all hazards, and expressed its unwillingness to support any Masons, who still adhered to the institution, its principles and doctrines became the subject of general examination.

The abduction and murder of Morgan, and the protection of his murderers, were imputed by the Anti-Masons to the order as the legitimate consequences of its oaths and maxims, and the obligations assumed by its members were denounced as immoral, unlawful, hostile to the spirit of our

institutions and incompatible with the paramount obligations of society.

On the other hand, the friends of the order contended, that the murder of Morgan was the act of a few misguided fanatics, and no more to be imputed to the institution, than the cruelty of the Inquisition was attributable to the establishment of Christianity; that the charges against the order were founded merely upon suspicion which asked no proof, nor waited for confirmation from facts; and that it was unjust to involve in the guilt of a few, all the members of an institut on originating in charity and benevolence, and which ranked among its supporters and friends many of the brightest ornaments of the country, whose names alone afforded conclusive proof of the high and exalted character of Masonry.

The effect of the political organisation of the Anti-Masons was to compel a more strict and intimate union among the adhering members of the fraternity, and to induce them to exercise a more direct influence in the politics of the country, in the hope of crushing a party, whose avowed object was the annihilation of their order.

Another portion of the community, comprehending many of its most enlightened citizens, as-

sent to the opinion, that the Masonic institution had become useless, and that from its very organisation it was liable to be perverted to corrupt and dangerous purposes. With their opinion of Masonry, however, they refused to join in what they deemed an undistinguishing and intolerant proscription.

The misdeeds of a few, they could not regard as a good ground for withdrawing their confidence from men whose integrity had been tried, simply because they were members of a society, which had been long tolerated in the country, and which would be more effectually destroyed by a sober and calm appeal to the understanding of the American people, than by any party association, as all such associations are liable to be perverted to the designs of political ambition.

This diversity of opinion as to the character and objects of the Anti-Masonic party had not the effect of dissuading its leaders from presenting their candidates for the Presidency and Vice Presidency of the United States before the public, and the opposition to the re-election of General Jackson seemed destined to be as much thwarted by their own divisions as by the discipline and concert prevailing in the party sustaining his administration.

CHAPTER II.

INDIAN AFFAIRS.

Conduct of Georgia.—Case of George Tassel.—Resolutions of State Legislature.—Survey of the Cherokee Territory.—Proceedings of State Legislature.—Co-operation of the Federal Government.—Occupation of the Cherokee Country.—Arrest of Missionaries.—Condemnation and Imprisonment of.—Process in Supreme Court of United States.—Judgment of Court.—Change in mode of paying Indian Annuities.—Treaty with the Cherokees.—Proceedings of Senate.—Motion in House on the Indian Relations.—To reform mode of Distributing Annuities.

THE determination adopted by General Jackson, upon his accession to the Presidency, not to enforce the Indian intercourse act, whenever its provisions should bring the Government of the United States into collision with the State authorities, now began to produce the most unhappy consequences. Encouraged by the conviction, that they could proceed without molestation, the Government of Georgia commenced the execution of what it had only threatened, under the preceding administration. Its pretensions respecting the right of sovereignty and jurisdiction, having been sanctioned by the Federal Government, its course was thenceforth controlled only by its own ideas of propriety and expediency, and they were unfortunately too much perverted by passion and prejudice, to exert any efficient influence over the policy of the State. Shortly af-

ter the period designated for the extension of the jurisdiction of the State, over the Cherokee territory, the writs of the State Courts were issued against residents in the Indian territory, and the Cherokees were tried before the State tribunals, without any regard being paid to their pleas to the jurisdiction of the Court before which they were summoned.

In the case of George Tassel, a Cherokee, charged with the murder of another Cherokee upon the Indian territory, an effort was made to procure the decision of the Supreme Court, upon the constitutionality of the State laws. After his trial and condemnation, by the Superior Court for Hall County, a writ of error was issued from the Supreme Court of the United States, and a citation was served upon Governor Gilmer, on the 22d of December, 1830, requiring the State of Georgia, to

appear before the Supreme Court, at Washington, on the second Monday of January, to shew cause why the judgment in that case should not be reversed. As the question in this cause was simply concerning the validity of the treaties between the United States and the Cherokee tribe, it was obviously within the jurisdiction of the Federal Judiciary, which by the 2d section of the third article of the Constitution, is declared to extend 'to all cases in law and equity, arising under this Constitution, the laws of the United States and treaties made or which shall be made under their authority.'

Governor Gilmer, however, regarding it as an usurpation of authority, immediately transmitted the citation to the legislature, with a message exhorting that body to take measures to resist any interference on the part of the Federal Judiciary, with the jurisdiction of the criminal Courts of the State.

Upon the reception of this message, the following resolutions were proposed by the committee to which the subject was referred, and were passed by the legislature.

After reciting the proceedings in the case, the report proceeded with the following preamble and resolutions :

'Whereas, the right to punish crimes against the peace and good order of this State, in accordance with the existing laws, is an original and a necessary part of sovereignty, which the State of Georgia has never parted with :

Be it therefore resolved by the

Senate and House of Representatives, That they view with feelings of the greatest regret, the interference by the Chief Justice of the Supreme Court of the United States, in the administration of the criminal laws of this State, and that such an interference is a flagrant violation of her rights.

Resolved further, That his Excellency the Governor, be, and he and every other officer of this State, is hereby requested and enjoined, to disregard any and every mandate and process, that has been, or shall be, served upon him or them, purporting to proceed from the Chief Justice or any associate Justice, of the Supreme Court of the United States, for the purpose of arresting the execution of any of the criminal laws of this State.

And be it further resolved, That his Excellency, the Governor, be and he is hereby authorised and required, with all the force and means placed at his command, by the Constitution and laws of this State, to resist and repel any and every evasion from whatever quarter, upon the administration of the criminal laws of this State.

Resolved, That the State of Georgia, will never so far compromise her sovereignty as an independent State, as to become a party to the case sought to be made before the Supreme Court of the United States, by the writ in question.

Resolved, That his Excellency the Governor, be, and he is hereby authorised, to communicate to the Sheriff of Hall Coun-

ty, by express, so much of the foregoing resolutions, and such orders as are necessary to ensure the full execution of the laws, in the case of George Tassel, convicted of murder in Hall county.'

Orders were accordingly given to the Court and the Sheriff, to disregard any process from the United States Courts, and the execution of the unfortunate Indian, took place on the 28th of December, pursuant to his sentence.

The death of George Tassel, the plaintiff in error, of course prevented any further proceedings upon the writ of error, and the punishment inflicted not being disproportioned to the offence, substantial justice was doubtless awarded by the State tribunals; still the unwillingness to submit the question of jurisdiction to the Supreme Court, the defiance of the authority of the Federal Judiciary, and the indecent haste with which the life of a human being was taken away, while his appeal was pending, all indicated the conscious weakness of the ground occupied by the State, augured unfavorably of its fidelity to the Union. The State Government did not, however, content itself with citing the Cherokees before the tribunals of Georgia, but also proceeded to authorise the survey and occupation of the Indian territory, with the view of distributing it by lot, among the citizens of Georgia.

A law was also passed, forbidding the holding of any legislative councils, or Judicial Courts among the Indians, and the exercise of any official authority on the part

of the native chieftains was prohibited, under the penalty of imprisonment; while with a marked inconsistency, the last section of that law authorised the chieftains to hold communication with the commissioners of the United States, in order to enable the Federal Government to go on and purchase the Indian territory by treaty.

Another law was enacted, declaring that no Cherokee should be bound by any contract, entered into with a white man, nor should he be liable to be sued on such contract.

A proclamation was also issued, prohibiting the digging of gold on the Indian lands, and the United States troops were, at first, ordered to co-operate in carrying into effect this law, by arresting the gold diggers and destroying their huts.

This movement on the part of the United States troops, was under the authority vested in the President, by the Indian intercourse act, of 1802; but this law also prohibited any encroachment on the Indian territory, and any further acquiescence in the validity of that law, would be inconsistent with the pretensions of Georgia. A communication, dated October 29, 1830, was accordingly addressed by the Governor to the President of the United States, requiring the withdrawal of the United States troops from the Indian territory, on the ground that the enforcement of the provisions of the law, under which they acted, was inconsistent with the rights of Georgia; that the legislature was then as-

sembled for the purpose of extending the laws of the State over the Indian country; that the State Government was abundantly competent to preserve order within the Cherokee territory; and that as the object of ordering the troops there, was undoubtedly the preservation of the peace of the Union, and as in the execution of their duties they had punished in some instances, citizens of the State in violation of their rights, the Governor suggested that the most effectual mode of preventing any collision between the Federal and State Governments, was to remove the troops.

To this communication, the Secretary of War replied, November 10th, that the troops were ordered upon the approach of winter, to retire into winter quarters, because, as the Secretary added, 'it is *expected* that the emergency which induced the troops to enter the Indian country has ceased.' The troops were accordingly removed, and the Cherokees abandoned to the mercy of the State Government. Measures were at once adopted by the Governor, to enforce the pretensions of the State by a military force, which was sent to remove the gold diggers from the Cherokee country. A detachment of troops, or local standing army, raised by the State authorities, was accordingly despatched in the month of January, 1831, to drive off these persons, composed partly of Cherokees, and partly of white intruders upon their territory.

This object was accomplished without any serious opposition,

but the guard thought it necessary in the execution of their duty, to act as the police of the Indian country, and with their excited prejudices against the Cherokees, soon rendered their residence on their own territory inconvenient and even intolerable.

By the law, which authorised the appointment of a commissioner and guard, powers were given to them which enabled them to drive from the Cherokee tribe, all the white men to whom they had been in the habit of resorting, for advice and instruction.

This law required all white persons residing in the Cherokee country, to provide themselves with a permit from the Governor, and to take an oath of allegiance to the State, and declared all white persons residing there, without having complied with those requisites, to be punishable with imprisonment in the penitentiary for four years.

Under that law, Samuel Worcester, and five other white persons, who had long been residents in the Cherokee territory, were arrested by this guard in the month of March, and with a severity entirely uncalled for, were dragged before the Superior Court of Gwinnett county, for refusing to comply with this extraordinary law.

An objection was made to the Constitutionality of the law, but Judge Clayton, before whom they were arraigned, decided it to be in conformity with the Constitution, and ordered four of the defendants to be bound over to answer at the next term of the Court. Mr Worcester and John

Thompson, being missionaries, were discharged, on the ground that they were exempted from the operation of the statute, as agents of the Federal Government,—having been employed to disburse among the Cherokees, the portion of the appropriation annually made to civilize the Indians, to which that tribe was entitled.

This decision so far as it discharged the missionaries, gave great offence to the State authorities, and the Governor obtained from the General Government, a disavowal that the missionaries were its agents. Orders were also given to withdraw from Mr Worcester, his appointment as Postmaster, at New Echota.

These preliminary steps having been taken, the missionaries were warned by Governor Gilmer, to quit the nation, and within ten days afterwards Mr Worcester and Ezra Butler, were arrested and again arraigned before the Superior Court of Gwinnett county, and the facts being proved, they were sentenced to four years' confinement at hard labor, in the penitentiary of Georgia, for continuing to reside in the Cherokee country, where they had been invited to go by the policy of the Federal Government, and for having refused to take the oath of allegiance to the State of Georgia. Measures were taken to subject this unrighteous sentence to the revision of the Federal Courts; but in the meantime, the missionaries were compelled to undergo the punishment of felons, which was submitted to with constancy and patience.

Much indignation was manifested throughout the country at this gross violation of personal rights, superadded to a complete disregard of the Federal compact and the faith of treaties. The decision of the President, however, sustaining Georgia in the ground she had assumed, she proceeded to carry her policy of expelling the Cherokees from their territory into effect, with as much deliberation, as if she had not been a party to the Federal Constitution, and as if they were a conquered enemy and not a faithful ally. The chieftains composing the legislative and executive council of the tribe, did not, however, shrink from the performance of the duties which belonged to their stations. Aware of the disparity of force, they carefully abstained from all violence, and appealed to the American tribunals, in defence of their rights.

A bill was filed in behalf of the nation, on the equity side of the Supreme Courts of the United States, and process was duly served on the Governor of the State of Georgia, with the view of testing the validity of her claims, and of procuring an injunction to restrain her from pursuing a course so inconsistent with the rights of the Cherokee tribe, as secured by treaty.

Of these proceedings no notice was taken by the State Government, except the adoption of a resolution to set at defiance the authority of the Court.

The Court, however, proceeded to hear the cause, and after a full argument in behalf of the Chero-

kee tribe, by Messrs Wirt and Sergeant, it determined, at the January term of 1831, that in that form it had not jurisdiction of the subject-matter in dispute.

The Supreme Court had jurisdiction between two States of the confederacy, and also between a foreign State and one of the States of the Union. The Cherokee tribe, however, was neither a foreign State nor a member of the confederacy, but a domestic dependent nation in a state of pupillage, and in a relation to the United States resembling that of a ward to his guardian.

The prayer of the bill was, therefore, denied,* and the Cherokee tribe was left another year exposed to the encroachments and oppressions of its neighbors in spite of the plain and positive stipulation of treaties.

In addition to the countenance given by the General Government to these arbitrary proceedings on the part of Georgia, a change was adopted in the mode of distributing the annuity stipulated to be paid to the Cherokee tribe, with the view of depriving them of the means of legally resisting the encroachments upon their territory.

By the treaties between the United States and that tribe, certain sums of money, amounting in the whole to twelve thousand dollars, were agreed to be paid annually 'to the Cherokee Nation,' and pursuant to those stipulations the payments hitherto had been punctually made by the Government to the chieftains representing the nation, and who,

in the treaties with that tribe, had been considered as the proper agents to transact business in its behalf.

The present administration having adopted a new policy respecting the Indians, and regarding them as subject to the State within whose limits they were, it resolved to carry out the principle, and orders were issued from the War department not to pay the annuities as formerly to the chieftains of the Cherokee tribe, but to distribute them among the nation,—paying to each individual his proportion. The number of Cherokees east of the Mississippi being between fourteen and fifteen thousand, the share of each individual would come to less than a dollar, and as the tribe extended over a large tract of country, the expenses of each Indian's travelling to the agency would more than absorb the sum to which he is entitled. The effect of the order was, therefore, a virtual withholding of the annuity, and it was regarded as an additional violation of the treaties between that tribe and the Government of the United States.

The Cherokees generally refused to receive the annuities in this manner, and it consequently remained in the hands of the agents of the United States.

The withholding the annuity and the encroachments made upon their territory by the State authorities, did not in the least facilitate the accomplishment of the object aimed at by the State. The Cherokees, conscious of their rights, and strong in the support of public opinion, refused to re-

* Vide Opinion, second part, page 229.

move from their territory or even to treat for its cession. Excited by a conviction of their having been unjustly treated, they regarded the Government of the United States itself in an unfriendly light, and communicated with its agents only in the shape of complaint and remonstrance. In the mean time, the State of Georgia pursued its course regardless of the public opinion of the country.

Convinced that a judicial inquiry into its pretensions would result in their complete refutation and overthrow, the State Government studiously sought to bring the Federal Courts into contempt.

Their authority over the subject was constantly denied, and the legal and constitutional mode provided for the peaceable execution of the laws and treaties of the United States, was thus defeated by the self-will of a State, permitted and even encouraged to pursue its reckless career, by the novel views adopted by those entrusted with the administration of the Federal Government as to its powers and its obligations.

While the Government of the United States thus thwarted its own ends, and lost its influence over the Cherokee tribe, by the indifference manifested towards its engagements, it was more successful in its efforts to persuade the Choctaws—a numerous tribe in the States of Alabama and Mississippi—to remove beyond the Mississippi, and to cede their lands east of that river to the United States. Shortly after the adjournment of Congress, in 1830, General John Coffee and the Secretary

of War (Mr Eaton) were appointed commissioners to negotiate with this tribe for a cession of their territory. The council of the tribe was accordingly invited to meet them in September, at Dancing River Creek, in the Choctaw country. A very numerous assemblage of Indians took place—it being computed that between four and five thousand were present,—a number comprehending the effective population of the tribe. Upon commencing the negotiation, it was soon discovered, that the Choctaws were divided into two parties, in relation to the cession of their territory. One party opposing the conclusion of any additional treaties, and the other contending that it would be better for the tribe to yield to the wishes of the Government of the United States, before the Government of Mississippi should commence a system of oppression with the view of coercing them into a cession. After a protracted negotiation, during which the two parties were almost on the point of coming to blows, those opposed to a cession retired from the council, and a treaty was concluded with the remaining chieftains, by which all the Choctaw territory east of the Mississippi was ceded to the United States, upon the following terms :
Reservations were allowed to all persons, not exceeding 40, cultivating 50 or more acres of land, of one section each : to 1,500 persons, of from 80 to 480 acres each, according to the quantity of land which they cultivated. These reservations included improvements, and might be sold,

by permission of the President of the United States.

Ninety captains, who did not otherwise obtain one section each, were entitled to an additional half section each, which might be sold by permission of the President, or paid for by the United States, at fifty cents per acre, at the option of the captains.

All orphans were secured a quarter section, to be selected by the President, and sold for their benefit, under his direction.

All families who resided on their present improvements five years, were declared to be entitled to a patent for 640 acres for the head of the family, and 320 acres to each unmarried child over ten years of age, and 160 acres for each under ten, contiguous to their parent's land.

Some 50 or 100 special reservations were made in favor of individuals of the nation. The United States also stipulated to pay \$50,000 for the support of common schools in the Choctaw nation. \$400,000 to be paid in 20 annual instalments. \$250 a year, to four principal chiefs, each for 20 years. \$500 a year to one chief, to preside, in case of the nation adopting a republican form of government. The United States also agreed to pay for the building a council house, a house for each chief, and three churches, to be also used as schoolhouses: to provide for the salary of three teachers and preachers, for twenty years: for three smith's shops, to be supported sixteen years; one millwright for five years; and sundry small payments to secretaries, speakers,

&c. They also agreed to present one rifle to each emigrating warrior, after his arrival in their new country, and to deliver 2,100 blankets, 1,000 wheels and carts, 1,000 axes, 1,000 hoes, 400 looms, 1,000 ploughs, to be divided among them in Arkansas, and to furnish one ton of iron and two hundred weight of steel, annually, to each district for sixteen years.

The Indians were to be removed at the expense of the United States, in wagons and steamboats, and to be supported one year after their arrival at their new homes. Their new country, according to the boundaries described in the treaty of Washington City, in 1825, and the jurisdiction and government of all persons and property within its limits, it was agreed should be secured to them forever; no State or Territory should ever extend its jurisdiction over any part of it; the nation should always be governed by its own laws, which, however, were not to be inconsistent with those of the United States. The United States stipulated to protect the Choctaws from domestic strife and from foreign enemies, as if they were citizens of the United States. Navigable streams were declared to be free to the Choctaws, and the United States were authorised to establish roads through their territory. Provision was made for the apprehension and punishment of trespassers and offenders; and Choctaws on the territory ceded, were authorised to become citizens of the United States, upon declaring their intention, and were thereupon entitled

to a reservation of 640 acres each. The propriety of admitting the nation to a representation by their delegate on the floor of Congress, after they shall become sufficiently civilized, is submitted in the treaty to the consideration of Congress.

The Choctaws agreed to remove in 1831, 1832, and 1833, and in the mean time, the United States were to keep out intruders; and the commissioners promised that the Government would use its influence with the State of Mississippi, to suspend the operation of her laws, and also with Alabama not to extend her laws into the nation, for the space of three years. The country, however, in the mean time was to be surveyed as soon as practicable, by prudent, discreet surveyors.*

Upon this treaty being submitted to the Senate for its ratification, that body determined to inquire minutely, into the circumstances under which it was made, and a resolution was accordingly introduced, calling for any letters received from the Choctaw chieftains in relation to the treaty. An inquiry was also instituted into the character of the territory west of the Mississippi, destined for the Choctaw tribe. These inquiries having terminated satisfactorily, a resolution was then introduced, disavowing the principle contained in the preamble of the treaty, by which the President of the United States is represented as saying, that he cannot protect the Choctaw people from the operation of the laws of the State of Missis-

* For Treaty, vide second part, 84th page.

issippi. This doctrine was that by which the President and his Cabinet undertook to justify their neglect to execute the provisions of the Indian intercourse act, and the decisive vote of the Senate, by which the preamble was stricken out, was a striking condemnation on the part of that body of the novel principle, which the President sought to introduce into the administration of the Government. On a division of the Senate, the vote stood 32 for striking out the preamble, and 11 in its favor.

The treaty was then confirmed, 33 ayes and 12 nays, and the Choctaw nation commenced its removal beyond the Mississippi river.

A similar treaty was made with their neighbors, the Chickasaws, and the provisions of both these treaties may be deemed highly favorable to the Indians, whose subsistence in their new homes was secured one year at the expense of the United States. This policy, adopted by the administration towards the Aborigines, however, was not carried into effect without serious opposition in Congress.

The trial and impeachment of Judge Peck, occupied the attention of both Houses at the commencement of the session, and no opportunity was given to bring the subject up until the beginning of February. On the 7th of that month, Mr Everett presented a petition from sundry citizens of Massachusetts, praying the repeal of the Indian laws of last session. It not being in order to discuss petitions the day they are pre-

sented, it was laid over until the next Monday, when Mr Everett gave notice, that he should call for its consideration. On the 14th of February, accordingly, it was announced from the Chair, as before the House for its disposal.

Mr Everett rose, and was proceeding to address the Chair, when

Mr Tucker interposed and demanded that the question of 'consideration' be put, and the Speaker announced this to be the question.

[This question precludes debate on any motion, unless the House decides in favor of its consideration.]

The yeas and nays on the 'consideration' being ordered,

Mr Everett said, it was with great regret, he was obliged to say, that he considered the demand for the question of consideration, out of order; the petition had been received by the House, and if this motion were entertained by the Chair, it would cut off all debate on the petition, which Mr Everett said he had a right to discuss, on presenting it, if he thought proper.

The Speaker said the House had a right to decide, whether it would consider the gentleman's motion—it had a right to refuse to receive the petition itself.

Mr Everett. But the House has received the petition, Mr Speaker.

The Speaker said the petition had been received and laid on the table; that the House had a right now to say, whether it would consider the gentleman's motion

touching its reference, and therefore the demand for the question of consideration was in order; and he proceeded to refer to the rules, and explain his construction of them, to show the propriety of his decision.

Mr Bell asked, if the House decided in favor of 'consideration,' what time would the discussion be in order—could it be continued from day to day, or would it be limited?

The Speaker replied, it could only be continued to-day, and the next days on which the presentation of petitions would be in order, (namely, on Monday alone.)

Mr Everett again rose, and said he felt himself under the necessity of appealing from the decision of the Chair, on the correctness of entertaining the demand for the question of consideration; and he proceeded in support of his appeal at some length—arguing that this was no motion, or proposition offered to the House, but simply a petition from a portion of his constituents, which they in the exercise of their constitutional right, had presented to the House through him, their representative. He had laid it on the table, under the rule; it came up to-day, as a matter of course; its consideration required no motion, and he had made none; the matter before the House was the petition itself, and to that he had a right to speak; it was a constitutional right, to which the rule of consideration could not apply, and could not cut off.

Mr Tucker, in a few remarks, defended his call for the question of 'consideration,' and his motive

for making it. His object was, to save the time of the House from being wasted in an useless debate.

The Speaker then rose, and after stating the case, read the rules in point, which he explained at some length, to show the correctness of his decision in entertaining the demand for 'consideration.' He referred particularly to the fifth rule, which is as follows: 'When any motion or proposition is made, the question "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.' During the whole time which he had presided in the Chair, he had never exercised the privilege of requiring the question of consideration; it was now required by another member, and he had no right to refuse it, it being in order under the rule.

Mr Wayne asked if he was to understand that the motion of the gentleman from South Carolina (Mr Tucker) was in order, before the gentleman from Massachusetts (Mr Everett) had submitted any proposition.

The Speaker replied, that he considered there was, virtually, a motion before the House, on taking up the petition for disposal.

Mr Wayne thought that did not follow of course. The gentleman from Massachusetts had not submitted any proposition relative to the petition; and until he did that, the House could not know what his motion would be, or decide whether they would consider it. The House would be voting in the dark. He maintained that

the Speaker would be right, had the gentleman made any motion for the disposition of the petition, but at present the demand of 'consideration' he thought premature.

Mr Tucker then withdrew his call for the question of consideration.

Mr Everett said, it was his intention, to debate the petition, which he had presented to the House; and when the Speaker decided that he could not do so, he denied a right which was sanctioned by the practice of the British Parliament, and was sanctioned by the practice of this House. During the last war many important questions were debated on the presentation of petitions.

The Speaker. There must still be a motion before the House to authorize debate.

Mr Everett. If I am entitled to the floor [several members were attempting to address the Chair] I will then submit a motion before I sit down.

The Speaker. It is in the power of the Speaker, or of any member, to require that every motion be reduced to writing, and the Speaker requires that the gentleman send his motion to the Chair in writing.

Mr Everett accordingly sent to the Chair the following motion:

That the said memorial be referred to the Committee on Indian Affairs, with instructions to report a bill making further provisions for executing the laws of the United States on the subject of intercourse with the Indian tribes; and also, for the faithful obser-

vance of the treaties between the United States and the said tribes.

The motion having been read—

Mr Wickliffe demanded, that the question be put on the 'consideration' of the motion. He had no idea of commencing another Indian war at this period of the session.

Mr Condict called for the yeas and nays, and they were ordered.

The question was then put—'Will the House, now consider the motion?' and was decided in the affirmative. Ayes 101, Noes 93.

The house having determined to consider the subject, Mr Everett rose, and in a powerful and eloquent speech, replete with pathos and feeling, condemned the course of the government towards the Indians, and contended that good faith and humanity alike required the administration to retrace its steps and to interpose the national force to execute the treaties made with the aboriginal tribes.

Before he had concluded, a motion was made to adjourn, and the subject went over to the 21st, being the subsequent Monday, the day devoted to the consideration of petitions.

His remarks were concluded on that day, and he was answered by Mr Haynes, and Mr Bell, who occupied the rest of the day.

The following Monday being near the close of the session, a motion was made to lay the memorial on the table, which was carried, and the action of Congress was thus prevented at that session, directly, upon this question, by the numerical majority of the administration party.

An effort was also made to compel the executive to pay the Indian annuities as they had been paid under former administrations.

On the 28th February, the bill making appropriations for the Indian department, being under discussion in the house, Mr Bates moved to amend the bill by adding a section, requiring the annuities to the Indians to be paid in the manner in which they had heretofore been paid.

Mr Bates explained the manner in which the annuities had been paid, from the foundation of the government, until this policy was reversed by an order issued from the Department of War, in June last, which prescribed, that these annuities shall be hereafter paid to the individuals, composing the nation, each according to his proportion. There ought, he said, to be sufficient reason given to satisfy the house of the propriety of this change. He wished to know at what age individuals were to be regarded as entitled, whether the annuities were to be varied by rank, or number of family. How are the annuities to be paid? Is the agent to go in quest of the individuals, or are the latter to come to the agency? The individual share would be about forty cents. The total amount of annuities is above two hundred thousand dollars; and the whole, under the new arrangement, must be paid in specie. How is it to be transported? If the 16,000 Cherokees come up to the agency for their money they must be maintained while there. Some will have to come 200 miles, and the expense would more than

consume the fortytwo cents due to each. The great mass of Indians have but one name each, the Fox, the Raccoon, &c. There are hundreds of the same name. Suppose 3 or 400 Raccoons come, how is the receipt to be given. Before half of the Raccoons are gone through, those already paid, may put on a new coat of paint and come again. It will, therefore, be found impossible to execute this order.

He stated that a greater door for fraud could not be opened than by the adoption of this order. He denied the right of the Government to issue this order. These annuities are not gratuities, donations or gifts—but debts due, not to individuals of a nation or tribe, but the nations or tribes themselves. It has been the practice to pay the Cherokee annuities into their treasury, and he wished to know by what right these debts are to be paid to individuals. The Executive might as reasonably refuse to pay the Massachusetts claim to the State, and determine to pay it to the individual citizens; and there would doubtless be found citizens who would prefer this mode.

He would not state the object of the change, but he took a view of the effect of it; which would be to deprive the Cherokee Nation of the means of trying the force of the treaties which have been made with them by the United States, before the Supreme Court of the United States. Georgia desires that her courts shall decide the Constitutionality of these treaties, and by those who have in their pockets the tickets in

the lottery by which the Cherokee possessions are to be parcelled out among their spoilers; but the Cherokees desire that the Supreme Court of the United States shall decide the question; and to obtain this decision, they must employ and pay Counsel. An order on the War Department by the Cherokee Nation has been disregarded, and they are thus deprived of the means of paying their Counsel. The Creek delegates here, on giving assurance that they are not in any way connected with the Cherokees, have had their order on the Government for their expenses paid, while the Cherokee Delegates have not been able to obtain a dollar.

Mr Bates then read an extract of a letter from Mr Jefferson, in answer to complaints from some of the Cherokees that the annuities were partially distributed, in which he states that the distribution was made according to the rule prescribed by the Cherokee Nation, and that the United States Government had no control over the distribution. He also read a letter from the Cherokee agent, Col. Montgomery, stating that no complaint on the subject of the annuities had been made to the United States Government through him.

Mr Buchanan moved the previous question, which was seconded, Ayes 87, Noes 64.

The previous question having been ordered, all contemplated amendments were shut out, and the effort to provide a remedy for the abuses in distributing the Indian annuities, was thus defeated.

CHAPTER III.

FOREIGN RELATIONS.

Claims on France.—Conduct of France.—Measures of Administration.—Objections to Claims.—Louisiana Treaty.—Beaumarchais.—Treaty with France.—Intercourse with British West Indies.—Northeast Boundary.—Origin of Controversy.—Treaty of 1783.—Of 1794.—Of 1814.—Of 1827.—Umpire appointed.—Award.—Protest on the part of the United States.

UPON the accession of General Jackson to the Presidency, he declared as a maxim that would guide him, in the administration of the foreign relations of the United States, 'that he would demand nothing that was not right, and submit to nothing that was wrong.'

Among the causes of complaint against other governments, the manner in which the claims of American citizens upon France, for spoliations during the reign of Napoleon had been received, was the most prominent. An account of the origin of those claims, and of the efforts of the American Government to procure satisfaction, was given in the last volume of this Register. Those efforts had proved abortive under former administrations, through various causes; but chiefly from an unwillingness on the part of the French Government to recognise any claims in favor of a government, whose liberal institutions were regarded as a standing condemnation of its own principles

and policy; and partly from a conviction, that no decisive and energetic measures would be taken to enforce the claims, in the event of its refusal to adjust them.

The course taken by the French Government in relation to the American claims, had produced a strong impression of its unfriendly sentiments towards this country; and the feelings of the American people began to manifest themselves at public meetings, where resolutions were passed, calling upon Congress to adopt stronger measures with the view of enforcing the claims, in case France persisted in a denial of justice. These resolutions, with addresses on the part of the claimants, having been transmitted to the President, the Secretary of State in reply, assured the claimants that their claims should be made the subject of special instructions to the new minister about to be sent to that government.

The character of the instructions may be gathered from the

allusion made to the subject in the annual message of the President, at the opening of the twentyfirst Congress.

After alluding to the beneficial effects of the commercial convention with that country, the message proceeds in the following emphatic manner :

‘The claims of our citizens for depredations upon their property, long since committed under the authority and in many instances, by the express direction of the then existing government of France, remain unsatisfied, and must therefore continue to furnish a subject of unpleasant discussion and *possible collision*, between the two governments. I cherish a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments, as on the known integrity of the French monarch, that the injurious delays of the past, will find redress in the equity of the future. Our minister has been instructed to press those demands on the French Government, with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect, which is due to the feelings of those from whom the satisfaction is required.’

This plain dealing made no small impression upon the French Government. It began at length to believe, that the United States were in earnest in pressing these claims upon its attention, and a negotiation was finally commenced in reference to their liquidation.

The objections to the admissions of the American claims

were so indefensible, that the French ministers were obliged to bring other topics into the negotiation, in order to obtain some abatement in their amount. The first topic urged, was a claim for damages under the Louisiana treaty. By that treaty, French vessels were entitled to admission into the ports of the ceded territory, upon the same terms as the vessels of the most favoured nation. After that treaty was formed, the United States entered into arrangements with other countries, by which all discriminating tonnage duties were abolished, and the vessels of both countries were placed in their respective ports, upon the same footing as their own vessels.

This privilege France claimed for her vessels, but the United States contended, that as it was a privilege granted for an equivalent, France was not entitled to claim it for her vessels, without allowing the same equivalent; and that when she would consent to place American vessels in French ports, upon the same footing as her own vessels, her vessels should be admitted into the ports of the United States, upon the same terms as American vessels.

A claim was also urged in behalf of the heirs of Caron de Beaumarchais, for 1,000,000 of livres, for supplies furnished to the United States, during the revolutionary war. Beaumarchais was then employed as a medium, through which arms and military stores were furnished to the American Government, as a loan from the French Government, which, however, did not choose

at first, openly to espouse the cause of the colonies. The accounts of Beaumarchais, were definitively settled at the Treasury of the United States, in 1805, and a balance was found in favor of his heirs to the amount of 2,700,000 livres, or about \$500,000.

In the settlement of these accounts, however, the officers of the Treasury deducted from what was due to him, the sum of 1,000,000 livres, with interest from June 10th, 1776.

That sum had been paid to Beaumarchais, by order of Louis XVI, for the service of the United States, and doubtless was at first intended as a gift. For that million he never accounted to the United States, and it was not until 1783, that the American Congress or the American minister, at Paris, became acquainted, through M. de Vergennes, with the fact that such payment had been made as a gift to the United States, to some person, in addition to 2,000,000 of livres, credited on the books of the American bankers at Paris. The name of that person was not given, but in 1794, it was ascertained through Governor Morris, from the French Government, that it was paid to Caron de Beaumarchais. As it had not been accounted for, that amount was deducted from his claim for supplies furnished to the United States.

This deduction he resisted, and contended that he was accountable for the expenditure of that sum, only to his own Government, and the French minister certified that it had been duly accounted for, and that no part of it

was expended for supplies to the United States. The inference therefore, was, that it was expended for some secret political service, the object of which, was confined to the knowledge of Beaumarchais and of the French Government.

As it was a gift, it did not become the American Government to inquire into its disposition.

It was given to an agent, not of the United States, but of the French Government, to use for their benefit at his discretion, and the donor alone was entitled to call him to an account for the manner in which it was expended. His claims for supplies were indisputable, and this million of livres could not, with propriety, be made an offset against those demands, inasmuch as it became their property only according to the conditions upon which it was given, viz. to be applied under the direction of Beaumarchais. Still, however, Congress refused to adjust the claim, and although the French Government did not set up that refusal as a reason why the claims of the United States for spoliations should not be allowed, it was strongly suspected, that the refusal of the American Government to admit that claim, was one of the obstacles to an admission of the American claims.

These topics, however, were now brought under discussion, and in the midst of the negotiation, the obstacles to the admission of the American claims, growing out of the hostility of the ultra Bourbonists to republican institutions, were suddenly re-

moved by a revolution in the French Government itself; and the expulsion of the Bourbons, and the accession of the liberal party to power, rendered France equally desirous with the United States, to adjust the only topic of unpleasant discussion between the two powers. The settlement of these claims was now rendered comparatively easy, and the negotiation proceeded rapidly to a favourable termination. A treaty finally adjusting these subjects of dispute, was signed by Mr Rives and Sebastiani, at Paris, on the 4th of July, 1831, and the ratifications in due time were exchanged between the two governments.

By this treaty, the French Government agreed to pay to the United States, in complete satisfaction of all claims of the citizens of the United States, for 'seizures, captures, sequestrations, or destructions of their vessels, cargoes, or other property, 25,000,000 francs, in six equal annual instalments. The Government of the United States, on their part, agreed to pay 1,500,000 francs to the Government of France, in satisfaction of all claims in behalf of France, its citizens, or the royal Treasury, either for ancient supplies or accounts, or for unlawful seizures, captures, detentions, arrests, or destruction of French vessels, cargoes, or other property, in six annual instalments, to be reserved out of the instalments payable to the United States. Interest at the rate of 4 per cent. is to be allowed on the above sums from the exchange of the ratifications.

These sums are to be divided among the claimants by their respective Governments, and all claims of a character different from those provided for in this treaty, are reserved to be prosecuted at the discretion of the claimants, before the ordinary tribunals of the several countries, where justice is to be administered as towards native citizens. A provision was made for a mutual exchange of all documentary evidence, necessary and proper to facilitate the examination and liquidation of the claims.

An additional article was inserted, by which the United States engaged to reduce the duties on French wines for ten years, to six cents per gallon on red wine, and ten cents for white wine in casks, and twentytwo cents for all wines when in bottles.

In case of a reduction on the existing duties on other wines, a similar reduction is to be made on French wines, so as to afford to them the advantage contemplated by the treaty. In consideration of this stipulation, France abandons all claims for indemnity under the Louisiana treaty, and also agrees to reduce the duties on the long staple cotton of the United States, imported in American or French vessels, to the same rate as on short staple cotton.* The sum thus stipulated to be paid by France, did not amount to more than one-third of the just claims of the citizens of the United States, but their liquidation, even upon terms comparatively unfavorable, was so desira-

* For treaties, vide second part, page 81.

ble, that the conclusion of this treaty was hailed with universal satisfaction by all parties. Some exceptions were taken to that article of the treaty by which a reduction of the duties on wines was stipulated, and doubts were expressed as to the constitutional power of the President and Senate to modify the revenue or tariff regulations by a treaty. It was urged, that it would render inoperative that part of the Constitution by which the House of Representatives is invested with the sole power of originating revenue bills. A stipulation to lay a lower duty, and one to impose a higher duty, are similar in character, and if the principle be sanctioned, the House might be divested of its constitutional powers, and the domestic policy of the Government controlled by a combination of two-thirds of the smaller States with the Executive, without any check from the representation of the numerical majority of the country.

These objections, however, were not deemed tenable by the Government, and the treaty, after deliberate consideration, was sanctioned by the Senate, and the only remaining difficulties between the United States and their earliest ally, were thus happily adjusted.

The same good fortune did not attend the efforts of the administration to arrange the disputes, pending between the United States and Great Britain. An agreement was indeed made respecting the intercourse between the United States and the British West

Indies, but an unwise eagerness to succeed, where the preceding administration had failed, induced the advisers of the President to abandon the vantage ground, which the vigorous measures of his predecessor had secured to the country, and to hastily accept such terms as the British Government was willing to grant. The result was, that the arrangement was made solely with reference to the interests of the navigation and colonies of England, and while that Government, with proper sagacity, reserved the right to impose discriminating duties, with the view of encouraging importations through the Northern colonies, the President, in the exercise of a power most indiscreetly conferred by Congress, *repealed* the laws, which were imposed to counteract these partial and offensive commercial regulations of England.

The navigation of the United States was thus exposed, without protection, to a competition with British vessels, which were favored by heavy discriminating duties imposed for the purpose of securing the whole trade to British navigation. A schedule of duties was introduced into Parliament shortly after the West India ports were opened to American vessels, and a law was finally passed, by which were imposed the duties enumerated in the following schedule.

ARTICLES.		£	s.	d.
Wheat Flour	barrel	0	5	0
imported into Canada				free
imported into the West Indies				
from the warehouse of the				
Northern Colonies				free

Bread or Biscuit	<i>cwt.</i>	free
Meal or flour, not of wheat,	<i>barrel</i>	free
Wheat	<i>bushel</i>	free
Peas, beans, rye, calavances, oats, barley, or Indian corn,	<i>bushel</i>	free
Rice	100 <i>lbs. weight</i>	free
Shingles, not more than twelve inches in length	<i>per 1,000</i>	£ s. d. 0 7 0
imported into the Northern Colonies		free
imported into the West Indies from the Northern Colonies		free
more than 12 inches	<i>per 1,000</i>	0 14 0
imported into the Northern Colonies		free
imported into the West Indies from the Northern Colonies		free
Staves of red oak	<i>per 1,000</i>	1 6 3
until 1 January, 1834		
from 1 January, 1834, to 1 January, 1836		1 2 3
from and after 1 January, 1836		0 15 0
imported into the Northern Colonies		free
imported into the West Indies from the Northern Colonies		free
Staves of white oak	<i>per 1,000</i>	0 11 3
until 1 January, 1834		
from 1 January, 1834, to 1 January, 1836		0 7 3
from and after 1 January, 1836		
imported into the Northern Colonies		free
imported into the West Indies from the Northern Colonies		free
Pitch pine lumber	1,000 <i>feet</i>	1 1 0
imported into the Northern Colonies		free
imported into the West Indies from the Northern Colonies		free
White and yellow pine lumber, of 1 inch	1,000 <i>feet</i>	0 7 0
until 1 January, 1834		
from 1 January, 1834, to 1 January, 1836		0 5 0
from and after 1 January, 1836		
imported into the Northern Colonies		free
imported into the West Indies from the Northern Colonies		free
Other wood or lumber	1,000 <i>feet</i>	1 8 0
imported into the Northern Colonies		free
from thence into the West Indies		free
Wood hoops	<i>per 1,000</i>	0 5 3
imported into the Northern Colonies		free
from thence into the West Indies		free
Live stock,	<i>every £100 of value</i>	free
Beef and pork	<i>per cwt.</i>	0 12 0
imported into the West Indies from the Northern Colonies		free
imported into the Northern Colonies		free

This competition was upon too unfavorable a footing to continue, and the American shipping were soon almost totally excluded from a trade, which this very arrangement was intended to secure. A more discreditable negotiation, both in the manner of conducting it and in its results, cannot be found in the annals of the country; and although a temporary feeling of gratification was produced, upon its being announced that the intercourse was opened, the publication of the instructions and the correspondence, caused a conviction, that commercial advantages may be purchased at too high a price, and a short experience under the new arrangement proved, that American navigation need not expect favor from British legislation, and that an indirect intercourse through the Danish islands was more advantageous for the United States than a direct trade, regulated according to the notions of the British Government of a fair reciprocity.

The next most prominent topic of discussion with Great Britain, was, respecting the boundary between the State of Maine and the province of New Brunswick. This dispute arose out of the different constructions put upon the second article of the treaty of 1783 by the Governments of the United States and of England. By that treaty, the north boundary of the United States is described in the following manner: 'From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St Croix river, to the highlands, along the

said highlands which divide those rivers that empty themselves into the river St Lawrence from those which fall into the Atlantic Ocean ;' and the east boundary is afterwards described as follows : ' East by a line to be drawn along the middle of the river St Croix from its mouth in the Bay of Fundy to its source, and from its source directly north to the afore-said highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St Lawrence.' By this treaty, therefore, it was obvious, that the east boundary of the United States was to run due north from the source of the St Croix to the northwest corner of Nova Scotia ; and at that spot the northern boundary of the United States was to commence, to run west along the line of mountains described in the treaty. The two questions, therefore, to be determined, were, first, the northwest corner of Nova Scotia, and secondly, the highlands described in the treaty. As the two provinces of Nova Scotia and Lower Canada were adjacent territories, the angle referred to was necessarily to be found somewhere on the south boundary line of Canada ; and as that province was admitted to extend but a few miles south of the St Lawrence, it was too clear to admit of doubt, that the angle referred to in the treaty was to be found near that river. As little doubt could be fairly entertained concerning the highlands described in the treaty. Previous to the peace of 1763, Great Britain claimed to the St Lawrence, as the north boundary

of her colonies ; and the dividing line between Canada and those colonies is so laid down in Jeffery's map prefixed to the memorials of the English and French commissioners, in 1755, and in Mitchell's map, published in the same year. By the treaty of 1763, Canada was ceded to England, and it being represented that it would be convenient to annex to Canada a strip of land bordering on the St Lawrence, by the consent of the agents of Massachusetts, which was communicated to the General Court, that narrow tract of land lying beyond the sources of the Atlantic rivers and watered by those running into the St Lawrence, was annexed to that province, in order to preserve the continuity of the government of Quebec.

The highlands, as described in the treaty, were then, by the royal proclamation of 1763, declared to be the southern boundary of Quebec. Those highlands were to divide the rivers falling into the St Lawrence from those falling into the Atlantic, and the intention of the parties to the treaty of 1783, as to what highlands were intended, was to be gathered first from the treaty itself, and secondly, where any obscurity or ambiguity existed in the expression, from the maps and geographical and historical documents, in use at the time it was negotiated, showing the general understanding of the import of those terms.

In all the papers of that nature, prior to 1783, a chain of mountains are described, running from the north east to the south west, between thirty and forty

miles distant from the St Lawrence.

In the two maps published by order of the British government in 1755, at the commencement of the seven years, these highlands are thus described; and in the proclamation of 1763, a line was drawn along the heads of the rivers falling into the Atlantic, beyond which no settlements were permitted to be made.

This limitation of the extent of the colonies now forming the United States and Nova Scotia, extended from the Ohio towards lake Ontario, and following the southern boundary of the government of Quebec, along the north coast of the bay of Chaleurs, and the coast of the St Lawrence to Cape Rosieres.

In the Annual Register of 1763, this southern boundary of Quebec is described as extending 'quite to the gulf of St Lawrence through the highlands which separate the rivers falling into the great rivers of Canada from those falling into the ocean;' and in the same volume a map is published, on which the southern boundary of that province is marked out as passing from lake Champlain along the fortyfifth degree of latitude to the north of Connecticut river, and then along the highlands, approaching the St Lawrence to the head of the bay of Chaleurs.

This line is described in the commission given to Governor Wilmot, November, 1763, as the north boundary line of Nova Scotia; and the western boundary of that province is described as, 'a line drawn due north from the

source of the St Croix to the southern boundary of Quebec.'

In the map at the end of the Annual Register, these lines are drawn as the boundaries of Nova Scotia, and a definite location and description is thus given of the north west angle of Nova Scotia, so that it might safely be referred to as a settled point in the description of the boundary line of the United States.

In a map of the province of Quebec, published by Sayer and Bennet, London, 1776, the south boundary of that province is marked as running along the highlands, from the head of the Connecticut, north of the source of the St John, to the head of the Ristigouche and down that river to the bay of Chaleurs; and on a map dated 1777, by the same publishers, of North America and the West Indies, the west boundary of Nova Scotia is drawn due north from the St Croix, crossing the St John, to the south boundary of Quebec.

Referring to the general understanding, which appeared from these documents to prevail at the time of concluding the treaty of 1783, not only as to the north west corner of Nova Scotia, but also as to the highlands in question, it could scarcely have been expected, that any difficulty in running the boundary line would have occurred.

Some doubts however existed as to which river was the St Croix, referred to in the treaty; the American contending that the St John was the St Croix contemplated, and by the treaty of 1794, provision was made for a joint

commission to determine this question.

This commission determined in 1798, that the extreme northern source of the northern branch of the Scodic river, was the source of the St Croix designated in the treaty, and a monument was there erected as the point from which the line due north should commence.

In the British argument under this commission, it was conceded, that the north line from the source of the St Croix would necessarily cross the St John.

So also in the topographical description of Lower Canada, by Colonel Bouchette, Surveyor General of that province, the ridge along which the boundary line between the United States and the British territories is supposed to run, is described as being the land height, and at about fifty miles distance from the St Lawrence.

This boundary line on the side of Canada was always practically recognized until the close of the last war. No Canadian process was expected on the south side of that line, and several posts were placed there as designating the boundary between the United States and Canada.

During the late war, however, it became an object of British ambition to establish a new boundary line between the United States and New Brunswick, which formerly was comprehended within the province of Nova Scotia.

All former treaties having been annulled by the war, Great Britain deemed itself justified in claim-

ing all the legitimate advantages, it expected to derive from the success of its arms, and the termination of the war on the Continent, left its government at liberty to employ an overwhelming force against the United States.

Certain propositions were about that time set forth in periodicals and pamphlets, which were supposed to express the opinions of the government as proper to be insisted upon in adjusting the controversy with this country. Among them was one which aimed to fix the eastern boundary of the United States at the Penobscot, which was asserted to be the old boundary line of the province of Massachusetts, and at all events to have some line drawn, which would secure a free communication between Canada and Nova Scotia. In pointing out the advantages of such a boundary, it is stated in a pamphlet by J. M. Richardson, that 'there is actually no readily practicable communication between Lower Canada and New Brunswick without crossing a part of the American territory. In pursuance of this policy an expedition was fitted out and possession taken of Castine, a peninsula at the mouth of the Penobscot.

At Ghent too, among the other demands of the British negotiators, was one for a general revision of the boundary line between the United States and the British territories, and on the north east 'a variation of the line of frontier by a *cession* of that portion of the district of Maine in the State of Massachusetts, which intervenes between New

Brunswick and Quebec, and prevents their direct communication.'

As these demands were promptly rejected by the American envoys, a proposal was made of the *uti possidetis*; and it is worthy of observation, that this proposition was made immediately after accounts had been received, that a British force had taken possession of Castine and the adjacent country.

This principle, therefore, being admitted, the project of the British government to secure the direct route between Canada and Nova Scotia would be realised. This proposition met with no better reception than the demand of a variation of the north east boundary.

The American Commissioners replied, that 'they perceived under the alleged purpose of opening a direct communication between two of the British provinces in America, that a cession of territory, forming a part of one of the States of the American Union, was required.' 'They had no authority to cede any part of the territory of the United States, and to no stipulations to that effect would they subscribe.

Failing to attain their object directly, a proposition was then made, to adopt some mode of ascertaining the exact location of the northwest corner of Nova Scotia, and to survey the boundary line along the highlands. It was not then pretended, that any doubt existed as to what highlands were intended by the treaty of 1783, but merely that the line had not been run along the highlands which were designated.

The doubt expressed was only concerning the northwest corner of Nova Scotia, which was stated to lie due north of the source of the river St Croix.

To this proposition no objection could be made, and it was incorporated in the treaty of Ghent as the fifth article

With the view of fairly presenting the question now at issue before our readers, we insert that part of the treaty.

'Whereas neither that point of the highlands lying *due north* from the source of the river St Croix, and designated in the former treaty of peace between the two powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has *yet been ascertained*: and whereas that part of the boundary line between the dominions of the two powers, which extends from the source of the river St Croix, directly north to the above mentioned north west angle of Nova Scotia, thence along the said highlands which divide these rivers that empty themselves into the river St Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, down along the middle of that river, to the forty fifth degree of north latitude; thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, has not yet been surveyed; it is agreed, that for these several purposes, two commissioners shall be appointed, sworn, and authorised, to act exactly in the manner directed with respect to those

mentioned in the next preceding article, unless otherwise specified in the present article. The said commissioners shall meet at St Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of 1783, and shall cause the boundary aforesaid, from the source of the river St Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And, in the event of the said two Commissioners differing, or both, or either of them, refusing, or declining, or wilfully omitting to act, such reports, declarations or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a man-

ner as if the same was herein repeated.'

By this article, provision was made for ascertaining in what part of a line running due north from the source of the St Croix, that point of the highlands designated as the northwest corner of Nova Scotia, was to be found. The northwesternmost head of Connecticut river was also to be designated. Those points being ascertained, the Commissioners were to survey the line along the highlands, between the disputed points. No doubt, however, was expressed as to the highlands in question. Those were pointed out as the dividing ridge between the tributaries to the St Lawrence, and those of the Atlantic. The doubts were simply as to the northwest corner of Nova Scotia, and the northwesternmost head of Connecticut river, and the uncertainty as to the first point is limited by its being described as being at some point of the highlands referred to, due north of the source of the St Croix.

Here, then, were to be found the powers of the Commissioners and the questions to be decided.

Commissioners were accordingly appointed, and after a protracted discussion of the subject, Mr C. P. Van Ness on the part of the United States, and Mr. Barclay the elder, on the British side, disagreed in the report to be made. In the execution of the commission confided to these gentlemen, the British commissioner started a question as to the highlands designated in the treaty of 1783.

He contended that the north-west angle of Nova Scotia was to be found near Mars Hill, about forty miles north of the source of the St Croix, and about the same distance south of that part of the St John, which it would cross if prolonged.

From that point, he claimed to run the boundary line to the northwesternmost source of the Connecticut, along the highlands which divide the Chaudiere and its several branches, that being a river falling into the St Lawrence from the Kennebec, Androscoggin and Penobscot.

The American Commissioner replied, that the province of Nova Scotia, (now New Brunswick,) extended far to the north of the spot thus claimed as the north-west corner of that province, and and shewed that Mars Hill was isolated and not part of a range of highlands.

The ground assumed by the British commissioner, however, was still insisted upon; and it was now contended, that the chain of highlands referred to in the treaty was a ridge, that would divide the heads of rivers whose mouths and courses were within the actual provinces of the respective claimants.—Thus the party possessing the mouth of the stream, would possess its whole course to the fountain head. This he asserted was the object of the treaty, and it afforded the most equitable and convenient boundary line.

This was not the question, which the Commissioners were authorised to determine, but as the British Commissioner refused to accede to any report, which

did not allow the claim of his Government, nothing remained but to refer the points in dispute to the decision of some friendly sovereign, as originally provided in the treaty of Ghent.

This was done by a convention concluded September 29th, 1827, prescribing the mode of submission, and agreeing that 'the points of difference which have arisen in the settlement of the boundary, between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred as therein provided to some friendly sovereign or State, who shall be invited to investigate and make a decision upon *such points* of difference.' It was also agreed, that the decision of the arbiter should be final and conclusive, and carried into effect without reserve, by commissioners chosen by both parties.

After some negotiation, during which, various arbiters were proposed, the king of the Netherlands was finally agreed upon as the friendly sovereign to decide the controversy.

Messrs Galatin and Preble were appointed Commissioners to prepare the written statement and proofs on the part of the United States; and these were duly submitted, together with similar documents on the part of Great Britain, to the king of the Netherlands for his decision. After deliberating upon the subject, this decision was finally given in the shape of an award, which was delivered on the 10th of January, 1831, to Mr Preble and Sir Charles Bagot, the ministers of

the United States and Great Britain, at the Hague. In this award, however, the arbiter did not undertake to decide the questions submitted to him, but recommended a new boundary, not contemplated by either party. Instead of ascertaining the northwest corner of Nova Scotia, and determining which were the highlands in question, he commences an inquiry as to what line would be most convenient to the parties, and finding that a line running due north from the source of the St Croix to the highlands, would cut off the communication between Canada and New Brunswick, he undertakes to lay down a boundary not designated in the treaty. The range of highlands claimed by the United States, the arbiter perceived to be those referred to in the treaty. Being satisfied of that, his duty was to cause a line to be drawn due north from the monument at the head of the St Croix, to the place where it should intersect those highlands. This was the plain import of the treaty, and on this part of the boundary it was the point in dispute.

Instead of doing this, he says, 'that it will be proper (*il conviendra*) to adopt as the boundary of the two States, a line drawn due north from the source of the river St Croix to the point where it intersects the middle of the thalweg of the river St John, thence the middle of the thalweg of that river, ascending it, to the point where the river St Francis empties itself into the river St John, thence the middle of the thalweg of the river St Francis,

ascending it, to the source of its southwesternmost branch, which source we indicate, on the map A, by the letter X, authenticated by the signature of our minister of Foreign Affairs; thence a line drawn due west, to the point where it unites with the line claimed by the United States of America, and delineated on the map A, thence said line to the point at which according to said map, it coincides with that claimed by Great Britain, and thence the line traced on the map by the two powers, to the northwesternmost source of Connecticut river.'

He then proceeds to determine the northwesternmost head of Connecticut river, which he *decides* to be the northwesternmost stream falling into the northernmost of the three lakes, the last of which, bears the name of Connecticut lake. The third duty to be performed by the arbiter, was to run the line west from the head of the Connecticut along the 45th degree of latitude to the St Lawrence. In performing this duty, he considered that the principle of observed latitude ought to be followed, but that inasmuch as the American Government had erected fortifications at Rouse's Point, under a mistaken impression that it was below the 45th degree of latitude, he therefore determined to make the import of the treaty bend to the convenience of the parties, and determined 'that it will be proper (*il conviendra*) to proceed to fresh operations to measure the observed latitude, in order to mark out the boundary from the river Connecticut along the parallel of the 45th

degree of north latitude to the river St Lawrence, named in the treaties Iroquois or Cataraguy; in such a manner, however, that, in all cases, at the place called Rouse's Point, the territory of the United States of America shall extend to the fort erected at that place, and shall include said fort and its kilometrical radius [rayon kilometrique.]'

Against this decision the American ministers at the Hague immediately protested, as being beyond the authority of the arbiter, —he having decided upon questions not submitted to him, and left undecided the questions in dispute.*

The line drawn by the arbiter, was one never contemplated by the parties to the submission, nor was it laid down in the treaty; but it was one adjusted upon those principles of convenience and equity, which probably ought to

* For a very able and minute examination of the controversy respecting the Northeast Boundary, vide *North American Review*, No. 75.

have prevailed in the absence of a treaty. His decision, therefore, was an assumption of power beyond the powers granted by the parties to the convention, and the Government of the United States expressed great doubts as to the validity of the award.

The British Government, on the contrary, having gained the principal object for which it contended, i. e. an uninterrupted communication between its provinces, signified its willingness to carry the award into effect.

The State of Maine on its part, protested against the award as invalid, and denied the authority of the Federal Government, to cede any portion of the territory of a State by treaty or convention. In this unsettled state the controversy remained at the termination of the year 1831, and the result of the arbitration forcibly brought to mind the description in a celebrated epic, of that contest, where

'Chaos umpire sits,
And by decision more embroils the fray.'

CHAPTER IV.

Opening of Congress.—President's Message.—Impeachment of Judge Peck.—Trial.—Acquittal.—Act declaring law of Contempts.—Bill to repeal the twentyfifth Section of Judiciary Act.—Judicial System of United States.—Mode of executing Resolutions of Continental Congress.—Mode provided by Federal Constitution.—Chisholm vs Georgia.—Amendments to Constitution.—Twentyfifth Section.—Cohens vs Virginia.—Decision of Court.—Discontent.—Rejection of Bill to Repeal.

THE second session of the twentyfirst Congress commenced on the 6th of December, 1830.

Thirtyfive senators appeared at the commencement of the session, and Samuel Smith, President protem, resumed the chair. In the House, one hundred and seventy members answered to their names at the call of the roll. Six new members appeared, to supply vacancies occasioned by deaths and resignations, and one new member to fill the vacancy in the delegation from Maine. (The Speaker) Mr Stevenson, being indisposed, did not attend the first day, and the house adjourned over to the 7th, when the Speaker took the chair and the President of the United States having been informed of the organisation of Congress, the annual message was the same day communicated to both Houses.

Among the changes which occurred in the foreign relations of the country since the last session, the message stated that an amica-

ble arrangement had been made with Great Britain, by which the trade with her colonies was placed upon a mutually advantageous footing. A treaty with Turkey, was also stated to have been concluded, and it was intimated, that the preliminary steps to the formation of that treaty had been taken by the present administration, upon the suggestion of the President.

Allusion was made to the situation of the legation at St Petersburg, and the President informed Congress, that 'the minister lately commissioned at that Court, (Mr Randolph) had been compelled by extreme indisposition to exercise a privilege, which in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion of leaving temporarily his post for the advantage of a more genial climate.'

A cursory glance was given to the state of our relations with other powers, and the bills for the improvement of certain harbours,

&c. and authorising a subscription for stock in the Louisville and Portland Canal Company were then adverted to.

These bills had been retained by the President at the close of the last session, for more mature consideration. Some doubts were at that time expressed, as to the propriety of that course. According to the Constitution, the President has the right of returning any bill to the House where it originated, with his objections, and unless two thirds of both Houses vote in favor of its passage, notwithstanding these objections, it does not take effect as a law. In order to prevent any abuse of this prerogative, it is also provided, that unless the bill be returned within ten days after it has been presented to the President, it shall become a law, except Congress by adjourning, prevents its return within that time, in which case it shall not become a law.

The intention of the Constitution, was, to prevent the President on the one hand, from impeding the legislation of Congress by any procrastination of his decision in relation to the expediency or constitutionality of any law beyond ten days; and on the other hand, to prevent Congress, by a sudden adjournment before the lapse of that period, from defeating the prerogative of the Executive, to refer the law back for the re-consideration of Congress.

In this instance the laws referred to were presented at the close of the session, and in order to give to Congress an opportunity of reconsidering its decisions,

they should have been forthwith returned. By not doing that, the President converted the qualified veto conferred upon him by the Constitution into an absolute veto, which was never contemplated by that instrument. The want of time however at the close of the session having prevented deliberations upon these laws, they were retained during the vacation, and now they were returned with his objections to their passage. Among the reasons urged against the passage of such laws was one representing that it would produce contests in Congress among the States for the surplus revenue, and in order to obviate all danger from that source, a distribution of the surplus revenue was recommended among the States in proportion to their representations, instead of applying it to works of internal improvement.

An alteration of that part of the Constitution regulating the election of President and Vice President, was earnestly recommended, and so strongly were the dangers of an improper influence on the part of the Executive over the legislature portrayed, that Congress was strongly solicited to urge an amendment rendering him ineligible after one term of service.

The attention of Congress was then called to the Tariff, and Congress was recommended, in laying duties with a view to protection, to confine the bill to one particular interest, by which all danger of improper combinations would be avoided.

An account was next given of

the condition of the several departments of the government, concluding with a recommendation to place the Attorney General on the same footing with the other departments. At the close of the message, the attention of Congress was again called to the United States bank; the doubts expressed in his last message as to the constitutionality of this institution were reiterated; and as a substitute for the bank, the President recommended that a branch of the treasury department be authorised to sell bills of exchange based on the credit and revenues of the Government. It was not however to be empowered to purchase property, nor to make loans; but was to be confined to selling bills of exchange and receiving money on deposit.

The message itself will be found at length in the second part of the volume, 47th page, to which we refer our readers.

The first topic which engaged the attention of Congress was the trial of the impeachment of James H. Peck, Judge of the district court of Missouri.

A complaint had been made to the House of Representatives, at the last session, against this officer, by Luke E. Lawless, for having committed him to prison for contempt; and after a full investigation it was resolved by a vote of 123, to 49, that Judge Peck be impeached of high misdemeanors in office. Messrs Buchanan, Storrs of New York, M'Duffie, Spencer of New York, and Wickeliffe, were appointed a committee to prepare articles of im-

peachment. After the articles were reported, the same committee were appointed to manage the prosecution, and the Senate having been informed by the managers of the impeachment, it resolved itself into a court of impeachment. The President and Senators were sworn to do impartial justice according to the law, and on the 4th of May, 1830, the Senate having resolved itself into a high court of impeachment, the managers appeared on the part of the House and presented the articles of impeachment.

A summons was then issued to Judge Peck to appear and answer to the accusation, and his answer was put in on the 25th of May. It being necessary to procure the attendance of witnesses from Missouri, the trial of the impeachment was postponed to the next session of Congress, to the second Monday of which, the court was adjourned. At that time the court, having opened, the managers attended and requested an adjournment on account of the absence of a necessary witness.

The 20th of December the court was again opened, and the managers, accompanied by the House of Representatives, attended, and the trial commenced.

During part of the trial the House accompanied the managers each day to the Senate as attending the trial; but finding that unnecessary, and the proceedings proving long and tedious, the House finally concluded to attend only during the argument of the counsel and managers, and to demand judgment

upon the impeachment. In the investigation of the articles of impeachment, it appeared that the decision of Judge Peck in the case of James G. Souard and others *vs.* the United States, was published in the Missouri Republican by his directions. Mr Lawless was counsel for the plaintiffs in this suit, who were land claimants, as well as for many other parties whose claims depended upon a similar state of facts.

The question therefore decided by the Judge was one of great interest, and in the State of Missouri did actually produce an excitement, in which all individual feeling and interest was enlisted on the side of the claimants, the United States being the party defendant.

Under these circumstances Mr Lawless published in the Missouri Advocate a comment upon the decision in respectful terms, in which he endeavored to show that the court was in error, and stated that error to consist in certain assumptions of facts and of doctrines.

This statement, which was a concise recapitulation of the grounds for which the plaintiff contended, Judge Peck regarded as a contempt, because by suppressing certain distinctions and facts, insisted upon by the court, it placed his decision in an unfavorable light before the public, which was already excited by the conclusion which the court had adopted. He accordingly ordered Mr Lawless to shew cause why an attachment should not be awarded against him, and why he should not be suspended from

practice as an attorney and counsellor for publishing that comment.

Mr Lawless appeared upon the return of the rule and insisted that the publication was no contempt, that it was a fair representation of the decision and within the limits of fair discussion.

The court, however, held otherwise, and an attachment was issued. Mr Lawless was brought before the court, and was there asked whether he wished to purge himself of contempt by answering interrogatives, which he properly refused to do, but insisted on the truth of his publication. Judge Peck viewing this as an aggravation of the contempt, proceeded to sentence Mr Lawless to be imprisoned for twentyfour hours and to be suspended from practicing in that court for eighteen months.

For this arbitrary conduct he was impeached, but the Senate believing that Judge Peck proceeded upon a mistaken view of the powers of the court, and that he was governed by a strong conviction of what he deemed his official duty, refused to find him guilty upon the article of impeachment. The vote stood, guilty 21, not guilty 22.

This impeachment, however, produced a strong conviction of the necessity of limiting and defining the power of the Judiciary in relation to the law of contempts.

It was universally conceded, that the common law doctrine of the English courts was inconsistent with free institutions, and entirely inapplicable to this country.

It was derived from that undefinable notion concerning the prerogatives of high dignitaries, that prevailed in the early period of English history, and is so plainly to be perceived in the decisions and proceedings of the Star Chamber.

Although modified by the greater freedom and intelligence of modern times, the doctrine as accepted in England, was deemed incompatible with a political system, whose distinguishing characteristic is the specific and well defined limitation of the prerogatives and powers of all its public officers. Scarcely, therefore, had the Senate determined upon the impeachment of Judge Peck, when a bill was introduced into the House, declaratory of the law concerning contempts of Court.

This bill which was reported on the 10th of February, (the impeachment having been determined on the 31st of January,) was passed by both Houses, and became a law on the 2d of March, 1831. By it, the power of the Federal Courts to issue attachments and inflict summary punishment for contempt of Court, is limited to cases of misbehaviour in presence of the Court, or so near thereto as to obstruct the administration of justice; the misbehaviour of the officers of the Court in their official transactions; and the disobedience or resistance to any lawful writ, process, order, rule, decree or command, of the Court.

It was also enacted, that any attempt by corruption, threats, or force, to influence, intimidate, or impede, any juror, witness, or

officer, in the discharge of his duty, or to obstruct or impede the due administration of justice in the Federal Courts, should be punished upon conviction on an indictment, by fine not exceeding five hundred dollars, or imprisonment for three months, or both, at the discretion of the Court.

While Congress thus evinced its determination to confine this power of the Courts within limits consistent with the personal freedom of the citizen; it manifested equal zeal to maintain the authority of the Federal Judiciary, over those subjects assigned to that department by the Constitution of the United States.

A jealousy had always been manifested of that department of the Government, by a certain class of politicians, especially by those, who contended for what they denominated a strict construction of the Constitution.

The Speaker of the House of Representatives (Mr Stevenson) was an ardent advocate of that construction; and in the selection of the Judiciary committee, he appointed a majority from the class of members agreeing with him on that point,—the chairman of the committee himself being an advocate of the right of a State, to nullify a law of Congress. Deeming the present a fit time to promote their views, that committee on the 24th of January, made a report accompanied by a bill, to repeal the twenty-fifth section of the act to establish the Judicial system of the United States,—passed shortly after the organisa-

tion of the Federal Government in 1789.

In framing a scheme of Government for the United States, it was felt to be necessary to adopt some mode of carrying the laws of the general Government into effect through its own instruments, without being dependent upon the State Governments for their efficiency. Under the articles of confederation the decrees of Congress were only regarded as recommendations; or when it became necessary to execute them in opposition to a State Government, it was done by an armed force and as a hostile act against that State.

A striking illustration of the mode in which the Continental Congress was obliged to maintain its rights against the pretensions of particular States, may be found in the manner in which that body vindicated its right to the north-west territory, against the claims of Virginia. Notwithstanding the earnest request of Congress, to abstain from granting warrants for unappropriated lands during the revolutionary war, that State in 1779, opened a land office for that purpose; and various inhabitants of Virginia crossed the Ohio and settled upon the banks of the Muskingum. An armed force stationed at Pittsburg, under Colonel Brodhead, to prevent intrusions upon that territory, was immediately put in motion against them, and after destroying their huts and apprehending them as trespassers, an account was sent on to Congress, where it was directed to be communicated to the Governor of Virginia, that a rep-

etition of such trespasses might be prevented.

As this energetic act was stigmatised as an encroachment upon State rights, Congress found it necessary on the 18th of April 1780, to resolve, that Colonel Brodhead should be supported by Congress in any acts or orders, which the nature of the service and the discharge of his duty as commanding officer at Fort Pitt, had made or should make necessary.

In this manner when the case was too urgent to tolerate a violation of the resolution of Congress, that body was at once brought into hostile collision with some of the States; and where it was not of paramount importance, execution was entrusted to the State legislatures, which were governed in their decisions by too close a regard to their local interests.

Warned by experience of the inefficacy of a central government upon this basis, the framers of the Constitution determined to give to the federal government a direct action upon the citizens as individuals, rather than indirectly upon them as communities through the State governments. With that view they provided that 'the Federal Constitution, the laws of the United States, made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, should be the supreme law of the land.' A supreme Court of the United States was then established, and the judicial power, which was vested in that and other inferior courts to be

established by Congress, 'was extended to all cases arising under the Constitution, the laws of the United States, and treaties made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and the citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations, as the Congress shall make.'

Shortly after the organisation of the Government upon this basis, the States of Georgia, New York, and South Carolina were sued in the Supreme Court by various citizens of other States for debts due to them from the governments of those States. In February term, 1793, the case of *Chisholm vs. the State of Georgia* came up for judgment and the Court decided in favor of the plaintiff, and held the States to be liable to respond in the Supreme Court of the United States

to the actions of private citizens of other States.

Although this was the express language of the Constitution, it was not convenient at that time to carry that provision into practice. The States had just emerged from a ruinous war; and it was found easier to postpone and to adjust claims with petitioners in the legislature of the State, than with suitors whose demands were backed with legal authority.

Great dissatisfaction was accordingly expressed at this decision, and the legislature of Georgia at that as at a later period openly defied the judicial authority.

To quiet this feeling of discontent, Congress proposed, in 1794, the following amendment, which was adopted and became part of the Constitution. 'The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, or by citizens of another State, or by citizens or subjects of any foreign state.'

By this amendment therefore the States were rendered no longer liable to be arraigned as defendants at the suit of private persons, citizens of another State.

The Supreme Court, however, by this amendment, was not deprived of jurisdiction over all cases arising under the Constitution, laws, and treaties of the United States.

This was a branch of its powers, that was conferred in order to preserve uniformity in the construction of the Constitution, laws, and treaties of the United States;

to ensure the peaceable execution of the constitutional powers of the federal government; to protect them from the encroachments of the States; to vindicate the rights of individuals from the local excitements which temporarily affect states and communities; and to prevent any quarrels with foreign nations, by a disregard or misconstruction by the State Courts, of the treaties between them and the United States.

With the view of giving effect to this branch of its jurisdiction, the first Congress, which met after the adoption of the Constitution, (composed of members, many of whom had belonged to the convention which framed that instrument,) inserted in the judiciary act, the section commonly known as the 25th section, which is as follows, 'A final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in a suit could be had, where is drawn in question the validity of a treaty, or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of such their validity; or where is drawn in question the construction of any clause of the

Constitution; or of a treaty or statute of, or commission held under the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party under such clause of the said Constitution, treaty, statute, or commission, may bere-examined, and reversed or affirmed in the Supreme Court of the United States, upon a writ of error, the citation being signed by the chief justice, or judge, or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a circuit court; and the proceeding upon the revisal shall, also be the same, except that the Supreme Court, instead of remanding the cause for a final decision, as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution.

In this section are embraced three classes of cases, 1st, where a State court decides against the validity of a law or treaty of the United States,—a power conferred to prevent any violation of the laws or treaties of the United States on the part of a State: 2d, where the validity of a State law is questioned on the ground of its being repugnant to the federal Constitution or laws,—a power essential to preserve the

general government from the encroachments of the State governments; 3d, where any title, right, privilege, or exemption claimed under the Constitution, laws, or treaties of the United States has been denied by the State Courts, —a power intended to secure to individuals the immunities held out to them by the laws and treaties of the Federal Government.

Upon the powers conferred by this section, depended the appellate jurisdiction of the Supreme Court of the United States over the State Courts, and without those powers, the permanency of the Union itself would be left at the mercy of the State Governments; and the constitutionality of the United States bank, the tariff, and of all treaties, whether with Indian tribes or foreign nations, would be subjected to such construction as the caprice or interests of twenty-four distinct communities should prescribe.

In pursuance of the mode pointed out in the twentyfirst section, various causes were brought up to the Supreme Court, involving the constitutionality of State laws and the construction of the Constitution, laws and treaties of the United States. They were considered as causes over which the Supreme Court had jurisdiction, owing to the nature of the question to be determined.

Some of the causes of this description were between private citizens and States, members of the Union. Suits commenced in the name of a State wherein the constitutionality of a State law or the validity of a treaty was brought

in question, were not regarded as falling within an amendment, the object of which was to prohibit private citizens from prosecuting their claims against a State Government.

In the case of *Cohens vs. the State of Virginia*, (which was removed from the State courts by a writ of error from a judgment invalidating a law of Congress,) objections were raised to the authority of the Court; first, because a State was a party on the record; and second, because no writ of error could constitutionally issue from the Supreme Court of the United States to a State Court.

The jurisdiction of the Court was sustained, and the opinion of Chief Justice Marshall gives so clear and correct an exposition of the true construction of the eleventh amendment, that we shall insert a few extracts, in order to shew the grounds upon which that judgment was given.

‘To commence a suit, is to demand something by the institution of process in a Court of justice; and to prosecute the suit is, according to the common acceptation of language, to continue that demand. By a suit commenced by an individual against a State, we should understand process sued out by that individual against the State, for the purpose of establishing some claim against it by the judgment of a Court, and the prosecution of that suit is its continuance. Whatever may be the stages of its progress, the action is still the same. Suits had been commenced in the Supreme Court, against some of the States before the amendment was

introduced into Congress, and others might be commenced before it should be adopted by the State legislatures, and might be depending at the time of its adoption.

‘The object of the amendment was not only to prevent the commencement of future suits, but to arrest the prosecution of those which might be commenced when this article should form a part of the Constitution. It, therefore, embraces both objects; and its meaning is, that the judicial power shall not be construed to extend to any suit which may be commenced, or which, if already commenced, may be prosecuted against a State, by the citizens of another State. If a suit, brought into one Court, and carried by legal process to a supervising Court, be a continuation of the same suit, then this suit is not commenced nor prosecuted against a State. It is clearly, in its commencement, the suit of a State against an individual, which suit is transferred to this Court, not for the purpose of asserting any claim against the State, but for the purpose of asserting a constitutional defence against a claim made by a State.’

‘Under the judiciary act, the effect of a writ of error is simply to bring the record into Court and submit the judgment of the inferior tribunal to re-examination. It does not in any manner act upon the parties; it acts only on the record. It removes the record into the supervising tribunal. Where, then, a State obtains a judgment against an individual, and the Court rendering such

judgment overrules a defence set up under the Constitution or laws of the United States, the transfer of this record into the Supreme Court, for the sole purpose of inquiring whether the judgment violates the Constitution or laws of the United States, can, with no propriety, we think, be denominated a suit commenced or prosecuted against the State, whose judgment is so far re-examined. Nothing is demanded from the State. No claim against it, of any description, is asserted or prosecuted. The party is not to be restored to the possession of any thing. Essentially, it is an appeal on a single point; and the defendant who appeals from a judgment rendered against him, is never said to commence or prosecute a suit against a plaintiff who has obtained the judgment. The writ of error is given rather than an appeal, because it is the more usual mode of removing suits, at common law; and because, perhaps, it is more technically proper where a single point of law, and not the whole case, is to be re-examined. But an appeal might be given, and might be so regulated as to affect every purpose of a writ of error. The mode of removal is form, and not substance. Whether it be by writ of error or appeal, no claim is asserted, no demand is made by the original defendant; he only asserts the constitutional right to have his defence examined by that tribunal whose province it is to construe the Constitution and laws of the Union.’

‘The only part of the proceeding, which is in any manner per-

sonal, is the citation. And what is the citation? It is simply notice to the opposite party, that the record is transferred into another Court, where he may appear, or decline to appear, as his judgment or inclination may determine. As the party who has obtained a judgment is out of Court, and may, therefore, not know that his cause is removed, common justice requires that notice of the fact should be given him; but this notice is not a suit, nor has it the effect of process. If the party does not choose to appear, he cannot be brought into Court, nor is his failure to appear considered as a default. Judgment cannot be given against him for his non-appearance; but the judgment is to be re-examined and reversed or affirmed, in like manner as if the party had appeared and argued his cause.'

'The point of view in which this writ of error, with its citation has been considered uniformly in the Courts of the Union, has been well illustrated by a reference to the course of this Court in suits instituted by the United States. The universally received opinion is, that no suit can be commenced or prosecuted against the United States; that the judiciary act does not authorise such suits; yet writs of error, accompanied with citations, have uniformly issued for the removal of judgments in favor of the United States into a Superior Court, where they have, like those in favor of an individual, been re-examined, and affirmed or reversed. It has never been suggested that such writ of error was a suit against the United

States, and therefore not within the jurisdiction of the appellate Court.'

'It is, then, the opinion of the Court, that the defendant who removes a judgment rendered against him by a State Court into this Court, for the purpose of re-examining the question whether that judgment be in violation of the Constitution or laws of the United States, does not commence or prosecute a suit against the State; whatever may be its opinion, where the effect of the writ may be to restore the party to the possession of a thing which he demands.'

As by that decision the Federal Judiciary was enabled effectually to vindicate the powers of the General Government, it became the particular object of censure and complaint with those, who deemed the rights of the States invaded. The present Congress was deemed a proper one to disenthral the States from the yoke, which had thus been fastened upon them, and as the most effectual mode of doing this, the Judiciary committee recommended the repeal of the twenty-fifth section of the Judiciary act. This would completely emancipate the State Courts from the control of the Federal judiciary, and under the specious notion of maintaining State sovereignty, the treaties and the Constitution of the United States, would be construed according to the fluctuating interests or caprices of the twenty-four independent States forming this confederacy.

In opposition to this report and bill, the minority of the commit-

tee submitted a counter report, and upon reading the bill of the committee Mr Doddridge moved, that it be rejected without allowing it a second reading. After some desultory conversation, the second reading was postponed until the 29th of January, when the subject again coming before the House, the previous question was ordered, and the main question being put, 'shall this bill be rejected,' it was carried Ayes 137, Nays 51.

YEAS—Messrs Anderson, Armstrong, Arnold, Bailey, Noyes Barber, John S. Barbour, Baringer, Bartley, Bates, Baylor, Beekman, J. Blair, Bockee, Boon, Borst, Brodhead, Brown, Buchanan, Burges, Butman, Cahoon, Chilton, Clark, Condict, Cooper, Coulter, Cowles, Craig, Crane, Crawford, Crockett, Creighton, Crocheron, Crowninshield, John Davis, Deberry, Denny, De Witt, Dickinson, Doddridge, Dorsey, Drayton, Dwight, Eager, Earll, Ellsworth, G. Evans, Joshua Evans, Edward Everett, Findlay, Finch, Forward, Fry, Gilmore, Gorham, Green, Grennell, Gurley, Halscy, Hemp-hill, Hodges, Holland, Hoffman, Hubbard, Hughes, Hunt, Huntington, Ihrie, Ingersoll, Thomas Irwin, William W. Irvin, Johns, Cave Johnson, Kendall, Kennon, Kincaid, Perkins King, Adam King, Leavitt, Leiper, Lent,

Letcher, Magee, Mallary, Martindale, Lewis Maxwell, McCreery, McDuffie, McIntire, Mercer, Miller, Mitchell, Monell, Muchlenburg, Norton, Pierce, Pierson, Powers, Reed, Richardson, Rose, Russell, Sanford, Scott, William B. Shephard, Aug. H. Shepperd, Shields, Sill, Speight, Ambrose Spencer, Richard Spencer, Sprigg, Standefer, Sterigere, Henry R. Storrs, Wm L. Storrs, Strong, Sutherland, Swann, Swift, Taylor, Test, J. Thomson, Vance, Varnum, Verplanck, Vinton, Washington, Weeks, Whittlesey, C. P. White, Edward D. White, Williams, Wilson, Wingate, Young—137.

NAYS—Messrs Alexander, Allen, Alston, Angel, Barnwell, Bell, James Blair, Bouldin, Cambreleng, Campbell, Chandler, Claiborne, Clay, Coleman, Conner, Daniel, Davenport, W. R. Davis, Desha, Draper, Foster, Gaither, Gordon, Hall, Harvey, Haynes, Hinds, Jarvis, Richard M. Johnson, Lamar, Lecompte, Lewis, Loyall, Lumpkin, Lyon, Martin, Thomas Maxwell, McCoy, Nuckolls, Overton, Patton, Pettis, Polk, Potter, Roane, Wiley Thompson, Trezvant, Tucker, Wickliffe, Wilde, Yancy—51.

So the bill was rejected, and the constitutional powers of the Supreme Court of the United States, vindicated and maintained.

CHAPTER V.

Distinction between Federal and State Governments.—Prospects of the Country.—Commerce.—Manufactures.—Internal Improvement.—Policy of Federal Government.—History of Policy.—Madison's Veto.—Course of Congress.—Monroe's Veto.—Act of April, 1824.—Objects of Act.—Policy of Adams' Administration.—Progress of Internal Improvement.—Course of Jackson's Administration.—Veto.—Bills retained.—Grounds of Objection.—Report of Committee on Internal Improvement.—Debate in House.—Congress acts in opposition to sentiments of President.—President yields to Congress.

THE entire want of any settled policy in the management of domestic affairs, which has been before mentioned as characterising the present administration, did not so materially affect the general course of the business and prosperity of the country as might naturally have been expected. When a principle is once adopted by the Government of this country, as a rule of action, although not followed out by the administration succeeding that which adopts it, an impulse is given to the public mind; and the distribution of political power among the Federal and State Governments affords many opportunities of carrying that policy into effect, even in the absence of all action on the part of the Federal Government. The action of the State Governments becomes still more important, when we regard those subjects peculiarly within their jurisdiction. The ordinary administration of criminal and civil jurisprudence;

all legislation concerning corporations, the private relations of society, as between master and servant, parent and child, man and wife, guardian and ward; concerning real estate, wills, contracts, evidence, civil rights; and generally all municipal legislation, exclusively belong to the State Governments.

Any mal-administration of the Federal Government does not consequently affect at once the community at large. Its duty is chiefly confined to the management of topics of national concern, as the defence of the Union, the administration of the impost system, the public domains, the foreign relations, and those powers which, for the sake of ensuring tranquillity and of giving union to the confederacy, were confided to the national Government. Unless these affairs are so managed as to glaringly shock the public feeling, no great excitement is likely to be produced in the body of the

community, unless the national honor, the public faith, or the integrity of the Constitution, be compromised by those in the direction of the Federal Government.

The tranquillity of the Union being preserved, individual industry can be successfully exerted in extending the dominion of civilized man over the wilderness, and in improving and cultivating what is already settled.

These remarks were strikingly illustrated by the advancing prosperity of the United States, during the period under consideration. Although the policy of the administration was to suffer the country to move on under the impulse previously given, and not to commit itself by originating or prosecuting any policy of its own; nothing was to be found by the superficial observer indicating the neglect of the government, and the great and increasing prosperity of almost every branch of industry sufficiently demonstrated, that no intense and general distress would prove an auxiliary to the opponents of the administration.

The prevalence of a long and general peace had allowed capital in all parts of the world to become invested in those employments, which yielded certain and adequate returns; and the temporary checks to overtrading in particular branches of industry having produced their proper effects, commerce revived and was prosecuted with unwonted activity. The year 1830—1831 was a period of extraordinary prosperity. The tonnage of the United States engaged in foreign trade, which had been constantly augmenting since

1790 at an average rate of increase of 8,000 tons per annum, were apparently diminished in 1830, by a correction in the returns of the treasury, from which were stricken the vessels broken up, sold or shipwrecked, had however increased within the year beyond the average increase. The tonnage employed in the coasting trade shewed an average increase, since 1790, of more than 10,000 tons per annum, and a large increase, during the year 1830. Freights advanced nearly double to what they had been for many years, and the demand for new vessels produced unusual activity in the ship building districts of the United States.

This prosperity of the navigating interest was only an evidence of the improving condition of the country, and not a consequence of any temporary and partial encouragement of that branch of industry. The exportation of grain and of flour, during the year 1831, was double the average exportation of those articles during the ten preceding years:—that of flour and meal amounting to 2,028,460 barrels, and that of grain being 972,145 bushels; and the total exportations from the United States, during that year, amounted to \$81,310,593, while the importations for the same period amounted to the extraordinary sum of \$103,191,124.

The manufacturers and agriculturists were equally favored by circumstances, and shared in the general prosperity.

The prices of the chief articles of domestic manufacture and of agricultural produce advanced al-

most in the same ratio, and the stimulus of high prices encouraged an extension of the manufacturing establishments, and authorised new investments in agriculture.

The increase in the manufacture of iron amounted to 21,000 tons during the year 1830—the quantity of that article during the year made at the furnaces and bloweries in operation in the United States amounting to more than 150,000 tons; while the quantity imported the same year amounted to only 36,000 tons. The steel furnaces in operation produced in the same year about 1,600 tons of that material,—a quantity equal to about one-half of the consumption of the country. The manufacture of cotton and woollen fabrics indicated a still greater state of advancement, and the former began to form a large item in the exportations from the United States.

In the year ending September 30th, 1830, the treasury returns shewed an exportation of American cottons amounting in value to \$1,318,183, and the number of factories in a course of establishment, gave reason to conclude that it would speedily become one of the most important branches of American industry.

Still greater evidences of the general prosperity of the country were afforded by the works of internal improvement, undertaken in all parts of the country. The extraordinary success of the New York canals, had stimulated the citizens of other States to action, and the encouragement extended towards every rational plan of improving the means of internal in-

tercourse by the late administration, and the direct aid given to this policy by the surveys and examinations made under the act of April 30th, 1824, had greatly contributed to fix public attention upon this important subject.

This act was justly regarded as a decisive indication of the future policy of the general Government. Circumstances had retarded the adoption of that policy until that year.

Some movements were indeed made at an early period, with a view to the action of the government on this subject. In 1796, Mr Madison proposed a resolution to cause a survey to be made for a road from north to south through all the Atlantic States; and shortly after the commencement of Mr Jefferson's administration, a law was passed (May 1st, 1802) authorising roads to be made in the northwest Territory. A survey was also began of a road from Washington to New Orleans, and appropriations were made for roads from Nashville to Natchez, and a survey of the coast. In 1806, Congress authorised the construction of the Cumberland road—the first great national work opening an avenue over the mountains to the Western States.

The next year, Mr John Quincy Adams, then a senator from Massachusetts, moved a resolution asking for information with reference to a digested plan for the internal improvement of the country. This resolution elicited Mr Gallatin's celebrated report, in which the capacity of the United States for internal communications is fully pourtrayed. Our

unsettled relations with France and England, resulting in a war with the latter power, prevented the commencement of the plan proposed in that report; and the debt contracted during the war, warned the Federal Government against incurring any new liabilities until after the discharge of the old. Previous however to the war, an appropriation was made for a survey of the main post road on the Atlantic coast from Georgia to Maine.

The necessity of internal improvements of a national character, was rendered so obvious by the experience of that war, that strenuous efforts were made to authorise the construction of some of the most important works of that character. New York having been the chief theatre of the operations of our armies, was most strongly convinced of this necessity; and Mr Clinton, as one of the leading men of that State, finally succeeded in procuring the passage of a law, by the State legislature, authorising the preliminary steps towards the construction of the great western canal. While these events were transpiring in that State, Congress was acting in reference to the same subject, and on the 16th of February, 1816, Mr Calhoun moved the appointment of a committee to inquire into the expediency of setting apart the United States' bank bonus and dividends, as a permanent fund for internal improvement. A bill to this effect was reported, and after an ineffectual attempt to render the application of the funds by Congress subject to the assent of the

States, it was passed at the next session and submitted to the President for his approval. This bill was rejected by Mr Madison, on the ground that under the Constitution, Congress had not the power to construct roads and canals, or to improve the navigation of water-courses.

The bill being returned to the house of representatives on the 3d of March, 1817, there still appeared upon re-consideration, a majority of sixty to fifty-six in favor of its passage. Mr Monroe was then Secretary of State and President elect; and in his message to the succeeding Congress, he declared his views on this question to coincide with his predecessors. This part of his message was referred to a committee, which reported a resolution in opposition to the views of the message. After negating an attempt to limit the power of Congress, by making these appropriations subject to the assent of States, the resolution was passed, ninety affirmative, seventy-five negative, declaring Congress to have power under the Constitution, to appropriate money for the construction of post, military, and other roads, and for the improvement of water-courses.

The policy thus sanctioned by the House of Representatives, continued to be acted upon by Congress during the whole of Mr Monroe's administration; and appropriations were made for surveys and roads in the interior, as well as for improving the navigation of the harbors and rivers on the Atlantic coast.

A check was indeed given to

this policy by the veto to the bill authorising the collection of tolls for the preservation and repair of the Cumberland road in 1822. In his message justifying this veto, Mr Monroe seemed to be of opinion, that although Congress might make appropriations for the purposes of internal improvement with the consent of the States through which the road or canal was to pass, it had not that complete right of jurisdiction and sovereignty over the soil, which was required for the legal exaction of tolls.

The expression of this opinion did not materially change the action of Congress, for although on the reconsideration of the bill for the collection of toll, the ayes stood sixtyeight, to seventytwo nays; a select committee was raised the same session, which reported a bill to procure the necessary surveys, plans, and estimates for such roads and canals, as the President might deem of importance in a commercial or military point of view, for the transportation of the mail. In 1823 this bill was partially acted upon, and April 30th, 1824, it became a law.

As this law appropriated \$30,000 for those surveys, and also authorised the employment of the engineer corps in carrying the objects of the act into effect, it was justly regarded as the deliberate adoption of a system of internal improvement. Its objects were to obtain information and an accurate knowledge of the topography of the Union, by the examination of scientific men, under the direction of the President;

and to lay a solid foundation for the improvement of the country, by the direct action of the General Government,—reserving to Congress the power to select the routes of the highest national importance to be first executed.—The direction to submit the estimates to that body, plainly indicated that it was the intention of the legislature to act upon the subject; and the sanction given by Mr Monroe to this bill, showed, that he had yielded the scruples entertained at the commencement of his administration, to the current of public opinion.

Under this act, many parts of the country were explored, whose capacities for improvement were previously unknown.

The accession of Mr Adams to the presidency shortly after the passage of this act, imparted a new stimulus to the progress of internal improvement. The difficulty of reconciling the pretensions and interests of adjoining States, and of inducing them to join in constructing works of general importance, had been strongly impressed upon his mind during his long service in the Federal Councils; and he felt the necessity of exercising the powers vested in the Government of the United States, in order to prevent local jealousies from obstructing the development of the resources and capacities of the nation.

Consequently upon first assuming the administration of the Government, he frankly avowed his convictions, and his willingness to co-operate with Congress, in applying the surplus revenue to the

internal improvement of the country.

This decided expression of opinion on the part of the Executive, was not met by Congress in a corresponding spirit. The opposition to his administration was sufficiently strong to prevent a cordial co-operation in the legislature. Still, however, appropriations were made for various roads and canals; break-waters, piers, and dry docks, were authorised; the navigation of harbors and rivers was improved; and a strong impulse was given to the public mind, by the action of Congress in behalf of internal improvement.

States were awakened from their lethargy, and aided by the scientific researches of the engineers, individuals associated themselves as incorporated companies for the improvement of the channels of internal intercourse.

Aided by the subscription of the Federal Government, a canal for sloop navigation was constructed between the Chesapeake and Delaware bays. The Dismal Swamp, and the Chesapeake and Ohio Canals, and that round the falls of the Ohio, were equally indebted to its countenance and aid. Stimulated by the general feeling prevailing in the Union, the State of Pennsylvania adopted an extensive system of internal improvement, with a view of connecting Philadelphia by means of canals and rail roads with the Ohio, and also of facilitating the transportation of coal from the anthracite mines in the interior of that State to the sea-board.

Ohio also commenced the construction of canals between the

Ohio and Lake Erie, and the Ohio and the navigable part of the great Miami river.

The Federal Government having shown its willingness to afford assistance to works protected by individual enterprise, with the hope of receiving support so liberally bestowed, other important undertakings were commenced by companies incorporated by the State legislatures. Two canals between the Hudson and Delaware rivers through New Jersey, one by way of Morristown and the other through the State of New York; and various others of less importance were commenced in other parts of the Union.

Many rail roads were undertaken in places where the face of the country prevented canals; and the liberal course adopted by the Federal Government during the administration of Mr Adams, now began to produce the results contemplated, in exciting a general spirit to improve communications of internal intercourse between the Atlantic and the West, and to connect the numberless navigable streams which intersect every State of the Union.

Although a strong impulse was thus given to the public mind by the action of Congress, no comprehensive and consistent policy could be adopted and carried into effect by the government, while the executive was without the cordial support of the legislative department.

A portion of the opposition had strongly objected to the continuance of Mr Adams in office, on the ground of his favoring what

they termed a wasteful and extravagant expenditure of public monies for such objects; and they formed so large a part of that party, that President Jackson found himself compelled in some measure to yield to their views, and after leaving the community more than a year in doubt, whether he intended to act according to the principles avowed by him when in the Senate of the United States, or upon the principle of reform promised in the administration of the Government, he promulgated his views upon this question in his message to Congress rejecting the Maysville and Lexington road bill.

In this message, he declared Congress to have no power to construct or promote any works of internal improvement within the limits of a State, provided the jurisdiction of the territory occupied by them be necessary for their preservation and use. In aid of works undertaken by State authority, he thought Congress had *acquired* the authority by the practical construction given to the Constitution, to appropriate money, provided such works were of a national character and the claim of jurisdiction were surrendered.

The term national, was too indefinite in its application to afford a very exact criterion of the limits within which the President intended to confine the powers of Congress on this point, and as two bills of a similar character to those rejected, were retained by him for deliberate examination at the close of the first session of the twentyfirst Congress, a lively expectation was entertained, that

the message at the commencement of the next session, would lay down some clear and intelligible maxims by which the administration was to be governed on the subject of internal improvement.

One of these bills was to authorise a subscription for stock in the Louisville and Portland canal company; the other made appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors, and directing surveys.

Bills of a similar character to the former, had been sanctioned by both his immediate predecessors; and the light-house bill did not differ in principle from the bill in relation to the same subjects, which had been annually passed since the organisation of the government, and gradually extended to the objects enumerated in the title, as the developing wants of the country had increased, when no obstacle had been interposed on account of the condition of the public finances.

These bills were now returned to Congress, and the President, in his message, stated the reasons which induced him to withhold his assent to them.

After objecting to the multiplication of light-houses, and the want of system in establishing them, the message states that an assent would have been given to a bill making direct appropriations for such objects; but that in the bill returned, there were various appropriations for surveys of a local character, and that on that account the bill was returned.

The canal bill was declared to be rejected, simply on the ground of its being inexpedient for the Government to become interested in the stock of companies incorporated to construct roads and canals. All improvements effected by public funds, he thought, should be open to the enjoyment of all the people free of tolls, and that if the government were allowed to become interested in the stock of road and canal companies, it would ultimately change the character of the Government by too great an extension of the Federal powers.

The message then went on to state the objections of the President to the power of making internal improvements as exercised by the national Government; and recommended the distribution of the surplus funds in the national treasury among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

The proposition was generally regarded as evidence of the hostility of the President to the whole policy; and that part of his message being referred to the committee on internal improvement, a report was brought in by Mr Hemphill, on the 10th of February, 1831, strongly and pointedly condemning the views contained in the message, and concluding with a resolution, that it is expedient for the General Government to continue to prosecute internal improvements by direct appropriations of money, or by subscriptions for stock in com-

panies incorporated in the respective States.

This intimation on the part of the friends of internal improvement of their determination to act on that question in defiance of the opinions of the President, was followed up by the introduction of several bills for the internal improvement of the country.

The first of these bills was one making appropriations for the improvement of harbors, and removing obstructions in rivers, which was reported to the House on the 18th of January, and taken up for consideration on the 17th of February, in the committee of the whole. The next day, when the bill was taken up in the House, Mr Lea rose and said, that he wished to know the sense of the House on this measure. He wished to know what was meant by this sort of external internal improvement. He wished to know how high up a river it was considered constitutional to go, without coming in conflict with the objectionable principle, and how far the House could carry a distinction, which he himself could not see nor approve. He could see no difference between appropriations for harbors and the mouths of rivers, and appropriations for the improvement of the interior of the country. He, therefore, asked for the yeas and nays on the engrossment of this bill.

Mr Carson said he felt that on the subject of internal improvement it was perfectly useless to say a word. The bill proposed various objects of expenditure for harbors, &c. What evidence was

there of their necessity—not to speak of their constitutionality. But he knew of no evidence, that the improvements were needed, admitting their legality. He went through all the items to show that many of them were unworthy of legislation, and some of them contemptible. He protested against them, and said that the items for his own State should not seduce him to vote for the bill.

Messrs Irvin and Whittlesey defended the appropriation in reference to the waters of Lake Erie, showing their importance to the commerce of the West, the great extent of the commerce of the lake; the deficiency of natural harbors on it, and the necessity of forming them, &c. Mr Sill also defended at some length the appropriation for the harbor of Erie.

Mr McDuffie begged the friends of the bill not to consume the time of the House in making speeches against an opposition so untenable, that it could not certainly gain thirty votes. The bill embraced no new objects, it embraced such only as former appropriations authorised, or standing laws required, and every item had been examined and approved by a committee. He hoped, therefore, that the debate would be left entirely to the enemies of the bill.

Mr Carson replied, and reiterated his objections to the bill, on the score of expediency and principle.

Mr Drayton said that most of the items were proper, but there were some which he deemed un-

constitutional. He could not vote for the bill.

The question was taken on the third reading of the bill, and carried, 113 to 45.

On the 19th of February, the bill was read a third time and the question being on its passage,

Mr Carson rose and said, the liberties of the country were by this bill put up for sale, and that for one he would not be bribed to vote for it.

Mr Barringer said he was sorry to hear such language from his colleague. This was a strange declaration—that in a bill of the most usual and customary character—to promote the commerce and revenue of the country—which had been regularly provided for every year, without anybody's dreaming, that it was a violation of the Constitution—to hear it proclaimed now that it was selling the liberties of the country! The principle, Mr Barringer said, had never been denied, that where the commerce of the country could be facilitated or increased, and the revenue derived therefrom was received exclusively by the General Government, that it was within the province of the Government to make the improvement; and this was strictly and peculiarly the case with harbors, and the mouths of rivers, where obstructions impeded or endangered the navigation. This was a species of improvement, which it had never been contended devolved on the States themselves. They had been executed by the General Government from the beginning of the Government; at least such

had⁵ been the action of Congress ever since he had been here, and the action, he believed, of those who had gone before us. North Carolina had petitioned for the improvement of Roanoke inlet. This object was in no way different from the objects in this bill. North Carolina had petitioned Congress for the improvement of Ocracock and the Cape Fear inlets, and all her delegation had supported the application. It had been frequently before the House, and none of them had discovered that it was unconstitutional; and now, because these objects are embraced in this bill, are we, who vote for it, to be charged with being bought up? He had voted for such a bill every year, when these objects were not included, and he should have voted for it now, if they had been excluded. He protested against such injurious imputations.

Mr Carson said, in ancient times the Roman leaders bought up the liberties of the people with the spoils of the conquered provinces: and this policy of internal improvement and the high-handed tariff were the means with which the liberties of this people were to be bought up. His colleague^s said he would not defend the constitutionality of the appropriations proposed by this bill: and well he might say so, for he could not defend it. The Constitution has been placed in the hands of empirics—of political quacks, who have given it a construction whereby it is swallowing up the liberties of the country. He knew it was in vain to oppose the passage of this bill, and perhaps there

was no use in a man's throwing himself into the breach, and receiving in his breast the daggers of all who were in favor of it. He attacked the system, not the motives of gentlemen; but he solemnly believed if this sort of legislation was persisted in, our liberties were gone; and that nothing but the action of the States could save them.

Mr Blair, of Tennessee, said that although, for several years past, he had voted in favor of measures of internal improvement, and had seen no reason to change his opinion or his course in that particular, yet he should vote against this bill, because of the arguments by which it had been supported by the gentleman from North Carolina (Mr Barringer). For his part, Mr Blair said, he could not see why the mouth of a river should be improved by appropriations of the public money more than its bed; nor why a measure of this description, coming from the committee of commerce, was not as much a measure of internal improvement, as if it had come from the committee of roads and canals. Suppose the appropriations proposed by this bill had been for the improvement of the Ohio river, or for removing obstructions in other streams; would not the gentleman from North Carolina have gone against that measure? Has he not invariably gone against such appropriations? What, then, shall we see, if we act upon the principles which govern his vote in favor of this bill? Why, Sir, that there is to be a system of appropriations for bays and rivers,

for expenditures on tide water, and no appropriations are to be made for the improvement of the interior. It is, therefore, Sir, that I am obliged to turn my back against this bill, after voting for similar measures, for the last eight years. Sir, look at the details of this bill; the State of Ohio is the only one of the Western States for which the smallest appropriation is proposed in it. Suppose I were to call for an appropriation for the improvement of the Coosa river; would the gentleman from North Carolina come out, and say that that appropriation is constitutional. No, Sir, he would not admit its constitutionality, because it is above the mouth of the river, and not immediately connected with foreign commerce. Yes, Sir, I might exhaust my strength here in vain, in showing the importance of the connection of the Coosa and Tennessee rivers; I should not get the vote of the gentleman from North Carolina. If the proposition for such an appropriation came from the committee of commerce, indeed then I might, perhaps, get his vote; but not if it came from the committee on internal improvements. Mr Blair repeated that he felt himself called upon to vote against the bill because of its exclusive nature, going to establish a system of providing for the improvement of the mouths of rivers, bays, &c., and neglecting the whole interior interests of the country. He was for improving the means of domestic as well as foreign intercourse and commerce. If the exclusive system proposed by this bill was perse-

vered in, the people whom he represented would derive no benefit whatever from the expenditure of public money. He believed this to be as much an internal improvement bill, as any bill of that nature introduced at the present session. Of its constitutionality he had no doubt, but he denied the expediency of thus limiting and partially carrying the principle into effect. Whenever measures should come before the House, which do look to the great interests of the country—to those of the country beyond the Alleghany, as well as that on this side of it, his opinion on the subject would be found to be the same now as it always had been. In self-defence, said he, we of the West must vote against such partial appropriations of the public money as are embraced in this bill, or else we shall become but hewers of wood and drawers of water. We shall feel the blessings of government in the burthens which it imposes, and not in the benefits which it confers.

Mr Barringer again rose. It had been his practice, he said, to vote for what he deemed just and expedient, no matter by what committee the measure was reported. In regard to the question before the House, he said, his rule was this; that, if he found the object connected with the commerce of the nation, and calculated to benefit that commerce, he deemed the object legitimate, and he gave it his support. For instance, the mouth of the Mississippi, one of the items of this bill, was important to the commerce of all the great rivers which flow into it, and

he could not hesitate to support the appropriation ; and if gentlemen would point out any objects not leading to some port, and calculated to facilitate the commerce of the country, he would agree to strike it out. On the lakes he knew there were ports, and these were necessary to the great and growing commerce of those waters, and he was as ready to support legitimate objects in the West as the East. He would not condescend to inquire what part of the country the object was to benefit, so it was proper. If it came from the gentleman's (Mr Blair's) committee (the committee on internal improvement) he would support it just as soon as if it came from any other. He would leave it to that gentleman to say how he could now oppose measures which he had formerly supported, because he thought the conduct of others improper or inconsistent. For himself, Mr Barringer said, seeing nothing in this bill variant from what he had always supported, he should give it his vote.

Mr Whittlesey, believing that further debate would not change a single vote, moved the previous question.

The motion was sustained, and the question being put on the passage of the bill, it was carried by a vote of 136 yeas to 53 nays. In the Senate the bill was passed by a vote of 28 yeas to 6 nays.

The decisive votes in both Houses on this bill showed the determination of Congress to act on the subject of internal improvements, in spite of the veto of the President, and as the friends of

this bill now formed more than two thirds of the Legislature, the Executive yielded his scruples to the force of public opinion, and signed the bill. By this bill the following appropriations were made :

For removing obstructions at the mouth of Huron river, Ohio, \$3,480.

For removing sand bar at or near the mouth of Black river, Ohio, \$9,275.

For completing the improvement of Cleaveland harbor, Ohio, \$3,670.

For completing the removal of obstructions at the mouth of Grand river, Ohio, \$5,680.

For completing the obstructions at the mouth of Ashtabula creek, Ohio, \$7,015.

For improving the navigation of Conneaut creek, Ohio, \$6,370.

For completing the improvement of the harbor of Presque Isle, Pennsylvania, \$1,700.

For improving the navigation of Genessee river, New York, \$16,670.

For removing obstructions at the mouth of Big Sodus bay, New York, \$17,450.

For completing piers at Oswego, New York, \$2,812 92.

For securing the works of Oswego harbor, New York, by a stone pier, head, and mole, \$18,600.

For completing the pier at the mouth of Buffalo harbor, New York, \$12,900.

For securing and completing the works at the harbor of Dunkirk, New York, \$6,400.

For further protection and preservation of the beach of Prov-

incetown, Massachusetts, \$2,050.

For the repair and completion of the breakwater at the mouth of Merimack river, Massachusetts, \$16,000.

For completing repairs to piers at the entrance of Kennebunk river, Maine, \$1,175.

For completing the sea wall for the preservation of Deer Island, Boston harbor, Massachusetts, \$12,390.

For repairing Plymouth beach, Massachusetts, \$2,820.

For completing the breakwater at Hyannis harbor, Massachusetts, \$8,400.

For removing the bar at the mouth of Nantucket harbor, Massachusetts, \$8,265.

For improving the harbors of New Castle, Marcus Hook, Chester, and Port Penn, in the Delaware river, \$4,000.

For improving Cape Fear river, below Wilmington, North Carolina, \$25,705.

For carrying on the works for the improvements of Ocracoch inlet, North Carolina, \$17,000.

For completing the removal of obstructions in the river and harbor of St Marks, Florida, \$7,430.

For completing the removal of obstructions in the Appalachian river, Florida, \$8000.

For carrying on the work of the Delaware breakwater, \$208,000.

The difficulty of laying down any constitutional principle which would justify appropriations of this description, and reject appropriations of the character demanded by the friends of internal improvement at the last

session, was so obvious, that the President was considered as having relinquished the ground of opposition to the system, upon principle, and to aim rather to check the action of Congress, than to prevent it altogether.—The constitutional objection to the power of the Federal Government was no longer adhered to, and an entire departure from that objection was evinced in his assent to the bills making appropriations for carrying on certain roads and works of internal improvement, and providing for surveys. When this bill was under consideration in committee of the whole, (February 17th) an amendment was proposed by Mr Wickliffe to appropriate \$150,000 for the improvement of the navigation of the Ohio river. Mr Vinton said, that he would not at that late hour give his reasons at large upon the proposed amendment, but he would state in a few words the ground upon which he thought it ought to be adopted.

The improvement of the navigation of the Ohio river, was in truth nothing more than an extension of the canals of Ohio and Pennsylvania. These two States were incurring an expense of ten or fifteen millions of dollars—the one in opening a canal from Philadelphia to Pittsburg, and the other between Lake Erie and the Ohio river, thus opening a continued communication from Philadelphia to New Orleans, by the the Pennsylvania canal, and from New York to N. Orleans through the Erie and Ohio Canal. Owing to certain shoals in the Ohio river, its navigation was almost

wholly suspended for about two months every autumn, and that too, at the very best season of the year for business on these canals. The loss of business on this account must be very great. It is of little consequence, that the Ohio canal enters the Ohio river, unless the produce of the interior can descend to New Orleans or other places of destination.—So of the Pennsylvania canal; it is in vain for that State to think of participating to any considerable extent in the trade of the western country at that season of the year, unless the navigation of the Ohio is opened to Pittsburg; so that produce may ascend and merchandise descend the river on their way to and from Philadelphia. The making of these canals, which will now be finished in a year or two, renders it of vast importance to keep the navigation of that river always open, while business can be done upon them. We have a report lying upon the table, showing that the shoals in the river can be deepened at a very moderate expense. The improvement of its navigation properly belongs to the General Government.—And he hoped, considering the vast expense the States of Pennsylvania and Ohio were incurring in opening avenues of trade to the Ohio, that the comparatively small sum of \$150,000, would not be denied in their great efforts.

The amendment was adopted, ayes seventynine, nays fiftytwo, as was an amendment of Mr Verplanck of \$50,000 for improving the navigation of the Ohio and Mississippi.

It was taken up in the House on the 24th of February, when an unsuccessful motion was made by Mr Pettis, to include Missouri with the Ohio and Mississippi; a motion was also made by Mr Lea, to commit the bill: Mr Lea objected to the bill, because it comprised so many heterogeneous objects, and his design in recommitting it, was to have the analagous appropriations classed in separate bills.

The motion was lost, sixtytwo ayes, one hundred and seven nays, as was a motion by Mr Polk to strike out an appropriation of \$25,000 for surveys under the act of 1824, which after some debate was negatived, ayes sixtysix, nays one hundred and nine; and the bill was ordered to a third reading. The next day the bill passed, ayes one hundred and seven, nays fiftyseven.

In the Senate, the bill was amended by extending the application of the sum of \$150,000 to the improvement of the Mississippi, as well as to the Ohio, and guarding against its improper expenditure. An amendment was also offered by Mr King, to modify the appropriation of \$25,000 to defray the expenses incidental to making surveys, by limiting its application to defray the expenses of surveys already made; but the Senate rejected it, ayes eighteen, nays nineteen. The bill then passed, ayes twentysix, nays ten. The amendment of the Senate having been concurred in by the House, the bill was sent to the President, and having received his sanction, it became a law. By this law

the following appropriations were made :

For defraying the expenses incidental to making examinations and surveys under the act of the 30th of April, 1824, \$25,000.

For improving the navigation of the Ohio and Mississippi rivers, to be expended under the existing laws, \$50,000.

The sum of \$150,000 for the improvement of the navigation of the Ohio and Mississippi rivers from Pittsburg to New Orleans, removing the obstructions in the channels at the shoal places and ripples, and such other means as may be deemed best for the deepening of the channels of the Ohio river.

By another law, the sum of \$100,000 was appropriated for the purpose of opening, grading, and making the Cumberland road westwardly of Zanesville, in the State of Ohio : and the sum of \$75,000 for the purpose of opening, grading, and bridging the Cumberland road, in the State of Indiana, including a bridge over White river, near Indianapolis, and progressing with the work to the eastern and western boundaries of said State. And the sum of \$66,000 for the purpose of opening, grading, and bridging the Cumberland road, in the State of Illinois. And by the internal

improvement bill the sum of \$41,000 was granted for roads in the territories.

The bill for building lighthouses was next taken up, and after some opposition from Mr Yancey, it passed, ayes one hundred and twentyfive, nays forty-nine. It also passed the Senate with an unimportant amendment, which was agreed to by the House, and was also sanctioned by the President.

By this bill \$227,912 were appropriated for building lighthouses and light-boats, \$8,420 for spindles and buoys, and \$19,590 for beacons and monuments.

The President and his Cabinet thus found themselves compelled to yield to public opinion expressed in Congress, and although their determination checked the action of the Federal Government in relation to internal improvement, still they had surrendered every principle upon which their opposition to the system could be founded.

By these decisive votes in Congress, this policy was considered as firmly established, and nothing was required to carry it into effect with moderation and discretion, but the harmonious co-operation between the different branches of the Government.

CHAPTER VI.

Treasury Report for 1830.—Appropriations for Pensions—for Support of Government.—Debate on Survey of Public Lands.—Debate on Mission to Russia.—Debate on Turkish Treaty.—Appropriations for Navy—for Fortifications—for Army—for the Indian Department—for Public Buildings.

THE annual report of the Secretary of the Treasury on the State of the public finances was transmitted to Congress on the 16th of December, 1830.

The balance in the treasury on the first of January, 1830, appeared to be \$5,755,704 79¢.—The actual receipts into the treasury during the first three quarters of the year 1830, were estimated at \$19,136,019, viz. :

Customs	\$17,268,123
Public Lands	1,293,719
Bank Dividends	490,000
Miscellaneous	84,177
The receipts during the fourth quarter were estimated at	5,025,000
Total receipts	\$24,161,019

which exceeded the estimated receipts for 1830 as stated in the report dated December 15, 1829, be the sum of \$321,019.

The expenditures during the first three quarters of the year 1830, were estimated at \$20,780,937, viz. :

Civil, Diplomatic, and Miscellaneous	\$2,460,872
Military Services, including Fortifications, Indian Affairs, and Internal Improvements	5,728,976
Naval Service	1,651,458
Public Debt	9,939,630

The expenditures for the 4th quarter, including \$1,415,000 on account of the Public Debt, were estimated at \$4,316,005 ; making the total expenditures of the year 1830, \$25,096,942, and leaving in the treasury on the first of January, 1831, an estimated balance of \$4,819,782.

The expenditures for this year had been estimated in the preceding report at \$23,755,527, and the result showed an excess over the estimate of \$1,341,415.

The receipts for 1831, were estimated at \$23,340,000, viz. :

Customs	\$21,000,000
Lands	1,700,000
Bank Dividends	490,000
Incidental Receipts	150,000

The expenditures for the same year were estimated at \$23,228,066, viz. :

Civil, Diplomatic, and Miscellaneous	2,585,153
Military Service, &c.	6,789,318
Naval Service	3,853,595
Public Debt	10,000,000

The gross amount of duties accruing during the first three quarters of the year 1830, was estimated at \$20,570,000, and the debentures for drawback during the same period, amounted to \$3,331,895.

The amount of debentures outstanding on the 30th September, 1830, and chargeable upon the year 1831, was \$1,411,801.

The total amount of the public debt on the first of January, 1830, was \$48,565,406.

Consisting of six per cents.	\$6,444,556
Five per cents. including the \$2,000,000 subscription to the United States Bank?	12,792,000
Four and one half per cents.	15,994,064
Three per cents.	13,296,250
Unfunded Debt	42,536

The payments made on account of the public debt during 1830, were for interest \$1,912,415, towards the reduction of the principal \$11,354,630,—leaving the total debt of the United States on the first of January, 1831, \$39,123,192.

The bills providing for the different departments of the government having been reported from the Committee of Ways and Means, that making provision for the revolutionary and invalid pensioners was taken up in the House on the eleventh of January, and having received the assent of both Houses, became a law. By this act \$1,011,100 were appropriated for the revolutionary, and \$276,720 for the invalid pensioners, and \$5000 for the widows and orphans of those, who had fallen in the public service.

The bill making appropriations for the support of the Government for the year 1831, was brought forward in the committee of the whole House, on the eleventh of January. After making and proposing various amendments, the

bill was reported to the House, and upon its coming under consideration the next day, a debate arose on the amendment, proposed in the committee, increasing the appropriation for the survey of the public lands to \$130,000, and \$8,000 for surveying private land claims.

Mr McCoy opposed the amendment. He said the surveys proposed were not necessary. There were lands already surveyed, and not sold, to the amount of from one hundred and fifty to two hundred millions of acres, and there was no good reason, why one hundred millions of acres more should be surveyed and thrown into the market. Some of the public lands, he said, were not worth surveying. He was in favor of surveying as fast as the lands would sell, and was disposed to authorise the surveying of the good lands as fast as purchasers could be found for them. Mr M'C. alluded to the great extent of lands surveyed, and said that a considerable portion of them would have to be resurveyed—such, for instance, as the prairie lands, in which fires very often took place, and burnt up the marks which had been placed there by the surveyors. Under his present impressions he moved to strike from the amendment \$130,000, and insert \$60,000.

Mr Test said he generally had a great respect for the opinions of the gentleman from Virginia, who had addressed the House; but, he considered his motion to lessen the sum proposed for surveys, to say the least of it, inexpedient. He spoke of the pub-

lic lands as an increasing source of revenue, and remarked that lands to the amount of half a million of dollars had been sold in the State of Indiana.

Mr Clay, of Alabama, said the effects of withdrawing the appropriation which was proposed, would obviously be twofold—first, to check the tide of emigration to the West; and—secondly, to cut down and materially lessen this branch of the public revenue. If the public lands were not surveyed they could not be sold, and individuals would not be disposed to remove to this new region, and devote their time, labor, and money to improving and preparing lands for cultivation, of which they could entertain no hope of becoming proprietors, at least within any reasonable time.

Mr C. said, the public lands, too, had been an important source of revenue. The receipts from that source had been gradually increasing, until they had grown to an amount of no small importance. The amount paid by purchasers during the year ending on the thirtieth September, 1830, was almost two millions of dollars,—exceeding, by about half a million, he believed, the amount received in any former year. Mr C. asked if gentlemen were disposed to change the present land system, and cut off this important branch of revenue?

The gentleman from Virginia (Mr McCoy) speaks of the large quantity of land already surveyed and remaining unsold. Mr C. said, if the gentleman would examine a document laid before Congress two or three years ago,

he would find that a large portion of that quantity, perhaps thirty millions of acres, was sterile and worthless, and about eightythree millions too inferior in quality to command the minimum price.—In the State from which he came, said Mr C., good land, or that which was fit for cultivation, seldom remained long unsold, after it had been surveyed and put in market; and he presumed that was very much the case in the other new States. No danger, he conceived, was to be apprehended that good land would, anywhere, remain long in market for want of purchasers.

Again, Mr C. asked, if it were desirable in point of policy, that the public lands should be long settled and improved before they were offered for sale? This would certainly be the case if the surveys were suspended; and Congress might again, and would properly be, appealed to, and importuned by petitions, for the right of pre-emption. Those gentlemen who were opposed to the pre-emption principle ought certainly, in Mr C's judgment, to oppose a suspension of surveys. The lands would be settled as fast as they were acquired. It had been long the practice to permit such settlement, and, when occupied and improved, the right of pre-emption had been, and Mr C. hoped always would be, accorded. Looking, either to the settlement of new tracts of country, or the interest of the Government, Mr C. saw no good reason for withholding the appropriation. There had been none made last year; in consequence of which

we were in arrears ; for the discharge of which, as well as the expenses of the present year, the sum proposed by the committee was intended ; which does not exceed the average amount appropriated for the same purpose for some years past.

Mr Strong said surveys might be necessary in Michigan, Florida, Indiana, and perhaps some other State ; but why ask for an appropriation of \$130,000 ? In 1828, but 45,000 dollars was appropriated ; in 1829, 51,000 dollars. In 1830, there was no appropriation—the commissioner of the General Land Office having informed the House that there was a balance of 84,000 dollars on hand. He desired to know what rendered the proposed appropriation necessary, and he would also like to be informed of the necessity of bringing into market so great an amount of lands, as the sum proposed to be appropriated would survey, in addition to those lands already surveyed. The commissioner of the General Land Office had designated certain sections of the public domain, which it was expedient to have surveyed the present year ; but this survey would not require the sum proposed to be appropriated. Why then grant so much, unless we have abandoned all notions of economy ? If any substantial reasons could be shown why the proposed appropriation was necessary, he hoped they would be given.

Mr Verplanck said, that since he had been a member of the committee of Ways and Means, he had often noticed the singular

contrast in which he was placed when here and when in the committee room. There were numerous demands before the committee, and their object was to reduce appropriations proposed to as small an amount as possible ; while here in this House, that committee was accused of extravagance. Such, in part, was the imputation cast upon them by the motion now before the House. The requisition made upon the General Land Office by the surveyors, for the present year, had been 200,000 dollars ; the commissioner of that office considering the sum too great, had reduced it to 150,000 dollars ; the committee of Ways and Means, in the fulfilment of what they considered their duty, had asked for an appropriation of only 130,000 dollars. The proposed amount would pay the arrearages of the last year, and leave for the surveys of the present year a sum averaging the amount appropriated for surveys for the last eight or nine years—perhaps it would fall below that average—the allowance, after paying arrearages, would leave about eighty or ninety thousand dollars. If gentlemen would examine, they would find that to be about the average sum appropriated for the survey of the public lands since the year 1821. Mr V. then alluded to the valuable lands in Louisiana, the survey and settlement of which had long been retarded by claims of individuals having grants from the former governments possessing that country, and spoke of the great desire of this Government to bring those lands into market.

He said, if the proposed amendment now under consideration prevailed, it would reduce the appropriation for surveys to about \$30,000—a sum altogether inadequate. He hoped this encroachment on the usual course of the Government would not be made. The committee of Ways and Means had done their duty in proposing the appropriation, and it was for the House to decide whether the appropriation should be made or not.

Mr Sevier, of Arkansas, said that the surveys of the public lands in Arkansas *had not been equal to the present demand*—that there were many counties containing thousands of inhabitants, in which not one foot of the public lands had ever been surveyed—that the surveys of the very lands bordering upon the capital of Arkansas were still incomplete. His constituents conceive that their interest in this particular had been grossly neglected; and for this neglect they had complained of the commissioner of our Land Office and our Surveyor General.

By examining the report of the commissioner we shall discover that a smaller quantity of the public land has been sold in Arkansas than in any other section of the western country; that, including all the public sales from 1822 to 1830, there have not been sixty thousand dollars paid to the Government. Why has such an insignificant sum been received from the sales of the public land in that country? It is because there has been but little good land surveyed and in mar-

ket. In what manner, sir, have the surveys in Arkansas been conducted? The Government has given us no Surveyor General to reside among us. He resides in St Louis, four hundred miles from our capital. He knows nothing of the situation of our country; and is governed entirely in letting out his contracts by the representations of deputy surveyors. These deputies know their own interest. Their engagements to survey are generally in the prairies, and in the poor and barren sections of the country. Sir, I do not blame them. They could not afford to survey the rich lands of Arkansas, covered with cane, and almost impenetrable forests, for three dollars a mile. To provide against this evil, at the last session of Congress, an act was passed authorising the Surveyor General to allow his deputies for surveying the good lands in Arkansas, four dollars a mile. When such lands as these are surveyed,—lands to which our settlements are almost entirely confined, you will perceive a very great increase in the income to the Government from the sales of the public lands.

At the last session of Congress an act was passed, granting, for a limited period, the right of pre-emption to settlers upon the public lands. That act is about expiring, and but few of the citizens of Arkansas have availed themselves of its provisions. And why? because the lands upon which they live have not been surveyed. They petition Congress at this present session to continue the act in force for a longer period of time, because

the land upon which they live has not been surveyed.

The honorable gentleman seems to fear that the corners made by the surveyors in the prairies would be destroyed by fire, and that the land would have to be surveyed again. If that gentleman had been in prairies as often as I have, he would have known that these corners are made of other materials than wood; he would have known that at each corner mounds were made, which fire can never destroy. There is no instance within my knowledge when the public lands have ever been twice surveyed, for this or any other cause.

Mr Vinton said he was glad that the gentleman from Virginia had submitted his motion, and hoped it would prevail. He was one of those who believed the operations of the surveying department, for some years past, had gone to great excess, producing highly injurious effects throughout the whole western country, and seriously deranging the Land Office Department. It was time to bring back the land system to a healthy action; such as it possessed prior to the late war. The survey of land was a step preparatory to its being exposed to sale; and when surveyed it would be forced into market, whether the quantity on hand would justify its introduction or not. It will hence be obvious that the surveying department really regulates the proportion between the *demand* for land, and the *quantity* in market; and it is only by a skilful and judicious management of that department, that any just proportion between

the supply and the demand can be maintained. The Land Office commenced its operations under the present system in 1801.—For the first fifteen years, and up to the close of the war, the quantity of land surveyed, making due allowances for bad land, did not go materially beyond the demand. That was the period of the greatest prosperity in the Western country. The value of both public and private property was sustained; a circumstance that gave activity to the sales and confidence to the purchaser.

Shortly after the war, this salutary policy was lost sight of. Immense districts of country were surveyed and suddenly thrown into market, so that at the close of 1825, there had been surveyed in all, one hundred and thirty eight millions of acres; and for the five last years, great quantities have also been surveyed, probably amounting to some forty or fifty millions more; the exact amount not known. Of these one hundred and thirty eight millions then surveyed, between twentythree and twentyfour millions had not been brought into market. At that time, the entire quantity sold since the year 1800, was less than twenty millions—between 1825 and the present time, the sales have amounted to about one million of acres per annum. We have not been informed what is the quantity of surveyed land now on hand, that has not yet been brought into market. It is to be presumed that it has not been diminished since that time. The result of these facts is, that at the close of 1825,

and probably at the present time, the quantity surveyed and prepared for sale, but not yet brought into market, exceeds the whole amount sold for these thirty years, and exceeds also the existing annual demand about twentyfive times. That the quantity now in market, and seeking a purchaser, exceeds the annual demand more than one hundred times, and is about seven times as much as the whole amount sold since the year 1800. Now it must be borne in mind, that the land system is nothing more nor less than a great concern for vending land. And like any other article, if more of it is forced into market than can possibly be used; the inevitable consequences of a glut in the market—a depression in the value of the property of the public and of individuals, and the derangement and distress incident to such a state of things, must follow.—We here, sir, get at the true cause of the growing complaints of the new States. Every part of the Western country is oppressed with this operation, and dissatisfaction everywhere prevails.—The old settlements are dissatisfied, because you crowd into market such vast bodies of land around them, as to depress the value of the property they have purchased of you, faster than they can add to it by their labor. A farmer in Ohio, who has devoted to his farm the labor of his life, and that of his family, can scarcely dispose of it at this day, with all its improvements, for as much as he paid you for it some twenty or thirty years ago. He has a right to be dissatisfied with this

unreasonable glut, and he is dissatisfied. While he expects you will sell the public domain, he has a right to demand of you, that you shall not so conduct that operation, as to destroy the value of his property without benefit to yourself. Good faith forbids you so to do. The new settlements, if possible, are still more oppressed by this state of things. On a sudden you have thrown into market a hundred millions of acres of land, extending from the Gulf of Mexico to the Upper Lakes, requiring many millions of inhabitants to convert them to use. A few of them are taken up, and very sparse settlements are scattered here and there over the whole country. There is not a surplus population in the United States, that can be detached from their present situations and employments, to people the vast region of country thus open for settlement: nor can there be such a surplus for a generation yet to come. These new settlements, therefore, fill up very slowly—and in the newest settlements the sales are, generally speaking, the most limited in amount. The occupants see vast bodies of excellent land around them, without any one to buy—everything goes on heavily, and they naturally enough think the Government retards their growth; and bring themselves to the belief, that the country around them is not sold and settled on account of the price, at which the Government holds it being too high.

The anxiety of all new formed settlements to increase their numbers is very great; and that anxiety

not being gratified, and they suffering under the inconveniences incident to a new country, they become greatly dissatisfied, and charge the whole fault to the Government. Hence the agitation that is constantly kept up on this subject in the new States, and the high toned pretensions of Illinois in particular, about the right of property. We are now called upon to add to, and aggravate this distressing state of things, by surveying four thousand six hundred townships more, amounting to one hundred and three millions of acres, at an expense of a million of dollars. The appropriation proposed in the bill, will survey twelve millions of them, and it is but the entering wedge of others, that are to follow to execute this great project.— Can any man entertain a doubt as to the effect of adding to the quantity now in market, the enormous amount of one hundred and three millions of acres?

It has been already shown, that there are now in market many millions, which we have no ability to people: and is it not far better that some portion of the vast regions now in market should be disposed of and settled, before we bring any considerable additional quantities into market? If any particular settlement should take a direction into an unsurveyed region, Mr V. said he would survey and bring it into market, so that the market might always be kept fully adequate to any demand. Beyond that he would not go for the present.

The quantity of land now in market being far greater than any

existing demand for settlement, and of as good quality as any that remains to be surveyed, it follows as a necessary consequence, that, by increasing the quantity, you do not in reality open any additional room for settlement, nor can you expect in that way to add a single inhabitant to the aggregate population of the new States. All that you can effect by this operation, is to diffuse our population over a greater region of country, when, in point of fact, the sparseness of population in that already settled, is among the greatest evils it has to overcome. He said he most conscientiously believed, that the vast bodies of land that now glutted the market, had depressed the actual value of the public domain and of private property, at least fifty per cent. below what it would have been, if a proper regard had been paid in adjusting the supply to the demand; while he did not believe the aggregate population of the country is any greater than it would have been, by keeping the market always fully supplied, without going materially beyond that point. The hundred millions now proposed to be prepared for sale, must inevitably produce still greater depression, in both public and private property, to an extent that no one can, with certainty foretell. The land now in market is diffused throughout all the new States and Territories. There is not one of them, where the quantity in market is not now more than thirty times as great as the annual sales, and in many of them many hundred times as great. And singular as it may

seem, where the disproportion is the greatest, the call for additional quantities is the most urgent.

The gentleman from Arkansas is very anxious for this appropriation, and informs us that the settlement of that Territory is retarded for want of land in market. Now, it appears that so long ago as 1825, more than eleven millions of acres had been surveyed in that Territory. What quantity had been since surveyed he did not know; but the entire amount of sales for the last year did not exceed one thousandth part of the quantity surveyed and unsold: indeed, the whole amount sold would not make more than half a dozen good plantations; and the whole sales ever made there, would very little more than pay the salaries and expenses of making the sales, without taking into the account more than a hundred thousand dollars paid for the surveys already made. Nothing can show more forcibly than this case, that it is not additional land that it is wanted; but it is people that is wanted to occupy those already exposed to sale. The gentleman from Florida has also expressed his anxiety about this appropriation. In 1825, the amount surveyed in that territory was about three millions of acres, and he believed about the same quantity had been surveyed within the last five years, while the annual sales in that Territory do not amount to a fiftieth part of that quantity.—The same remarks were applicable to Michigan, and, in general, to all the new States. For these reasons, he could not see any necessity for expending a larger

sum than that proposed by the gentleman from Virginia. His amendment would leave at the disposal of the Department, after discharging the arrearages now due, thirty thousand dollars, which would survey three millions of acres for the current year, while the sales will not probably much exceed one million. If we should come back again to the old principle and practice before the war, from which we have departed, and hereafter survey some two or three millions per annum, we should then keep constantly on hand, and exposed to sale, one hundred times as much as the annual demand. But in that way we should prevent things from growing worse, and avoid further unnecessary depression, in the public property or that of individuals. He thought it to be our duty to afford a reasonable protection to both. Entertaining these opinions, he hoped the amendment of the gentleman from Virginia would be adopted.

Mr Duncan, of Illinois, said that a very large portion of the State of Illinois was yet to be surveyed—only twentyseven out of forty odd millions had been surveyed. Mr Duncan spoke of the quality of the soil and beauty of the country in the northern section of Illinois and north of it, and the prospect of its immediate settlement when surveyed and brought into market. He said that there was now, and had been for several years, a large number of citizens, estimated at near ten thousand, residing in the northern part of Illinois, far beyond the present surveys; that an equal or

greater number resided north of the State, in the Northwest Territory, where there was not an acre of public land surveyed.— He hoped that a statement of these facts would sufficiently show the necessity of extending the surveys in Illinois and Michigan; and from statements he had heard made by other gentlemen, it was clear to his mind that the necessity was equally pressing in other sections of the country.

Mr D. believed it to be the true policy of the Government to survey all the lands within the States and Territories, as soon as possible, and bring them into market. He thought it quite probable, that there were enough settlers at this moment on the unsurveyed land, who were prepared to purchase their homes, to pay enough at once to defray the expense of surveying all the public lands, yet to be surveyed in the States.

Mr Wickliffe said he was opposed to the motion made by the member from Virginia, (Mr McCoy) to reduce the amount of appropriation for the surveying of the Public Lands; and, he observed, he should have given a silent vote on the question, but for the remarks of the honorable gentleman from Ohio (Mr Vinton). The gentleman says, we have more land now surveyed than we shall be able to sell in thirty years; and he has furnished us with the tables of the quantity surveyed, and number of acres sold. His statistics I do not controvert. Admit the facts and his inferences, is it any argument against continuing the surveying?

If the argument is worth anything, it would have its full weight upon a proposition to suspend, by law, the sales, not the *surveying*, of the Public Lands. We are not obliged to bring the lands into market so soon as surveyed, if it be the policy of the Government to limit the sales of the Public Lands, and confine the population to the States and Territories already surveyed. If it were proper to do this, and a law were now passed, declaring that not another section of public land should be surveyed until the last acre now surveyed was sold and occupied, still it would be proper to proceed with the surveying, that the Government might know something of the quality, soil, and situation of the public domain.

Other reasons might be urged why the surveying of the public lands should proceed rapidly, but I pass by them, to consider the main point in the gentleman's argument, which has often been presented to us in this or some other shape, and by the member from Ohio especially. And it is, if I understand it correctly, that the United States, by the reduction of the price of the public lands, holds out inducements to the citizens of the older States to emigrate, and purchase land for themselves,—thereby extending our settlements beyond the limits, which a true regard to the interest of the Government, and of individual landholders, will justify. And again: by the immense quantity of public land which the Government has brought, and is still bringing into market, the quantity becomes

greater than the demand, consequently, the price of landed estate in the hands of individual purchasers from the Government is lessened more than one half its value, thus producing ruin upon whole communities, as well as operating injustice to individuals.

I have, Mr Speaker, given the substance of the gentleman's argument, if not his words. I invite him to review it himself, and see if he is willing to stand by it. I propose to analyze it briefly, that we may see if it be founded upon that public policy, which has been, and which I hope ever will be pursued by this Government: a policy connected with her true interests and future welfare—a policy which will give physical strength and moral energy to the population of the United States. I mean such a disposition of her public lands as will put it in the power of every man, however poor and humble in society, to acquire a home for himself, and a fire-side for his family. With a population of freeholders—of men who have their homes with all the interesting endearments which belong to that name, and a Government to which they may turn and look upon as a benefactor, what have our free institutions to fear from intestine divisions or foreign invasion? Nothing, sir—nothing.

Land is too cheap already, says the gentleman. I well recollect the policy recommended by the Secretary of the Treasury, (Mr Rush,) under the last administration, and this argument of the gentleman from Ohio has called it to memory at the present mo-

ment. He, sir, was in favor of, what is now a very fashionable term, 'The American System.' He was, in his report, justifying the principle, that the agricultural interest of the West ought to be taxed, to support the manufacturing interest of the East; because, in his opinion, Congress, by the reduced price at which public lands were sold, gave to agriculture a bounty equivalent to the increase of taxation in favor of manufactures; and, if my memory does not deceive me, he condemned the policy thus pursued, because it excited to emigration from the manufacturing districts, and thereby enhanced the price of labor to the manufacturer, and he thence deduced an argument in favor of this taxation upon the farming interest, for the benefit of the manufacturing States. How was this argument received in the West? With universal disapprobation, as the elections of 1828 will attest. I protest against it in every shape, whenever and however used. That policy, which has for its object to build up an interest in this country at the expense of the farming interest, which has for its purpose the concentration of population, in order to reduce the price of labor, and exact from it its hard earnings to sustain a particular interest—call it by whatever name you will, give to it all the charms which impassioned eloquence can furnish—I am utterly opposed to it.

Again; the gentleman says the price of land has fallen to half its former value, in consequence of the policy which the United States

has pursued in reference to her public domain for the last twelve or fourteen years. I deny that it is owing to this cause entirely, if, indeed, at all. Other and more immediate causes must present itself to the inquiring mind. Is it in this country alone that the price of real estate has fallen? Is real estate in this country the only estate that has depreciated? No, sir, everything has sunk in value, and the true cause may be traced by the political economist in the appreciation of the medium of exchange—the precious metals; and the man who buys his land now in Illinois at \$1 25 per acre, pays as much for it as the gentleman's constituents, who bought seventeen or eighteen years ago at \$2 per acre. Sir, he pays more, according to the comparative value of specie then and now, as estimated by the report of the Committee of Ways and Means on your table. This policy of stopping the surveying of the public lands now will very well suit the gentleman's own State, where every acre has been surveyed, and subject to location. Stop the surveys, and limit the sales in other States and Territories, and you will perhaps increase the tide of emigration to the great and flourishing State of Ohio, and you may increase the value of lands owned by private individuals too. Is it our duty to do this? Shall we by our legislation attempt to restrain the tide of emigration? You might as well, sir, attempt to stay the tide of that mightiest of rivers, which gives name and consequence to the Western country. There are reasons, however,

unconnected with this view of the subject, why the surveying of the public lands should proceed with accelerated rapidity. The tide of emigration in front is forced on by its succeeding wave, and your public lands will be occupied by your citizens, and improved, whether you survey them or not; and what is the consequence? At every session of Congress, shall we be compelled to interrupt our regular system of disposing of the public lands, to grants to these honest pioneers the right of settlement and pre-emption. No Congress has yet refused it—no Congress will refuse it. My situation as a member of the Committee on the Public Lands, enables me to speak of the fact, if it has not already attracted the attention of the House, that petitions from every quarter in behalf of this worthy class of our population now lie upon your table, calling upon you to extend to them the privileges of the pre-emption law of last session, upon the ground that the land on which they reside had not been surveyed, consequently they could not avail themselves of the beneficent provisions of that act. We must grant it them—we cannot refuse; and I hope no American Congress will be found willing to expose the home, of a citizen to the highest bidder, with a view to wring from him the last dollar, to pay for that which his own labor has produced—his little tenement, the shelter of his family. There is but one way to stop these appeals, and that is by surveying the land as speedily as possible.

You cannot prevent your citizens from taking possession of the public lands. You may pass your penal laws to prevent it, but you cannot enforce them. The public sentiment and feeling are against such laws, and they would be dead letters on your statute book. I trust, sir, the amendment will not prevail, and that the Government will be permitted to proceed with all reasonable despatch to execute the surveys, and bring the lands into market.

Mr White, of Florida, said that the delays and difficulties succeeding the acquisition of Florida, by the United States; the time required for the examination and decision of the claims derived from the former government; and the removal of the Indians, had retarded the surveys of the public lands in that Territory. Whatever might be the necessity in other quarters, where these embarrassments did not exist, he was sure it would operate injuriously to that part of the country, whose interests it was his duty to guard by this floor. He was opposed to striking out the proposed appropriation, and most solemnly protested against the arguments by which it was urged upon the House. If he properly understood the honorable member from Ohio, he was in favor of striking out that section of the bill, because there were lands enough surveyed for the market, and because offering new lands for sale would depreciate the price of those before purchased. This might suit the meridian of Ohio, Illinois, and Missouri, but it is not in accordance with the rights or

interests of Arkansas and Florida. The gentleman has said that eight millions of acres have been surveyed in Florida, because he has a printed statement saying that twentyfour millions were to be surveyed in 1825. I do not believe, at that time, that there was half a million surveyed, and the only way in which it can be accounted for, is, that the author of the paper he holds in his hands put down the private land claims that were held under the treaty, as part of the public lands to be surveyed.

[Mr Vinton explained: He said he had derived his information from the statistical tables of Van Zandt and Watterston. From these it appeared, that in 1825 three millions of acres of lands had been surveyed in Florida—there were now seven millions surveyed. There were said to have been thirtyone millions of acres of land purchased by the United States in Florida—by a statement of the Delegate from that Territory, read from the Clerk's table, it appeared that twentyfour millions of acres remained to be surveyed, and the gentleman could therefore make his own calculations of the quantity that had already been surveyed.]

Mr Pettis of Missouri begged leave to remind the gentlemen of what had frequently occurred in the House when any discussion took place on the subject of the public lands. Whenever any proposition was before it, proposing to amend the system in regard to the mode of disposing of the public lands; whenever it

was proposed to reduce the price of these lands, and that to actual settlers, in small parcels; we of the new States have been entreated by gentlemen, not to interrupt the existing system in regard to these lands. We have been told that the system was devised by the wisest men of the nation, and matured by the wisdom of experience. Sir, said Mr P. the tone is now changed. The gentlemen are themselves proposing an innovation of the most prejudicial character to the new States and to the Territories. Your committee of Ways and Means have told you, that the estimate made by the several surveyors was \$200,000 dollars; that made and sent in by the Treasury Department was \$150,000; and the committee propose appropriating but \$130,000, for the surveys to be made the ensuing year. We all know, that no appropriation was made for this object at the last session; and the committee have told us that the land office department was in consequence, \$30,000 in arrears. The committee have stated, that the appropriation recommended by them is about the average of such appropriations made during the last seven or eight years, and not so much as had been appropriated for many years previous thereto. Notwithstanding these facts, we have seen the gentlemen heretofore so much opposed to innovation, proposing to strike out the appropriation recommended, and to insert less than half that sum. We have been told by the gentleman from Ohio (Mr Vinton) that this is an enormous appropriation,

and that the sales of the public lands do not justify it.

The nett proceeds of these sales for the last year amounted to nearly two millions of dollars. Can this appropriation, then, be considered enormous? That gentleman has told us, that, from 1815 to 1820, the Government surveyed and brought into market too great a portion of these lands; and that the consequence had been a great depreciation in the value of lands in the hands of individuals. And he now opposes the present appropriation because, as he says, it will bring too much land into market, and the result will be a further depreciation in the price of private property.

Mr P. said he was not disposed to attribute personal motives to the gentleman from Ohio; but he did impute to him considerations of State interest. The true secret is, that Ohio has no more public lands to be surveyed. All the public lands within her limits were surveyed during the time when, according to the gentleman from Ohio, the Government was pursuing an *extravagant* course in regard to these surveys. We then heard no objection from Ohio. It is well known, that during that period Ohio had grown up in a manner unparalleled in the history of the world. Large appropriations for surveying were then well enough. Nearly all the public lands within her limits have been sold; and now we are called on to stop the surveys, for fear it may have an injurious effect upon private property in Ohio. We must not,

it is said, bring these lands into competition with private lands in that State. They have reaped their harvest; they have had their land surveyed and sold under this system; the private property of the citizens of the old States has, if you please, been depreciated in value, for the benefit of Ohio; this State has rapidly populated from the old States under this system: but now, forsooth, Ohio having all she desires, the system of surveying is to be stopped for her benefit; to keep up the value of her private property; and to keep her population from being induced to migrate further West. This is not all, there is another motive. On a certain occasion, a million of acres of the public lands were given to Ohio for making Canals. He would not *say* it was given by way of *bribe*. Is it true, however, that at a *particular crisis*, two bills were pushed through Congress having different and opposing friends, each bill making a donation of about 500,000 acres of land. These lands have been selected in small parcels from the best of the public lands in that State; and now the surveys of other public lands is to be checked, to prevent other lands from being brought in competition with these lands thus given and thus selected, and to keep up their value. Sir, said Mr. P. is this liberal? Is it generous? Is it fair? He would not *say* it was unjust, but he would say it was very unfair. The gentleman from Ohio, (Mr Vinton) not satisfied with using these arguments, has thought proper to state, that the most of

the revenue arising from the sales of public lands was drawn from the old land districts, and consequently from Ohio. Sir, the gentleman is mistaken. The fact is not so. The sales of the public lands in the State of Illinois for the last year amount to nearly double the amount of those from Ohio. The sales in Missouri, in Indiana, and in Alabama, greatly exceed those of Ohio for the last year.

The gentleman from Ohio has based his opposition to this bill on the ground, that there is already more land in market than is demanded by purchasers. He contends, that the Government should act as an individual, and not permit the supply to exceed the demand. Was not this the case when the Government was making such liberal appropriations for surveys in Ohio? Shall we now change our course for the benefit of Ohio, who, from her proximity to the old States, has always possessed a great advantage over other new States? Shall the Government hug the public lands as a treasure for mere purposes of revenue? This doctrine has been utterly disclaimed by all parties in another quarter. The proposition to stop the surveys of the public lands had been discussed at great length in the quarter referred to. It received a decisive negative, not only then, but, as was then believed, its everlasting quietus, by the good people of this nation. Believing this question at rest forever, he had been taken by surprise in this debate. He would take this occasion to say, however, that he con-

sidered it the duty of the Government, and very important to the new States, that these lands should be brought into market, as speedily as the United States can reasonably defray the expense thereof; and that every facility should be afforded to the extinguishment of the title of the Government in and to these lands. And to this end he contended that the price of these lands should be reduced, especially in favor of actual settlers. He made these remarks, because he was well satisfied that this opposition to the surveying of more lands was a preliminary step, to the stand to be taken against any reduction of the price of public lands. Gentlemen have been railing against innovation in the land system, until they have got ready their own machinery, and now they are for a vigorous effort to oppress still further the new States in regard to the public lands.

Mr P. said he felt himself bound, to take notice of the remarks made by the gentleman from Ohio, (Mr Vinton) and by the gentleman from Kentucky (Mr Wickliffe) relative to the claims set up by some of the new States to the public lands. The gentleman from Ohio, in opposing this appropriation, has thought proper to urge as a reason for his opposition, that some of the States had certain pretensions to the right of property in the lands within their limits; and insinuates that the United States should survey no more of these lands, because, he says, it is for the States thus setting up their claims. The gentleman from Kentucky, in re-

peating these insinuations, has indulged himself in ridicule of those who entertain such opinions. He has indeed uttered very severe denunciations against them. He was sorry to hear such remarks from that quarter, but he felt himself called on to make a reply. Mr P. said it was well known to the House, that during the last session the new States were ridiculed, taunted, reproached, for the pretensions some of them had made to the right of property in the public domain within their limits. This was urged then as a reason, why the proceeds of the lands should be divided among all the States, for the purposes of internal improvement and education. On that account the public lands in the new States were to be divided among the old States. Observing the strong prejudices which had been excited by these insinuations, he attempted to remove them by frankly and fully stating the arguments and ground on which they relied, for the justness of their conclusions. He had asked to be shown the part of the Constitution, which authorised the United States to hold lands within the limits of a sovereign State. He had insisted, that if the Government could hold these lands and sell them, they could lease them, and make the citizens of the new States tenants to the United States. He had urged, that the practice of the Government, in regard to crown lands in the old States, showed what the first opinions under the Constitution were on this subject. He had as politely and respect-

fully as he could, invited gentlemen to answer his arguments. No one, not even the gentleman from Kentucky, had met the argument. None had undertaken the task. The subject had, it is true, been touched on in another body, and barely touched on, but the argument was not met.

But to return to the immediate subject before us, Mr P. said he considered the Government pledged to take the most liberal steps to settle and sell the public lands. In 1780 the Old Congress, when they invited the States to surrender their wild lands, gave a sacred pledge, that these lands should be settled and sold, and formed into distinct Republican States, having the same rights of sovereignty, freedom, and independence, as the original States. Shall we not redeem this pledge? How can it be redeemed but by having these lands surveyed? How can you have these lands sold and settled, without bringing the price within the means of the great body of purchasers? Sir, said Mr P. if no amelioration is intended to be extended to us, we cannot surely bear a more rigid system. Let us have the usual appropriation for surveying, and adjust other matters in relation to these lands hereafter.

Mr Strong regretted, that so much debate had taken place on the proposed amendment. He said he was in favor of going on with the surveys, and believed the usual appropriation for the purpose averaged about \$50,000. He wanted to know, however, what had become of the \$84,000 of which he had before spoken?

Was it all expended the last year for surveys? Was the Department now in debt? His desire was to get at the facts. Had \$84,000 been expended last year for surveys, and was the Department in debt \$30,000 more? If such was the fact, he wanted to know the reasons for so great an expenditure for this purpose. He was willing to give fifty or sixty thousand dollars a year for surveys; but he saw no necessity for granting one hundred or one hundred and fifty thousand dollars a year to carry them on. He was desirous, that the department should be out of debt, and then let the surveys go on as fast as they were necessary.

Mr Verplanck said his colleague would find an answer to his inquiries, by turning to the report of the commissioner of the General Land Office, appended to the message of the President, at the commencement of the present session—(from which he read an extract). He said further, that the present appropriation would cover all arrearages.

Mr Vinton said it was not his intention, after what he had said, to enter farther into the debate; but the remarks that had been made, applicable, not to the question, but to the State of Ohio, left him no alternative but to vindicate the State from which he came.

The gentleman from Kentucky, who was followed by the gentleman from Missouri, had thought proper to open an attack upon the State of Ohio, through him, by asserting that Ohio had been the favored State of the West, and when she had obtained all her

ends, she was actuated by a desire to oppress and keep down the other new States. He would say to those gentlemen, one and all, that to answer an argument was one thing, and to fly away from it into insinuation was another. It was an artifice to escape from an argument, which no gentleman, who had a proper self-respect would hazard in the face of an intelligent assembly. The gentleman from Missouri, in particular, had given himself great indulgence in insinuations against the State of Ohio. He had called on her delegation to do as they had been done by, and commented very much at large upon the favors which Ohio had received from Congress. He said, that vast sums of money had been paid for surveying the lands in Ohio; that now they were all surveyed, she was anxious to arrest the surveys in Missouri, at the same time taxing Ohio with ingratitude and other sinister motives. Sir, if the gentleman from Missouri is desirous, that his State should be treated, in respect to the public lands, as the State of Ohio has been, for himself he would ask and desire no more than that the gentleman from Missouri would abide by the application of the rule, which he seems to be so anxious to get the benefit of. He wants the public lands surveyed in Missouri, with the same rapidity with which that operation was carried on in Ohio. The surveys, sir, were commenced in Ohio in 1785, and were not completed in that State until after the year 1820, a period of more than thirty-five years. Now, sir, apply the rule of favored Ohio to

Missouri, and the surveys will not be completed there these twenty years to come;—thus much for that part of the insinuation, that Ohio is unwilling to do for others that which has been done for her.

But, again, the gentleman says vast sums have been expended for surveys in Ohio, and now she refuses a similar favor to Missouri. During these thirty-five years, a little more than fourteen millions of acres were surveyed in Ohio, being the whole amount of public land in that State. In the course of some seven or eight years prior to 1825, about twenty-seven millions had been surveyed in Missouri, being an expenditure of nearly twice as much in Missouri as the whole amount of all the surveys made in Ohio, and, in less than one-fourth part of the time. Let the gentleman have the benefit of this example of favored Ohio, and the surveys in Missouri would stop for the present where they now are. Ohio has paid into the public treasury near twenty millions of dollars for land, while the receipts from Missouri have not gone much, if any, beyond a million and a half. Let Missouri follow this example, if the gentleman is really desirous to copy from Ohio, and then come and claim the grants and favors, that have been bestowed on Ohio.

Mr V. said he protested against the right of any gentleman here to arraign the motives of Ohio. Is Ohio to be put under the ban of her neighbors? Is she not a part of this Union? Has she not interests, which it is the duty of this House to protect in common with her sister States?

Have not her Representatives a right to be heard on this floor, and to mingle in debate in questions like the present, in which she has more at stake, and a deeper interest than any State in the Union? These, sir, are rights which her Representatives on this floor will neither surrender nor cease to exercise, while they are faithful to her or true to themselves.

Mr Polk said he did not intend unnecessarily to protract this unexpected discussion. His principal object was to call back the attention of the House to the real question before it. The Chairman of the committee of Ways and Means had informed us, that this was the usual and ordinary annual appropriation for this object; that it was below the average of appropriations for the survey of the public lands, for the last half dozen years or more; that it was much below the appropriations for the same object, between the years 1815 and 1821. To refuse it, would be suddenly to change, what has, for a great series of years, been understood to be the settled policy of the Government in regard to its public domain. Were we now prepared to discuss or to decide that question? He trusted that upon this annual appropriation bill for the support of Government, we should not get into a discussion about the expediency of changing our past policy. If the amendment of the gentleman from Virginia prevailed, more than half of it would be exhausted in paying arrearages for surveys made during the last year; and the sum remaining would be greatly less

than the usual sum, and would be wholly inadequate to defray the expense of surveying that portion of the public lands, which it might be the interest of the Government to survey, and bring into market the present year. The gentleman from New York had admonished us, that we should have an eye to economy. He believed that he regarded economy in his votes in that House, as much as the gentleman from New York, or any other; but he denied that it was economy to postpone the surveys of the public lands. When once surveyed, the work had never to be done again. The expense of surveying them had to be incurred before they could be brought into market, and he thought it true economy to place them in a condition to be sold as speedily as possible, that the Government might realise the price of them. If the object of reducing the appropriation was to retard their sale, and thereby put a check to the emigration to the West, and prevent their speedy settlement, he hoped that we should not be compelled to discuss a question, so radically changing our policy, upon an appropriation bill. If economy was the object, there was the same reason for reducing the appropriation last year, or ten years ago, that there was now. He hoped that the House would take the question without further debate.

The question was now loudly demanded; and Mr Clay called for the yeas and nays; but the House refused to order them.

Mr Storrs, of New York, asked

what had been the average sum appropriated for surveys in past years?

Mr Verplanck replied, that it had varied from seventy to one hundred and fifty, or two hundred thousand dollars. The committee of Ways and Means, after due examination, had fixed it at from ninety to one hundred thousand dollars. Going back to the year 1815, it would be found to be something more.

The question was put on agreeing to the amendment submitted by Mr McCoy, and decided in the negative—ayes 46, noes not counted.

The question then recurred on the amendment proposed in Committee of the Whole, and it was determined in the affirmative, without a division.

After the termination of this discussion, Mr Stanberry moved to strike out the appropriation for a salary for the minister to Russia. This motion was founded on the circumstances attending the visit of Mr John Randolph, the minister of the United States, to that country.

Mr Randolph had left the United States shortly after his appointment in one of the public vessels, and after a short visit to England, proceeded to his post. Immediately after landing at St Petersburg, he commenced the display of one of those constitutional freaks of eccentricity, which had characterised him throughout life, and which, in the opinion of the greater part of the community, disqualified him for any office requiring prudence and discre-

tion; and after indulging in the most extraordinary whims for the space of ten days, suddenly left his post, and departed for England, where he spent the remainder of the year, during which he continued to hold the commission of envoy extraordinary to Russia.

As the President manifested no displeasure at this unprecedented course of conduct in a public minister; but on the contrary had informed Congress, that his departure from St Petersburg was with the consent of the government, granted previous to Mr Randolph's departure from the United States, it was deemed proper to obtain the opinion of Congress on this attempt to reward a favorite at the expense of the public service.

On the thirteenth of January, the House having resumed the consideration of the general appropriation bill, Mr Carson rose in opposition to the motion of Mr Stanberry to strike out the appropriation of the salary of the minister to Russia.

Mr Carson said he heard with surprise the motion made yesterday by the gentleman from Ohio; and it was with still more surprise he had heard the reason, which the gentleman assigned for his motion; which was, that the House had been informed by the message of the President, that we had no Minister at the Court of Russia. The gentleman had mistaken the Executive message, he had mistaken the information which it conveyed to the House, and if the motion originated in that mistake, it fell to the ground. If the present motion was meant

as a covert blow at the Executive, it was a feeble one; the arm that struck it was too nerveless to reach its object. Mr C. here read the following passage from the President's Message :

‘Our relations with Russia are of the most stable character.—Respect for that Empire, and confidence in its friendship towards the United States, have been so long entertained on our part, and so carefully cherished by the present Emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

‘I sincerely regret to inform you that our Minister lately commissioned to that Court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege, which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion, of leaving temporarily his post for the advantage of a more genial climate.

‘If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St Petersburg, and resume the discharge of his official duties. I have re-

ceived the most satisfactory assurance that, in the mean time, the public interests in that quarter will be preserved from prejudice, by the intercourse which he will continue, through the Secretary of Legation, with the Russian Cabinet.’

Now, said Mr C., does this justify the motion, and as a measure of policy, would it be right to strike out the appropriation?—What inference could be drawn from our refusing the appropriation, but that we were about to suspend our intercourse, and all amicable relations, with the Court of Russia?

Mr Stanberry rose and replied, that the motion was dictated by those principles which brought General Jackson into office.—During the preceding administration, great clamor was heard about the profligate expenditure of the public money, and about constructive journeys; and a change of administration was urged for the purpose of correcting these abuses. But Mr S. saw no difference between paying an officer for a constructive residence and for a constructive journey. The House had just heard read, that the Minister sent to Russia does not reside there; we have all seen him here—we know him, and know that he cannot reside there; if he receive the public money as Minister to Russia, without residing there, he will be paid for a constructive residence. We know, as far as we know anything about him, that he resides in England, or in France; we know at any rate, that he does not reside at his post in Russia,

and have reason to believe that he will not reside there. Is it right to pay for duties thus performed? Might he not as well reside at home, and still be considered Minister to Russia, as to reside in England or France in that capacity? Mr S. said that in making the motion, he had aimed no covert blow at the administration; he had made the motion in pursuance of what he deemed his duty to the public. In doing so, he was acting as the individual in question would himself have acted, under similar circumstances, were he now a member of this House. If we are to pay that individual for the public services, which it is said he has performed, let us do so directly, not indirectly; not pay him for those services, by giving him a salary for an office which he fills but in name. These principles, I learned, said Mr S., from that gentleman himself, in here listening to him with delight, while denouncing the abuses of other administrations in misapplying the public money.

Mr Archer said, that it proposed to take from the appropriation bill the provision for the mission to Russia. If this were done, not the professed object only, the recall of the present Minister to that Court, but an effect much beyond it would be produced; the interdiction of any mission there at all. If there was to be no appropriation, no Minister could be maintained. The operation, then, of the motion, if it should succeed, would be to suspend diplomatic relations with that Power—the greatest in the world—the Power with which our relations of amity

had been the least interrupted, and the closest—to which in great and vital collisions which might await us, we must look, if anywhere, for consentaneous policy and effective support. In this view of the subject, he should submit the motion to the decision of the House.

There were purposes, however, Mr A. said, covered by the motion, which would induce him to trouble the House with a few observations. The gentleman aimed at by the motion, was from his own State; distinguished by a large share of its esteem, and some degree of sensibility might be supposed to be awakened by the attacks upon him, and on the Executive for his appointment, circulated very extensively, and now disclosing themselves here. Exception had been taken to the appointment. With what propriety? The House might exert a restraining judgment, through the incidental operations of its power to deny appropriations, on the institution of missions. But in relation to the persons by whom they were to be filled, or the conduct of the incumbents in their discharge, it was not the province of the House to exercise judgment and discretion, but of the Executive. But where was the ground for imputation in any view in the present instance? As regarded the nomination, for which the Executive had been arraigned with censure so widely diffused, and unsparing, the person receiving it—who was he? How many filled so large a space of reputation? Who was there remaining on the public theatre; who had

filled so long and unbroken a space of public service—a career of active, and sedulous, and brilliant exertion, extending beyond the period of thirty years? His talents—where were any to be found superior, ripened in this long period of service, to the fullness, yet not beyond it, of the most fruitful maturity? His political attainments, they were not inferior to his talents. This was the nomination which had brought vehement vituperation on the Executive, as an extravagant abuse of its discretion of appointments!

But consider the matter in another view. A tried public servant, who, in a most active career of thirty years, has never sought official appointment (as he did not this, which he has now received) nor other reward, than the favor of his immediate constituents, and public esteem; retires, with health in some degree impaired, but his faculties and capacity of usefulness unbroken. Is it matter of just imputation on an Executive, whom his exertions contributed to bring into the public service—representing a great political division in the nation of which he has been an eminent ornament—wholly unsolicited—when he had left the situation which might bring the motive of this proceeding into question—that he has been desirous to extend to a public servant so circumstanced, an acknowledgment of merit—a mark of regard—a recall to renewed exertion of his abilities? Had not the country a right to expect this?

The complaint disclosed by the present motion, however, was not

directly to the appointment of Mr Randolph, but his absence at the present moment from the scene of his duties. The first suggestion in the party vituperation which had prevailed was—that he had assumed this privilege of absenting himself, unpermitted.—This suggestion had been repelled by the message of the President, which had been read by the gentleman from North Carolina (Mr Carson). The exercise of a discretion in this respect, had been accorded to the minister. On what grounds? His health, though better at the time of his acceptance of this mission, than for a considerable period, had been impaired. With a feeble constitution, and such a state of health, he distrusted the extreme rigor of the climate of Russia.—Permission had in this view, been accorded to him, in the event of his health failing, to remove to a more favorable climate. In the actual occurrence of the contingency, he had availed himself of the permission, with the purpose of returning to his situation, with the removal of the cause of his departure.

It had been conceived, in not an entire consistency with the present charge of Mr Randolph's undue absence from this sphere of his duties, that he had in truth no duties to discharge, and that it was for this reason that the appointment had been conferred on him. Mr A. could assure the House, if they would accept his voucher for the fact, that this conception was founded in mistake. Our present mission to St Petersburg was charged with duties of

no unimportant character. It was due, however, to candor to say, that however it was desirable to proceed in every business with despatch, the affairs were not of a nature to suffer detriment from a transient delay of prosecution, such as might be expected to be constituted by the present absence of the minister.

Mr Mallary stated that there were some great considerations connected with this question which demanded notice. He was not disposed to speak of the gentleman who holds the appointment of Minister to Russia, as a gentleman from Virginia. He thought there were higher considerations to be viewed. We well know the influence which the Autocrat exercises. He puts his foot on the neck of nine-tenths of the physical power of Europe: his thumb is on Kamtschatka; his little finger touches the Pacific Islands; it is well known also, that he feels or pretends to feel great friendship for the United States. It is our duty to cultivate this feeling. We know our situation is delicate as regards the European Powers. What is to be done? How are we to improve our condition? Not by confiding our affairs to persons who have no higher qualifications, than that they are gentlemen from *Virginia*. We want somebody at the Court of Russia to hold intercourse with the Autocrat—to meet him face to face, not on bended knee—to be there on the spot, and honestly to communicate our honest wishes. We do not wish a minister who is to be continually an absentee. He in-

tended no disrespectful reflection on the gentleman, but we want a man who can talk to the Autocrat, in reference to the mutual interests of the two countries. It was not merely because a person had figured well on the floor of Congress, that he is to be selected as a minister. We want a man who can do the business of the country—who can present himself before the Emperor, and tell him what we deem to be the suitable relations between us.—He understood that the gentleman was in delicate health, and could not stand the rough winter of a Muscovite climate. We want some one who can; and not a minister who is obliged to retreat from the inclemency of a Russian atmosphere, to more congenial climates, and to leave the interests which have been entrusted to him in the hands of a Secretary. Mr M. then referred to the clamour which was raised when Mr Rufus King was sent to England by the late administration, because his state of health was such as to render it impossible for him to remain; yet, we are now called on to vote a salary for a minister who has merely made his bow at Court, and stayed ten days, and then left the business of his mission to a Secretary; and we are told that the purposes of his mission were successfully fulfilled while he remained there! If all which is required to be done, can be as well done by the Secretary, as by the minister, let the minister remain in the United States, in the City of Washington, and let him do all by correspondence with the Secretary at St Petersburg.

Let the plenipotentiary stay here, and communicate with his Secretary there. No doubt, if the Emperor can have *his* objects accomplished, he will be satisfied with the Minister we have sent him; but we want one who will remain on the spot. If (he repeated) a Secretary be sufficient to transact the business, let the Plenipotentiary remain at home, and the Secretary reside at the Court of Russia.

Mr Burgess remarked, that the item under discussion bore no mark distinguishing it from others of the same kind, or affording any warrant for rejecting that, while others were allowed.

We must look, said he, to other documents for information concerning this mission, and our obligation to furnish the money for supporting this Minister at the Court of St Petersburg. The paper which I now take from the desk before me contains that information. It purports to be the annual Message from the President of the United States to Congress at the present session. It certainly bears his signature, and was sent to this House by that high dignitary. Notwithstanding these facts, the document must be received and considered entirely as the production of Cabinet Ministers. No member of this House—who reads and examines this communication, made to us so much at length, could, I think, say, without hazard of his reputation, that he believes one sentence of it was composed by the distinguished gentleman whose name is placed at the end of it. This, sir, is not said for any purpose of der-

ogation from the eminent official character of our First Magistrate, but for a very different, a much more important purpose. Are gentlemen aware of the extent of our importation of European politics? Have we not brought home, and put into use, the high tory maxim of their monarchies, that the king can do no wrong? Was there ever a time in our country when the friends of any Administration, other than the present, believed and practised this article of political faith with more unscrupulous devotion? The Cabinet Ministers of our Executive have taken artful council from this fact. As European ministers, being answerable with their heads for what the king, their master, may, from the throne, communicate to his Lords and Commons, they will not suffer any speech but of their own contriving to be thus communicated: so, the adroit Ministers of our Cabinet, taking shelter under the Executive subserviency of the times, have not only put upon the nation this message, but the President, a man who, if he moved at all, always marched straight forward to his object, they have betrayed into the crooked counsels which may, by diligent examination, be found in this message, sent to Congress by them; while they lie sheltered under the imposing name of the first dignitary of the nation. If the king can do no wrong, thank God, Ministers may, even in these times, be made accountable for the counsels which they have given him. ‘The right divine in man’ to rule, ‘the enormous faith of many made for one,’ com-

prehends in its creed no permanent provision for any crafty sycophant to skulk and screen himself behind the throne, and play the little tyrant with security.

That part of this message, from which we learn the character of this mission to Russia, is all of it which *now* it concerns us to examine. Our foreign relations are a branch of the Department of State; and this mission was contrived, and the account of it contained in the message, has been given to us by the Secretary of that Department. We are told by it, that our long established Legation to Russia has been totally changed; and that, in place of a permanently resident Minister at that Court, without regard to the public service, a mission has been invented to suit the talents; the health, habits, and disposition of the distinguished individual for whom it was designed! By the very terms of this mission, this individual is required to repair to Russia, but is authorised to leave that Court, and that Empire whenever his health (and of that he alone is the judge) may require it. Who but the Machiavelian politician at the head of the State Department would have advised the President to institute such a mission, or dared to place on a document, prepared to be sent to this House, such a statement of its commencement, progress and present condition? In what part of the Constitution, or the laws of the United States, or of the usages of this Government, does he find any thing in support of the measure? It will not be hazardous very much to say, that this House was

never, before this time, called upon to pay such a salary for such services.

This distinguished Minister to Russia is John Randolph. How does he understand the terms on which he agreed to embark on this mission? The course of conduct pursued by him since his departure, may give us some knowledge on this point. We are left in nearly utter darkness by the department of State, concerning all the movements of this minister; for the message merely tells us that he has already taken benefit under the sinecure clause in his charter of legation. He has left the Court of our illustrious friend, the Autocrat of all the Russians; but when, or for what other region? Here the Secretary is cautiously silent. The Chairman of the Committee on Foreign Relations has been equally so. Can any gentleman of this Committee either indoctrinate us into this great mystery of State, or give us the light of a single fact concerning the voyages and travels of this minister of ours; and let us know whether he is now moving or stationary? Where is John Randolph? Where is our Ambassador, for whose public services Mr Van Buren is calling upon us to provide a salary? We are told that he is not where he was sent; and that he had permission to go thence when and whither he might choose; but whether he is, in pursuit of health, now basking in the sunshine of Naples, or, for a like purpose, traversing 'the fog-wrapt island of Britain,' we are left to learn from the same authentic documents

from which the Chairman of the Committee on Foreign Relations seems to have taken advice—rumor, and the public papers. Nor do we know that he ever intends to return to his post. We are, therefore, directed and required, by the Secretary of State, to appropriate this item of \$9,000, for the salary of a public minister, who has been in the public service, at the place of his destined residence, not much more than a like number of days. He arrived at St Petersburg, was presented to the Emperor, made his bow, or genuflection, retired, and went to—England? France? Italy? or where? No mortal man, on this side the Atlantic, can inform us.

During this nine days' residence what service did he render to the American People? The Secretary is satisfied; and we surely ought not to be anxious about this great affair. We are told it is a matter exclusively within the competency of the Executive; and, therefore, it is, I presume, considered, that the Representatives of the People have no other vocation, but to vote the promised and required compensation.

What could such a man do for his country in the character of a foreign minister? Just what he has done: which was very much like what each man in the nation of all parties, who knew him, must have expected he would do. Genius he certainly has; for he is original and unlike all other men. If you please, he is eloquent; but if so, that eloquence is, like himself, *sui generis*. These have enabled him to perform what he has done; could they

qualify him for the services of a great diplomatic minister? Do not these require sound judgment, deep, extensive, and regular thinking; laborious perseverance in business; and, above all, prudence, and vigilant circumspection? In his thirty years' public service, where are the monuments of his political wisdom, and labors of patriotism? They are all of a piece—of one uniform character; and this Russian residence will neither give the blush, nor the palm to any other public transaction of this remarkable man throughout his political life.

With a perfect knowledge of this man, the Secretary of State could not have contrived this legation, so different from all others, with any view to the public service. This man was sent out not to benefit the people abroad, but to relieve the Administration at home. The crafty Secretary had witnessed the political movements of this eccentric man. He feared the comet might return again and visit *his* political hemisphere. He had seen it blaze in perihelion—

‘With fear of change perplexing men
in power.’

Was it not prudent to remove this star of malign influence to another sky? It has been done; and the nation must pay, not for a mission made for the advancement of their interests, but made to secure the political power of the Secretary.

We have been told that our relations with Russia are of great and important interest; and, therefore, we cannot dispense with this appropriation, because, if we refuse this salary, we shall defeat the

mission. Should this mission, by which no public benefit was intended, and from which none can be hoped, be recalled, it may be replaced by one of better purpose, and efficient character. It is an obstruction in the 'straight forward' path of our relations with Russia, and we are laboring to abate, or to remove it out of the way.

Our relations with that Government are truly important. That Empire is perhaps the most numerous in population, and certainly the most extensive in territory, of any power on the globe. No nation of the old world, otherwise than by colonies, approaches so near to us. This people is advancing in civilization, wealth, and power, beyond any example in its former history. In the last controversy of arms, between Russia and the Ottoman Empire, had not other Powers of Europe interposed a shielding hand, the Moslem, after a dominion of more than four centuries in the fairest part of Europe, had been driven beyond the Bosphorus; and the Autocrat of Russia would have ascended the throne of Constantine. At all times, our relations with such a Power must be important to the American People. Are those relations taken care of now, as heretofore they have been, and, as now especially they ought to be?

Yes, sir, I say as now they should be. For now Europe is convulsed, and agitated from the Mediterranean to the Baltic. The flame of war is but just repressed. Troops are called into the field, in almost every nation; and Rus-

sia, in a kind of winter campaign, has sent out two hundred thousand soldiers to her south western frontier, to look out on the old battle fields of Belgium and France. In this condition of Europe, do we not require an able, a diligent, a resident minister at Russia? Withhold this appropriation, abolish this sinecure legation, and this may be effected.

One other fact, in the history of our diplomacy, renders the residence of a skilful, faithful minister at that Court, at this time, above all others, indispensable. We learn from the Department of State, through the same medium, this message, that a treaty of amity and commerce has been negotiated between the United States and the Sublime Port. The Secretary, with great candor, told us what the Turk had agreed to do for the Christian, but, he with great caution, concealed what the Christian had agreed to do for the Turk. What have we learned from this witness? Why, truly, that a secret article is contained in this treaty; and this fact was, I believed, published in the newspapers, before we received the message. It is said, it is believed, that by this article the American People agree to furnish armed ships to the Sultan of Turkey, in his future wars with Christian nations. Do you believe, sir, that our Envoy had left Constantinople before the Russian minister at the Port knew this fact? The very Drogoman, by whom your Mr Rhind talked with Reis Effendi, would, for half a plate full of piasters, have told the whole story to Count Orloff; and sworn

he was doing good service to the Prophet, by betraying one Christian dog to another. Sir, our friendship for the Russian Empire has been so cherished by the present Sovereign, and his illustrious predecessor, that it has become a sentiment of the American People? Is not this secret article a diplomatic fraud, not only on that friendship, but, which it quite as much concerns us to consider, upon that sovereign who has so generously cherished it? I say nothing now of what may happen, if the Turk should again war upon the Greek: nor how it may comport with the republican principles of the Secretary of State, when he shall call on this House to furnish ships to that Despot, thereby aiding him in bringing that People again under his iron yoke. What shall we say to the Emperor of Russia? Who shall make our explanation, if we shall have any to make? It is probable that the news of this treaty, and perhaps a copy of it, reached the Court of St Petersburg, shortly after our minister left that city. The shortness of his residence there, the suddenness of his departure, the intelligence of this secret article, the intended sojourn of that minister, perhaps in England, perhaps in France, the attitudes of the nations of Europe, all giving dreadful note of preparation for war, must have had some tendency to place our relations with Russia on a footing not the most firm and friendly. Does not sound policy—does not national good sense, call on the American People to have an able minister at that Court, and that

too right speedily? Have we one there now? Under the mission for which this appropriation is to be made, are we likely soon, or ever, I do not say to have such a man there, but to have there any minister at all? I shall therefore oppose this appropriation, because it is intended to support a mission, formed for purposes unconnected with the public interests, places our foreign relation in peril, and is without any justification in law, usage, or constitutional principle.

Mr Wayne observed, that when the gentleman from Ohio made the motion to strike from the bill under consideration the appropriation for the salary of the Minister to Russia, he had accompanied it with two declarations, neither of which was a fact, though both had the appearance of being so. His declarations were, that the President had told us the United States was not represented at the Court of Russia, and that it was not probable we soon would be, the last being an assertion of his own. These were the reasons he had given to sustain his motion, and both he professes to have derived from the message. Sir, the President, after stating our amicable relations with Russia, and that no means will be left unemployed to promote them, and to improve the commercial intercourse between the two nations, sincerely regrets to inform us, that extreme indisposition had compelled the minister to leave, temporarily, his post, for a more genial climate, and that this was a privilege which had been committed to the minister's discretion, in consideration

of the extent to which his constitution had been impaired in the public service. But the President also states, he had received the most satisfactory assurances that the public interests would not suffer in the minister's absence, as it was his intention to keep up an intercourse with the Russian Cabinet, through the Secretary of Legation. So far, then, sir, from not being represented, we are informed that, notwithstanding disease had forced the minister to leave St Petersburg for a time, he was, though under its pressure, not unmindful of his duty, of the particular interests which had been confided to him, and of the welfare of his country. How different is this statement from the naked declaration of the gentleman, which, without any explanation from him, implies an entire suspension of all negotiation during the minister's absence; conveys an intimation that the public interest was suffering, and the imputation, that the appropriation was asked to pay for constructive, and not for actual services. Equally unfortunate is the gentleman's declaration, that it was not probable we would soon be represented at the Russian Court; as it is the opposite conclusion to which a candid mind would come from the language of the message. In such a case, nothing could be certainly said or promised, but enough was said to show that the President had a definite hope, that the minister would return in the spring to his post, with a full ability to give to his country the use of those talents and attainments by which he

had become so much distinguished at home.

The motion is not therefore sustained by the facts of the case: we are forced to look beyond them for the cause which induced it; and it seems to have been intended to give an opportunity for an out-pouring of party resentment, which has been the more violent and personal from having no substantial cause of complaint, upon which it would fasten its rancour. The gentleman from Rhode Island [Mr Burgess] has indulged in a wide range of observation, in no way connected with the subject, and by no means sanctioned by the remarks of the Chairman of the Committee on Foreign Relations, to which he more than once referred as an example to protect him in his irregular course. The House had understood the Chairman to deprecate any reliance being placed upon newspaper conjectures and calumnies; but the gentleman had made them the basis of his argument and his authority for facts—and until he had done so, the real subject of debate had not been lost sight of. What connection, sir, with his subject, has the treaty with Turkey, or any one of its articles, about which we cannot know anything, until it shall be ratified, or its provisions shall be divulged by a vote of the Senate, unless information concerning it has been got by a shameless violation of fidelity to the constitution. Did the historical reading of the gentleman not remind him how often it has happened in negotiation, that an inadmissible article is permitted

to be a part of treaty by a minister, not having full power to ratify it, in the expectation that its temporary admission will be productive of ultimate good? But, sir, we know nothing of that treaty; and I abstain from farther notice of that part of the gentleman's speech, believing whilst the treaty is under consideration in the Senate, conjectures of its contents, or any remarks concerning it, to be altogether unbecoming here. The gentleman, however, is as little justified for having made the qualifications and fitness of the minister to Russia, a subject of inquiry and remark upon a motion to strike out the appropriation for his salary.—When the right of appointment exists, and it is made and confirmed by the Senate, the fitness of the individual is conclusive upon this House, and a constitutional obligation is imposed upon it to co-operate in voting the supply to support the minister; and our only constitutional check upon the disbursement of it, is a right of inquiry into its application. A call upon us to refuse the supply in anticipation of its misapplication, is an indecency of assumption which was unknown to the journals of our legislation until this motion was made. But why refuse the appropriation? The right of the President to extend to a minister the indulgence of temporary removal from his post in anticipation of a hostile influence of climate upon his health cannot be denied; for it does not differ in effect from such an allowance after the ravages of climate have been felt, and the

latter, though often done, has not been heretofore a subject of complaint or of reproach against any minister or any administration under which it has happened. The same principle produced the law which gives to a member of Congress his pay, if, after having begun his journey to Washington, he shall be overtaken with sickness, and be prevented by it from reaching the Capitol during the session. The exercise of the President's discretion, therefore, in this instance, is strictly in analogy with our legislation for ourselves; and for my own part, I cannot but think, it was highly commendable in Mr Randolph, when he accepted the mission, to have warned the administration that his health, though then good, might be affected by the climate of Russia—patriotic in him to have incurred a risk, which very few men of feeble constitution would have encountered, and doubly so on one, with his fortune, at his time of life, to have determined to encounter the climate of St Petersburg again, after having suffered to the extent he has done, and in the way he had apprehended. What was thought possible, or even probable, if gentlemen will rather please to have it so, has occurred to an extreme degree; and because disease, in a foreign climate, has driven one of our most distinguished men from the theatre of his services for a few months, there are those to be found here, who, instead of having a generous sympathy for the sufferer, seize upon his affliction to vent the bitterness of party resentments. There are periods

which will permit no limit to our devotion to the public service; but when no such crisis impends, the man who, without being allured by the distinctions or the emoluments of office, exposes himself at the call of his country to what he knows may be uncommonly hazardous to his health, deserves uncommon praise. The gentleman argued the question also with a view to make the impression upon the public, that in any event, whether the minister should return or not to his post, it was intended by the administration to apply to his uses the entire salary for a year. This point, however, is regulated by law, and it will be a difficult matter for the gentleman and his coadjutors to make even a faint impression, that those who have been so recently engaged in correcting abuses in our diplomatic expenditures, will subject themselves to any imputation from those who have been shamed by their vigilance. Nor can I agree with the gentleman that at this crisis in the affairs of Europe, our interests have or can suffer by the absence of Mr Randolph. The Emperor and his Cabinet have been engaged in more intense occupations, to the probable exclusion of such remote connections as he has with us; and nothing can occur affecting the nations of Europe, and having any bearing upon our interest, which will not be as soon communicated to us through other channels, as it would be by the minister from St Petersburg.—

But, sir, I will say no more. This motion is well understood—it is intended to accomplish nothing

here, but has been made for outdoor effect; and the people will be as apt to detect the sinister design, as gentlemen have been to hope, and anticipate, and to insinuate, that something would grow out of this trifling appropriation, which would furnish them with a subject of reproach against the administration.

The debate was revived on the 3d, the 8th, and the 9th, of January—the bill again coming under the consideration of the house on those days, when the motion was made to amend the bill by authorising a deduction from the salary of any minister absenting himself from his post for objects not connected with the public service, by virtue of any arrangement similar to the one made by Mr Randolph. This amendment was cut off by the previous question, which was ordered, 112 ayes, 70 nays. The bill then passed to a third reading, 115 ayes, 3 nays, and was sent to the Senate for its concurrence.

In that body a new subject of difficulty was started in the appropriations proposed for the expenses of negotiating the treaty with Turkey. After several unimportant amendments were made and assented to, Mr Tazewell moved (February 18th,) that the following appropriations, which were reported from the committee of finance, as amendments to the bill as it passed the House, be stricken out of the bill.

Those appropriations were as follows.

‘For compensation to the Commissioners employed in ne-

gotiating a treaty with the Sublime Porte.

‘To Charles Rhind, an outfit of four thousand five hundred dollars, deducting therefrom whatever sum may have been paid to him for his personal expenses.

‘To Charles Rhind, David Offley, and James Biddle, at the rate of four thousand five hundred dollars per annum for the time that each of them was engaged in the said negotiation.

‘For compensation to the Commissioners employed on a former occasion for a similar purpose.

‘To William M. Crane and David Offley, at the rate of four thousand five hundred dollars per annum for the time that each of them was engaged in the said negotiation.’

As the motion to strike out these appropriations was regarded as a direct censure upon the administration on account of the manner, in which that treaty was negotiated, a vehement discussion ensued in the Senate, which was continued on the 19th, 22d, 23d, 24th, and 25th of February.

In advocating the motion proposed by him, Mr Tazewell said that the appointment of the Commissioners during the recess (in 1829,) and abstaining from submitting their appointments to the Senate for its consent at the next session, was an unauthorised measure, on which he animadverted with much earnestness, characterising it as unconstitutional, a flagrant violation of the rights of the Senate—a lawless act and one that ought not to be passed over by the Senate without condemnation.

The power belonged to the President and Senate jointly and not to the President alone.

Mr Livingston contended that the President had not usurped any power in making those appointments. In all treaties heretofore concluded with the Barbary powers, the agents were not only not nominated to the Senate, but the Senate had no information of the conclusion of the treaties until sent to it for ratification—even farther; in two or three of the cases to which he referred, the commissioners had received their full powers through American Ministers at Foreign Courts. He spoke of the agency Commodore Decatur and Chauncey had in concluding two of these treaties, and asked if the names of those officers had ever been sent to the Senate for confirmation. He farther referred to cases in which treaties had been made with Foreign Powers by American Secretaries of State, and inquired whether, in these cases, the officers concluding the treaties had been nominated to the Senate as Ministers Plenipotentiary for confirmation. He should therefore vote for the appropriation, and denied that, in so doing, he should violate the Constitution which he had many times sworn to support; and with the provisions of which he was acquainted when it was in its cradle.

Mr Livingston contended that the practice of appointing secret agents was coeval with our existence as a nation. All those great men, who have figured in the history of our diplomacy began

their career in the capacity of secretagents. Franklin, Adams, and Lee were only commissioners, and in negotiating a treaty with the Emperor of Morocco, the selection of the secret agents was left to the minister appointed to make the treaty, and accordingly in the year 1765, Mr Adams and Mr Jefferson appointed Thomas Barclay, who went to Morocco and made a treaty which was ratified by the ministers at Paris.

On the 30th March, 1795, in the recess of the Senate by letters patent under the great broad seal of the United States, and the signature of their President (George Washington) countersigned by the Secretary of State, David Humphreys was appointed commissioner plenipotentiary for negotiating a treaty of peace with Algiers. By instructions from the President he was afterwards authorised to employ Joseph Donaldson as agent in that business.

In May of the same year he did appoint Donaldson, who went to Algiers, and in September of the same year concluded a treaty with the Dey and Divan, which was confirmed by Humphreys at Lisbon, on the 28th November, in the same year, and afterwards ratified by the Senate in 1796, and an act passed both houses on 6th May, 1796, appropriating a large sum, \$25,000 annually, for carrying it into effect. Mr L. called the attention of the Senate to the fact of this case; and observed that the construction which it gave to the Constitution, was made in the earliest years of the federal government, by the man who presided in the convention,

which made that Constitution, acting with the advice and assistance of the leading members of that body, all fresh from its discussion, and who had taken prominent parts in every question that arose. A precedent going the full length of that which is now called a lawless usurpation, bearing the present act out in all its parts, and in some points going much beyond it. Like the present case, it was an appointment in the recess, of a commissioner with full power to make a treaty. But it differs in this; that the commission to Col. Humphreys was an original appointment, and therefore, according to the new doctrine, more objectionable, no minister having before been appointed to treat with Algiers. Whereas, in this case, a previous commission had been given by Mr Adams, which was vacated by the recall of the first powers, and the appointment of Rhind, Offley and Biddle. It went infinitely farther than this, in giving to the minister, the authority to appoint a substitute, and in the fact that the substitute negotiated and made the treaty. Besides, the commission to Humphreys was dated only three weeks after the adjournment of the Senate in March; Donaldson was employed in May; and neither Humphreys nor Donaldson were ever nominated to the Senate; although that body met in the December following.

Yet when the treaty came, it was ratified, and both houses passed a law for carrying it into effect. The whole transaction was spread before a Senate, composed of men, four-fifths of whom

I may say, had either aided in making the Constitution, or deliberated on the propriety of its adoption, and this treaty sent to them by George Washington. Yet, with all these badges of lawless, unconstitutional usurpation on its back, the treaty was ratified, and the law passed.

Nor was this an isolated case. In the very same year, the 30th March, 1795, David Humphreys received another commission, by letters patent from President Washington, authenticated in the same manner, constituting him Commissioner Plenipotentiary for negotiating a treaty of peace with 'the most illustrious, the Bashaw, Lords, and Governors of the city and kingdom of Tripoli,' with like power of substitution. On the 10th February, 1796, he transferred his powers to Joel Barlow. And on the 3d January 1797, Mr Barlow made a treaty with the Bashaw and his Divan; which was, in like manner with the former, approved by Colonel Humphreys, at Lisbon, on the 18th February, 1797, and was ratified by the Senate, the following session. Here we find three sessions pass after the commission is granted, before the treaty is presented to the Senate for its confirmation, during all which, no nomination of either Humphreys or Barlow was made.

The next President (John Adams) who besides the great share he had in forming the Constitution, was pre-eminently qualified to judge on every question relating to foreign intercourse, fell into the same fatal error, or (if the case is as clear as is supposed)

was guilty of the same unpardonable fault.

He, on the 18th of December, 1798, put his signature and the seal of the nation to a paper, vesting Richard O'Brien, William Eaton, and James Leander Cathcart, with full powers to negotiate with the Bey and regency of Tunis, alterations in a certain treaty made in the year 1797, by Joseph Famin, who calls himself a 'French merchant, residing at Tunis, and Chargé d'Affaires of the United States.' These gentlemen make the new treaty on the 6th March, 1799. Yet neither the nomination of the French merchant, who made the first treaty, (which must have been in the time of General Washington) nor of the three other Commissioners, was ever submitted to the Senate. And it is remarkable that this last appointment was made on the 18th of December, when the Senate was in session.

During the administration of Thomas Jefferson, only one treaty with the Barbary Powers (that with Tripoli) was made; but as the negotiation was carried on by Mr Lear, the public minister of the United States, at that place, nothing can be inferred from this transaction that bears on the question; but Jefferson's co-operation in the two appointments made by General Washington, leaves no doubt of his construction of the Constitution.

Here, then, is the practice of Washington, Adams, and Jefferson, sanctioning every part of the conduct pursued by the present Chief Magistrate; and in some

instances, pushing the construction further than he has found it necessary to go. But this is not all: Mr Madison comes next. If any voice can be called the oracle of the Constitution, it is his: if any practice under it can be deemed void of error, or intentional wrong, it is that of the wise, the venerated Madison.

He followed precisely the route in which his predecessors trod. In the year 1815, hostilities having been commenced by Algiers, he commissioned William Shaler, and the gallant and lamented Decatur, to negotiate with them.—They concluded a treaty on board of the United States' ship Guerrier, and although he never nominated them to the Senate, yet the treaty was ratified by the Senate, in the succeeding session, without a question as to their right to co-operate in the appointment. He, it was, too, who in the recess of the Senate, sent the commission which made the treaty of peace with Great Britain.

Again: difficulties having arisen as to the execution of the treaty with Algiers, another commission was issued on the 24th of August, 1816, to William Shaler and Isaac Chauncey, who renewed the former treaty, with alterations, on the 23d of December, of the same year. And again the Senate were kept in ignorance of the appointment, until the treaty was sent to them for ratification.

On Mr Monroe's accession to the Presidency, he found our peace secured with the Barbary Powers. He had, therefore, no Commissioners to appoint to them,

—but from his participation, as head of the Department of State, in those which had been sent by Mr Madison, we may fairly suppose that, if the occasion had offered, he would have followed the same course.

But, during his administration, and that of his successor, it was found convenient in the exercise of the same constitutional right of making treaties, to employ other agents than Ambassadors or public Ministers 'to form treaties with European and Christian Powers.'

During the session of Congress in 1818—'19, Mr Monroe gave to Mr Adams plenipotentiary powers to treat with the minister of Spain, and make a settlement of the boundary line between the United States and Mexico, which would take from or add to our territory an extent sufficient for the establishment of several States. He gave these powers under the great seal; he never communicated the appointment to the Senate, although they were in session. Yet the treaty was ratified by the Senate, and both Houses concurred in passing laws for carrying it into execution. Again: Mr Adams, in like manner, in the year 1820, commissioned Mr Clay to treat of and conclude a treaty of commerce, and navigation, with the minister of Denmark; which treaty was signed on the 26th April, in the same year, during the sitting of the Senate, and in like manner ratified by them, although the appointment of Mr Clay was never made known to the Senate, and of course was not confirmed by that body.

But to remove all ground for distinction, take an instance from the collection of treaties before quoted. In the year 1818, Mr Gallatin, then our minister to France, was commissioned jointly with Mr Rush, our minister at St James', to negotiate a treaty with England, in the same manner that the Secretaries of State were commissioned to negotiate at Washington. This nomination was never submitted to the Senate, yet a most important convention, made under that appointment, was ratified by the Senate; so that here we have Commissioners appointed at home, abroad, to Christians as well as infidels, in every form in which the power can be exercised; and in every form acknowledged by the co-ordinate branches of Government, to be constitutional and right; and yet, sir, it is now undertaken to arraign and denounce it as a usurpation.

The second ground of accusation, that the nomination, though made in recess, was not submitted to the Senate when they met, has been anticipated. It may be justified on several grounds. It may be justified on the necessity of keeping the mission a secret until the result was known, on his constitutional power of originating a secret mission without the co-operation of the Senate; and on the inutility of naming persons to be confirmed in offices which were temporary in their nature, and which must expire before the confirmation by the Senate could reach them. Mr L. therefore earnestly urged the rejection of the amendment to strike out the appropriation.

Mr Tyler rose in opposition to Mr Livingston, and said that this was no secret agency, in the diplomatic sense, but a secret embassy or mission. And as to the Panama question, that that was nothing more than a mere abstract declaration made by Mr Adams, that the right to appoint ministers without the interposition of the Senate fell within the competency of the executive power. He did not appoint, however, but, as the constitution required, nominated persons to the Senate for its advice and consent; and yet what was the course pursued. There then stood on this floor nineteen Senators, who moved with the irresistible force of the Spartan phalanx against that principle asserted by him,—a principle which threatened to overthrow the Constitution. The present Secretary of the Navy moved a resolution expressing the opinion of those Senators in the following words, viz: 'Resolved, as the opinion of the Senate, inasmuch as the claim of powers thus set up by the Executive, might, if suffered to pass unnoticed by the Senate, be hereafter relied upon to justify the exercise of a similar power, they owe it to themselves and the States they represent, to protest, and they do hereby solemnly, but respectfully, protest against the same.' Mark this—a mere claim set up. The apprehension that that might be called into precedent, to justify the exercise of a similar power by some future Executive, was sufficient to produce so solemn a resolution as that which I have read.

The opinions then uttered by

my colleague are the same that he has enforced in this debate. But I will give you the expressions and opinions of a gentleman who stands more immediately connected with the subject under discussion. I mean the Secretary of State—the person immediately charged with the management of our diplomatic relations, one upon whose advice the President doubtless reposed with confidence.

In his speech on the Panama question, he contended 'that it was not within the constitutional competency of the Executive, to institute a mission, without previously consulting the Senate.'

And in a speech delivered by him on what was commonly called 'the rules of the Senate,' he made the following striking remarks, viz: that 'the same disposition to limit the popular branch was forcibly illustrated in the discussions of the foreign intercourse bill in 1798. It was upon that occasion contended, and successfully too, that the House of Representatives had no discretion upon the question of appropriation for the expenses of such intercourse with foreign nations, as the President saw fit to establish. That they would be justly obnoxious to the imputation of gross delinquency if they hesitated to make provision for the salaries of such foreign ministers as the President, with the assent of the Senate, should appoint. What would be the feelings of real and unchanged republicans in relation to such doctrines at this day? Associated with them, was the bold avowal, that it belonged to the President alone to decide on the propriety of the

mission; and that all the constitutional agency which the Senate could of right have, was to pass on the fitness of the individuals selected as ministers. It was pretensions like these (said Mr Van Buren), aided by unceasing indications, both in the internal and external movements of the Government, that produced a deep and settled conviction in the public mind, that a design had been conceived to change the government from its simple and republican form, to one, if not monarchical, at least too energetic for the temper of the American people.' It is indeed true, that the avowal that the President alone possessed the power to decide on the propriety of a mission, and that all our agency consisted on determining on the fitness of the minister to be sent, if not monarchical, is at least too energetic in its tendency, bold, and somewhat reckless; and yet here is a mission originated, and not even the names of the ministers sent in to the Senate; and that, too, notwithstanding a long session of that body had, in fact, intervened. Why, sir, here is not only a bold avowal, but the actual execution of that avowal. Not only no previous consultation with, but no nomination ever submitted. The Secretary also voted for the resolution of Mr Branch in the only form in which he could express his opinion.

And yet, 'ere those shoes were old,' with which he followed (not 'like Niobe, all tears,' but with a heart full of joy and gladness) the last administration to its grave, the same doctrine is carried into

full practice. Mr Tyler concluded with a motion to amend an amendment offered by Mr Kane, by adding a Proviso.

Mr Kane's amendment was to strike out that part of the fifth amendment of the Committee on Finance, proposed to be stricken out by Mr Tazewell, after the word compensation, and inserting the following :

'Persons heretofore employed in our intercourse with the Sublime Porte, the further sum of fifteen thousand dollars, in addition to the sum of twenty-five thousand dollars, by this act appropriated for the contingent expenses of foreign intercourse.' That amendment having been determined in the affirmative, yeas twenty-two, nays twenty-one.

Mr Tyler moved to amend the amendment as thus amended, by adding thereto the following :— 'Provided always, That nothing in this act contained shall be construed as sanctioning or in any way approving of the appointment of these persons by the President alone, during the recess of the Senate, and without their advice or consent, as commissioners to negotiate a treaty with the Ottoman Porte.'

The motion was determined in the affirmative, yeas twenty-five, nays eighteen.

Mr Webster then moved to further amend the amendment, by making an appropriation for a Chargé des Affaires instead of a minister, and by reducing the appropriation for the contingent expenses of the legation, from \$50,000 to \$25,000.

The motion was determined in

the affirmative, yeas thirty-seven, nays seven.

Mr Hayne moved to strike out the provision for a student of languages ; which was determined in the affirmative, yeas twenty-nine, nays thirteen.

The question was then put, on the amendment of Mr Webster, as amended, and determined in the affirmative, yeas thirty-nine, nays four.

Mr King moved to insert a proviso of a general nature, so as to refer to all former administrations ; which was negatived, yeas nineteen, nays twenty-three.

Mr Bibb renewed the motion to strike out the whole of the proviso, which after an explanation by Mr Tyler, disclaiming any intention of giving it a particular application to the President, was determined in the negative, as follows, yeas seventeen, nays twenty-five.

The amendment was then agreed to as follows.

'For the outfit and salary of a Chargé des Affaires and a Drogoman, at Constantinople, and for the contingent expenses of the Legation, \$36,500 ; that is to say, for the outfit of a Chargé des Affaires, \$4,500 ; for the salary of the same, \$4,500 ; for the salary of a Drogoman, \$2,500 ; for the contingent expenses of the Legation, \$25,000.

'For compensation to the persons heretofore employed in our intercourse with the Sublime Porte, the further sum of \$15,000, in aid of the sum of \$25,000, appropriated for the contingent expenses of foreign intercourse : *Provided always, That nothing*

in this act contained, shall be construed as sanctioning, or in any way approving the appointment of these persons, by the President alone, during the recess of the Senate, and without their advice and consent, as commissioners to negotiate a treaty with the Ottoman Porte.'

The bill was then passed, and sent to the House for its concurrence in the amendments proposed by the Senate. In the House, the amendments were all concurred in except the first, which provided for an additional compensation of \$300 to the Assistant Librarian of Congress, and the proviso in relation to the Turkish treaty, which was disagreed to, eighty-three affirmative, fifty-seven negative.

The Senate receded from the first amendment, and having adhered to the one relating to the Turkish treaty, by a vote of twenty to nineteen, a conference was asked and committees were appointed on the part of both Houses.

At that conference it was agreed, that the proviso moved by Mr Tyler, should be stricken out of the bill, and that instead of an appropriation of \$15,000 specifically granted for the contingent expenses of that negotiation as proposed by the House, that the general contingent fund for the expenses of diplomatic intercourse should be augmented \$15,000.

The difficulty was thus adjusted in the committee, and both Houses having agreed to their report, the general appropriation bill was passed into a law.

By that law the following appropriations were made, viz :

For the expenses of the Executive Department, including salaries of the Vice President, all the Departments at Washington, and of the Territorial Governments	\$693,970
Survey of the Public Lands	130,000
Expenses of Diplomatic Intercourse	334,000
Expenses of Congress	480,053
" of the Judicial Department	397,553
For Light-houses, Beacons, &c	222,956
For Pensions	1,750
For Miscellaneous Expenses	77,313

The bill making appropriations for the naval service for the year 1831, was taken up in the House on the 17th of February, and having received the sanction of that body, was sent to the Senate, where it passed, without amendment, into a law.

By that act there were appropriated

For Pay, Subsistence, and Provisions	\$1,509,837
For repairs of Vessels	615,400
For Medicines and Hospital Stores	25,500
For Repairs and Improvement of Navy Yard	272,250
For enumerated Contingencies	250,000
For Non-enumerated, do	5,000
For the suppression of the Slave Trade	10,000
For Arrearages	15,763
For Expenses of Marine Corps	185,796
For rebuilding Monument to the memory of those who fell in the Tripolitan war	2,100

By another act passed at an earlier period of the session, the sum of \$87,360 was appropriated for the construction of three schooners of twelve guns each.

The annual bill providing for fortifying the coast of the United States, was taken up in the House

on the 17th of February, and having been amended in the Senate, received the sanction of both Houses, and became a law.

By this act the following sums were appropriated for the completion of fortifications, viz :

For Fort Adams	\$100,000
“ Hamilton	10,000
“ Columbus and Castle Williams	25,000
“ Monroe	80,000
“ Calhoun	80,000
“ Macon	70,000
“ on Oak Island	95,000
For Fortifications at Charleston	45,000
For Fortifications at Pensacola	100,000
For Fort at Mobile Point	90,000
For Preservation of Georges Island, Boston harbor	5,000
For Repairs of Forts	7,000
For Contingencies	10,000

The military appropriation bill for 1831, was also taken up in the House on the 17th of February, and having passed without debate, was sent to the Senate for its concurrence.

It was there amended by increasing the appropriation for the armament of fortifications from \$100,000, to \$200,000. Mr Clayton also moved to amend it by appropriating \$30,000 annually, in addition to the sum appropriated by the act of 1808, for the purpose of arming the militia of the United States. This amendment was rejected, ayes seventeen, nays twenty-five, and the amendment increasing the appropriation for the armament of fortifications was disagreed to by the House, when the Senate receded from it and the bill passed into a law.

The following appropriations were made by that act, viz :

For Pay of the Army, and Subsistence of the Officers	\$1,108,612
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For Forage and Subsistence	314,919
For Clothing	136,037
For Medical and Hospital Department	30,000
For Quarter Master's Department	226,800
For Transportation	167,000
For West Point Academy	24,050
For Contingencies	10,000
For National Armories	360,000
For Armament of Fortifications	100,000
For Ordinance Service	68,000
For Arsenals	94,400
For Recruiting Service	51,648
For Militia of Missouri and Arkansas	9,666
For Arrearages	5,284
For Medals for Indian Department	3,000
For completing Mars Hill Road, in Maine	5,000
For Harper's Ferry Armory	7,500

The bill making the appropriations for the Indian Department, was taken up in the House the same day with the other bills for the War Department, and received the concurrence of the House, after an ineffectual attempt, by Mr Bates, to amend it by adding thereto a section, directing the Indian annuities to be paid in the manner usually followed since the grant thereof, until the Indian tribes respectively, in general council, shall otherwise direct.— This amendment was cut off by a motion of Mr Buchanan for the previous question, and the bill was then passed and sent to the Senate. It was there amended by directing the appropriation of \$80,248 for carrying into effect the Choctaw treaty of 1830, to be paid out of any money in the treasury ; whereas the House had directed it to be paid out of the \$500,000 appropriated at the last session, for the removal of the Indians.

This amendment was concurred in by the House, ninety-two

eyes, seventy-two nays, and the bill passed into a law.

By that act the following appropriations were made for 1831, viz :

For the Expenses of the Indian Department	\$81,090
For Presents to the Indians	15,000
For Expenses of Indian Intercourse and of Agencies	50,374
For Blacksmiths' Shops	23,766

Besides those appropriations, three laws were enacted making the following appropriations for the Indian service, viz :

For the payment of annuities	\$82,000
For Expenses of Emigrating Tribes	124,902
For Presents and Expenses of negotiating treaties	24,215
For Expenses of running Boundary lines between Tribes	13,110
For Schools, Blacksmiths, Millwrights, Agricultural	

Implements, Tools, and Education 106,250

Six thousand dollars were also appropriated annually, as an annuity for the Seneca tribe in New York.

The sum of \$74,762 was also appropriated for the arrearages in the Indian Department.

Appropriations were also made

For the Improvement of the Capitol and the Square round that building	18,944
For Improvement of the President's House and Garden	7,982
For Furniture for same	5,000
For Architect	1,100
For Penitentiary in District of Columbia	36,300

The appropriations for internal improvement, will be found in chapter five, which is devoted to the consideration of that subject,

CHAPTER VII.

Colombia.—Geography.—Physical Aspect.—Productions.—Government under Spain.—Religion.—Character of the People.—Causes of the Revolution.—Revolutionary Movements.—Miranda.—Events of Bayenne.—Juntas.—Independence.

DURING the last year the republic of Colombia was dissolved into its original elements, subsequently to the death of Bolivar, under whose auspices its constituent provinces had been united together, and it is now in the course of being reconstructed in a form better calculated to give satisfaction to the people, and with Santander for President. We reserve the history of these events for another time, when having reached their consummation, they may be presented in a complete view, occupying the space usually devoted to Colombia with an account of the circumstances which led to a separation from Spain.

The Republic of Colombia as it recently existed, embraced all that vast region of South America, known in Spanish books as the Terra Firma or Spanish Main, having been composed of the Captain Generalship of Venezuela and the Vice Royalty of New Granada, including Quito, and also the provinces of Panama and Veragua in the isthmus. It extended on the Atlantic from Cape Gracias-a-Dios along the whole northern coast of the Continent of South America to the River Es-

quebo, and on the Pacific, from the Gulf of Guayaquil to the Gulf Dulce. It touched Guatemala on the isthmus, and was bounded on the south by Peru, the Empire of Brazil, and Dutch Guiana, occupying twenty degrees of latitude. The space comprehended within these limits contains 92,000 square leagues, and sustained at the beginning of the revolution, a population of 2,900,000, souls. The first fundamental law of the Republic divided the whole territory into three great departments, Quito, Cundinamarca, and Venezuela, which, proving too extensive for the purposes of convenient internal administration, were gradually subdivided into twelve departments, denominated, Orinoco, Venezuela, Apure, Zulia, Boyaca, Cundinamarca, Magdalena, Istmo, Cauca, Ecuador, Guayaquil, and Asuays, and these constitute the political divisions of Colombia employed in the present work.

The physical aspect of a country resting upon both oceans and covering so great an extent of soil, is of course highly diversified, curious, and interesting. It is partitioned by nature into

two great divisions, totally different from each other in climate, surface, condition, and productions; the easterly half of it being as much distinguished by its immense range of plains, as the other is by its numerous ridges of the loftiest mountains in America. The long chain of the Andes, which beginning at the very extremity of the continent, sweeps along the shores of the Pacific from south to north, through Chili and Peru, enters Colombia at Loja in a single undivided range of elevated summits, and so continues onward for several degrees, sundered only by a very narrow valley, until it reaches Pasto. In this region, between Loja and Pasto are the celebrated peaks of Chimborazo, Cayambar, Capac-Urca, Cotopaxi, and others, some of which are terrific volcanoes, elevated far above the region of eternal snow. In the province of Pasto the chain is broken up into deep vallies, rough precipices, and difficult defiles, which give this province advantages in a defensive war unsurpassed in any part of America; and here at length the Andes are severed into a number of branches, spreading out in fan-like ramifications towards the Atlantic. One branch still pursues the coast of the Pacific, and goes off to the northwest to form the isthmus of Panama, after throwing off a ramification, which embraces the valley of the river Atrato, and reaches the Atlantic near the Gulf of Darien.

A second great branch proceeds northwardly separating the noble streams of the Cauca and the Magdalena. A third branch,

extending to the northwest, containing the rich vallies of Bogota and Sogamoso, the primitive seats of the ancient Indian kingdom of the Mayscas; it severs the waters of the Magdalena from those which flow into the Orinoco, and as it approaches the Atlantic is divided so as to embrace the great lake of Maracaybo between its two ramifications. All that portion of Colombia through which these main branches of the Andes extend, may with the exception of a comparatively small portion of it, be described as full of mountains covered with woods, meadows, and arable land. There is concentrated the great mass of the population, industry, agriculture, and intelligence of the people of Colombia. Its principal cities, such as Caracas, Bogota, Popayan, Quito, Cuenca, are placed high on the Cordilleras, where their inhabitants breathe a pure and vivifying air, which fits them for action whether of body or mind.

Eastward of the region just described, every thing is totally different. Interminable plains, covered half the year with immense herds of neat cattle and horses, and presenting the other half the appearance of an internal ocean; small thickets scattered over wide-spreading savannahs; the mighty Orinoco, with its great branches, the Guaviari, Meta, and Apure, emulating the Mississippi and its tributary streams, and creating an unexampled exuberance of vegetable life.

Such are the characteristics of the great eastern level of Colombia which extends for a dis-

tance of three hundred and eighty leagues from the delta of the Orinoco to the foot of the Andes of Pasto. The inhabitants of the great region of the plains are few in number, particularly towards Guiana, as the last settlements are on the banks of the Meta, and east of the Apure is a population of only 60,000 souls, and a few wandering tribes of aborigines. Beyond this plain on the side of Brazil is a group of mountains covered with unexplored forests, the mysterious Guiana of Raleigh's search, the region of darkness and fable, the untrodden Dorado of Central America.

As the whole of Colombia is situated within the tropics, its climate is varied only according to the elevation of soil above the level of the sea, the plains and low vallies possessing all the heat proper to their latitude, and the heat diminishing as you ascend the mountains. The vegetable productions have reference of course to the same principle. The usual trees and plants of the torrid zone are abundant on the low soils, whether consisting in objects of cultivation, like tobacco, coffee, cotton, sugar, and cocoa, or in the colossal growth and luxuriant verdure of unassisted nature; while the fruits and grains of the temperate zone are equally abundant on the Cordilleras. The orders of Venezuela have always consisted in these productions of the soil and in its herds of cattle and horses. New Granada also possesses great mineral riches, especially in gold, which abounds in various parts of the country, and served at an early period to

allure the Spaniards on to the subjugation of its aboriginal inhabitants.

To describe the conquest and settlement of Venezuela and New Grenada by the Spaniards would be foreign to this undertaking; and we pass it over, although the expedition of Gonzalo Ximenez de Quesada against Bogota is hardly less interesting than that of Cortez in Mexico, or Pizarro in Peru, which in many respects it closely resembles. It is a picture of rapacity, cruelty, and bloodshed, which all the evangelical virtues of his companions, the missionaries, Domingo Las Casas and Pedro Zambusano, are inadequate to redeem from infamy.

When in process of time the conquest and colonization of the country by the Spaniards were accomplished, and its new political organization completely arranged, New Granada, it is true, was governed by a Viceroy, and Venezuela by a Captain General; but in most things each was administered according to one uniform system. The Viceroy of Santa Fe was appointed for five years, and exercised all the powers of government, civil, military, and judicial, inasmuch as, in addition to being political chief, and commander of the troops, he was president of the highest court of justice. The Captain General of Venezuela exercised precisely the same practice, except that he did not superintend royal revenues, which were committed more to an intendant. A carefully organized system of internal responsibility made the governors and commandants of provinces and the

alcaldes of the towns dependant upon the king's representative in all the affairs of government. For the administration of justice New Granada was divided into two *audiencias*, or supreme judicial districts, one resorting from Quito and the other from Bogota, while Venezuela constituted a third district centering in Caracas. The *audiencias* were the high court of appeal in the colonies, whose judgment was final, except in certain cases, where an appeal was allowed to the Council of the Indies at Madrid, a privilege, which the procrastinating system of the Spanish tribunal, the distance of the metropolis, and the expense and other difficulties attending the prosecution of an appeal in Madrid, rendered of small value to the colonist. It is generally admitted, however, that, in all but questions of political offence, the *audiencias* administered justice with rectitude and sufficient moderation of spirit. In addition to the regular tribunals were privileged courts of fiscal, commercial, military, and ecclesiastical jurisdiction.

The authority of the King was nearly as complete and absolute in ecclesiastical, as in civil, affairs. As general patron of the American Church, he nominated all the prelates, who were confirmed by the Pope, as a matter of course; and all the inferior ecclesiastical dignities were in like manner conferred by virtue of his nomination. The effect of all this, was to render the clergy entirely dependent on the King, and of course to retain them in obedience to his powers, by the strong-

est inducements of interest. And as ecclesiastical tribunals were subject to the control of the *audiencias*, the people were protected from any abuse of authority on the part of the church, except in the case of the Inquisition. Even this dreaded body had begun to yield to the enlightened spirit of the times, and was chiefly felt in the impediments it threw in the way of the acquisition of knowledge.

The Roman Catholic religion prevailed universally and exclusively, save among some tribes of Indians, and possessed a strong hold on the minds of the inhabitants, according to the peculiar mode in which its cultivation was most encouraged by their spiritual teachers. But duties of confession, the external observances and liberality in gifts and bequests, accompanied with much superstition, and fanatical misjudgment of other denominations of Christians, seem to have been deemed the prominent and essential traits of religion in these, as in the other Spanish American provinces.— One consequence of the tendency given by the clergy of the country to religious impression, was the vast accumulation of riches in the hands of ecclesiastical corporations. More than one fourth part of the real estate of New Granada and Venezuela, was thus holden previous to the revolution.

The great mass of the inhabitants lay buried in the most profound ignorance. Primary schools being extremely rare, and confined to a few popular places, it necessarily happened that the Indians, slaves, cultivators, and arti-

sans, that is, three fourths of the population, were wholly unable to read. The children of the better class of proprietors, merchants, and public functionaries, received some little education; but, take them as a body, they only learnt the elementary branches of reading, writing, and accounts. Only the smaller number aspired to a better education as preparatory to entering the clerical or legal profession. In the colleges of Santa Fe, Quito, or Caracas, the system of instruction was elaborately arranged with a view to shut out all the light of modern philosophy, even physical science being regarded with a jealous eye, lest the acquisition of knowledge should slacken the submissiveness of the colonies to the mother country. It was only in the retirement of private life, that they, among the inhabitants, who aspired to the acquisition of general information, could read the books and cultivate the sciences of modern Europe. And if they sought to gain political knowledge, it was done with infinite risk and labor. Meanwhile the Inquisition exerted all its powers to prevent the introduction into the country of all books capable of enlightening the minds of the people, and to detect and punish the possessors of any prohibited works. It is to the anxious suppression of all intelligence among the people, so far as the government were able to accomplish it, we are to ascribe many of those vicissitudes and public misfortunes, which mark the progress of the revolution in Colombia.

Little progress had been made

in any of the useful arts of life, except agriculture. Indeed, it was only on the coast of Venezuela, that the facility of obtaining a market had led to any considerable development of agricultural industry. The cultivation of cocoa, coffee, indigo, and sugar, was then extensively pursued, and constituted the great source of wealth. But in the interior, agriculture continued in a very imperfect state; and manufacture was almost everywhere confined to the coarser fabrics. The condition of the country in respect of roads, opposed a serious obstacle to the exercise of industry, by the interchange of commodities; land transportation being altogether carried on by means of horses or mules, and carriages of any kind being almost unknown. Some portion of the country, apparently afforded great facilities for communication by water on the large rivers of the interior; but it was only by means of large boats, in the manner formerly practised on the Ohio and Mississippi before the use of steam-boats; and of course it very inadequately answered the purposes of extensive commerce.

In New Granada, and a large part of Venezuela, where the manners of the people were simple, and the means of subsistence abundant, crimes were comparatively rare, far more so than among the inhabitants of the sea-coast, who, in Spanish America, as well as in Spain, communicate no just idea of the general character of the people. The greatest laxity of manners was to be found among the mariners of the

coast, and the boatmen of the rivers, and among some of the *Llaneros*, or inhabitants of the plains of the Orinoco and Apure. This general view of the state of the country and of the people, cannot be more appropriately concluded than in the very words, wherein Restrepo so well characterises the different classes of inhabitants. 'The civilized Indian,' he says, 'was abject, profoundly ignorant and dull, and the slave of the curates and local magistrates, who appropriated to themselves the fruits of his toil. The African slave was treated far better than in other countries, but here also partook of the ignorance and vices inherent in servitude. The free mulatto was endued with vivacity, penetration, boldness, and aptitude for the arts and sciences, as for any other pursuit. The inhabitants of the plains in the eastern parts of New Grenada and Venezuela, composed of mixed races of every shade, were marked by peculiar traits. Accustomed from early infancy to combat the tiger and ferocious bulls, living in saddle and mounting the wildest horses without apprehension, and lance in hand, the *Llanero* of course learnt to fear nothing, and his favorite occupation was to pasture and manage the immense herds of their native Savannahs, crossing the vast rivers regardless of the caiman, and resting one hand on the shoulder of the horses which swam by his side. These circumstances rendered the *Llaneros* peculiarly fit for war; and in that of the revolution they realised the anticipations which travellers had formed of them, continually per-

forming prodigies of valor, and deciding with the lance alone, some of the most brilliant actions of the revolution. The castes of Indians, negroes, and mulattoes, were opposed to the white creoles, who, together with the European Spaniards, the white natives of Granada and Venezuela, were commonly of a character circumspect in the cold, and lively and animated in the warm climates;—of a happy disposition for the arts and sciences, and but little inclined to labor—the sad and necessary consequence of the abasement and servitude they had suffered for three hundred years. Ignorant themselves, from the mode in which they were brought up, they still respected the enlightened, and longed to escape from their own ignorance, and fanatical by education and habit, rather than tendency of mind,—they liberalised their opinions so soon as opportunities for acquiring knowledge occurred.'

It will be instructive to condense from the same author, a view of the causes which it produced, as well of those which delayed and protracted the war of independence in Colombia. What in the greatest degree served to exasperate the minds of the South Americans, was their total exclusion from employments, civil, military, or ecclesiastical. The high posts in church and state, the offices of viceroy, captain general, judge (*oidor*), governor, intendant, bishop, and archbishop, were filled with Europeans. Rarely was an American honored with any employment, except in subordinate stations in the treasury,

army, or church. It is easy to conceive how much discontent this peculiarity in the Spanish policy must have created in the colonies, among men who saw every office of honor and profit in the hands of fortune-hunting foreigners, to their own exclusion and the impoverishment of their country.

This cause of uneasiness was greatly aggravated by the haughtiness and superciliousness of the Spanish functionaries. Infatuated with extravagant notions of their own superiority, each one of the Spanish officers acted the petty despot, disgusting the Americans with contemptuous disregard of the feelings and pretensions of everything American. The native inhabitant of the country was outraged by seeing all the distinctions of life arrogated and engrossed by men, his inferiors in birth and qualification, all the power and emolument of high office theirs, and even a large proportion of the advantageous matrimonial connexions grasped by the same rapacious class, whose only claim to preference consisted in their being aliens to the soil and interests of America.

The better informed and purely disinterested inhabitants of South America were incensed by the obstacles, which they encountered, in their attempt to acquire and disseminate knowledge. No man could purchase books without exposing himself to the domiciliary visits of the Inquisition, and to being denounced and proceeded against before that odious tribunal. The purest and best members of the community were most exposed to be buried alive in the prisons

of the Holy Office, in the noxious climate of Carthage. They saw the universities of their country condemned to teach the obsolete and absurd philosophy of the schools, as if to cheat their sons with the name of education, and perpetuate the empire of ignorance, barbarism, and superstition. Thus it was that the most patriotic and high-minded Americans were taught to anticipate with calmness all the bloodshed and suffering of a revolution, as the sole means of rescuing their posterity from that state of desperate intellectual abasement, which the Spanish Government had come to think essential to the maintenance of its power in America.

The operation of the colonial system was another grievance, universally felt by all classes and conditions; that tyrannical abuse of power, which arose out of the principle of considering the colonies as existing for no other object, but that of enriching the industry of the metropolis. In pursuance of this policy, it was that the South Americans were forbidden to work their own iron ore, lest they should injure the miners of Biscay; to cultivate the grape or the olive, so as to compete with the cultivators of Andalusia or Catalonia; or to establish manufactures, which might affect the silk weavers of Seville or Granada. In accordance with the same system, Spain endeavored to secure to herself a commercial monopoly of importation and exportation throughout all her vast possessions in America; and it was this feature of her policy, which, tyrannical at any and every

period, had in later times proved absolutely insupportable. Rich, powerful, and productive nations, like France and England, might plausibly undertake to hold in their own hands the entire commerce of their colonies in America. But for Spain to attempt this in the nineteenth century, when she had not manufactures for the supply of her colonies, her population to consume their products, nor marine to transport either,—was madness in itself, and produced a forced condition of things incapable of lasting continuance, even in time of peace. And at every conflict of the great powers in Europe, Spain was absolutely driven from the ocean, and was wholly incapable of transacting the commerce of America. Thus it was that Spanish America acquired the habit of supplying herself with necessaries by contraband trade, paying the cost in precious metals, while the productions of her soil perished for want of a market, and every article of foreign manufacture was obtained only at the most exorbitant price. And this cause of discontent was the most active and efficacious of all, because it came home to the business and bosoms of every man alike, whether rich or poor, while the other considerations acted rather upon the upper classes.

Finally, among intelligent men, nothing had more influence in bringing on a revolution than the example of the United States. They were allured and enchanted by the spectacle of a new people, who, breaking the bonds that united them to England, had ac-

quired a glorious independence; who having organized a great Republic, enjoyed the most perfect liberty of which man is capable under any form of government; who were fast augmenting their wealth and population under the auspices of wise and beneficent laws; and who, although younger colonies than New Granada and Venezuela, seemed to have set the latter an example of the blessings they would enjoy by becoming independent of Spain.

At the same time, it is to be considered that the inhabitants of South America were very imperfectly prepared, or rather in the mass altogether unprepared, for the acquisition and enjoyment of independence. A very small part of the population had a clear idea of what independence or liberty meant; and only the select few rightly appreciated the nature of the benefits implied in the fact of separation from the mother country. But many other causes conspired to put off the revolution, and protract the struggle when it had commenced. Among these causes were the extreme sparseness of the population in each of the great provinces; their dispersion over so vast a territory, in separate governments, possessed of no point of union or principle of combination; the ignorance of the mass of the native inhabitants, opposed to each other from diversity of color, and without wisdom to counteract so powerful a source of discord; the habit of obedience, contracted by education, and sedulously fostered by the clergy; the power, influence, and watchfulness of the numerous Eu-

ropean Spaniards, who exclusively occupied the vantage ground of society, and employed their advantages in repressing intelligence and the spirit of liberty; the peaceful habits of the people, arising from the long tranquillity they had enjoyed under the authority of the King of Spain, and their studied exclusion from all means of acquiring military taste or knowledge. And all these considerations being combined, could not fail to have the greatest efficacy in securing and prolonging the power of the metropolis in the midst of its very weakness.

The attentive reader will remark how opposite was the state of things, indicated by these facts, to the condition of the English colonies in North America, and will readily understand why the circumstances of the two revolutions, that of South and of North America, have differed so essentially. All the pertinacious decisions of the inhabitants, all the fluctuations in policy, all the endless charges among the revolutionary chiefs and rulers, in Colombia, have arisen out of the causes which we have briefly indicated. In the United States, on the contrary, at the opening of the revolution, our population was homogeneous, enlightened, accustomed to the duties of self government, inured to war, and blessed with facilities for union and organization, which preserved us from the horrors of anarchy and civil war, which have desolated independent Spanish America. Indeed, the difference in the fortunes of the British and Spanish

colonies may be traced up to the motives which induced, in either of them, to the emigration of Europeans to the New World. The love of liberty, civil and religious, a desire to escape from oppressive laws at home, an unconquerable aversion to spiritual and political tyranny, and a disposition to incur all the privations and dangers of exile, in order to enjoy the privilege of worshipping God according to the dictates of conscience,—these were the great inducements which peopled the North American colonies, and more especially New England, the cradle of our independence. No such principle actuated the Spaniards in their acquisition of possessions in America. Their objects were exclusively of a gainful character, except in so far as anxiety to extend the Christian religion, was mingled with more interested feelings. No high enthusiasm of liberty, no overpowering attachment to theoretical opinions on the subject of government, entered into the motives of the Spanish colonists. On the contrary, loyalty in politics, and conformity in religion, were as decidedly characteristic of them, as republicanism and nonconformity were of the first settlers in the United States. Hence whilst in North America every great province possessed its legislative body, each of them a great school of freedom, and while their history is the history of a people gradually marching on towards independence,—in South America, on the contrary, after the brilliant and turbulent epoch of the conquest was past, each of the

great Spanish colonies presents only the picture of the despotism of delegated rulers, in whose persons all the powers of government were centered, and all its interests absorbed. And in these peculiar circumstances of Spanish America, it is easy to see how it was that while its colonization preceded that of British America by more than a century, its independence followed tardily along in the rear of our more vigorous progress in freedom.

Yet, amid all the causes of dependence on the mother country, which we have indicated in the condition of Spanish America, events were occasionally transpiring to show by how slender a bond of union the colonies were attached to Spain. The very circumstances of ignorance and separation among themselves, which prevented the organization of any systematic resistance to the metropolis, led to the breaking out of occasional insurrections of the most alarming description. Such were the disturbances excited in New Granada in 1781, by the exactions of Don Juan Gutierrez de Piñerez, a temporary inspector general of the King's revenues, who drove a pacific and loyal people to raise the standard of rebellion in one part of America, at the very time when the celebrated insurrection of Tupac Amaru raged in Peru, and had almost revived the ancient empire of the Incas. But these and other lesser commotions shook, without overturning, the unstable fabric of the Spanish authority; and the liberation of the colonies was at last precipitated by a combination

of accidents, which the colonists availed themselves of, at its time, at last, but with little promptitude, and less discretion. In giving an account of incidents in question, we shall confine ourselves to the provinces, which afterwards united to form the Republic of Colombia.

Projects of independence appear to have been first entertained contemporaneously in Venezuela and New Granada, but without any concert among the inhabitants of the two governments. In 1794, New Granada was agitated by the discovery of a kind of patriotic society in Bogota, of which Don Antonio Nariño, Don Francisco Antonio Zea, and others whose names have since been distinguished in the Colombian revolution, were prominent members,—and in consequence of which, they sustained a long political persecution, which only served to embitter them against the authority of Spain. In 1797, a conspiracy, headed by Don Manuel Gual, and having for its object the independence of the country, was also detected and crushed in Venezuela. The individuals implicated on both occasions were Americans of standing, intelligence, and patriotism, whose movements indicated the under current of liberal feeling, which the despotism of the government was endeavoring to conceal from public view.

These were purely domestic efforts. But meanwhile there was an American abroad, Don Francisco de Miranda, a native of Caracas, who, having served in the United States during our war

of revolution, had imbibed the love of freedom in that great school of patriotism, and who ever since, whilst leading an uncertain life of travel and adventure in Europe, had, as it were, dedicated himself to the task of accomplishing the independence of Spanish America. His enthusiasm in the cause he had embraced, his intelligent and chivalrous character, and the manifest practicability of his views, imparted a degree of notice and importance to his person, which, as a mere lieutenant colonel in the Spanish service, he could never have gained. The circumstances of the times were peculiarly favorable to the prosecution of his object. The French revolution has completely broken up all the ancient European alliance, and sent abroad a spirit of liberty and of enterprise, which encouraged the boldest and highest, as well as the most chimerical attempts. Miranda was countenanced and protected by the Empress Catherine of Russia. He was invited to enter the service of the French Republic, and performed active and distinguished services in the army of Dumourier, which overrun the Netherlands.

It was by the assistance of France that he hoped to revolutionize his own country, and the republican leaders seriously entertained the idea of an expedition against America. Failing in Paris, however, Miranda repaired to London, where he spent several years, continually encouraged by the English ministers, who saw that by the liberation of Spanish America infinite advantage must accrue to British

commerce, and who were prevented from fitting out an expedition to Venezuela only by the necessity of conforming themselves to the shifting combinations of policy in Europe. Indeed, the temporary occupation of Montevideo and Buenos Ayres by the English in 1804, showed the hearty good will of Great Britain to the cause of South American independence, although her agents suffered a rapacity of spirit to manifest itself on that occasion, which destroyed all confidence in the purity of her motives.

Weary, at length, of repeated disappointments in England, Miranda came to the United States, and failing to secure the co-operation of the government in his enterprise, undertook to fit out a small expedition, with merely private resources. He procured the ship *Leander* to be manned and fitted out at New York, and to proceed to San Domingo to be joined by the ship *Emperor*. But after the sailing of the *Leander*, the government of the United States which had thus far winked at, if it did not expressly countenance, the expedition, ordered the prosecution of two of the friends of Miranda. The accused parties were acquitted, but their prosecution prevented the masters of the *Emperor* from joining in the enterprise, and Miranda was compelled to proceed with two small schooners instead, while the legal proceedings had given time and information to the Spanish authorities in Venezuela. The consequence was, that although Miranda was furnished with some sloops and gun boats by the En-

lish Admiral in the West Indies, and effected a landing with his little army of five hundred volunteers at a place called La Vela de Coro on the coast of Venezuela, in August 1806, yet failing of any valuable support from the English, he was compelled to evacuate Coro, which he had taken, and retire to Trinidad, without accomplishing any of the objects of the expedition.

But the independence of America was about to be wrought by the incidental operation of events in another hemisphere, which were destined to place Miranda for a time in the situation to which he had so long aspired. Another Charlemagne had arisen in France, the favorite of victory and fortune, who needed only the possession of Spain and Portugal to be supreme in Western Europe, and whose invasion of the Peninsula gave liberty to the Spanish Colonies. Spain was at that time governed by the weak and incapable Charles IV, or rather by Du Manuel de Godoy, the unprincipled favorite of the shameless queen Maria Louisa. This profligate woman persecuted her own son Ferdinand, the heir of the crown, in order to gratify Godoy; and the domestic difference thus introduced into the royal family of Spain enabled Napoleon to render them all his victims alike. His influence was already irresistible in the royal councils; for a sense of her own weakness, and a natural apprehension of the great conqueror had rendered Spain entirely subservient to the views of France. Anxious to free himself from the domestic tyranny under which he

suffered, Ferdinand wrote a letter to Napoleon seeking a member of the Bonaparte family in marriage, so as to strengthen himself against the power of Godoy. (October, 1807.) This letter came to the knowledge of the king, and made Charles as well as Godoy and the Queen, the bitter enemies of Ferdinand.

Meanwhile a treaty was concluded at Fontainebleau between Charles and Napoleon for the partition of Portugal between France and Spain, a principality being created in the Algarves for Godoy. Such was the tenor and such the ostensible object of the treaty, but the real object was to effect the introduction of a large body of French troops into Spain. An army under the command of Junot, marched on Lisbon, and another French army proceeding in the high road towards Madrid spread itself over the provinces, while the fortresses of San Sebastian, Pamplona, Focueras and Barcelona were also placed in the hands of the French. These proceedings filled all Spain with consternation, and the government alone seemed totally blind to what was in train. But having attained thus much peaceably, Napoleon now threw off the mask, and caused Charles to be notified that the interests of France required the annexation to his empire of the Spanish provinces between the Pyrenees and the river Ebro, in compensation for which the whole of Portugal would be yielded up to Spain. (Feb. 1808.) Astonished as they were by the unjust demand, Godoy and Charles saw no remedy but in submission; and foreseeing their ruin in pre-

paration they began to think of imitating the example of the king of Portugal, and transferring the seat of monarchy to America.

Had their design been carried into effect, it is impossible to say what might have been the effect of such a movement upon the condition of America. The prevalent sentiment in the colonies then and long afterwards was that of loyalty to the Crown, as will clearly appear in the sequel. But it was otherwise decreed; for Ferdinand, who was unwilling to leave Spain, gave one of the guards some intimation of what was in contemplation, on the very day when the royal family intended to depart from Aranjuez. The immediate consequence was a violent popular commotion, in which Godoy narrowly escaped being torn in pieces by the populace enraged at the prospect of being abandoned by their princes; and the terrified Charles abdicated his crown in favor of the Prince of Asturias, who was joyfully recognised as king by the Spaniards, disgusted with the misrule of Godoy (March 1808.)

Intelligence of these extraordinary events being immediately sent to Joaquim Murat, who commanded all the French forces in Spain, and whose head quarters were then at Aranda de Duero. He hastened his march to Madrid, and entered the capital with his troops, observing a cautious policy in regard to Ferdinand, neither admitting nor denying his right to the crown, but referring every thing to the decision of Napoleon. Hereupon Ferdinand despatched letters to the Empe-

ror soliciting his support, and again seeking an alliance with his family; while Charles, on the other hand, sent a protest against his abdication as having been forced from him by apprehensions for the personal safety of himself and the Queen. All eyes were therefore anxiously turned towards Napoleon, who had announced his intention of coming to Madrid himself for the purpose of settling the affairs of Spain. By anxious desires Ferdinand was trained on from one false step to another, until he left Madrid to meet Napoleon on his way, and proceeded to Burgos, and from Burgos to Victoria, until at last he was induced to cross the frontiers and to meet the Emperor in Bayonne. Charles and Maria Louisa with Godoy soon followed; and the other members of the royal family having also been drawn into the snare, they were all in the hands of Napoleon. The abdication at Aranjuez was declared to be null and void; Charles resigned his crown anew to Napoleon; and Ferdinand with the other princes of the blood royal, confirmed the cession made by the king their father: whereupon Joseph Bonaparte was called from Naples to become king of Spain and the Indies. (June 1808.)

Such were the events of Bayonne, so disastrous in their consequences to the Spanish monarchy. For disturbances had meanwhile broken out in Madrid or rather a battle had been fought between the French troops and the citizens, who were indignant witnesses of the series of unprincipled acts by which the effect-

al government of the country had been given up to the French. All Spain was ready to fly to arms; and ere Joseph had well entered upon the enjoyment of his new dignity, rebellion pervaded the nation. He was acknowledged, it is true, in Madrid, and wherever the French had control of affairs by their presence; but every where else JUN-TAS, or Committees of government, were established in the provinces, which commenced a desperate war against their French invader in favor of the title of the absent Ferdinand.

It is impossible to doubt that if Napoleon had succeeded in establishing his authority in Spain, it would have redounded to the permanent advantage of the whole country, than which none ever stood in greater need of a radical change in its whole internal organization. He was a usurper, and the feelings of patriotism, which led the Spaniards to oppose him, were high and honorable; but they were mistaken feelings, and led the nation into a sanguinary struggle, which only plunged it deeper in woe. They fought in opposition to a prince who would have broken up the vicious system of domestic misrule, which has reduced Spain to the rank of a second rate power; and they fought to maintain a dynasty which was destitute of a single claim to their loyalty or respect. The interposition of the English, by enabling Spain to expel the French, has only served to consign many of her best men to exile or death, and to bind the fetters of despotism more inseparably around a gallant but unfortunate people.

Among the various Juntas which sprung up to exercise the functions of government at this time, that of Seville was the most conspicuous, assuming indeed the title of Supreme Junta of Spain and the Indies. This Junta dispatched messengers to the various governments of Spanish America, claiming their obedience and demanding pecuniary aid. Owing to the existence of war between England and Spain, the colonies were without authentic information of the progress of affairs at home. News of the abdications of Bayonne, the consequent insurrection of all Spain, the establishment of *juntas* of government, the armistice with England, and the first successes of the Spanish arms at Baylen—all came upon the colonists with the suddenness and accumulated force of a clap of thunder. Meanwhile messengers also arrived from Bayonne, claiming the allegiance of the colonies for the dynasty of Napoleon. And in the course of a few months the formation of a Central Junta in Madrid, was announced, which assumed to be the true and genuine depository of the functions of government.—Distracted by these various claims on their obedience, the rulers and the people in America were equally embarrassed to decide what line of action to adopt. At the present day, it seems unaccountable that the Americans did not, one and all, instantly assert their independence; for never before nor since was there so favorable an opportunity for securing the peaceful emancipation of the New World. But instead of this, a kind of infatuation of at

tachment to the person of Ferdinand seemed to have taken universal possession of the minds of the people; while the viceroys, and captains general, and other Spaniards in high authority, were generally disposed to recognise the title of Joseph. But a long period of doubt, division, and uncertainty elapsed, during which the country was exhausted by enormous contributions of money for the use of Spain, and the precious moments of decisive action had glided by unheeded.

At length the more intelligent Americans began to regard the situation of their country in its true aspect. It was then universally believed that Spain must inevitably succumb to the gigantic power of Napoleon, as Italy, Germany, and the Netherlands had done already. The European Spaniards constantly maintained that America should peaceably compose herself to the fate of the Peninsula; but the Americans, who had originally proclaimed Ferdinand in the enthusiasm of the moment, were far from admitting that they were under obligations to obey whatever conqueror should possess himself of Spain. They secretly contemplated the organization of provisional juntas of government, in imitation of the proceedings in Spain, as equally their rights, quite as much as that of Asturias or Andalusia.

Of the Colombian provinces, Quito was the first to attempt availing herself of the advantage afforded by circumstances. On the tenth of August, 1809, the patriots of Quito, having privately taken these measures, arrested the President of the Audiencia, the

Conde Ruiz de Castilla, and established a Junta, intended for Quito, Guayaquil, Popoyan, and Panama; the several Colombian provinces in the Pacific. This Junta was speedily put down by the intervention of the viceroys Abascal, of Peru, and Amar, of New Granada; but the example was not lost in Bogota and Caracas. Various projects had been attempted in Spain to prevent the occurrence of an event, which everybody saw was imminent.—The Central Junta invited the Americans to send deputies to that body, in order to identify their interests; but actuated by a short-sighted policy, failed to make the proposal palatable in America, by adopting a singular inequality of representation.—Only one delegate was assigned to the great population of Mexico, whilst every little province in Spain was entitled; and Spain was entitled to thirty-two delegates, while only nine were assigned to the whole of America. No such imperfect measure of justice could ward off the dreaded crisis; for everything was now ripe for insurrection. On the 19th of April, 1810, the municipality and inhabitants of Caracas deposed the Spanish authorities, and constituted a Supreme Junta, professing to maintain the authority of Ferdinand. Similar proceedings were had in Bogota on the 20th of July, 1810; and the example of the two capitals was followed in the various provinces of New Granada and Venezuela. These two events form the commencement of the revolution of Colombia.

CHAPTER VI

GERMANY.

Importance of Germany.—Fall of the Western Empire, and its revival under Charlemagne.—Electors.—Constitution of the Holy Roman Empire.—Diet of the Empire.—French Revolution.—Dissolution of the German Empire.—Confederation of the Rhine—its Dissolution.—Congress of Vienna.—Mediatized Princes.—Deliberations respecting the reconstruction of the German Empire—as to Saxony.—New Confederacy—its Objects.—Provisions of the Act of Confederacy.—Diet at Frankfort.—General and Ordinary Assembly.—Powers of the Members of the Diet.—Deliberations of the Diet.—Federal Army.—Internal Navigation.—Tariffs.—Commercial Conventions.—Literature.—Copy-rights.—Liberty of the Press.—Patriotic Associations.—Central Commission at Mentz.—Constitutions of Saxe-Weimar, Bavaria, Wurtemberg, Hanover, Baden, Nassau, Prussia, Austria, &c.—Quarrel of the Duke of Brunswick with George IV.—Decision of the Diet.—Revolution in Brunswick.—Commutations in Saxony, Hesse Cassel, &c.

IN our annual retrospects of the affairs of the world, we have not always deemed it necessary to devote a separate chapter to each of the European States. We fear, however, that Germany, which, from its population and geographical extent, as well as from the influence of some of the kingdoms comprised under that general name, and the high intellectual attainments of the inhabitant, ranks among the most important divisions of the earth, has heretofore scarcely received at our hands the attention, to which it is entitled. But, so connected are all the great powers of Christendom, that it is impossible to

write a summary of the transactions of England and France, without referring to the parts enacted by Austria and Russia in the great political drama; while the constitutional systems of the several minor principalities, with the modifications which their institutions are undergoing, may be better explained by discussing them together, than by a few brief paragraphs on individual States in each successive volume.

The name of Germany has, in different ages, been applied to districts of country of very unequal extent. It anciently, besides embracing the regions now known by that appellation, included the

northern part of France, the Netherlands, Holland, Denmark, Poland, Hungary, part of Turkey in Europe, and Muscovy. The Southern Germans were intermixed with the Gauls, while the Northern were blended with the Scythians.

With the success of the Heruli under Odoacer, in the fifth century, terminated the Western Empire of the Romans. These barbarians were, however, in turn, subjugated by the Ostrogoths, who themselves yielded to Justinian, by whom Italy was annexed to the Eastern Empire. The subsequent wars between the Lombards and the Popes, who had assumed temporal as well as spiritual authority, induced the latter to invoke the aid of Charlemagne, King of France. This prince, having conquered both Italy and Germany, was crowned Emperor of the West in the year 800; and we have here the resuscitation of that dignity, which, until all ancient institutions bowed before the genius of Napoleon, gave to the sovereigns of Germany a pre-eminence among the princes of the earth. After the posterity of Charlemagne had filled the imperial throne for eighty years, the empire became elective, in the person of the King of Bohemia, from whom it passed successively to the houses of Saxony, Franconia and Suabia; but, in 1440, Frederic, Duke of Austria, was chosen Emperor, and the office continued in the male line of his family for three hundred years.

The course of events, as respected the feudal nobles, differed

widely in Germany and in other parts of Europe. In most countries the barons gradually yielded to the increased power of the sovereign, or to the influence of the commons, whom the progress of civilization and the diffusion of knowledge advanced to importance, but, in Germany, the princes encroached constantly on the prerogatives of the emperor; and, except in a few *free towns*, where the burghers held the position maintained elsewhere by the nobles, the mass of the population were reckoned of no account.

The *capitulation*, formed on the death of Maximilian, the predecessor of Charles V., and to preserve which all subsequent emperors were before their coronation sworn, was deemed the *magna charta* of the German princes, while the *electoral union*, confirmed by the golden rule of Charles IV., gave to seven electors,* (to whom two others† were afterwards added), the choice of the chief of the empire.

To the emperor high honorary distinctions were accorded, but there was very little real power connected with his office. It was, however, deemed requisite to obtain his assent to the assumption of a new title, and when in 1688 the elector of Brandenburg became King of Prussia, his royal rank was only acknowledged on specific conditions. But though

* The King of Bohemia, the Duke of Saxony, the Margrave of Brandenburg, the Count Palatine of the Rhine, and the Archbishops of Mentz, Treves, and Cologne.

† The Duke of Bavaria and the Duke of Brunswick—Lunenburg, the ancestor of the present Royal Family of England.

the Emperor, was the head of the Germanic body, and, for offences against him as such, any of the members might be punished and put under the ban of the empire; yet the subordinate princes might constitutionally wage war against him, on account of his possessions unconnected with the imperial dignity. Indeed, notwithstanding the jurisdiction of the Aulic Council and Imperial Chamber, and the amenability of all the princes of Germany to the Diet of the Empire, the annals of Europe are replete with bloody contests, carried on by the different States among themselves or against their acknowledged chief.

It was not in the person of the emperor, that the Germanic Confederacy was alone known to the world. While the several States also conducted negotiations with foreign princes, and waged wars on their own authority, most of the powers of Europe were represented by public ministers at Ratisbon—the seat of the Diet. In this assembly, which was composed of the three colleges of Electors, Princes and Free Cities, the legislative power of the empire resided, and the acquiescence of each college, as well as of the emperor, was required for all enactments. The division of the people of Germany into Protestants and Catholics, led, also, on the termination of the religious wars, to other arrangements, having in view a guaranty of the rights of these two great sects; but in these preliminary remarks, we can only glance at that com-

plicated system, which is now mere matter of historical research.

Connected as was the unfortunate queen of Louis XVI, with the house of Austria, and interfering, as did the powers of Germany from an early day in the affairs of France, it could not be expected that the Holy Roman Empire would escape the effects of a revolution, whose influence has extended to every part of the civilized world. As early as 1797, the Netherlands—a foreign possession of Austria,—were annexed to France. In 1801, the ecclesiastical electorates of Mentz, Treves and Cologne were abolished. Bishoprics were secularised and free towns disfranchised to provide indemnities for the princes, who were deprived of their possessions on the left bank of the Rhine, and, in 1806, after the battle of Australitz, the old constitution of the German Empire was totally abrogated. Francis renounced the title of Emperor of Germany, and assumed that of Emperor of Austria. The sovereigns of Bavaria, Saxony and Wurtemberg, were made kings, and disconnecting themselves wholly from Austria, which had been humbled by repeated defeats, and from Prussia, which was stripped in 1807 of half her possessions, they formed with the smaller States in the neighborhood, the *Confederation of the Rhine*. At the head of this league, the Emperor Napoleon placed himself, and as it was established with an exclusive view to his continental policy, it was naturally, after a short lived

existence of seven years, dissolved, at the downfall of its author, in 1814.

The present political organization of Germany is to be traced to the Congress of Vienna. It had, indeed, been provided by the sixth article of the treaty of Paris, that the German States should be independent and united by a federal bond. But, though *status ante bellum* was always appealed to as the governing principle of the Holy Alliance; ancient privileges availed but little, when put in competition with the establishment of barriers against new revolutions or the distribution of spoils among the leading potentates.

There were in Germany, before the French revolution, a vast number of princes and counts, who received the investiture of their fiefs direct from the emperor, and enjoyed sovereign rights on their own estates. These princes and counts, including the free cities, also mediatised in 1806, possessed a territory of 450,000 square leagues, with 1,200,000 inhabitants. They appeared at Vienna, under the presidency of Prince Metternich (the father of the great minister), to reclaim the privileges which they had lost by the Confederation of the Rhine; but, fortunately, in this case, the interests of all the German sovereigns of the higher orders, in whose dominions these independent jurisdictions formerly existed, coincided with those of humanity, and the people were spared the return of petty tyrants, whose exactions were generally in the in-

verse ratio of the number of their subjects.

Though strongly urged by the minor states to style himself a new emperor of Germany, Francis preferred solid acquisitions in Italy and elsewhere, to the empty distinction conferred by the old imperial title. He positively declined resuming his place as chief of the empire, unless there was confided to him a degree of authority which the other princes, particularly the king of Prussia, (who viewed himself rather as a rival than as a subordinate sovereign), would never have consented to confer. All idea of reconstructing the Holy Roman Empire was consequently abandoned, and the attention of the congress turned to the adoption of such a system, as, while it did not offend against the pretensions of the two great powers, might prevent the other states from engaging in intestine wars or lending aid to a neighboring kingdom in its future contests with Austria and Prussia.

The first deliberations of the Plenipotentiaries at Vienna, on German affairs, had reference to the king of Saxony, whose crime consisted in his being the last of the new made kings, who, in the same year, supported the Emperor Napoleon. It was in vain that he appealed to that old order of things, which was the basis of all the acts of the Holy Alliance, —that he showed that, in following the example of Wurtemberg and Bavaria, and becoming a member of the confederation of the Rhine, he was adopting a course approved by the former

head of the empire, and that, in uniting his troops with those of France, he yielded to irresistible force. His Saxon majesty was treated, by his former associates, as the only traitor to the European commonwealth, and after he had been menaced with the loss of his entire possessions, Russia was graciously pleased to be contented with two-fifths of his territories and one half of his subjects.

The Germanic Confederacy, as established by the Congress of Vienna, recognised thirty-nine* States, (now reduced by the extinction of the family of Saxe-

Gotha to thirty-eight), and their aggregate population was, in 1814, upwards of thirty millions. Of these States, some are entirely German, others belong to sovereigns, who also possess dominions, which are not within the territories of the Confederacy. Thus, without referring to His Britannic Majesty, whose ancient hereditary dominions are held by a very different title from his claims to the English throne, the Kings of the Netherlands and Denmark were made members of the new German league, on account of Luxemburg and Holstein. Of the twelve millions belonging to the King of Prussia, three are out of Germany; and though the Emperor of Austria counts upwards of thirty millions of subjects, three-fourths of them are not included within the bounds of the Confederacy.

- *1 Austria.
- 2 Prussia.
- 3 Bavaria.
- 4 Saxony.
- 5 Hanover.
- 6 Wurtemberg.
- 7 Baden.
- 8 Hesse-Cassel.
- 9 Hesse-Darmstadt.
- 10 Denmark (for Holstein and Lauenberg).
- 11 Netherlands (for Luxemburg).
- 12 Mecklenburg-Schwerin.
- 13 Nassau.
- 14 Saxe Weimar.
- 15 Saxe-Coburg Gotha.
- 16 Saxe Meiningen.
- 17 Saxe-Altenberg.
- 18 Brunswick.
- 19 Mecklenburg Strelitz.
- 20 Holstein-Oldenburg.
- 21 Anhalt-Dessau.
- 22 Anhalt-Bernburg.
- 23 Anhalt-Cothen.
- 24 Schwartzburg-Sondershausen.
- 25 Schwartzburg-Rudolstadt.
- 26 Hohenzollern Hechingen.
- 27 Lichtenstein.
- 28 Hohenzollern-Sigmaringen.
- 29 Waldeck.
- 30 Reuss-Greiz.
- 31 Reuss-Lobenstein.
- 32 Schauenberg-Lippe.
- 33 Lippe Detmold.
- 34 Hesse-Hamburg.
- 35 Lubec.
- 36 Frankfurt.
- 37 Bremen.
- 38 Hamburg.

The difficulty of devising a scheme to reconcile the conflicting pretensions of States, supposed to be sovereign and independent, and to restrain them, without the intervention of force, by a superior law, must be obvious to every American, familiar with those occurrences in the history of our country, which imperiously required the substitution of our present admirable constitution, to the imperfect confederacy of the revolution. In addition, also, to the usual obstacles to the formation of confederacies among equal sovereigns, there were others arising from the peculiar condition of Germany. Bavaria and Wurtemberg were naturally unwilling to sink into the political insignificance, to which, controlled

in their foreign relations and inhibited from making separate alliances, they were destined,—whilst Austria, Prussia, the Netherlands, and Denmark, whose sovereigns participated in the advantages of the league, were untrammelled in all essential matters.

The avowed object of the Confederacy, as set forth in the act of 1815, and recognised in the constitution of 1820, was to secure the external and internal tranquillity and independence of the different States; the respective territories of which were also further guaranteed by the Holy Alliance. It was especially provided that the members of the Confederacy should not make war on one another, that in case of an attack from abroad no State should make a separate peace or truce, and that they should keep on foot an army, for which each State should furnish its contingent. The equality of religious sects was likewise stipulated, and it was further provided that the several principalities should have representative constitutions, by which the people were to participate in the laying of taxes, making laws, &c. No member can withdraw itself from the league, and the Diet may interfere not only between princes, but between a prince and his subjects.

The affairs of the Confederacy are managed by a Diet, which holds its sessions at Frankfort. The assemblies of the body are of two kinds, in both of which the minister of Austria presides. 1st. The general assembly, in which every State has at least one vote;

Austria, Prussia, Bavaria, Saxony, Hanover* and Wurtemberg, each four; Baden, Hesse-Cassel, Hesse-Darmstadt, Holstein and Luxemburg, three; Brunswick, Mecklenberg-Schwerin and Nassau, each two. In all proceedings relating to religion and the admission of new members, unanimity is required, and in others two-thirds of the votes. 2d. The ordinary assembly, in which there are but seventeen votes, of these Austria, the five kingdoms, Hesse-Cassel, Hesse-Darmstadt, Holstein, and Luxemburg have each one, and the others are collective votes of the minor States. The ordinary assembly proposes measures to the general assembly and executes its decrees. A majority of nine decides all questions.

As the Confederacy is an association of the princes, and not of the people of the different States, the members of the Diet are not deputies, but ministers plenipotentiary, who are compelled to consult their constituents, before coming to any final decision. The subjects, which have occupied their principal attention during the last fifteen years, have been the organization of the federal army, the free navigation of the rivers, the commercial intercourse between the States generally, and the suppression of liberal or revolutionary doctrines.

After several years discussion,

* The title of the king of Hanover was first assumed, after the downfall of Napoleon, to put the sovereign of that country on an equality with those of Bavaria, Saxony and Wurtemberg.

the regulations for the army of the Confederacy were finally adopted on the 17th April, 1821. One man for every hundred inhabitants is the contingent, which each State has to furnish, and consequently the standing army exceeds 300,000 men. One half of one per cent of the whole population is also set apart as a reserve. The contingent of each power must always be kept in readiness, but to the Diet belongs the authority of determining what portion of the army is to be called into service. The commander-in-chief is named by the Diet, to whom he takes an oath of fidelity, and many of the principal fortresses of the States of the Confederacy are garrisoned by portions of the federal army.

By the Congress of Vienna, the liberty of internal navigation was adopted as a principle, and provisions were made for securing, to the subjects of the several powers bordering on the rivers, their free use to the sea, on the payment of moderate tolls. One of the earliest cases, in which the interposition of the Diet was invoked, was an attempt made in 1821 by Prussia, to impose duties on goods passing through its dominions on the Elbe, to and from one of the principalities of Anhalt. The complaints of Anhalt were answered by a metaphysical effort to reconcile the unrestricted right of using a river with the unlimited power of imposing duties on articles transported on it; but, before the impartiality of the assembly of the Confederacy was brought to the test in settling a controversy be-

tween one of the most important and one of the least considerable States subjected to its jurisdiction, means were found to reconcile the disputants. Similar difficulties also arose between other neighboring powers, and without eliciting the final action of the Diet; but by far the most important controversy of this nature in which the German States were involved, was one with the King of the Netherlands, in relation to that part of the Rhine, which passed through Holland. In this matter the sovereign of the Low Countries was wholly independent of the Confederacy, but it occupied, for many years, in connection with the subject of the tolls to be established on the Rhine, and the free intercourse among the States, much of the attention of the Diet.

Holland evaded the article of the treaty of Vienna, which opened the navigation of the Rhine to the sea, by contending that, if the other powers would insist on the terms of the treaty, they must be content with the Rhine proper, which was neither the *Waal*, the *Leck*, nor the *Yssel*, but a rivulet, which leaves the *Leck* at Wyck, and passing by Utrecht and Leyden, loses itself in a muddy stream. Holland afterwards agreed to consider first the *Leck* and then the *Waal*, as a continuation of the Rhine; but she insisted that there was a distinction between the terms 'to the sea' and 'into the sea,' and that the Rhine or its continuation terminating at Gorcum, the navigation from thence was on an arm of the sea, and

consequently not within the purview of the treaty. The course pursued by the King of the Netherlands was particularly annoying to Prussia, on account of its interfering with the very extensive trade carried on by the Rhenish Provinces with the United States and South America. Austria, also, plainly intimated that the freedom of the navigation of the rivers was connected, as one transaction, with the increase of the territories of the house of Orange. The prohibition of transit in other than Dutch vessels was repealed, and the Germans were allowed to navigate the Rhine of Holland on the same terms as other parts of the river; but when they approached the sea, they continued to be subjected to the export duties; and in this situation matters rested at the time that the attention of His Netherlands' Majesty was called to those occurrences in Belgium, which stripped him of the better half of his dominions.

To those among us, who are acquainted with the practical difficulty of adjusting a tariff of duties in a manner to conciliate the diversified interests of an extended Empire, it cannot be surprising that the Diet should not have assumed a task, not imperiously obligatory on it, and undertaken to form general regulations of trade for the several States of the Confederacy. Attempts were, however, made to render Germany one country as to internal commerce; but these having failed, partial conventions were entered into by different States. At an early day several of them made declarations, recognising the

importance of unlimited freedom of trade among the members of the Confederacy, and of the greatest practical facilities in their intercourse with foreign nations. It subsequently became a favorite notion with the politicians of the minor powers, to form a union for the free admission of all articles among themselves, and for the exclusion of the products of those countries, which were not parties to the compact. In 1822, Bavaria, Wurtemberg and Hesse-Darmstadt entered into arrangements founded on this principle, and united in the adoption of prohibitory duties with respect to France, and which it was proposed to extend to Holland, Prussia, and England.

By a convention, concluded at Berlin in February, 1828, between Prussia and Hesse-Darmstadt, it was agreed that there should be entire freedom of commerce between the two States, subject however to the duties which should continue to be levied in each, regard being had to their respective systems of indirect internal imposts; that there should be a mutual suppression of the line of custom-houses upon their adjoining frontiers; and that the Grand Duke should adopt for his other frontiers the tariff of Prussia.

In the same year, a treaty of commerce, with a special reference to the custom houses, was concluded between Bavaria and Wurtemberg, and acceded to by several of the principalities bordering on the two kingdoms. This treaty provided that a line of custom-houses, common to the

contracting parties, should be established, and that they should unite in naming agents to receive the duties, the amount of which was to be provisionally regulated by the tariff of Bavaria.

An arrangement of a more extended nature was, about the same time, entered into between several of the powers of the north and centre of Germany. Their object is thus set forth in an act bearing date the 24th of September, 1828.

'The Kingdoms of Hanover and Saxony, the Electorate of Hesse, the Grand Duchy of Saxe Weimar, the Duchy of Brunswick, the Landgrave of Hesse Hamburg, the Duchies of Nassau, Oldenburg, Saxe Altenburg, Saxe Coburg Gotha, Saxe Meiningen, the Principalities of Reuss-Greiz, Reuss-Lobenstein Ebersdorf, Reuss-Schleitz, and Schwartzburg-Rudolstadt and the free cities of Bremen and Frankfurt form an association, in order to procure, in the sense of the 19th article of the act of Confederation, all possible liberty of commerce, as well among the members of the Union as with foreign states, and to establish such regulations, as that all the States may enjoy, as far as their financial and mercantile relations may permit, their respective geographical and other advantages.'

This association was limited provisionally to 31st Dec. 1834, it being understood that the intermediate time should be employed in settling arrangements of a definitive character.

Other special treaties have also been concluded by the German powers, of which the most important is the Convention, for twelve years, from 1st January 1830, between the King of Prussia and the Grand Duke of Hesse on the one side and the Kings of Bavaria and Wurtemberg on the other. This treaty stipulates for, 1st, the liberty of reciprocally importing all indigenous productions of the soil, of industry, or the arts, for the consumption of the contracting countries, free, with certain special exceptions, from all duties. 2dly, the liberty of transit for all the productions and merchandize of the respective parties, subject to the payment of tolls, according to the regulations of the treaty of Vienna or of special conventions. Preliminary arrangements were also made for the establishment of a uniform system of moneys, weights and measures.

Besides the adjustment of the terms of commercial intercourse with one another, those powers of Germany, which have either continental neighbors or a maritime coast, have entered into conventions to regulate their trade with foreign powers. Prussia, Hanover, Oldenburg and the Hanseatic towns early embraced the overtures contained in the British acts of reciprocity of 1823-4, and on 29th December, 1829, a treaty of the same nature with Austria was signed at London. The United States, also, have commercial conventions with Austria, Prussia and the Hansetowns, founded on the libe-

ral principles, which have for many years served as the basis of our diplomatic relations.

Such is the respect paid to science and literature in Germany; that, among many of the smaller princes, there is as much competition as to the reputation of their universities and the fame of their learned men, as there is among the greater powers with regard to the extent of their territory or the magnitude of their standing armies. The late Duke of Saxe Weimar, who had, by his enlightened patronage of the arts and sciences, obtained for his small capital the designation of the modern Athens, could, in dying, ask no higher distinction for his remains, than that they should be placed between those of Schiller and the spot reserved for, and which was but too soon afterwards occupied by, Goethe. Even royalty, not content with merely rendering honor to genius, has not always been inaccessible to the attractions of authorship. The poems of King Louis of Bavaria, which were published during the period now under review, have been declared by the cities of Germany, 'to unite the taste of the ancient with the enthusiasm of the modern school.'

Literature is not in Germany a mere matter of pastime or of elegant recreation. The number of volumes, which annually issue from the press, is only equalled by the research and industry of their authors; and as the composition of books may thus be fairly deemed a staple manufacture of the country, the subject of copy-rights is obviously one of the deepest inte-

rest. Distributed, however, as the Germans are into numerous principalities, speaking the same language and carrying on with one another a constant intercourse, now relieved from many ancient restrictions, the exclusive privilege of publishing a work in any one State could be of but little comparative importance. To the Diet the *literati* of Germany had looked for adequate protection. Such a subject, however, was not likely to receive much attention from an assembly, of which an Austrian minister was president; but, though disappointed in the only quarter, where an efficient regulation could be established, much has been done by individual sovereigns for the relief of their subjects against piratical booksellers. Prussia has, within the last two or three years, entered into reciprocal stipulations with Wurtemberg, and their example has been followed by several of the minor powers.

But, though the Diet were regardless of the rights of literary property, they were not unmindful of the influence of the press. When the prerogatives of sovereigns, as well as the independence of nations, had been prostrated before the triumphs of Napoleon, kings and princes conceived that no price could be too high, at which the downfall of this mighty conqueror was purchased.

Among the efforts resorted to, appeals were made to the patriotism of the people of the several States, who were promised, as a compensation for their services, such a participation in the future legislation of their respec-

tive countries, as might enable them to guaranty for themselves that liberty, which they were to aid in achieving. When, however, the fear of a foreign foe was withdrawn, it began to be deemed inconvenient to fulfil pledges made under different circumstances. But the people, accustomed to discuss public affairs, demanded the performance of the promises, upon the faith of which they had made almost superhuman exertions. The patriotic societies in Prussia, as well as elsewhere, formed to expel foreign enemies, were kept up, in order to wrest the rights of the people from their own princes, and the universities and learned men were generally enlisted on the same side. But unfortunately the fanaticism of the murderers of Kotzebue, and of other zealots in the cause of liberty, gave untoward advantages to their opponents and furnished to those governments, which were indisposed to popular rights, an apology for interfering in the internal concerns of their neighbors. The sovereignty of the minor powers presented a feeble barrier against the anti-revolutionary measures dictated by the apprehensions of Austria and Prussia. As it was conceived that the police of no one State was competent to repress publications, which the monarchs, whose conduct did not bear a scrutiny, might deem seditious, the Diet, in spite of the opposition of Bavaria, Baden, and other constitutional governments, established at Mentz, in 1819, a general central commission, and gave to this tribunal authority to prosecute inquiries in all parts of

Germany, concerning demagogical intrigues,—to examine any persons whatever as witnesses on the subject,—and to take the punishment of political offenders into its own hands. Foreign newspapers in the German language were forbidden by the King of Prussia to be circulated in his States, and the Grand Duke of Saxe Weimar was compelled to suppress a journal published in his capital.

At a subsequent period (1823), instructions were given to Bavaria not to permit the insertion, in the journals of that country, of any article reflecting on foreign powers. The *German Observer*, printed in Wurtemberg, was at the same time ordered to be discontinued,—the King, who for his constitutional doctrines had been almost put under the bar of the Confederacy, being obliged to enforce the decree of the Diet. Nor did Austria confine her exertions against the progress of liberal principles to the assembly at Frankfort. Her influence was even extended to the Swiss Cantons, whose governments were under the necessity of sending away many unfortunate foreigners, who had sought a retreat in that ancient refuge of the oppressed. An extraordinary edict issued by Prince Metternich in 1824, against Lord Holland and four ladies named in it, to forbid their entrance into the Austrian territory, is an apt illustration of the system of administration recognised at Vienna.

The act of the confederation required the establishment of representative governments in all the

States. In the fulfilment of the obligations contracted under it by the German monarchs, the Duke of Saxe Weimar, as might from his character have been expected, took the lead. The late King of Bavaria also gave his subjects a constitution, securing equality of contributions and entire liberty of conscience. And such was the confidence of the present sovereign in the honesty of his own purposes and the good intentions of his people, that, on ascending the throne, he abolished all police reports. In Wurtemberg, where the late King leaned to the popular party against the privileged orders, some difficulty was at first experienced, in adjusting the different articles of the fundamental law. In Hanover the patrimonial jurisdictions have been abolished, and the institutions accommodated in other matters to the spirit of the age. Baden and Nassau, as well as others among the smaller States, have adopted constitutions based on the representative principle.

In Prussia the King promised, as early as 1813, to recompense his subjects for their heroic efforts by giving them a liberal constitution, and assuredly in no country of continental Europe are the people better qualified to participate in the government. All, however, that has yet been accomplished towards fulfilling the royal promise, is the establishment of provincial assemblies and the creation of a grand permanent council, composed of the princes of the blood, the great officers of State and the chiefs of the administration departments, whose

business it is to discuss new laws and examine the *projects* of government. But, although the assemblies of the provinces are inefficient as checks on the sovereign, they are useful for the purposes of finance and police, and something has been gained by the publication of the budgets of receipts and expenditures.

There is no national assembly for Austria; but several of the component parts of the empire, as well those which are in as those which are out of the confederacy, viz. Bohemia, Moravia, Hungary, and Galicia, have assemblies of the states, that, to a certain extent, supply its place. Only special subjects are, however, confided to these bodies, the nature of which is not to be confounded with that of the British Parliament or American Congress. Austria proper is an absolute monarchy, or, as it is sometimes phrased, 'a paternal government.' In Hungary, a possession of the house of Austria not included within the Germanic Confederacy, the Diet of the kingdom has a constitutional control over men and money, and it has recently seemed disposed to enforce practically its authority. This legislative body is, however, confined to a powerful oligarchy, and the people have no share in its deliberations.

The King of England had been the guardian of the minority of the Duke of Brunswick, and while exercising that office, it had become necessary to make the institutions of the Dutchy conform to the change in the circumstances of Germany. To the abolition of the patrimonial jurisdictions, as

well as to many arrangements personal to himself, the young Duke, on coming of age, objected; and, not content with repudiating the acts of his guardian, he published the most abusive manifestoes against George IV. and Count Munster, the Hanoverian Minister of State, by whom the King's German affairs were principally managed. His Royal Highness even condescended to send, through the celebrated horse-dealer, Tattersall, a challenge to Count Munster to meet him in single combat. The proceedings of the Duke of Brunswick were brought to the notice of the Diet, by the King of England in his character of King of Hanover, and as the former prince refused the mediation of Austria and Prussia, and, though only the sovereign of two hundred thousand subjects, declared that he would rather try the fortune of war than submit to any reconciliation, the assembly of the Confederacy had no ground for refusing its interposition. In 1829 every point in controversy was decided against the Duke, and he having declined making an apology, withdrawing his offensive publications, or doing anything else that was required of him, the Diet took, in the following year (1830), efficient means to enforce its decree. The King of Saxony was about moving his troops towards Brunswick, when the death of the King of England suspended his arrangements; and the subsequent conduct of the Duke, within his own dominions, rendered unnecessary the further action of any external force. As His Royal

Highness had manifested no more wisdom in the government of his Dutchy than in his transactions abroad, he was naturally apprehensive, lest the popular movements, which occurred in France and Belgium during the summer of 1830, should be imitated elsewhere to his prejudice. To guard against an insurrection in his capital, he had placed cannon in several parts of the town; but, on his return from the theatre on the sixth September, he was attacked by the mob, from whose fury he only escaped by promising to comply with all their demands. These were, 1st, the removal of the cannon; 2d, the confirmation of the Constitution granted under the guardianship of the King of England; 3d, a stipulation not to run away to evade the edict of the Diet; 4th, not to send away his money. The Duke, notwithstanding his forced assent, having refused the next morning to fulfil his pledge, and intimated that he should employ the cannon to maintain his authority, the insurrectionists proceeded to substantiate their claims by force. The military refused to fire on the citizens, the Duke's palace was burnt, and he escaped to the frontiers. The brother of the Duke was immediately proclaimed sovereign, and he continues to reign as such, with the concurrence of all the principal courts.

The poor old King, who governed Saxony at the time of its dismemberment, was succeeded, on his death in 1827 in the seventy-seventh year of his age, by his brother,—a prince but little

younger than himself. The new King had always been much under the influence of the jesuits, whose control was the less to be tolerated, as the Saxons are principally protestants; and the discontents, from this and other sources, gathered new strength from the revolutions that were taking place in other countries. An insurrection, which broke out at Leipsic on the 2d of September, 1830, was suppressed without much difficulty; but the citizens of Dresden being employed, a few days afterwards, to put down some petty disturbances, entered upon the discussion of politics, and de-

manded, among other things, the abolition of such taxes as were deemed oppressive, and the extension of the right of suffrage. King Anthony fell on the expedient of quieting the tumult, by associating with himself a more popular ruler, in the person of his nephew Ferdinand, whom he constituted joint Regent. Hesse-Cassel also presented a scene of commotion, which led to some alterations in the Constitution.

In Hamburg, there were likewise some insurrectionary movements, but they were attended with no important results.

CHAPTER VII.

THE PENINSULA.

Portugal.—Emigrants.—Negociation.—Distress of the Country.—Operations at Terceira.—Conduct of England.—Don Pedro.—Effect of the French Revolution.—Collision with England.—And with France.—Regency at Terceira.—Spain.—Attempts of the Exiles.—Mina.—Disputes.—Attack from Bayonne.—From Perpignan.—Torrijos.

We omitted, the last year, to give an account of events in Portugal, in the hope that, ere now, we should have been called upon to record the overthrow of that flagitious tyranny, which is destroying the resources of the country, and extinguishing what remains of virtue among the people. But although the doom, so richly merited by the usurper, seems now impending over his head, it has not yet fallen upon him; and we are unwilling to suspend our narrative for another annual period. We had related the incidents of his usurpation, and of its being brought, apparently, to a successful close, and legalized, so to speak, by the Cortes of Lamego. The history of Portugal, since that time, is the history of detestable and shocking oppression at home; and abroad it consists of the enterprises of the exiled constitutionalists to deliver their country from its thralldom. The domestic history of the country we shall dispose of in a few words.

It was estimated that, in the year 1830, one in a hundred of the whole population of Portugal was either confined in prison within the kingdom or transported to the *presidios* in Africa and its islands, for alleged political offences. Little short of the same number of persons had fled from the Peninsula into foreign exile, to escape the vengeance of the tyrant; or were concealed in Portugal itself, driven from their homes by political persecution. Most of these individuals were, of course, adult males; and it is impossible for any minuteness of detail to exhibit the misery and distraction of the nation in a clearer light, than it appears from the single fact, that one twenty-fifth part of the entire male population of the kingdom were in prison or exile for crimes of opinion.

Miguel's usurpation had been such a flagrant breach of every obligation, human or divine, that all the powers of Europe had, as matter of necessity, withdrawn their ministers. Even Spain

could not but participate, at first, in the general expression of disapprobation, which Miguel's conduct elicited, although she subsequently determined to recognise the usurper. But one sentiment of outraged public feeling pervaded the rest of Europe. His whole proceeding seemed to shock the moral sense even of those governments, which entertained no sympathy for constitutions, and both in theory and practice were the friends of despotism. Of course, the condemnation of Miguel was proportionably more decided in countries, which, like France and England, enjoyed a free press and were strongly attached to liberty. England had been so instrumental in bringing Portugal into its present condition; its afflictions were so immediately owing to the shifting policy of the court of St. James, which, under the counsels of Mr. Canning, called the constitutional party into existence and supported them with an auxiliary army,—and which again left that party to its fate when the Duke of Wellington came into power;—England became so conscious of her fault in this respect, that she was anxious to restore the victims of her vacillation to their homes, although at the price of acknowledging the authority of Miguel. The Portuguese government having anticipated, from the tenor of the Duke of Wellington's policy, that England would recognise the claims of Don Miguel unconditionally, were greatly incensed when they came to understand it was otherwise.

But meanwhile the French

revolution of July, and the sudden change of the English ministry, deprived Miguel of all hopes from the Duke of Wellington; and put an end to the secret countenance, which he received from Charles Tenth and his family. Of course, these events aggravated, instead of softening, the tyrannical wickedness of Miguel, and the consequent suffering of the Portuguese. A long succession of public and private misfortunes, the interruption of their commerce, and the suspension of their ordinary foreign relations, conspired to derange the public finances, and to add the evils of a debased currency, excessive taxes, and forced contributions to the previous calamities of the people. To fill the measure of their distress, there wanted but one thing, the necessity of drawing from the exhausted means of the nation wherewithal to carry on war abroad; and this was afforded by the establishment of a Regency at Terceira, in the name of Donna Maria.

When Portugal and the Portuguese people sustained Don Miguel in his assumption of the Crown, the several parties of constitutionalists, within the kingdom having been reduced by force, the island of Terceira alone continued faithful to the young Queen. It was at first governed in her name by General Carbarra, who held it against a blockading Portuguese squadron. At length Count Villa Flor, a Portuguese nobleman distinguished in the recent wars in Portugal, succeeded in landing at Terceira with a considerable number of his countrymen, who,

like himself, were fugitives from the tyranny of Miguel. Their arrival infused new vigor and resolution into the counsels of the garrison; and prepared it for repelling any expedition, which might be sent against the island.

Such an expedition arrived off Terceira, in the summer of 1829. A landing was effected on the 11th of August, under cover of the blockading squadron. The ships approached the bay of Villa Praya concealed by a fog, and were enabled to enter it, so as to protect the launches in which the invading troops were to be landed. But meanwhile Villa Flor, with his volunteers, had taken the requisite measures of defence; and although the troops made good their landing, they were immediately attacked and routed; and those who were not killed in the engagement or driven into the sea, were made prisoners, as the launches had retired, to receive and land another column of troops. By this time Villa Flor had brought down some artillery to bear upon the squadron, and thus beat off the launches, when they attempted to come up a second time, and at length compelled the Miguelites to abandon the undertaking.

Villa Flor's good fortune in this instance, and the determination of the garrison, pointed out the island of Terceira as a convenient *point d'appui* for future operations of the constitutionalists. Indeed, previous to this time, a great number of Portuguese emigrants, chiefly military men, had taken refuge in England, and were collected in Plymouth and

other towns at the entrance of the British Channel. Their professed and ostensible purpose was to provide means for sailing to Brazil; but there was good reason to suppose that they actually designed to convey an armament to the Azores. Their preparation went on, although not without objection and remonstrance from the government; but as the Duke of Wellington had no proof that their true object was different from the assigned one, and as the latter was lawful, he could not prevent the armament from being completed and setting sail. The expedition accordingly departed from Plymouth in January 1829, consisting of four vessels, having on board 642 officers and men, under the command of Count Saldanha, who had been Portuguese Minister of War, under the constitution. They in fact sailed directly for Terceira, their true place of destination; but in anticipation of this, a British squadron, under Captain Walpole, had been despatched from England to the Azores, which compelled the Portuguese to turn back: whereupon they proceeded to Brest.

This affair gave rise to much discussion in England, being represented by the opposition as unjustifiable interference on the part of the Ministers, in favor of Don Miguel. Much negotiation, also, took place between the Marquess of Barbacena, the Brazilian Envoy, and the Duke of Wellington's cabinet, as to the duty of the British government in relation to the rights of Donna Maria. The Marquess of Barbacena contended

that Great Britain was bound by treaty to lend aid to Donna Maria in recovering the throne of Portugal. But lord Aberdeen replied that Great Britain was required by no treaty, to interfere in the domestic discussion of the Portuguese nation. She was only bound to protect Portugal against foreign aggression; not to settle a controversy between adverse claimants of the Crown, each supported by Portuguese alone, but on the contrary to observe a strict neutrality between the contending parties. And such was the ostensible policy of England at this period, in regard to the Portuguese emigrants and the blockade of Terceira.

However solicitous the Emperor of Brazil may have been, at this time, to espouse the cause of his daughter, his engagements with his Brazilian subjects did not permit him to do it effectually. His assistance was chiefly limited to occasional supplies of money, and to the efforts he made to interest other governments in her behalf. He even gave offence to some of the Portuguese, by exercising his authority as father and natural guardian to recall his daughter from England. But adequate reasons for this appear to have existed. Indeed, a change for the better ensued, in the mode of conducting her affairs. Hitherto London had been the centre of government for Donna Maria. But in February 1830, the Regency embarked at Plymouth for Terceira, and was installed there on the 15th of March, consisting of the Marquess of Palmella, the Count of Villa Flor, and J. H. Guerreiro

formerly minister of justice in Portugal. This step, by placing the Regency within the dominions of Portugal, seemed to give more consistency and formality to the pretensions of Donna Maria.

Matters remained in this situation until the events of the three days in France. All accounts of them was carefully excluded from the Lisbon Gazette, until at last the arrival of a French vessel, with the tri-color at her mast head, compelled the trembling government to disclose the secret of the expulsion of the Bourbons from France. However, no political movement ensued. Miguel was admonished by what had happened to pay off the arrears due his troops, and to cultivate their good will; but he had no occasion to make proof of their fidelity, in any contest with his subjects. Nothing else of importance transpired during the year, in regard to the affairs of Portugal, except the mission of the Marquess of San Amaro, who was sent from Brazil with full power to settle the Portuguese question by the mediation of the governments of England, Austria, and France. Nothing was effected by the mission.

Thus the year 1830 passed off without producing any crisis in the affairs of Portugal. But the year 1831 has had more sensible effects upon its condition. The English government had long been remonstrating with Don Miguel for his continual violations of the various treaties, which regulated the intercourse between subjects of the two Crowns. Reclamations had also been made for damages occasioned by the

illegal detention of British vessels off Terceira. Weary of negotiating with Don Miguel on the subject, the British government finally despatched a large armament to the Tagus, for the purpose of exacting justice of the usurper by force, if he failed to accede immediately to the demands of Great Britain. The squadron consisted of a line of battle ship, a large frigate, and six smaller vessels of war, which appeared off the bar on the 25th of April. A diplomatic note was forthwith addressed to the Portuguese government through the medium of the British Consul, containing a peremptory demand for an immediate and full redress of all the grievances complained of, and dictating the terms on which England would abstain from hostilities. These terms were the dismissal and punishment of various civil and military functionaries, guilty of insult and outrage upon the persons or property of British subjects; the indemnification of the parties injured; the refunding of certain duties illegally exacted; and the payment within one month of claims for the British vessels detained off Terceira. These humiliating conditions were communicated to the Viscount de Santarem, the Portuguese minister of foreign affairs, accompanied with an assurance that reprisals would immediately be ordered, if the prescribed terms were not acceded to without delay. Nothing could exceed the consternation and embarrassment, which the arrival of this fleet occasioned in Lisbon. However degrading the

condition of peace may have been esteemed by Don Miguel's ministers, they saw themselves forced to comply; and everything was done to the letter, precisely as the British government demanded. The circumstances were such as to teach Miguel a severe lesson of justice; and occasioned much animosity of feeling towards England among the Portuguese, who accused the former of never regarding anything but its own interest, as indeed they might have judged from most of their prior intercourse with Great Britain.

This affair was hardly adjusted, when a similar collision occurred between France and Portugal, on account of certain arbitrary proceedings of the Portuguese courts against two French subjects, named Sauvenet and Bonhomme. A French corvette and brig were first despatched to demand satisfaction in a peaceable manner. Accordingly the French consul required of the Portuguese a revocation of the sentence against Sauvenet and Bonhomme, the dismissal of the judges who condemned them, the payment of a large sum of money in damages, and the publication of an apology in the Lisbon Gazette,—demanding a categorical answer within twenty-five days. If no satisfactory reply was given within that period, the functions of the consul were to cease, and all the French residents were to quit Lisbon. The Portuguese government, however, rejected the terms; and on the 16th of May a French squadron, of eleven vessels of war, appeared off the Tagus, repeating the demand of

satisfaction. This being still refused, the French proceeded to capture such Portuguese vessels as they fell in with, but without declaring the Tagus in a state of blockade.

These events appear to have engrossed the attention of Don Miguel so entirely as to encourage the Regency in Terceira to assume an offensive attitude.— They fitted out an expedition from Angra, which, on the 9th of May, succeeded in capturing the island of St George, another of the Azores. We read, also, of conspiracies and attempted insurrections in Portugal, which had no effect but to swell the number of state prisoners, which already overcrowded the fortress of the kingdom. But the most important incident of the year, in its relation to Portugal, was the abdication of the Crown of Brazil, by Don Pedro, on the 7th of April, and his arrival soon afterwards in Europe in company with his daughter the titular Queen of Portugal. It was foreseen that his new situation would enable him to exert his activity and talents in her behalf, unembarrassed by contradictory obligations, and with a reasonable prospect of success. His movements in Europe will enter more appropriately into the history of another year.

In Spain, the latter part of 1830 and the beginning of 1831 were marked by the abortive attempts of Mina in the north, and Torrijos in the south, to subvert the government of Ferdinand. Contemporaneously with the events of the Three Days, a party of Spanish exiles in England, buoyed up

by the delusive expectation of receiving effective support within the Peninsula, were preparing an expedition against their country. The French revolution came, to fill them with extreme confidence of success, and incite them to redoubled exertion. They vainly imagined that Spain was ripe for revolt, and that nothing was needed but a few bold spirits to fire the train. General Mina was looked up to, on all hands, as the most suitable person to command the projected expedition; but he, it seems, had more accurate knowledge of the state of feeling in Spain, and was more capable of judging concerning it, than many of his countrymen.

From the very outset, he distrusted the means possessed by them, denying that any impression could be made with such slender resources. But the ardor of General Torrijos overcame the caution of Mina; and arrangements were made to convey a ship load of munitions of war to the south of Spain, with a few patriots and a bale of proclamations, as a means of revolutionizing the Peninsula. The vigilance of the Spanish ambassador detected the plan in agitation, and at his suggestion the arms were seized by the British government. But relying on the effect of his own example and presence, Torrijos departed for the coast of Andalusia, in prosecution of his quixotic enterprize.

Meantime the great body of the exiles, stimulated more and more by the progress of the revolution in France, began to repair thither from all quarters, intending to enter Spain by land

from that country. Mina himself yielded to the current, and accompanied his countrymen to the Pyrenees, counting, perhaps, upon the assistance, or at least upon the connivance of the government of Louis Philippe. In Paris, a considerable number of volunteers joined the emigrants, and they received promises of aid in money and arms from the *mouvement* party in France. They gradually assembled on the Spanish frontiers, partly at Bayonne at the western extremity of the Pyrenees, and partly at Perpignan, on their eastern extremity. These two French cities stand each on the principal high road into Spain, Bayonne being the point of departure for Madrid by way of Burgos, and Perpignan for the same place by way of Barcelona. The former introduces into Navarre and Biscay, the latter into Catalonia and Aragon. A governing *junta* was established at Bayonne preparatory to actually crossing the frontier.

At this critical moment, when the last remnant of the Spanish constitutionalists were gathered together for a final attempt to deliver their country, they had the madness to revive those deplorable party disputes, which had disgraced and degraded the patriot cause in the time of its greatest ascendancy. The *comuneros* and the *masones* had not forgotten their old quarrels. Unfortunately, also, the same insubordination of spirit, which distinguished the constitutionalists when they were the nation, was equally to be remarked among them now they were a feeble band of exiles. Mina and the most eminent of

the patriots either as civilians or military men, were of the party of *masones*; and, as might be expected from their ability and experience, were less confident of success than the *comuneros*, who rendered themselves objects of commiseration by their violence, and by their impetuosity amounting to rashness. The effect of all this was to deprive their efforts of that unity, without which it was clearly impossible to effect anything useful. At the same time, it must be admitted that their whole scheme was a wild and impracticable one. The Spanish people did not desire a revolution; the fact is undeniable; and without a powerful party in the heart of the kingdom, what had a few hundred exiles to expect, in their invading the country, but defeat to themselves, and ruin to all who should espouse their cause? And how much soever we may condemn the factious temper, which distracted the counsels of the patriots, we do not believe the issue would have been different, had their conduct been ever so free from censure.

In effect, however, the consequence was that the *comuneros* proceeded to cross the frontier in their own time and mode. It is supposed that the entire force assembled along the Pyrenees did not exceed 1000 men, of whom only about the half were Spaniards. Colonel Valdez led the first party of 250 men, which crossed the frontier from Bayonne on the 17th of October, took possession of some villages, and dispersed a few royalist volunteers. But no person joined his standard, and

he would have been speedily cut off, had not General Mina followed him in a few days with the residue of their forces, consisting of about 300 men. It was soon ascertained that the enterprise was a desperate one; for the inhabitants carefully kept aloof, affording neither supplies nor recruits to the invaders. Mina took possession of the town of Irun, and posted his followers on the heights near Vera, a few miles from the great road to Madrid. On the 27th a well appointed royalist force advanced to meet them. It was the advice of Mina to avoid an engagement, and maintain a guerilla warfare in the mountain; but Valdez insisted upon withstanding the royalist troops and was accordingly defeated with great loss, and driven back into France. Mina himself saved his life by a series of hair-breadth escapes, and reached France in a state of extreme wretchedness. Seeing the irretrievable discomfiture of the expedition, the French now interfered, disarming the fugitives and compelling them to leave the neighborhood of Spain.

During the same period, another party of the patriots had entered Spain by the opposite extremity of the Pyrenees; and was in like manner driven back without having accomplished anything, and being reduced themselves to a state of mere starvation. The same fate attended each of the invading parties. Utterly failing to arouse the people, and having no sufficient means of their own to carry on a war with the government, they only enjoyed the consolation of having

tried the experiment of proffering liberty to their countrymen. The French had regarded their preparation with an eye of sympathy, if not of encouragement, so long as there was a possibility of their success. It became indispensable to disarm them, when they were become a band of desperate fugitives, capable only of keeping the frontier in confusion. In fact, perfect tranquillity was restored long before the close of the year, along the whole line of the Pyrenees.

It was several months before anything certain was known of the fate of Torrijos. He landed at Algeziras with his few friends and his proclamations; but was speedily taken prisoner and executed, with all his party, without having in the least degree shaken the stability of the government. As in Catalonia, Navarre, and Biscay, so also in Andalusia, whatever dissatisfaction the people might feel towards Ferdinand, they were evidently determined not to rush into the hazards of a new revolution, without more certain grounds of success, than the existing state of affairs in the kingdom afforded. The emigrants appear to have been strangely ignorant of the fact, that there was no revolutionary party in Spain. Miscalculating the effect, which the French revolution was to have in the Peninsula, Torrijos and Valdez seem to have imagined, that they had only to show themselves, and patriot armies would rise up at their bidding. But they mistook both their own consequence, and the feelings of the nation, in supposing it so easy to shake the throne of Ferdinand.

CHAPTER VIII.

GREECE AND TURKEY.

Greece.—Effect of the Treaty of Adrianople.—Protocol of February.—Choice of Leopold.—He declines.—State of Greece.—Destruction of the Fleet.—Assassination of Capo d'Istrias.—Turkey.—Mahmoud's Reform.—Revolts.—The Viceroy of Egypt.

WHEN the treaty of Adrianople had shown the humiliated condition of the Porte, it was presumed that Greece, protected by the great allied powers, would begin to enjoy repose, under some form of government suited to the genius of her people. But three years have since elapsed, without seeing the accomplishment of so desirable an object. This may be owing, in some sort, to domestic causes; but is to be ascribed, in a greater degree, to the selfish policy of the allies, which leads them to insist upon imposing on Greece a form of government, and persons to exercise it, without duly consulting the mind and feelings of the Greeks themselves. By the protocol of March, 1829, Greece was made a principality, bound to acknowledge the Sultan as sovereign or feudal superior, and bound also to the payment to Turkey, of a stipulated tribute. At the same time, it was provided that the frontier of the new principality, on the north, should extend across between the

gulfs of Arta and Volo. The conditions of this arrangement not having been acceded to by the Porte, the allies did not on their part feel bound to adhere to them in any new arrangements, which circumstances might render expedient. The Sultan had been compelled by the victories of the Russians to engage, that he would submit the whole question unreservedly to the conference of the allies at London, pledging himself to abide by their decision. They accordingly proceeded, by a protocol of the 3d of February 1830, to settle anew the destinies of Greece.

This protocol was considered by the allies as the solemn act for constituting the future state. They began by deciding that henceforth the Greeks should form a free people, invested with all the rights, political, administrative, and commercial, attached to complete independence. But while thus depriving Turkey of her qualified dominion over Greece, as secured by the protocol of

March, 1829, the allied powers saw fit, on the other hand, to narrow the boundaries of the territory to be detached from the Turkish empire, thus depriving Greece of a defensible military frontier, which was accorded to her by the previous arrangement. They decided, also, that the government of Greece should be a monarchy, and that the first recipient of the new dignity should be nominated by them, from among some of the princes of Europe.

Having determined to select a ruler for Greece, from among the European royal and princely houses, the allies very soon turned their eyes to Germany, as a kind of '*officina principum*,' furnishing them with abundance of new materials well adapted for the manufacture of kings with the proper hereditary marks of genuineness. Candidates, of course, were not wanting, and among them, Leopold of Saxe-Coburg was the most prominent, and by his alliance with the British royal family as well as the large pension he enjoyed from England, the most likely to be useful to Greece. The allied powers, it should be observed, had mutually agreed to exclude the immediate members of their respective families from consideration. Russia went so far as to make Charles X. her proxy in the matter, so that in fact the choice rested with France. Charles proffered the honor to prince John of Saxony, who declined it; and it was then conferred on Leopold.

Leopold received the offer of the Greek crown on the 4th of

February; and on the 11th, replied, desiring information upon certain points, as indispensable to his coming to a decision to accept the trust. The conditions, which he thus annexed to his acceptance, were 1, a guarantee of the new state against foreign aggression; 2, protection to the Greek inhabitants of Candia and Samos; 3, the extension of his northern frontier so as to render it defensible in a military point of view; 4, pecuniary succor; and 5, temporary assistance in troops, to enable him to organize his government, and establish and maintain public order. In regard to the first, fourth, and fifth conditions, an agreement was finally concluded, and after much negotiation, carried on chiefly between Leopold and Lord Aberdeen the English plenipotentiary, it was settled that the French troops should stay in Greece another year; and the allies consented to guarantee a Greek loan of sixty millions of francs, for the benefit of Leopold. The whole correspondence on this subject exhibits a scene of higgling and chaffering on the part of Lord Aberdeen, little to the honor of the British cabinet, which gained no credit by the negotiation. In fact, England, which had never made any sacrifice in behalf of Greece, which had only interfered in her favor, out of jealousy towards Russia, proved true, on this occasion, to the trading spirit, which is so apt to pervade her foreign policy. Leopold, however, succeeding in obtaining the engagements he desired in this respect; but in

regard to the boundary, and the protection of Candia, he was unable to accomplish his purpose.

The correspondence on these various subjects continued for several months. Leopold, it was manifest, was gradually growing indifferent to the object, which he had originally sought for so anxiously; for as the negotiation proceeded, he grew more and more *exigent*, in regard to the terms on which he would accept the crown. Meanwhile, sufficient time had elapsed to ascertain the feelings of the Greeks themselves, in view of this transfer of them, like a herd of cattle, to a master selected by others, in whose appointment they were to have no voice, and who was to be sustained in authority by foreign troops and subsidies. Leopold had entered into correspondence with Capo d'Istrias the President of Greece, and with other individuals of rank and influence in that country. Whatever may have been the representations made by others on this subject, certain it is that the letters of Capo d'Istrias had the effect of completely weaning Leopold from his ambition to be ruler of Greece. Capo d'Istrias, with the address and consummate art of a Greek and a veteran diplomatist, succeeded in terrifying Leopold with such a picture of the condition of Greece, and the hardships to be encountered by him who should assume its government, that, on the 21st of May, he finally resigned the station, to which he had been raised by the favor of the allies.

Among the various motives as-

signed for this step, in addition to those which are more obvious to be remarked, it has been said that Prince Leopold was not uninfluenced by the state of parties and of the succession to the crown in England, the Dutchess of Kent, mother of Victoria, the next in succession to the Duke of Clarence as presumptive heir of George IV, being the sister of Leopold, and he having some reason to anticipate being called to exercise the regency in case of the crown's devolving upon Victoria during the minority. However this may be, his refusal of the government of Greece was positive and decided, and no successor had been pitched upon previous to the dethronement of Charles X, and the consequent interruption of the harmonious action of the allies, so far as regarded France and Russia. Prince Paul of Wirtemberg was at that time a suitor to Charles for the vacant throne. The question of boundary continued unsettled, although the transfer of Candia to the Pacha of Egypt, which took place during the autumn, seemed to be decisive of the fate of that important island. At the same time, it was to be considered, that the political changes in France and England were highly auspicious to the cause of Greek independence, and, but for the events in Belgium and Poland, we may suppose that this vexed question would have been long since set at rest.

It is much to be regretted, however, that the destinies of Greece have not been fixed on some equitable foundation, so that

an end may be made of its internal distraction, and its inhabitants may devote themselves to those gainful pursuits of industry, for which their temper and geographical situation render them peculiarly well fitted, and which would speedily restore prosperity and competency to the Morea and the Archipelago. During the early part of 1831, we continually received accounts of the disturbed state of various parts of the country, especially the Morea, coupled with statements of the growing unpopularity of Capo d'Istrias. Every day seemed to augment the intensity, and accelerate the spread of the spirit of disaffection to his government.

It is difficult to say how much he may have been in fault in reference to the troubles in question. There is enough to show, however, in the conduct of the Greek chieftains, that they needed a more energetic government, rather than a milder one. The destruction of the Greek fleet by Miaulis, was a remarkable instance of factious insubordination. In the course of the summer of 1831, a dispute arose between Admiral Miaulis and the President, in consequence of which, the former took possession of the whole Greek fleet, and conducted it to Poros. Hereupon Count Capo d'Istrias employed some Russia men of war to go and reclaim the fleet. On the Russians entering Poros, the forts opened a fire upon them; but Miaulis finding the Russians were likely to be victorious, set fire to the Greek vessels, and caused their total destruction. Thus perished

the entire fleet, including the frigate *Hellas*, so well known in America, as well as a large number of other vessels of war. The whole naval force of Turkey could not have inflicted so much injury on Greece, as this single act of madness and treason on the part of Miaulis occasioned. With infatuation difficult to be understood or conceived, he proceeded to dismantle the fortifications of Poros, which had been constructed during the war of independence under the direction of an English engineer. His purpose appears to have been to inflict all the injury in his power on Poros, as if it had been a hostile Turkish fortress, or he a willing instrument of Ibrahim Pacha; for when the government troops took possession of Poros and of the steamboats which had escaped the conflagration, they found lighted matches, not only in the vessels, but in the cellars of the houses. This act of extravagance and folly was perpetrated by a man, who, in other times, had deserved well of his country, by many brilliant achievements, but who seemed resolved, on this occasion, to efface the memory of his patriotism, and to substitute the execration of the Greeks in place of their respect and applause. This incident does much to confute some of the complaints of the Greeks against Capo d'Istrias; and the assassination of him soon afterwards tended the same way.

The circumstances of this unhappy affair are as follows. Pietro Bey was the chief of Maina, a mountainous district, which occu-

pies the southern extremity of the Peloponnesus. This region was comparatively exempt from the oppression of the Turks, being governed by its own chiefs, who were only subjected to the payment of a slight tribute. Still Pietro Bey and his family were among the earliest and most zealous friends of the Greek cause, and had adhered to it through every vicissitude of fortune, affording far less grounds for imputation of selfishness and rapacity, than the other Moreot leaders. He bore the title of Bey, from being the only considerable chieftain in the Morea, whom the Turks suffered to retain the command of a district; and being a Christian and an enemy, this was no small testimony to his merits. Capo d'Istrias had the bad fortune to quarrel with the Mainote chieftain, and caused him to be imprisoned in the citadel of Nauplia. The kinsmen of Pietro Bey espoused the quarrel of the head of their family, and avenged it in their own lawless way. As the President was proceeding to attend religious service, Constantine and George Mavromichaelis, the brother and the son of Pietro Bey, lay in wait for him, and killed him on the spot, the one discharging a pistol at his head, and the other stabbing him with a Turkish dagger. Constantine was immediately killed by the President's guards. George escaped, and took refuge in the house of the French consul, who protected him from the fury of the populace, but subsequently delivered him up to the public authorities, by whom he was tried and executed. The murder was committed at Napoli, on the 9th of October. A commission was immediately nominated by the Senate, for carrying on the government until the meeting of the National Assembly, and Colocotroni was appointed to be its President. These events, disastrous as they were, did not permanently interrupt the public tranquillity. Capo d'Istrias' murder was an act of private vengeance merely, unconnected with any popular commotion; and in its consequences may be serviceable to the Greeks, by facilitating the final organization of their government.

To those who take interest in the affairs of Greece, from attachment to the Greek cause, and the recollections of antiquity, it was a subject of gratulation to witness the success of the allies in obtaining the annexation of Attica to the new Greek state. It seemed as if the war of independence was but half fought, if Athens, the seat of ancient learning and liberty, was to continue subject to the Turkish sceptre. The ambassadors of the allies obtained this concession in December 1830, and, on the 10th of January following, the flag of independent Greece was displayed from the heights of the Acropolis.

Turkey has exhibited a singular spectacle during the past year. Whilst all the rest of Europe has been agitated by the attempts of the people to introduce regularity, stability, and equality into the administration of justice, and to abridge the arbitrary authority of their rulers, Turkey, on the

contrary, has been convulsed by opposition, from various quarters, to the liberalized and enlarged policy of Sultan Mahmoud. This wise and highminded prince, who has learned wisdom by fatal experience,—who sees that public prosperity depends on the just and equitable administration of government, and that it is incompatible with the system of irresponsible exaction and petty provincial tyranny, which has so long disgraced the Turkish name; who is conscious that his people are far behind the subjects of his Christian foes in all the arts of life, even the art of war, the peculiar boast and pride of the Ottoman;—this ambitious ruler is anxious to place his empire on a level with the great powers of Christendom. Many of his reforms come in collision with the interest of the powerful dependents of the Porte in the distant pachalics; many others offend the prejudices of the well disposed, but bigotted and ignorant, among the subjects of his authority in every part of the Empire.

A strong example of his conversion to the maxims and practices of civilized Europe, is an order issued by him, for the release of all Christians made slaves in consequence of the Greek revolution. This may be considered as purely a political measure, not especially in conflict with the religious prejudices of the Turks; but the imperial decree of February 11th 1831, strikes directly at the gross intolerance and religious self-sufficiency of the Mahometans. It deserves to be quoted for the liberal and enlight-

ened spirit it breathes. ‘Greeks, Armenians, Armenian Catholics, and Jews,’ it says, ‘shall, from henceforth, in common with the Turks and Moslems, be equal before the law. No Moslem shall, in future, have any preference, or enjoy any superior rights, in consequence of his being a Moslem; for, according to the opinion of the Sultan, all form but one family,—but one body,—whatever may be the private creed of each of his subjects; and this is a matter only concerning the consciences of men, who ought not to be called to account for their religion to any one but God.’ However adverse the doctrine may be to the exclusive and persecuting spirit, by which the Mahometan religion was originally propagated and established, there can be no doubt of its being the best adapted, at the present time, for the lasting good of the Ottoman Empire, and the permanency of the dominion of the Turks, either in Europe or Asia. As connected with the same peculiarity of Mahmoud’s policy, it should be mentioned, that, in annexing Candia to the pachalic of Egypt, Mahmoud authorised the Greek Patriarch to designate suitable persons to fill the bishoprics and other ecclesiastical dignities of the island. And his solicitude to consult the reasonable wishes of the Christians in other parts of the Empire, has been equally marked.

His anxiety to reform the discipline, equipment, and organization of his troops, we have had occasion to record heretofore. The repugnance of the troops

themselves to submit to the new regulations, has always constituted a serious obstacle to his progress in this respect. The European costume and European discipline scandalize the ignorance and pride of the Turks, who cannot distinguish between the religion and the barbarism which they inherit from their forefathers, and who think that the maintenance of the former depends upon the perpetuity of the latter, even in the dress and equipments of the army, quite as much as in fundamental articles of faith. These feelings contribute to the continued existence of materials of discord and civil commotion in the Turkish Empire; but its recent troubles have arisen more immediately from the operation of Mahmoud's improvements upon the great functionaries of the Empire.

Mahmoud's first object, very naturally, was to give European efficiency to his troops, the main dependence of every despotism in every age, whether Pagan, Mahometan, or Christian. This was equally essential to the protection of his Empire against foreign aggression, and of himself against domestic foes. Next to this, it was all important to reform the civil and military administration of the provinces, the abuses in which constituted the chief causes of the decay and degradation of Turkey. To this end, he labored to make the armies everywhere directly responsible to the head of the Empire, as in civilized Europe, instead of allowing them to be the means of local independence to the various pachas. He has been anxiously

endeavoring, also, to impart fixedness and regularity to the finances of the Empire,—to make the revenue depend on the collection of the imports by accountable agents, instead of being received through the arbitrary exactions of the pachas, and instead of being a share, as it were, of the spoils they pillaged from the people. In the new state of things, at which he has been aiming, the military authority in the provinces would be separated from the civil administration; the pachas would receive specific limited appointments, instead of being left to desolate their governments by arbitrary exactions; the domestic organization of the Empire, in short, would be made to resemble that of civilized communities in general, instead of being a monstrous anomaly, a by-word of tyranny and misrule in all Europe.

The successful accomplishment of these invaluable reforms would be a blessing, beyond all calculation, to the subjects of the Porte. But their introduction is fatal to the consequence of the pachas. From being, as it were, mighty princes, with full power to enrich themselves, if they please, by the strip and waste of the provinces they govern; or with the means of rendering themselves practically independent of their master, like Djezzar, Pacha of Acre, or Ali, Pacha of Joannina:—instead of being thus situated, they will be reduced to simple governors of provinces, with but temporary, or at any rate well defined, power, and completely subject to the authority of the Sultan. These

considerations are assigned as the explanation of the distracted state of some of the Turkish provinces, and the open rebellion of others. In Europe, the most alarming and serious revolt was that of the Pacha of Albania. But the troubles in Rumelia and elsewhere, occasioned by the Pacha of Albania, great as they were, yielded in consequence to those in the eastern extremity of the Empire, where Daoud, the Pacha of Bagdad, raised the standard of rebellion. In consequence of this, the Pacha of Aleppo was charged to assemble all his disposable forces in Asia Minor, and march against Daoud. And lest his resources should prove insufficient, the Viceroy of Egypt was desired to send reinforcements from Egypt, with a promise of the pachalic of Syria as the recompense of his services. These preparations enabled the Porte to overcome Daoud in a battle before Moussoul, and to drive him into the citadel where he was besieged.

Thus every year has added to the power of the Egyptian Viceroy. Egypt was acquired by this fortunate and aspiring soldier in spite of the opposition of the Porte. He carried his arms into Nuḃa, Fezzan, and Sennaar. The schism and revolt of the Wahabees in Arabia proved too much for the Sultan to cope with; and his great vassal, after vanquishing the rebels, became the ruler of the country, which he had subjugated anew in the name of the Sultan. Candia followed, at the conclusion of the Greek war, falling into the hands of the Viceroy, quite as much from the incapacity of the Sultan to retain it of himself, as on account of the merits and losses of Ali, in the contest with Greece. The introduction of his arms into the affairs of the Levant could not fail, as the result has demonstrated, to have important influence on the affairs of the Turkish Empire. But the events of the war in Syria belong to the history of another year.

CHAPTER IX.

P O L A N D .

Frequency of Revolutions.—Partition of Poland.—Its Effects.—Policy of Napoleon.—The Polish Legion.—The Dutchy of Warsaw.—Congress of Vienna.—Poland subjected to Russia.—Alexander's Charter.—Tyranny of the Russians.—Conspiracy of 1825.—Oppression of Nicholas.—New Conspiracy.—Effect of the French Revolution.—Designs of Nicholas.—Commencement of the Revolution.

THE present generation has grown familiar with the dismemberment of kingdoms, and the forcible disposition of states and provinces, according to the caprice of selfish alliances or irresponsible conquerors. We have seen Italy, Switzerland, and the Netherlands conquered by, or annexed to, France; Spain, Portugal, Sardinia, Prussia, and half the principalities and kingdoms of Germany, subjugated by Napoleon; Finland torn from Sweden, and Normandy joined to it, by the fiat of others; and all continental Europe prostrated before the feet of a mere soldier of fortune. Again, we have seen the tide of conquest driven back; France stripped of her acquisitions, and these arbitrarily distributed here and there, just as sundry great allies considered meet; Belgium and Holland tied together in Mezentian bonds; Prussia once more supreme from the Rhine to the Memel; Lombardy engorged again by the successors of Frederic Barbarossa; France and Naples restored by a dash of the pen to the dynasties they hated and despised; and unhappy Poland yielded up anew to the tender mercies of the Czar. Later still, the invasion of Savoy and Naples by the Austrians, of Spain by the French, and of Portugal by the English, in order to give ascendancy to particular parties, and to sustain some internal modification of government, agreeable to the will of their officious ally, have borne further testimony to the nature and qualities of European independence. The Sultan, again, has been obliged to submit to the dismemberment of his Empire to gratify the wishes of his friends, and the severed member has been compelled to accept of such a government, and such rulers, as the same kind friends might choose to impose. Even at the present time, Europe is witnessing the spectacle of what was once among her most important states, namely, Holland, compelled to forego her rights as a na-

tion, at the dictation of the powerful neighbors around her. Many other examples to the same effect might be cited, interpositions of some partial alliance or potent monarch to change the destinies of entire nations and peoples, occasionally, it is true, in the interest of liberty and improvement, but more frequently to advance the interests of despotism and usurpation. Such continual *bouleversemens* among the states of Europe, effected by foreigners without consultation of the desires of the parties acted upon, have served to blunt the delicacy, and deaden the sensitiveness, of the public feeling in regard to revolutions affecting the nationality of a people.

But it was not so in former times. To maintain the balance of power in Europe, as it was phrased, Flanders was filled, in the days of Marlborough and Turenne, with contending armies for many successive years, when the whole territory in dispute was but a tithe of what has since been given to this prince, or taken from that, as carelessly and unrespectively as the ancient Persian kings were used to distribute cities among favorites about the throne, or as Rome made and unmade kings in the Asiatic provinces of her Empire. What treasure was lavished, how much blood was shed, to prevent a testamentary devise in favor of the grandson of Louis XIV. from taking effect! —The permanency, the unchangeableness of states, was then the dominant idea among statesmen; all the acts of diplomacy were aimed to accomplish this

object, by such combinations of one set of governments, as should prevent others from acquiring too large share of the soil of Europe. Even the gradual increase of Prussia, although seemingly in violation of this principle, was in fact a consequence of it, the growth of the House of Brandenburg being countenanced to secure the equipoise of the Germanic confederation.

It was in such a state of public opinion, that Europe saw the three north-eastern monarchies, Austria, Prussia, and Russia, combine for the partition of Poland, thus breaking down the doctrine of the *status in quo*, that common law in Europe, by which alone the weaker powers subsisted, and setting an example of unprincipled rapacity, of which they themselves were destined to be the future victims. The western powers of Europe seemed to be astounded and stupified, rather than shocked and aroused as they ought to have been, by the high-handed and flagitious violation of the national sovereignty of the Poles; and the indignation of England and France evaporated in idle and fruitless popular sympathy with the sufferers. The monstrous injustice of the act in question shocked, it is true, the whole of Europe, to a degree proportioned to the sacredness which was then attached to the idea of nationality. Poetry exhausted all her invention, and philosophy poured out her stores of eloquence, in malediction of the leagued oppressors. But the Poles were left to fight the battles of their independence single-

handed; and this gallant and free-spirited nation, which, within less than a century, has numbered a population of twenty million souls, was swallowed up and destroyed after a desperate struggle, by the bearded barbarians of Muscovy and the hereditary slaves of Prussia and Austria.

When the shameless coalition, which partitioned Poland, was suffered to go unpunished, the moral sense of Europe, in regard to the integrity of national sovereignty, was extinguished. We saw the effects of this in the facility with which revolutionary France overran the Netherlands, the Rhine, and Italy. In the recent rapacity of legitimate emperors, Napoleon could not fail to find apology, at least, for his own disregard of the rights of nationality. How could Prussia appeal to the sympathies of Europe in her behalf, with the fresh blood of the injured Poles yet reeking on her hands? How could Austria complain of provinces ravished from her sceptre on the south, when her northern frontier was pieced out with the ill-gotten fragments of plundered Poland? How could Russia object to the extension of Empire by unprovoked invasion, when she herself had set up a school in Poland for the teaching of lessons of invasion, outrage, tyranny, and profitable crime?—Sure we are, that, until they themselves were just, those three governments had no right to call on others to be generous. If that mighty genius, whom the interested calumnies of a voluntary enemy so long prevented from

being duly appreciated,—if Napoleon, after humbling Austria, subduing Prussia, and intimidating Russia, had made the reintegration of Poland the hinge of his northern policy, how nobly would he have avenged the wrongs of the Poles, how triumphantly would he have sustained himself, how totally different from its present aspect would now be the condition of Europe!—

Napoleon possessed ample opportunity to revive the Polish nation, and to render it the bulwark of western Europe against the Russians, as it had formerly been against the Turks. After the final defeat of Kosciusko in the battle of Maceiowice, the scattered relics of the armed Poles were united together by Dombrowski, one of the most eminent among the Polish patriots, who offered their services to France, not as mere mercenary auxiliaries, but as an expatriated nation, who wished to maintain their nationality under the banner of the only country, of whom they could expect the recompense they looked for, namely, the restoration of Poland. They were joyfully received, to the number of 15,000, into the armies of the French Republic, and proved the bravest among the brave in the ranks of those victorious legions, which planted the tricolored flag on every cathedral in Europe, and covered the French name with glory. In Italy, Egypt, Spain, Germany, Prussia, wherever Napoleon advanced his eagles, the Poles were always to be found, anxious only to perpetuate the

individuality of their nation, and glad to die so that on some future day Poland might live. A junta, or committee of Poles continued to sit, either in Italy or France, which scrupulously observed the rules of the Diet, in order that the existence of the nation might not be suspended, nor the sacred flame of Polish independence be quenched for a moment. On every field of victory, wherever the thanks of the French nation were presented to the gallant Polish legion, Dombrowski never failed to remind France of the reward, to which they aspired. They fought for France, with all the courage and enthusiasm which characterize them; but it was in their country's behalf that they poured out their blood so freely. At Marengo and Wagram, at Jena and Austerlitz, it was still for Poland they conquered.

Although Napoleon never did justice to the merits and virtues of the Poles,—merits and virtues of which no man was more conscious, and of which he availed himself on the most trying occasions,—yet he could not always resist the prayers of this heroic people. During his triumphant career in Prussia, it was in his power to have redeemed Poland. Especially in 1812, when his victorious armies occupied Wilna, the Poles looked to him for the accomplishment of all the promises of France in their behalf. But unfortunately for himself, as well as for them, success had hardened him to the calls of enerosity, and in the selfish calculations of his own personal poli-

cy, he but half met the ardent expectations of the Poles. Instead of re-establishing the kingdom of Poland, he had merely formed the grand dutchy of Warsaw, composed of five departments taken from Austria, and seven from Prussia, and comprehending a population of 4,334,656 souls. Although the Poles were disappointed, and with just cause, at the want of generosity, as well as good policy, displayed in these arrangements, yet they were thankful for the boon they received, and felt that their sufferings and sacrifices had not been in vain. They were once more a people, with a home and a name, and they were unspeakably grateful for the blessing.

Of course, the Poles did not fail to stand by Napoleon, in his desperate conflict with Russia, and they were the joint victims of his defeat, as they would have been the participators in his success. When the Russians occupied the dutchy of Warsaw in 1813, they hastened to conclude with Prussia and Austria one more treaty of partition, by which the Czar was to have yet another share of Poland. But the further events of the campaign prevented the execution of this treaty; and the fate of the Poles came up for consideration in the Congress of Vienna. The victorious allies were assembled to dispose of the multitude of states, which they had torn from the authority or influence of Napoleon. More than thirty millions of human beings, inhabitants of Poland, Germany, the Netherlands,

and Italy, were to receive their doom from the hands of individuals, whose alliances and victories had raised them above all considerations of responsibility, and made them totally independent of the feelings of so many unappropriated nations. Forgetting that they were in arms for the purpose of punishing usurpation and unjustified conquest, they proceeded to exercise like tyranny, in a manner still more flagrantly revolting to public justice. Their arbitrary appropriation of the Poles did not stand alone; but there are peculiar circumstances attending it, which aggravate the atrocity manifested by Russia, from beginning to end, towards this unfortunate people.

It was from the spoils of Austria, and Prussia, as we have stated, that the grand duchy of Warsaw was constituted. Had Alexander been true to his own principles, he would certainly have laid no claim to this territory, which had never belonged to his Empire, and which, if it was not to be rendered independent, should have been restored to its former possessors. Lord Castlereagh, in behalf of England, strenuously insisted that the kingdom of Poland should be restored. He rightly represented it as the earnest desire of his country to see 'some independent power established in Poland, as a separation between the three great empires of Europe.' Talleyrand expressed the same wish in behalf of France, which he represented. He said that 'Of all questions to be discussed at this Congress, he con-

sidered the affairs of Poland as incomparably the most important to the interests of Europe, if there was any chance that this nation, so worthy of regard for its antiquity, its valor, its misfortunes, and the services which it has formerly rendered to Europe, might be restored to complete independence. The partition, which destroyed its existence, was the prelude, in some measure the cause, perhaps even to a certain extent the apology, for the subsequent commotions, to which Europe has been exposed.' Metternich cordially entered into the views of the English and French plenipotentiaries, and was willing even to surrender a portion of the Austrian territory, if requisite for the re-establishment of Poland as an independent kingdom. These honorable and useful purposes of England, France, and Austria, were defeated by the selfish rapacity of the Emperor of Russia.

Alexander had taken advantage of the single darling passion of the Poles, their desire of a separate national existence, to draw them, by fair promises, into the expression of good will towards him, and thus render them accomplices in their own ruin. Meanwhile, his troops now occupied the grand duchy, as they had continued to do ever since the expulsion of the French. Under these circumstances, he insisted that Poland should be incorporated with the Russian Empire; and as the other powers could only prevent this by running the hazards of a new war,

they reluctantly yielded to the iniquitous demands of Alexander. But they did not acquiesce, without a solemn protest in favor of the independence and civil rights of the Poles. Lord Castlereagh, especially, assumed a stand in regard to Great Britain, which amounted to an honorary engagement of his country, to see that the Poles were fairly treated by Russia. He exacted of the sovereigns, by whom the various fragments of the Polish monarchy were now held, a pledge 'that the Poles in their respective dominions, under whatever form of government they might think proper to place them, should still be treated as Poles.' They each solemnly pledged themselves to this effect, as well to each other, as to England, and embodied their engagements in the final act of the Congress.

By the first article of the treaty of Vienna, then, the grand duchy of Warsaw was transferred, under the title of the kingdom of Poland, to the Emperor of Russia forever; it being stipulated at the same time that 'the Poles, the respective subjects of Russia, Austria, and Prussia, shall obtain a national representation and national institutions, framed according to the mode of political existence; which each of the governments to which they belong, shall judge useful and proper to grant.'—Prussia and Austria wholly disregarded this engagement, but Russia flattered the Poles with a constitution upon paper, only to await her own time to govern them as she pleased, without regard to the privi-

leges of their charter. During the progress of these negotiations, Alexander was incessantly endeavoring to conciliate the Poles by professions of the greatest regard for their welfare as a nation, and by acts of courtesy and kindness towards prominent individuals. His charter was promulgated in 1815, and contained provisions, which, if observed by him and by Nicholas, would have secured the fidelity and attachment of the Poles. It assured to them a governor, to be called Lieutenant of the kingdom, who should be selected from among their own people. It promised them exemption from arbitrary arrest, guaranteed the liberty of the press, and limited to the Poles all employments, civil and military, within their own country. To gratify the national feeling of the Poles, it was provided that the Polish army should preserve 'its colors, its uniform, and everything belonging to its nationality.' To complete the system of government, the Poles were gratified with a Diet, whose deliberations were to be public, and which was to assemble every two years. It consisted of two chambers, namely, the Senate, composed of nine bishops and of palatines and castellans nominated for life by the Emperor out of a double list presented to him by the Senate itself,—and a lower chamber, composed of seventy-seven nuncios or representatives of the assemblies of nobility, and fifty-one deputies of communes. Such was the constitution of the new kingdom, as provided by the charter.

But with these ample nominal

guarantees of their independence, which promised them all that in their circumstances they could expect, if not all they desired,—the Poles ere long discovered that they possessed no real independence. They were still subject to a despot, who respected their rights just so far as suited his convenience, and no further. In fact, the violations of the charter were as strikingly arbitrary, as the provisions of it on paper were strikingly just and equitable. The Grand Duke Constantine being stationed in Warsaw as commander in chief of the army, there was an end of the liberty of the people, and of the independence of the Polish Lieutenant General. The press was subjected to a rigid police. Arbitrary arrests, imprisonments without trial, and cruel punishments, became familiar incidents among the oppressed inhabitants of Poland. The sittings of the Diet were interrupted for a period of five years. Its doors were closed by order of Alexander himself. At the very first meeting of the Diet, a decision was promulgated that its members must submit in all things to the will of the Grand Duke, and to make sure of their obedience, the palace of the Diet and its galleries were filled with armed guards. The city was overrun with spies, and no means of extortion and oppression were spared, to break down the spirit, and extinguish the independent feeling of the Poles. Finally, the army was subjected to every possible indignity, so that the most patriotic Polish officers resigned their

commissions, and the soldiers frequently committed suicide to escape from the military tyranny of Constantine.

This accumulation of injuries was not the business of a single year, of course, nor was it all the work of Alexander. It is to be remembered that, from the beginning, Constantine, whose character was uniformly represented, long before the Polish insurrection, as being an extraordinary specimen of fatuous weakness and brutal ferocity, was the virtual administrator of the Russian authority in Poland. The Emperor Alexander appears to have entertained somewhat friendly sentiments towards the Poles, although his friendliness was not of a sufficiently active description to preserve them from the oppression of his subalterns, nor sufficiently disinterested to induce him to comply with his own engagements or fulfil the expectations of Europe, in regard to the promised independence of Poland. Hence the Poles were, even during his reign, left to be vexed and misgoverned by the petty despotism of Constantine, and precluded the exercise of the constitutional rights assured to them by their charter. We state this position in general terms, because the specification of particular facts would draw us beyond the proposed limits of our narrative. Still, the position itself is undeniably true, and abundant testimony to this effect has been published in various forms since the commencement of the insurrection. No impartial reader, who chooses to consult the prop-

er authorities for information, can fail to obtain entire conviction upon the subject. The Polish Diet had been revived in name, but not in substance; the body of a deliberative assembly existed, but not the soul; it was but a mockery of independence to the brave inheritors of the name, sentiments, and glorious recollections of Poland. The charter was in truth a stately and solemn trick elaborately devised for the mystification of Europe, who had protested as with one voice against the annexation of Poland to Russia, and whom it was deemed wise to quiet by seeming concession. So much for the national independence; and as for the liberty of the subject, it is equally certain that the Poles were no otherwise distinguished from other subjects of the Muscovite sceptre, than as their attachment to free institutions rendered them a constant object of *surveillance*, pillage, and oppression, to their jealous master, from which the well tutored slaves of his hereditary possessions were of course exempted. Such was the state of things in the time of Alexander.

The consequence of this was, that; for some years previous to his death, plans were in agitation among the Poles for emancipating their country. Jablonowski, Krzyzanowski, Plichta, Debek, and Soltyk are named as the patriots, who, in 1821, first conceived the idea of a Polish revolution. Whilst brooding over their wrongs, and thus beginning to contemplate revolt, they were gratified with intelligence of the

secret organization of a conspiracy among the Russians themselves, for throwing off their yoke, at the head of which, were Pestel, Releiew, Murawiew, and their associates. The two separate sections of this great conspiracy met at Kiow in 1824, and soon afterwards at Orla, where they were combined by solemn oaths for the prosecution of their kindred purposes. The Russians promised to the Poles the resuscitation of Poland by the surrender of its ancient provinces; and each nation pledged itself to the other to maintain eternal friendship. They fixed upon the twenty-fifth anniversary of the accession of Alexander, May 1826, for the breaking out of the revolution. On that day, the whole imperial family were to assemble at Biala-Cerkiew in Volhynia, to celebrate the anniversary of his coronation; and the occasion was embraced, as affording the means of securing all the members of the imperial family at once, and also of gaining over the troops, which were then to be collected on the great plain of the Dnieper. In the interim, the conspirators dedicated themselves to the task of obtaining friends to their cause in Russia and Poland. All the arrangements for the contemplated rising were in fact made with judgment and circumspection.

But an unexpected event defeated their plans, and compelled them to select another occasion, and devise other means of attaining their end. This was the sudden death of Alexander at Taganrog in December 1825, which,

while it compelled the associates to alter their plans, afforded them grounds of hope, upon which they had previously had no cause to calculate. The Grand Duke Constantine had been obliged in 1823, on account of his marriage with a Polish lady, to renounce the throne of Russia in favor of his younger brother Nicholas; and the conspirators might well anticipate, that the confusion of a disputed succession would greatly facilitate their designs. We have explained, in an early volume of our work, how it was that this projected revolution was suppressed, and the punishment inflicted on the conspirators. Their failure was the immediate pretext of inflicting innumerable injuries upon the Poles. In Warsaw the Grand Duke undertook to manifest his horror of the conspiracy, and the fidelity of his attachment to Nicholas, by superintending the arrangements for the trial of the criminals, and causing them to be subjected to the cruel punishments practised in the Russian Empire. Nicholas was crowned in Warsaw in 1828, and like his predecessor, swore to maintain the constitutional rights of the Poles. But his oaths were deceitful and hollow, and it became apparent that all Poland was to be punished for what a few had attempted, and, if possible, the spirit of independence thus utterly crushed.

It would be impracticable, as we have said, to enter into minute details, to illustrate the policy, which Nicholas either commanded or permitted. We give a sin-

gle example only, from which to judge of the whole, as we find it related in Hordynski's History of the Revolution. It seems that a Jew, called Nowachowiez, had obtained a monopoly for the sale of liquors and tobacco. A poor day-laborer, who had been apprehended for a breach of this monopoly, escaped and sought shelter on the estate of a gentleman of the name of Biernacki; and, in consequence of the interposition of the latter to prevent the poor man from being grossly abused by the pursuing guards, the myrmidons of the police were let loose upon him and his property. In the first place, a detachment of gen d'armes was sent to arrest Biernacki, and to convey him like a common criminal through the streets of Warsaw to prison. Next, Nowachowiez succeeded in obtaining from the Grand Duke a squadron of 200 Russian hulans, who were quartered on the estate of Biernacki for a week, *in execution*, as it is termed. 'The Russian soldiers took possession of all the buildings on the estate. In the apartments, which they used for barracks, they broke all the lustres, furniture, pianos, &c., and carried in their straw for sleeping. In the court-yard they made a fire, for which they used the pieces of furniture as fuel. They took the wheat from the barns to feed their horses, and butchered the cattle. In short, the most shameful depredations and excesses were committed by officers and soldiers, regardless of the situation of the lady of this nobleman, who was

confined in childbed, and who from terror miscarried, and for a whole year was in danger of her life from the consequences. This barbarous order of the Grand Duke ruined the fortune of this unhappy man, and the amount of property destroyed may be estimated at least at from 70,000 to 80,000 gilders. Biernacki was imprisoned for a whole year, after which he was dismissed to weep over the sufferings of his wife and his ruined fortune. The poor offender was punished with *eight hundred* blows of the knot, of which he died in a few days.' Such was the system of administration, which Constantine applied to the Poles.

In France, or England, or any country where public measures are a subject of discussion in public debate and the newspapers, a course of monstrous mal-administration would draw after it the natural consequence of being denounced in the press and the tribune, and the people would be gradually wrought up to the proper pitch of resolution for redressing their grievances, by constitutional or other means. In absolute governments, where freedom of the press does not exist, and freedom of speech is suppressed by means of organized *espionage*, the same result is reached by the medium of secret conspiracies. Thus was it in Poland in the time of Alexander:—thus it was there again in the time of Nicholas.—Two young Poles, Wysocki and Schlegel, stimulated by the example of Soltyk and his associates in 1825, exerted themselves to form a pat-

riotic club, which kept alive the hope of independence under every discouragement, waiting only for a favorable moment to rend asunder the chains which fettered their nation. Five years elapsed before anything occurred to fan the spark into a flame. That potent influence, which aroused the feelings of the nation, and quickened into madness their sense of injustice and oppression, was supplied by the revolution of the Three Days in France.

It is inconceivable what extraordinary effect that revolution exercised over the sympathies of other nations. We say sympathies; for it was only through them that the heroism of the Parisian populace operated upon the inhabitants of Warsaw. The Poles and the French had no community of interest, nor any community of cause, except as each aspired after freedom. Warsaw was not stirred up to rebellion by propagandists of liberalism from the revolutionary schools of Paris. Nor was it through French influence, persuasion, inducement, or advice, that Poland took arms against her Tartar tyrant. It was the moral effect of the barricades of Paris, acting upon the sympathetic attachment of the Poles to liberty, which produced commotion in Warsaw. This moral effect was discernible from the very first moment, when intelligence of the events of the three days was received in the north. A great battle had been fought in Paris for freedom, and tyranny had shrunk into congenial obscurity before the majesty of the awakened people. The news

came upon the Poles like a flash of lightning. It roused their energies, it kindled their patriotism, it excited them to strike a blow themselves in the good cause, when they knew their ancient brothers in arms to be fighting once more under the tri-colored flag. But while the revolution of the Three Days filled the patriotic Poles with enthusiastic joy, it was in the same degree a sound of terror to the Russian oppressors of Poland. Constantine and his agents redoubled their vigilance and their tyranny, in order to keep down those rising energies, which they saw at work in the breasts of the agitated Poles. Arrests became more and more numerous every week; and on a single day, forty students were seized in their beds, and consigned to the prisons.

When the revolutionary spirit was communicated from France to Belgium, the agitation among the Poles acquired new intensity, but the revolution was precipitated in Warsaw less by the effect of the Belgian revolution upon the Poles, than by its effect upon the policy of Nicholas.—The Russian despot brought insurrection upon himself by his purpose of interfering to suppress it in remote countries, no wise dependent upon his empire. It is now an authenticated fact,—and we trust that France, the Netherlands, and reformed Britain, will remember it as they value their future independence,—it is an authenticated fact, that Nicholas had entered into preparations, in concert with Prussia and Austria, to make war on France and Bel-

gium in behalf of the dethroned dynasties. Modlin and Warsaw were stored with the requisite military supplies from Russia. The Polish army was destined to form the van-guard of the expeditionary forces, in which event Poland would have been occupied immediately by Russian troops, so that Poland and her army being separated, neither could act on the other, and each must have become a hostage for the other's fidelity. The plan was an ingenious one, it must be avowed, which should have made the Poles the instruments for subjugating themselves, the Belgians, and the French, all by a single effort. The patriotic Poles saw plainly that there was but one way to prevent this, and that no time must be lost in taking their measures, if they would anticipate the departure of the army, as the regiments were all completed, and the orders for marching expected every moment.

The time for action had now arrived: that for deliberation was passed. Most of the students in the civil and military schools were already gained over to the cause of revolution, together with the young Polish officers in garrison at Warsaw. The great body of the citizens, and the principal nobles and men of distinction, were counted upon as friendly to the main object of the conspirators, but do not appear to have been consulted by them previous to the breaking out of the insurrection. To have done it, indeed, would have compromitted the safety of the best among the Poles, without accomplishing any useful end

Still it is evident that all Warsaw must have anticipated the approaching movement, some time before it actually took place; for it was impossible to mistake the signs of the times. The immediate inducement was the arrest of eighty young students under the following circumstances. The patriotic Poles were accustomed to assemble every year for secret prayer and other religious rites, in commemoration of the melancholy event of the storming of Praga by Suwarrow in 1796, when that sanguinary and merciless agent of tyranny put to death 30,000 of the inhabitants, sparing neither age, sex, nor condition. The Grand Duke had prohibited all public commemoration of this day of sorrow; but he could not prevent the Poles from mourning in secret over the desolation and abasement of their country. These eighty students were detected in their forbidden devotions, and arrested at the altar, being bound by the Russian soldiers as they knelt; for they disdained to change their position, when the soldiers entered the place of prayer. This outrage filled the measure of endurance among the patriots; for the news of it spread through Warsaw with the quickness of thought, and prompted the conspirators to fix on the day of vengeance without further delay. They resolved to commence the revolution on the 29th of November, because one of the Polish regiments, which comprised many of their number, was then to keep guard in Warsaw.

Most of the active conspirators, it will be remembered, were young

men and students. They assembled on the morning of the 29th to make their final arrangements, and agreed on the hour of seven in the afternoon of that day for commencing the revolution. It was arranged that a wooden house, situated conspicuously near the Vistula, should be set on fire as a signal, a party of about one hundred and twenty cadets being posted in the southern part of the city, ready to strike the first blow, and others being dispersed in different parts of the city, so as to co-operate with their associates. When the signal flame was seen reflected against the sky, parties of students and officers rode through the streets of the Old Town as it is called, shouting 'Poles! Brethren! The hour of vengeance has struck. The time to avenge the tortures and cruelties of fifteen years is come! down with the tyrants!—to arms! to arms! our country forever!'—At this animating cry, the citizens rushed together from all quarters shouting 'Poland for ever!'—And this glorious sound was the opening prologue of the revolution.

Although the cadets, one hundred and twenty in number, would seem to be a handful only for such a purpose, yet, headed by Wysocki and Schlegel, with the impetuosity and ardor of youth, they resolved to make the barracks of the Russian guards their first point of attack, and the arrest of the Grand Duke their grand aim. Hastily proceeding to the barracks, they found the troops in all the confusion of a sudden alarm, and after increas-

ing it by firing a few rounds, they rushed to the charge with their national *hurrah*, and routed a body of infantry, hulans, and hussars, of more than ten times their number. A detachment then traversed the gardens towards the palace called the Belvidere, where the Grand Duke resided, in order to secure his person; it being rightly conceived that, if in their possession, he could be beneficially employed as a hostage or mediator in making terms with the Emperor. But unfortunately the Grand Duke had been apprized of his danger by a domestic, in season to effect his escape; and the cadets were obliged to return into the city without him, fighting their way along through squadrons of Russian guards, among whom the excited Poles produced great havoc by their impetuous courage. Without losing a single man, the cadets arrived at a part of the city called the Nowy-Swiat, where they found two companies of Polish light infantry, and with them two Polish generals, Stanislaus Potocki and Trembicki, giving orders for arresting the assembled inhabitants. At the salutation of the cadets, the soldiers ranged with the insurgents, deserting their generals, who, after withstanding the most earnest entreaties to act with their countrymen, were torn in pieces by the enraged populace. The cadets marched through the streets, singing patriotic songs, and shouting 'Poland forever,'—a cry, which was everywhere responded to enthusiastically by the citizens,—and so gradually freed the south parts of the city

of the Russian troops, killing or taking prisoners a considerable number of generals and inferior officers.—Their ultimate purpose was to gain possession of the bridge across the Vistula, which unites Warsaw and Praga.

During these movements, others of the conspirators had been equally busy and triumphant in the other quarters of the city.—They stormed the prisons, releasing numerous victims of Russian tyranny, who had been incarcerated on political accusations; and attacked and defeated the Russian infantry stationed in several barracks, falling upon them with the terrible *hurrah*, and driving the panic struck officers and soldiers before them in extreme disorder. Thus, by the united efforts of cadets, students, citizens, and a few Polish soldiers, Praga and Warsaw were speedily delivered from the immediate presence of their Russian tyrants, not a few officers of rank, and large numbers of privates falling victims to the first onset of the patriotic Poles. The people obtained an ample supply of arms, in the course of the night, by a successful attack on the arsenal, where they found 80,000 muskets, pistols, and other weapons;—and before daylight order was re-established by means of patrols stationed at suitable points all over the city.

Before morning the patriots assembled in the *Ulica Długa* or Long street, to review the progress they had made, and to consult on the movements of the coming day. The scene is represented as having been of the most impressive description. There is

a kind of exalted enthusiasm, a romantic and lofty spirit, displayed in the devotion of the Poles to their country, which has few parallels in the history of our race. They had crossed the Rubicon. They had rushed into rebellion against the colossal power of Russia, carried forward by the zeal of a few young men, and they saw themselves in arms against the oppressors of Poland before they had waited to count the cost, regardless of everything but the sympathies of country and the love of independence. After listening to the animated address of their leaders, the assembled multitude filled the air with cries of 'Poland forever,' swore to fight

for her freedom whilst a single drop of blood warmed their breasts, and then knelt down in the vivid light of fires kindled in the streets, to render thanks to the Almighty for the victories they had thus far achieved, and to beseech his continued blessing on their cause. It must have been a spectacle to rouse a fervid patriotism in the breasts of the most phlegmatic, and to change cowardice itself into heroism. To the Russians it was the rehearsal of the great drama of public justice on oppression, which they had anticipated day by day for months past:—to the Poles, it was the realization of their long hoarded hopes of independence.

CHAPTER X.

POLAND, CONTINUED.

Poland.—Provincial Government.—The Grand Duke.—Deputation to St. Petersburg.—Russian Proclamation.—State of Warsaw.—Chlopicki Dictator.—Military Preparation.—Radzivil succeeds Chlopicki.—The Polish Forces.—Diebitsch enters Poland.—Military Operations.—Various Engagements.—Negotiations.—Battle of Gorkow.—Appointment of Skrzynecki.—Efforts of the Poles.—Operations of Dwernicki.—Propositions.—Skrzynecki's Operations.—Insurrection in Lithuania.—Battle of Igani.—Retrospect.

WARSAW being now practically independent, by the expulsion of the Russian troops out of the city, the first business of the patriots was to organize a provincial government suited to the exigencies of their new situation. As the Grand Duke and the Russians remained before the city still, it was all important to have a competent chief to direct the military operations of the citizens; and some of the patriots, who consulted together on the subject, agreed to offer the command to General Chlopicki. This distinguished officer began his career under Kosciuszko in the former struggle of the Poles for independence. Afterwards he entered the Polish Legion under Napoleon, gradually rising to the rank of general of a division, in which capacity he served in Spain. When Poland fell into the hands of Al-

xander, Chlopicki took umbrage at some one of those insulting expressions, which Constantine was continually addressing to the Polish army, and replying to the reproof of the Grand Duke, that he did not gain his rank, nor receive his decorations, on the parade ground, he demanded his discharge, and firmly resisted all the instances of the Grand Duke and the Emperor that he would resume his station, preferring honorable poverty and obscurity to the glitter of Russian servitude. His military reputation, and the independence of soul he had displayed, drew the eyes of the nation upon him at this crisis. He was conducted, amid the acclamations of the people, to the assembled patriots, and invested with the rank of commander in chief in their presence, a brief address being made on the occasion by Professor

Lelewel, an eminent Polish scholar and patriot, who, although unfitted by his habits for military command, became, by his talents and indefatigable zeal, the animating spirit of the revolution.

Thus far, although Warsaw had for the time being, shaken off her chains, yet, nothing had occurred to show to the world the character of the movement, whether it was a mere civic disturbance or a national insurrection. This question did not long remain undecided. Having appointed a commander in chief, the patriots next proceeded to organize a provincial government, at the head of which they placed Prince Adam Czartoriski, Prince Michael Radzivil, Niemcewicz, Lelewel, and Lubecki. This arrangement was announced before noon. Lubecki was one of the old ministers, the rest were newly appointed. Among the latter, Niemcewicz was selected, not merely as possessing the warmest patriotism, and having served under Kosciuszko, but as being the first name in Polish literature; for the Poles on this occasion, like the French after the Three Days, were found to do homage to intellectual cultivation and acknowledged intellectual fame, in the distribution of the duties and honors of their revolutionary government. Lelewel, as we have already said, has similar claims to distinction.

Czartoriski was the first noble of Poland, alike prominent for his wealth, his rank, and his character. In regard to wealth, he was one of those great Polish proprietors, princes in fact, as

well as in name, whose estate covered provinces, and who could equip whole squadrons from their own private resources. In rank, he claimed descent from royalty, through a long line of distinguished ancestry. In character, he was a true Pole. At the last partition of Poland, he and his brother Constantine were sent to St. Petersburg as hostages; and there he contracted an intimacy with the Grand Duke Alexander, which continued when the latter succeeded to the imperial authority, and which exercised considerable influence over the political career of Czartoriski. At the urgent solicitation of Alexander, he accepted of various appointments in the Russian administration, first as ambassador to Turin, next as minister of foreign affairs, and at the same time as curator of the University of Wilna and commissioner for the establishment of schools in the Russian provinces of Poland. In all these offices, it was the aim and the good fortune of Czartoriski to preserve his fidelity to his country unshaken, at the same time that he performed his duty to the Emperor, in whose employment he served. Previous to the collision between Russia and France he had resigned his portfolio, and devoted himself to the improvement of his country through his connexion with the University of Wilna, perceiving, perhaps, that a time was coming, when the duties of a minister of state would militate with the interests which he held most dear. During the struggle between Alexander and Napoleon, it was his constant en-

deavor to impress on the minds of all, the great truth, that the balance of power in Europe could only be maintained by the restoration of Poland. He accompanied Alexander to Paris in 1814 in order to effect this object; so that probably much of the good feeling of Alexander towards Poland, and especially the liberal constitution he gave the kingdom, may be ascribed to Czartoriski's persuasion. When he saw the disappointment of his hopes by the continued violation of the charter, he broke off all his relation with the Russian government, and was loud in his complaints concerning the wrongs done his country. When the revolution commenced, he was residing on his estates at Pulawa, about eighteen leagues from Warsaw. He did not hesitate to embark his life and fortune in the cause of Poland, entering into the contest with a generosity of purpose, and continuing it with a self-sacrificing devotedness of patriotic virtue, which were above all praise.

Prince Anthony Radzivil was in rank and possessions of the same class with Czartoriski. Being too young, at the time of the last partition, to share in the glorious effort of Kosciuszko, he passed his early years in the fashionable pleasures of high life; and thus it happened that, when Napoleon visited Warsaw in 1806, he was selected to be chamberlain to the Emperor. But Napoleon, with his accustomed penetration, soon discovered that young Radzivil was fitted for a higher sphere, and conferred on him the command of a Polish regiment in active service. Rad-

zivil was greatly distinguished in several campaigns, until the political changes consequent on the fall of Napoleon led him to seek retirement, in spite of the solicitations and flattering offers of Alexander. Subsequently he became a prominent member of the Polish Senate, where he signalized his love for country, by opposing the course of Russian policy; and it was thus he became endeared to the Poles.*

Such were the men, to whom the guidance of the revolution was entrusted. The first step taken by the provincial government was to send a deputation to the Grand Duke, to demand whether he meant to depart peaceably or to attack the city. The deputies found him encamped in the fields of Mokotow with a force of about 8,000 men, and proposed to him to depart unmolested on a prescribed route, offering him every possible accommodation for himself and his troops on the way. In his reply, Constantine promised not to attack the city without giving forty-eight hours notice, but made no engagements as to his departure. Not satisfied with this, the provincial government sent another deputation to the Grand Duke two days afterwards, informing him that, if he did not leave the kingdom immediately, he would be attacked. Seeing the necessity of compliance, he attempted no

* It is proper to acknowledge in this place, that, while we have consulted such other means of information concerning the Polish revolution as we had access to, we have relied implicitly on the full and complete History of the Revolution by Major Hordynski, a work of sterling merit and value.

further delay, and departed the next morning by the way of Pulawa, as prescribed to him, after addressing a moderate and temperate proclamation to the Poles, in which he assured them of his good offices with the Emperor, and exhorted them to deal gently with the Russians detained in Warsaw. He broke up his camp on the 3d of December, and on the 13th passed the frontiers into the ancient Polish province of Volhynia, everything being prepared for him by agents, whom the Poles had sent in advance.—With honorable foes, and under circumstances affording any reasonable hopes of accommodation, this procedure might have been well; but as it proved, the Poles gained no favors by their generosity, and lost the advantages they might have derived from the capture of Constantine and his corps. It was one of the first errors of the Poles; for they should have expected no concessions from Russia, nor yielded a single advantage in a contest with her for independence.

Unfortunately, however, the Poles endeavored to reconcile revolution with allegiance. They summoned the Diet to meet at an early day, resolving meanwhile, to recognize the rights of Nicholas. Accordingly, they appointed a commission to repair to St. Petersburg, and lay their purposes and desires before the Emperor. They asked that all Russian troops should be withdrawn from the kingdom forever,—that the privileges of the constitution should be again confirmed in their full extent,—and that all the ancient

Polish provinces incorporated with Russia should partake of the benefits of it, as Alexander had promised. In short, they demanded that the solemn pledges, which Russia had given to the Poles and to Europe, should be redeemed. They also invited Nicholas to open the Diet in person.—The preparations of the patriots for war were not made with energy, until the return of the deputation, with intelligence that Nicholas would hear of nothing but unconditioned submission. In fact, he issued proclamations on the 17th and 24th of December, addressed the first to the Poles, and the second to the subjects of the Empire in general, which settled forever the question of peace or war.

In these documents, nothing is more worthy to be remarked than the hypocritical spirit of pretended religious confidence, which is particularly offensive in that addressed to the Russians. Here was a half Asiatic despotism, which had acquired possession of Poland by a series of abominable frauds and cruelties, the blackest on the page of European history. Alexander had given to the Poles, and Nicholas had confirmed, a constitution, which each of them had religiously sworn to maintain, and to do which all Russia was solemnly engaged to all Europe. This constitution Alexander and Nicholas had both violated in its most essential particulars, until, maddened by oppression, the injured Poles had risen with arms in their hands to enforce its observance; and this was all they asked or desired. Deaf to the

demands of religion, honor, and justice, Nicholas was now preparing to march down his Tartar hordes upon this devoted people, and to blot them out from the face of outraged and insulted Europe; and in these circumstances, he dared to speak of his 'confidence in God, the constant benefactor of Russia;'—and even to use such language as this:—'God, THE PROTECTOR OF RIGHT, is with us; and all-powerful Russia will be able, with a decisive blow, to bring to order those who have dared to disturb her tranquillity.'—We know of no parallel for the shocking blasphemy of these expressions, except in the similar style of the early Mahometan conquerors, who, with the Koran in one hand, and the scimitar in the other, carried fire and sword through more than three fourths of Christendom.

During the interval before knowing the determination of the Emperor, although the Poles had done less than they otherwise would have done, they were not idle. Indeed, a national guard, corresponding in principle to our militia, was organized the first day of the revolution, Count Lubinski being placed at its head. On the same day, proclamations were sent into the provinces, to apprise the nation of what had happened. The next day, twelve companies of students, called the Academical Legions, were completed and on duty; and several regiments of the Polish army came in from the country, together with multitudes of peasants, imperfectly armed, it is true, but full of enthusiasm and energy of

purpose. When the Grand Duke departed for Volhynia, some Polish regiments, which had hitherto remained with him, also joined the cause of their country. On several following days, great numbers of soldiers and peasants continued to flock into the city from all sides, the latter being armed with scythes and axes in default of other weapons. Tables were spread with refreshments for them in the streets, while young and old, nobles and peasants, met and embraced as friends and equals. On the evening of the 4th the theatre was opened for the first time during the insurrection, when the patriots embraced the occasion to address the people, and a patriotic play, interspersed with well-timed music, raised their enthusiasm to the highest pitch. On Sunday the 5th, the churches of Warsaw were crowded with persons from the province; and in Praga, the religious services were performed in the open air, in the presence of more than 50,000 men, an altar having been constructed on the spot where the victims of Suwarrow's cruelty were buried. After the close of the services the most animating exhortations were addressed to the assembled multitude.

Again, on the 6th, another public solemnity took place, which had the same tendency to rouse and inspirit the people. It had been resolved to concentrate all powers, civil and military, in the hands of one man, until the time when the Diet should convene; and Chlopicki was invested with the name and authority of Dictator. In the afternoon, Chlopicki

was publicly installed as Dictator in the Champ de Mars, in presence of the army, the senators, all the prominent patriots, and more than a hundred thousand persons met to witness the spectacle, before whom he made oath to defend the rights and liberties of Poland. It is generally thought by the Poles, at the present time, that this was an injudicious step; but the opinion is founded on the errors committed by Chlopicki, rather than on the fact that a Dictator was appointed.

Orders were immediately issued for the enrolment of new forces, and the construction of fortifications at various points. The army already in existence was estimated at 25,000 men, 19,000 of infantry, and 7,200 of cavalry, with 72 pieces of cannon. The Dictator proposed to increase the force so as to make a total of 69,200 men, including 54,000 of infantry, and adding 24 pieces of cannon. This augmentation of the army was to have been completed by the 20th of January 1831; but effective arrangements for that purpose were not made; and the organization proceeded slowly. Nor were the proposed fortifications constructed so extensively as had been designed. Nothing was omitted, however, at Warsaw and Praga, where the zeal of the people supplied every deficiency. But in fact the Dictator seems to have expected from negotiations more than was reasonable; and thus lost much time, which, in regard to military preparations, was invaluable. When, therefore, the proclamations of Nicholas were received at Warsaw,

although the universal cry of the indignant nation was to be led to battle, yet the enrolments remained incomplete.

Owing to the dissatisfaction which these circumstances occasioned, the Diet put an end to the dictatorship, conferring the chief command of the army on Prince Radzivil, and leaving the control of civil affairs to the Senate, in which Czartoriski presided. But although Chlopicki failed to satisfy the expectations of the nation, he was a sincere and zealous patriot and true Pole, and did not hesitate to serve as an inferior in that army, of which he had previously been commander in chief.—Radzivil, in accepting the command of the army, declared that he did so only for awhile, until events should disclose some military genius, competent to direct the energies of the nation.

Two months had now elapsed, and a numerous Russian force was gathering under Marshal Diebitsch, surnamed Zabalkanski, from his successful passage of the Balkan. If the Poles had assumed the offensive at the first moment of the revolution, they might have carried on the war in the territory of Russia, or at least in the Polish provinces of the Empire, where the diffusion of the revolutionary movement could have been promoted, at the same time that the war made progress. By acting on the defensive, the Poles suffered the war to be brought home into their own territory, and to the very neighborhood of Warsaw. This was found to be the inevitable necessity of the crisis; and Prince Radzivil made

his preparations accordingly. We have seen what number of troops the Dictator had proposed to raise. Owing to his want of energy or capacity to effect the levies, the Poles saw the vast armies of their gigantic enemy approaching, before things were in a ripe state for the struggle. At the beginning of the campaign, which was about to open, they mustered the following troops. The whole infantry consisted of 32,600 men, in four nearly equal divisions, commanded by Generals Krukowiecki, Zymirski, Skrzynecki, and Szembek. The cavalry amounted to 13,200 men. Generals Uminski, Stryinski, Lubinski, and Pac commanded each a division of cavalry; and four squadrons were attached to a corps commanded by General Dwernecki.—It was with these comparatively insignificant forces, of 45,800 men and 96 pieces of cannon, that the Poles took the field, against a Russian force of more than 200,000 men and 300 pieces of artillery; many of the Poles, also, being new recruits under new officers, while the Russians were veteran troops, commanded by men who had grown grey in victory.

The Polish troops left Warsaw towards the end of January, it being decided to concentrate them at points in the line of march of the Russian army, and after gradually drawing the latter on to the environs of Warsaw, there to fight a decisive battle. The Russians began to assemble on the frontier at Grodnow and Bialystok, simultaneously with the marching of the Poles. Diebitsch, upon entering

the kingdom, addressed long and separate proclamations to the Poles and Polish soldiers, which only had the effect of irritating the latter, and rendering them more eager for battle. The Russians were commanded, under Diebitsch, by the Grand Duke Constantine, and Generals Rosen, Pahlen, Geismar, Kreutz, Prince Wirtemberg, and Witt; with General Toll for chef d'état major. They passed the Polish frontier at four points, covering a space of ninety-six miles in extent, their separate detachments being spread out over so large a tract of country, with the design of bearing down in force upon the centre of the Polish army, and outflanking the rest; and they expected thus to push on to Warsaw. The Poles prepared for them by concentrating their troops into a narrow line of operation, so as to compensate for inferiority in numbers. It is very difficult to follow military operations understandingly without constant inspection of accurate and very full maps and plans; but a few explanations may render it easy to comprehend the brief sketch, which alone we shall attempt, of the various movements of the hostile armies.

Warsaw, it will be observed, is situated on the Vistula, not far above its junction with the Bug. The town or suburb of Praga occupies the opposite bank of the Vistula, the two places being united by a bridge and having the same relative position as London and Southwark, or Boston and Charlestown. Through the scene of the Polish war, the Vistula

flows from the southeast until it meets the Bug coming from the northeast, after the latter river has received the Narew descending by a circuitous route also from the northeast, but considerably to the north of the Bug. Previously, however, to its uniting with the Narew, the Bug forms an abrupt curve, having commenced its progress far to the south towards the Carpathian mountains, and flowing northerly to the town of Brzesc, when it assumes more of a westerly direction, until it makes the sudden bend before mentioned, and thus continues on south-westerly to the Vistula. At the most abrupt and marked portion of this curvature is found the small river Lieviec, which joins together the two extremities of the curvature, and thus forms a kind of island or marshy tract of land between the two rivers, Bialystok is on a small branch of the Narew, near where it enters Poland, and Wlodawa is on the Bug to the south of Brzesc; and it was along the line of frontier from Wlodawa on the south to Bialystok on the north, that the Russian forces entered Poland. The line of the Poles was directly in front of that of the Russians, their left wing being at Pultusk on the Narew above its juncture with the Bug, and their centre and right wing extending across the Bug, and along the marshes of the Lieviec, to the south of Siedlce on the latter stream. Supposing Warsaw to be at the apex or top of a triangle having its two sides equal, the Russian army might be considered as forming the base of the triangle, while the Polish

would be a shorter line drawn across the triangle near to its apex, so as to be fairly interposed between Warsaw and the enemy; —and by forming or conceiving a diagram of this kind, the system of operations on both sides will be readily apprehended.

The first encounter occurred on the 10th of February, it being a skirmish of outposts at Mendzyrzec in advance of the right wing of the Poles, and the latter having the advantage. Other skirmishes took place on the 11th, near Siedlce, between the Polish outposts, and the advancing centre of the Russians under Diebitsch himself. On the 14th a more serious engagement took place in the same quarter. General Dwernicki had been posted with his corps beyond the right wing of the Poles, as a covering force. His small corps of 3,800 men was attacked near Stokzek by General Kreutz with 15,000 Russians, and gained a complete victory, the enemy losing nearly a third part of their number, and being driven back in great disorder. It being then requisite that Dwernicki should retire and cross the Vistula, in order to prevent the advance in that direction of a Russian corps under prince Wirtemberg, the Polish right was also drawn back to prevent its being outflanked; and the consequence was the battle of Boimie on the 15th, between the Polish right under General Zymirski, and the Russian centre still commanded by Diebitsch in person. This affair consisted of multiplied but unsuccessful attempts of the Russians to force the passage of

a dyke which the Poles held until the Russians had retired, when the former retired to a new position in the rear. Meanwhile the Polish centre, under General Skrzynecki, had successfully executed a similar evolution, so that on the 17th the right wing of the Poles was at Minsk, the centre in the environs of Dobre, and the left at Zegrz.

The 17th was a day of continued fighting along the greater part of the Polish line, the right being attacked at Minsk, by General Rosen, and the centre in two successive positions at Makowiec and Dobre, by the Grand Duke and Marshal Diebitsch. In all these successive combats, the Russians sustained immense loss, their aim being to drive back the Poles at any sacrifice and by mere strength of numbers, and the object of the Poles being to occasion them all the loss possible, and then retire from time to time towards Warsaw. It was in the battle of Dobre, that Skrzynecki first attracted the attention of his countrymen to those great military talents, which subsequently caused his elevation to the supreme command.—As indicative of the conduct and effects of the battle, it is sufficient to state that, while the Poles lost only 800 men, the loss of the Russians amounted to 6,000 in killed, wounded, and prisoners.

The next day the Poles again retrograded along their whole line, and, as on the preceding day, Diebitsch devoted his troops to a dreadful but needless and fruitless carnage in the forests of Milosna and Jablonna, by con-

stantly bringing up his ranks to the attack without any assignable object, suffering, himself, a loss of 10,000 men, without occasioning a loss of one tenth part that number to the Poles. At night fall, the latter began to display upon the plains of Wavre and Bialolenka near Praga. The thunder of their cannon at Milosna, which was plainly audible at Warsaw, had announced their approach, and the whole population of the city went out to welcome the defenders of their country, continuing with them the following days, during the battles which ensued, to furnish supplies, and relieve the wounded.—For Diebitsch persisted in his old tactics, pushing the attack without any change of plan on the 19th and 20th of February. During those two days, the Poles maintained their position unyieldingly, in spite of the enormously disproportioned forces, which Diebitsch brought to bear upon their whole line. It was a mere wanton sacrifice of lives on his part, without any definite end or aim.

In fact, for ten days past, the two armies had been continually engaged in a succession of sanguinary battles, with 42,000 Poles only against 200,000 Russians, where the result had been uniformly the same in every case. The Russians attacked the Polish position every day, and were every day repulsed; it thus appearing how much may be effected by a handful of men excited by some strong moral inducement, when they differ from their antagonists neither in discipline, physical force, nor any other res-

pect, but only in the mighty stimulus of a good and a glorious cause. Had the Poles been directed by some great master of the art of war, like Napoleon,—had the defensible points of their country been suitably prepared by the requisite fortifications,—the loss of the Russians, great as it already was, would have been incalculably greater. But neither Chlopicki nor Radzivil, although both honorable and patriotic men, were fully equal to the emergency; and therefore much of the success of the Poles was owing to the unconcerted dispositions of the several generals of division, who, as it often happened in the engagements along the line, each fought his own battle. It needed only a master mind to combine the Polish forces, and to give direction to the intense patriotism which animated officers and privates alike, to have doubled or trebled the injury sustained by the Russians.

For three days, from the 21st to the 23d of February inclusive, the Russians remained inactive, awaiting the arrival of a new corps of 20,000 men, under Prince Sczachowski. They were occupied by the Poles in a manner as remarkable as the struggle itself in which they were engaged. The people assembled in the churches to offer up prayers for the welfare of their country, while the army were employed in the same way in the field of battle, the first line remaining in position while the rest of the troops were engaged in devotional exercises. At each collection of troops, the ministers of religion

administered patriotic oaths, and, by their addresses, animated the soldiers to perseverance in the holy struggle.' These sacred ceremonies were followed by hymns, which were sung along the whole line, mingled with the solemn sounds of the bells of Warsaw tolling for the assembly of the people in the churches. These exercises ended in the general shout of 'Poland forever!'—Before recommencing hostilities, Marshal Diebitsch sent General Witt with a flag of truce, to propose submission. Witt was stopped at the Polish outposts, where General Krukowiecki went to meet him in behalf of the Poles, and told him that negotiations must be entered into between them, if at all, on the banks of the Dnieper, the ancient and the only true frontier of Poland.

The brief respite enjoyed by the hostile armies was but preparatory to a desperate conflict on the 25th. Indeed, on the 24th, a battle was fought at Bialolenka, of the same description with those which had preceded it. But the celebrated battle of Gorkow, on the 25th, deserves, from its desperation and its importance, to be more particularly described. The entire forces, on each side, were engaged in this combat. The Russians had in the field eight divisions, consisting of 126,000 infantry, 42,000 cavalry, and 280 pieces of cannon, with three divisions of reserve, composed of 16,000 infantry, 4,000 cavalry, and 32 pieces of cannon, covering altogether a line of three miles in length. To oppose this mighty host, the little

army of the Poles was posted as follows.—A great road proceeds from Praga westward to Milosna and Minsk. To the right of this road, on leaving Praga, are the marshes of Goclaw adjoining the Vistula; to the left is a small forest of alders, beyond which is the village of Kawenzyn. Near the road, in the rear of the line of operation, is the village of Grokow, where the Polish head quarters were stationed. There is an obelisk of iron in the same line, placed on the road to commemorate its construction. The Polish right wing under Szembek, consisting of 7,000 infantry, and 24 field pieces, occupied the space between the road and the marshes. The centre, occupying the forest of alders, comprised two divisions, of 15,000 infantry and 60 pieces of cannon, under the command of Skrzynecki and Zimirski. The left wing, under Krukowiecki, occupied Kawenzyn, with 6,500 men and 12 field pieces. Four divisions of cavalry, consisting of 9,500 men, under Uminski, Lubinski, Skarzynski, and Jankowski, stood ready to be employed wherever necessity might require, without being posted at any fixed station; and there was a small reserve of 5,400 men in charge of Pac.

Such being the numbers and disposition of the two armies, the battle commenced with a furious charge of the Russian right wing upon the Poles at Kawenzyn, which the latter steadily sustained without yielding an inch, until at length the Russians suspended their efforts on that point, to renew them elsewhere. Forming

a battery of two hundred pieces of artillery, which opened a tremendous fire upon the whole extent of the Polish line, the Russians, after continuing this for some time, marched their columns against the left wing of the Poles, but were quickly repulsed by a charge of the whole Polish cavalry collected together for that purpose. Next followed a murderous attack on the Polish centre, with the intent of carrying the forest of alders, and thus dividing the Poles into two parts, so as to insure their destruction. Fifty battalions of the Russians, amounting to 40,000 men, and supported by 120 pieces of cannon, endeavored for the space of four hours, by reiterated attacks, to gain possession of the forest of alders, and were nine times repulsed with immense loss, leaving the ground literally covered with their dead. It was only by performing prodigies of valor, that so small a number of Poles could withstand such a disproportioned force. Of course, the destruction of life was already great.

After this course of operation had continued from eleven to three o'clock, the Polish generals, each of whom had had his horse shot under him, and several of whom were severely wounded, resolved, by means of a retrograde movement of their centre, to draw the Russians into pursuing them, and then, having assumed a new and more favorable position near the iron obelisk, to renew the battle.—The feint perfectly succeeded. Diebitsch, thinking the Poles had been compelled by their losses to fly, began

to reckon upon Warsaw as his. In superintending the manœuvre, General Zimirski was struck with a cannon ball, which caused his death in a few hours; but the misfortune occasioned no disorder in the Polish ranks, the movement being continued by Colonel Czyzewski. Meantime, Colonel Pientka, who had greatly distinguished himself during the whole engagement in command of a battery of artillery, continued to hold in check the advancing Russians, until the last moment, when about forty squadrons of Russian cavalry were seen moving forward to the charge, followed by the infantry and artillery. Pientka then retreated to the main body of the Poles. At this moment, General Chlopicki, who, as the adviser of Prince Radzivil, was in effect the head of the army, was wounded by a grenade; but Skrzynecki and Czyzewski had already formed their squares and were prepared to receive the Russians. As the Russian cavalry advanced upon the trot, a discharge of rockets was poured into their ranks, which, united with the steady fire of the Polish squares, rendered the horses ungovernable, and threw the whole mass of cavalry into confusion. In a short time, the Russian squadrons were completely cut up, so completely, indeed, that one regiment of cuirassiers was destroyed to a man; and the wrecks of the routed cavalry, being closely pursued by the Polish lancers, and driven back on the columns of Russian infantry, carried the latter along with them in their flight, and compelled a general retreat of their for-

ces, leaving to the Poles a splendid and glorious victory. The Poles lost but 5,000 men, the Russians 20,000; and if the Poles had possessed a leader of sufficient boldness and skill to have followed up the victory, the consequences might have been utterly fatal to Diebitsch.

A short period of inaction followed the bloody day of Grokow. The Russians had suffered too much in the battle to resume offensive operations immediately, and it was not the plan of the Poles at present to undertake any. In fact, on the withdrawal of Chlopicki from the army in consequence of his wound, Prince Radzivil was unwilling to attempt anything of a hazardous nature; and as he apprehended that the Vistula might become impassable by the breaking up of the ice, he resolved to cross the river to Warsaw, and employ the interval gained by the late victory, in recruiting the army. Te Deums were sung in all the churches of Warsaw, as well as in the chapels of the camp, and for three successive nights the city was illuminated in honor of the defenders of the country. On the 27th, Prince Radzivil resigned the chief command, avowing, with a modesty and a dignity of sentiment quite as honorable to him as the exhibition of the highest military science would have been, that the crisis demanded a leader more capable to fill so responsible a post. The Poles had no hesitation in fixing upon General John Skrzynecki to succeed him in command. Skrzynecki held the rank of colonel at the breaking

out of the Revolution, and was afterwards advanced to be general of division, in which capacity he displayed all those brilliant qualities of decision, energy, readiness of resource, rapidity of *coup d'œil*, and capacity of seizing conjunctures, which combine to form the great general. His appointment gave universal satisfaction in the army and the nation, infusing new zeal into all ranks and classes of the people.

Skrzynecki began, from the first moment of his possessing authority, to form new forces, to complete those already on foot, and to supply the losses of those regiments which had suffered from service. His energy, promptitude, and familiarity with all the details of war, soon gave a new aspect to affairs. Unlike his predecessors, he was constantly among the soldiers or in the arsenals, urging on the organization, discipline, and equipments of the troops by the personal presence of their commander, the most efficacious of all methods for invigorating the movements of an army. By such means the enthusiasm of the Poles was raised to its height, as may be inferred from the circumstance that three companies of infantry were actually formed from among the Polish women, under the command of ladies of distinguished families. And while the Poles had every species of moral influence to stimulate and strengthen their resolution, the Russian army, on the other hand, was disheartened and discontented, the soldiers being reluctantly forced into the field to fight against their brethren, and

the officers being so much suspected by their chiefs that all discussion of political subjects was rigorously prohibited. The Poles, of course, were not without hopes of succor from abroad, or of a diversion by insurrection among the Russians themselves, even beyond the limits of ancient Poland. They were induced to expect the latter event, by reason of an attempt of General Yermolow to excite a revolution in the Russian department of Orenburg, on the borders of Asia, of which intelligence arrived about this time, but which, as it happened, led to no serious consequences. And they hoped for aid from France at least, because they knew that Nicholas had fully resolved to attempt the restoration of the Bourbons and of William of Nassau, by marching an army into western Europe.

When Skrzynecki assumed the chief command, the total amount of disposable forces possessed by the Poles, exclusive of garrisons, was 33,900 infantry, 10,100 cavalry, and 106 pieces of artillery. When organized anew, they consisted of four divisions of infantry and cavalry as before, the infantry comprising 45,000 men, under the Generals Rybinski, Gielgud, Malachowski, and Muhlberg,—and the cavalry 14,000 men under their former commanders, Uminski, Lubinski, Strynski, and Pac. The changes in the command of the infantry were made necessary by the death of Zyminski, the advancement of Skrzynecki, the appointment of Krukowiecki to the government of Warsaw, and a difference be-

tween Szembek and Skrzynecki as to the distribution of some decorations among the subaltern officers, which induced the former to resign, to the general regret of his countrymen.

In addition to the efforts made by the Poles at this time to place the army on a good footing, they labored indefatigably upon the fortifications of Warsaw. The army was posted in or about Warsaw for the time being, with the exception of the corps of Dwernicki, of whose operations we shall speak hereafter, and three divisions of cavalry, which patrolled the river to keep open the communication between the fortresses of Modlin and Koziencice. The citizens, male and female, were busied in widening and deepening the ditch around the city, in rendering the outer ramparts defensible against artillery, constructing a chain of *lunettes* around the whole, and filling the streets with barricades. So indiscriminately did all ages and both sexes, male and female, labor on these works, that one of the *lunettes*, was called 'the *lunette* of the women,' from having been constructed wholly by the hands of the gentler sex. On the heights of Dynasow and Zoliborz, situated on the left or Warsaw bank of the Vistula, but commanding the whole of Praga and its approaches, batteries were placed so as to protect equally both sides of the river.

While the events which we have been describing, were going on near Warsaw, and with the main body of the army, Dwernicki, who, as we have already

mentioned, left the army with a detached corps immediately after the commencement of hostilities had obtained extraordinary success in the duty which he undertook. This duty, it will be remembered, was to intercept the march of Prince Wirtemberg upon Warsaw down the left bank of the Vistula. Dwernicki crossed the Vistula for this purpose, on the 17th, near Ryczywol. It appeared that Wirtemberg had crossed further up at Pulawa, after having wreaked his vandal vengeance upon the beautiful domain and residence of Prince Czartorski. On the 18th, Wirtemberg's forces began to present themselves on the plain of Ryczywol; and on the 19th, Dwernicki fell upon them at a place near there, called Swierza, and succeeded by a well conceived manœuvre in attacking them at the same time in flank and rear, the consequence of which was a total defeat of the Russians, who fled up the river in great disorder, and continued their flight until they had placed the Vistula between them and the victorious Poles. But Dwernicki gave the Russians no respite. He hung on their rear, continually cutting off stragglers, until they had securely posted themselves in Pulawa. He then caused Colonel Lagowski to cross the river secretly below Pulawa, with a small detachment, and to attack the enemy unexpectedly on that side. The manœuvre succeeded perfectly; and the astonished Russians, although far more numerous than the whole of Dwernicki's corps, again fled in consternation before Lagowski's hand-

ful of troops. But before he left Pulawa, Prince Wirtemberg, indulging once more in a spirit of spiteful malignity against the first of the Poles, ordered his soldiers to set fire to the tower, and even wantonly discharged his cannon at the palace of Prince Czartoriski, occupied only by the Princess and her attendants, as if to show that the Muscovite barbarians made war against liberty and civilization at the same time. When Dwernicki regained possession of the once beautiful town, they found it a smoking ruin.

But the punishment due to the meanness of Prince Wirtemberg was close at hand. After being driven from Pulawa, the Russians made for Lublin, the capital of the palatinate in which they were, by the main road through Kurow. There is another road to Lublin, a small cross road through the forest, not two miles from the other at their widest separation. Whilst Dwernicki, with the main body of his troops, pursued Wirtemberg along the high road, he caused Lagowski to march by the nearly parallel way, with orders to keep himself constantly abreast of the enemy, and so soon as he heard the fire of cannon to hasten across the intermediate space, and attack the Russians in flank or rear as circumstances should dictate. Wirtemberg being so pressed by the Poles that he could not avoid giving battle, took a strong position at Kurow, on the 2nd of March, and thus awaited the approach of Dwernicki. The battle commenced with a fire of skirmishers only, so as to occupy the Russians until Lagowski should

have time to come up. Wirtemberg fell unsuspectingly into the snare, never dreaming that Dwernicki's forces were divided, until he found himself all at once subjected to a galling fire in front and rear at the same moment. The consternation and confusion of the Russians, upon discovering how matters stood, were so complete, that they were completely broken up, and ceased to act as a corps. Many were killed in the charge and pursuit, many were taken prisoners, and the rest got off as they could, but in such a panic, that the mere sight of the Poles was enough to send them flying across the country in disorder. So complete was the success of Dwernicki, that with his small force of 3,000 men, and a loss of only 500 in killed and wounded, he destroyed a corps of 15,000 men, taking 8,000 prisoners, besides 19 pieces of cannon, 1,000 horses, and a large quantity of military stores. Wirtemberg was degraded from his post by the Russian commander in chief, for his incapacity and misconduct, which had thus compelled the Russians to evacuate the palatinate of Lublin.

While these auspicious events were transpiring in the southern part of the kingdom, under the direction of Dwernicki, there was also a small detached body of Poles, acting successfully to the north of Warsaw. They were commanded by Colonel Valentin, whose orders were to hold in check the right wing of the Russians, so as to prevent them from effecting anything below Warsaw. In case of necessity, he could receive aid from the garrison of

Modlin, a fortress at the mouth of the Narew, situated in the region consigned to his operations. Valentin was quite fortunate in his enterprises in that quarter, and rendered important services to the common cause. In a large view of the relative situation of the contending armies, Valentin and Dwernicki thus occupied the extremities of the Polish line of operations, while the main body or centre of the Poles was at Warsaw.

At this crisis, and previously to recommencing hostilities, General Skrzynecki addressed a conciliatory communication to Marshal Diebitsch, making propositions of peace on terms satisfactory to the provisional government, and expressing the desire of the latter to prevent the further effusion of blood, if they could obtain that, for which only they contended, the faithful performance of the promises made by Alexander to their nation. But these offers of accommodation produced no good result, and the contest was renewed with fresh determination. On the 10th of March, Generals Gielgud and Jankowski were ordered to make a *reconnaissance* upon the right bank of the Vistula; but the manœuvre was not skilfully, or at least not profitably, conducted. About the same time, operations on a larger scale were commenced in the region of Modlin and Pultusk. The Russian guard under Prince Michael, which had recently arrived to the number of 20,000 men, to make up for some of the Russian losses, was marched thither, and General Uminski followed them with a division of

cavalry, having orders to assume the command of Valentin's detachment. In a short time, Uminski compelled the guard to evacuate their position, and to retire towards the main army, leaving him in possession of Ostrolenka, where he effectually crippled all their movements. The conjuncture seemed to Skrzynecki favorable for active operations on his part, which he commenced at the end of March.

Skrzynecki ascertained that Diebitsch had withdrawn the main body of his forces to some distance, leaving only a corps of observation off against Praga, consisting of the two corps of Rosen and Giesmar, stationed in the environs of Wawr and Milosna. Upon this the Polish generalissimo reviewed his troops, preparatory to attempting the execution of a plan for throwing himself unexpectedly with all his force on the detached corps of Rosen and Giesmar. On the evening of March 30th, the two divisions of infantry under Rybinski and Gielgud, received orders to cross the bridge to Praga. The advanced guard of the Russians occupied a strong position in a forest between Wawr and Milosna, just in the rear of the scene of the great battle of Gorkow. Gielgud was to occupy the principal road leading to Gorkow, while Rybinski marched upon the enemy by way of Kawenzyn, so that the two divisions might make a combined attack in front and rear at the same time. Favored by a thick fog, the Poles succeeded in so placing their detachments, that, by seven o'clock in the

morning of the 31st, the Russians were completely surrounded, and were driven back upon the corps of Rosen, closely pursued by the Poles. A running fight took place along the old field of Grokrow, and through Wawr and Milosna, the Russians being in such confusion that some of their battalions fired upon each other, and two entire regiments of 5,000 men surrendered in a body, with their officers and colors, in addition to groups of prisoners being taken in every direction.

From Milosna the road leads through a forest to Dembe-Wielke, at which place Rosen was posted with about 30,000 men and 40 field pieces. Gielgud and Rybinski having pursued the flying troops of Giesmar to this point, waited for the whole Polish force to come up; and in consideration of the advantageous position of the Russians, Skrzynecki, who personally arranged all the details of these operations, resolved to make an assault by cavalry, under cover of twilight. Accordingly, at night fall, the entire cavalry was collected and formed into columns of attack. Traversing a dyke in front of the enemy's position, they raised the hurrah, and dashed sabre in hand upon the astonished and confounded Russians. The effect of this surprise, was a total route of the whole of Rosen's corps. The commander himself narrowly escaped being taken prisoner, and a large number of his troops fell into the hands of the Poles. Thus in one day, by a series of well-executed manœuvres, the two Russian corps of Giesmar and Rosen

were completely broken up, with a loss to the Poles of only 500 men in killed and wounded. These brilliant advantages were followed up so ably the next day also, that the Russians were continually driven from every point where they attempted to rally, as far as Kaluszyn. Here night put an end to the pursuit and to the successes of the Poles; after they had captured the magazines of the enemy at Milosna, Minsk, and Kaluszyn, and subjected him to a loss of 15,000 soldiers, 60 officers including two generals, 26 field pieces, 1,500 horses, and a great quantity of arms and munitions of war.

All the plans, which Diebitsch had formed for the campaign, were utterly defeated by the brilliant victories of the Poles over the corps of Giesmar and Rosen. Instead of crossing the Vistula as he contemplated, and transferring the seat of war from the right to the left bank of the river, he was compelled to strengthen himself in position at Kock, and to take measures to preserve the remains of his advanced guard from absolute destruction. In addition to losing the services of the Imperial Guard, which remained near Ostrolenka, he found it necessary to send another division under General Kreutz to support General Witt against Dwernicki, in the palatinate of Lublin. Thus after this brave general, with his handful of troops, originally 3,000 in number, had cut up the corps of Wirtemberg, the Russians thought it necessary to oppose him with not less than 20,000 men, under Kreutz and Witt. He continued

to gain the most brilliant advantages over them, making the fortress of Zamosc his *point d'appui*, and occasionally advancing as far as Lublin and Wlodawa, where he received daily accession of volunteers from the Russo-Polish provinces of Volhynia and Podolia.

It was at this crisis that the cause of the Poles gained strength from the breaking out of insurrection in Lithuania, one of the Russian spoils of ancient Poland. The Lithuanians, while they suffered under the tyranny of their Russian master, had never lost their attachment to the Polish name; and at the very commencement of the revolution, they were anxious to make a movement in concert with their brethren in Warsaw, but were discouraged by the Dictator, Chlopicki, for what reason it does not appear. But they continued to bear the object in view; and at length their rising was forced on by the following circumstance. Many of the Lithuanian patriots were assembled in the church of Osmiany to consult upon measures of insurrection, when the doors were forced by a regiment of cossacks, who entered and sabered part of the patriots within the church itself, making prisoners of most of the residue. Upon this, the Lithuanian patriots in the vicinity armed themselves, and gave the first impulse to the ready zeal of the inhabitants. In a short time, about 2,000 Lithuanians had succeeded in driving out Russian garrisons to the number of eight or ten thousand, spreading revolt and consternation through the ex-

tensive region between the Dwina and the Niemen. Their strength was continually increased by means of the arms taken from the Russians; and thus the forces under Diebitsch were placed in the critical position of having a victorious Polish army in their front, a wasted country around them, and spreading revolt in Lithuania between them and Russia.

The danger of Diebitsch's position was greatly augmented by the next movement of the Poles. The remains of the corps of Rosen and Giesmar having been united, were stationed at Boimie, the place where a battle was fought in February. Skrzynecki planned another successful attack on these devoted troops, which took place at Igani in the same neighborhood, on the 9th of April, and was one of the most brilliant victories of the whole war. The Russians lost great numbers in prisoners and killed, and left the field of battle to the Poles, being saved from total ruin only by the necessity the Poles were under of suspending their operations to construct a bridge over the river Kostrzyn, before they could concentrate all their forces.

Let us pause a moment at this point, and contemplate the progress, which the Russians had thus far made. They had borne down upon the Poles two months before, with a vast army, which seemed quite sufficient to crush the insurgents. It was the colossal power and resources of the Russian Empire brought to bear upon the little kingdom of Poland, with a population of only four

millions of souls, cut off from all foreign succor, destitute even of a seaport by which they could receive arms from any friendly foreign country, and hemmed in by the Russians and Austrians, the brother robbers of the Russians. And yet it is undeniable, that hitherto patriotism and the love of independence, although laboring under every disadvantage, had been constantly triumphant over brute force possessed of every advantage. Poland, although she saw her fields wasted and her towns ravaged by the Russian invaders, yet also saw the whole country covered with the Russian dead, and the wrecks of the Russian squadrons and columns. One victory more, and

the Poles would have nothing to fear. Even now, murmurs were heard in the heart of Russia itself, among the proper subjects of the Czar, who could not patiently see the resources of the Empire squandered in the cause of oppression and tyranny in kindred Poland. At this crisis, a single act of energy on the part of either England or France, each of whom sees in Russia her most formidable enemy, the one in Asia, the other in Europe,—would have bestowed independence on the gallant Poles, and restored their country to the post it deserves to hold in Europe, as the barrier between Russia and the western states of the Continent.

CHAPTER XI.

POLAND, CONCLUDED.

Poland.—Position and Strength of the Armies.—Skrzynecki's Plans.—Defeat of Sierawski.—Dwernicki's Operations.—The Cholera Morbus.—Battles of Kuslew and Minsk.—Advance of the Poles.—Battle of Ostrolenka.—Death of Diebitsch.—Operations in Lithuania.—Battle of Wilna.—Jankowski's Expedition.—Excitement in Warsaw.—Disasters in Lithuania.—Retreat of the Poles.—Chlapowski and Rohland enter Prussia.—Paske-wicz passes the Vistula.—Council of War.—Dembinski's Operations.—Fall of Warsaw.—Dispersion of the Polish Army.—Reflections.

THE relative strength and position of the two armies, subsequently to the battle of Igani, were such as to encourage the Poles in attempting other operations, of the same nature with those, which had recently proved so successful. Since taking the field in December, the Russians had received two reinforcements of 20,000 men and 36 field pieces each, so that during the war they had marched 240,000 men with 372 pieces of artillery, against the insurgent Poles. At the epoch of the battle of Grokow, they had lost 50,000; and they had scarcely lost a less number since; so that about 140,000 Russians remained in the field. The Polish army was maintained at its original footing, of some 40,000 men, the recruits being sufficient to make up the occa-

sional losses. After the battle of Igani, the Russians were so posted, as to be divided into four isolated bodies. The corps of Rosen and Giesmar were at Siedlce, the situation of which on the river Liewiec we described in the preceding chapter. The main body was extended between Lukow and Kock, that is, south of Siedlce towards the Vistula. The Imperial Guard was at Ostrolenka on the Narew, and of course beyond the Bug. Finally, the corps of Witt and Kreutz was in Lublin, far to the south of the main body. Thus we see that the Russians were stretched in a line running north and south, fronting on Warsaw, as in the beginning of the war, but with this difference, that two large detachments were separated quite widely from the main army, one at

Ostrolenka, and the other in the palatinate of Lublin. The main body of the Polish army, on the other hand, was concentrated along its old line of position, on the banks of the river Liewiec, while the small detachments of Uminski and Dwernicki opposed the two extremities of the Russian line. Dwernicki was so posted that he could not be cut off, having the fortress of Zamosc to retire to in case of emergency; and yet he could, at any moment, act against the rear of the Russian main body, in concert with the operations of Skrzynecki in front, so soon as any advantage should be gained over Kreutz and Witt. Seizing upon this idea, Skrzynecki made his arrangements in conformity with it, immediately after the battle of Igani.

Orders were issued to Dwernicki to attack the corps of Kreutz and Witt without delay. To aid him in this, General Sierawski was despatched in command of a small body of troops, to unite himself with Dwernicki; and another small corps was to be sent in the direction of Kock for the same purpose. They were to endeavor to drive the Russians into the angle formed between the river Wieprz and the Vistula, where Sierawski was to keep them in check, cut off from all communication with the main body by means of the Wieprz. Having accomplished this object, Dwernicki was to hold himself in readiness to join in an attack on the main Russian army, which, being thus taken in front and flank, it was calculated would yield a sure victory to the Poles. In order to facilitate the ope-

rations of Dwernicki, it was the intention of Skrzynecki to make small attacks on the Russians from time to time in front, so as to occupy their attention, and prevent their suspecting the object of Dwernicki's corps.

While Skrzynecki was anticipating the most triumphant results from this judiciously conceived plan, all his hopes were confounded by intelligence of the defeat of Sierawski, the first reverse sustained by the Polish arms in the whole course of the war. Instead of making his way to Dwernicki by circuitous roads so as to escape observation, Sierawski marched towards Lublin, where he fell among the Russians, and was compelled to return across the Vistula after two unfortunate encounters with the enemy. Nothing but the skill and bravery of Sierawski preserved his corps from the destruction to which his imprudence had exposed it. This misfortune threatened the total overthrow of Skrzynecki's plan; but a greater was at hand.

It seems that General Dwernicki, induced, perhaps, by the prospect of insurrection in Volhynia, had left the vicinity of Zamosc, and crossed the Bug into the Russian territory, not far from where the angles of the kingdom of Poland, of Austrian Galicia, and of Russian Volhynia come together. Near this point the river Bug takes its origin, and thence flows north between Poland and Volhynia. A little to the eastward of this, in Volhynia, runs the small river Styr, which also flows north into the Pripez, a considerable branch of the Dnie-

per. The Austrian frontier is an artificial line, which strikes across in a southeasterly course from the Bug to the Styr.* Dwernicki attacked and defeated a Russian corps under Rudiger, and pursued him into the small angle formed by the Austrian frontier and the river Styr, thinking to renew the attack there. But Rudiger declined the offered battle, and escaping across the Styr, began to collect forces so as to entrap Dwernicki in his own snare. The scheme was successful. When Rudiger found that Dwernicki was manœuvring along the frontier, he made his appearance, and drew the latter into action, in such a position that the Polish right wing rested on the Austrian frontier. In this position of the two armies, Rudiger sent a corps across the frontier, so as to pass around, and act upon the flank of the Poles; to withstand which, Dwernicki himself was obliged to withdraw his left wing and centre, and to pass into the Austrian territory in self defence. Thus the action continued for several hours, when a detachment of Austrian cavalry came up, and obliged the combatants to separate, but suffered the Russians to return across the line into Volhynia, while the Poles were disarmed and marched into the interior as prisoners. And thus, by the dishonorable and shameful conduct of the Austrian authorities,

the important corps of Dwernicki was lost to the Poles.

It was at this time that the cholera morbus, which had for many years continued its ravages in Asia, and had passed from Asia into Europe through the means of Russia, was communicated by the Russians to the Poles. It appeared among the latter, subsequently to the battle of Igani, and caused them a loss of 1,000 men in the first few days; but its ravages were far more terrible in the Russian army. This fatal epidemic augmented the horrors of the war beyond conception. It might have made its way into Europe, perhaps, independently of the causes to which it actually owes its introduction; but in point of fact, this dreadful scourge of our times was brought upon us by Russian ambition of conquest in the east, and by Russian cupidity of empire in the west; it was by the wars of Russia with Persia and Turkey on the one hand, and with Poland on the other, that it has made its way among us from farther Asia. But while thousands of the Russian and Polish soldiers sickened and died of this malady, it did not materially interrupt the progress of events. All Europe, however, began to regard the contest with a foreboding interest, in which sympathy for the Poles, and apprehension of approaching pestilence, were intermingled.

Emboldened by their successes in the south, the Russians now began to think of resuming offensive operations. Indications having reached the Poles of a design to attack them in large

* In order to study the operations of the Polish war, it is desirable to use maps constructed since the Congress of Vienna:—otherwise it may be difficult to trace the boundaries of the present kingdom of Poland.

masses as when Diebitsch advanced upon Warsaw in December, they determined to repeat the same tactics of gradually retiring, fighting as they went, to the vicinity of the capital. On the 25th of April occurred the combat of Kuflew, in which Diebitsch himself led full 40,000 men against a small force of 4,000 men only, under Colonel Dembinski, without carrying their position. During the night ensuing, the Poles executed a retrograde movement as they had contemplated, and awaited the enemy at Minsk. Here, on the 26th, the Poles under General Gielgud repulsed an attack of the Russians; and then retired to Dembe-Wielke, expecting a renewal of the attack. But to the surprise of all, on the night of the 28th, Diebitsch evacuated his position, and retired as far as Kaluszyn, where he entrenched himself in a fortified camp, and assumed once more a defensive attitude.

Skrzynecki now resolved to attempt the execution of a plan somewhat different from that, which the reverses of Dwernicki had defeated. He first detached General Chrzanowski with a small corps to supply the place of Dwernicki in the region of Zamosc. In spite of the hazards he incurred, Chrzanowski reached his destination in safety, having beaten a considerable body of Russians at Kock on the way, and also having gained a brilliant victory over General Rudiger at Krasnystaw. Having accomplished his purpose in this quarter, Skrzynecki next threw him-

self unexpectedly upon the Imperial Guard, which we have several times mentioned as being at Ostrolenka somewhat detached from the Russian main army. He suddenly made a retrograde movement by the great road to Praga, and so down the right bank of the Vistula to Zegrz, and thence to Serock on the Narew, when he commenced his operations against the Imperial Guard, which, after a little fighting, he compelled to evacuate the kingdom. So soon as Diebitsch discovered the nature of Skrzynecki's manoeuvre, he hastened to pursue the latter with all his forces, in order to cut off his communication with Warsaw. But such was the celerity of Skrzynecki's movements, that, in the interval between the 12th and 20th of May, he passed over a distance of more than two hundred miles, which, as six days of the period were occupied in action, made the average march for eight days not less than twenty-eight miles each day. Facts like this, demonstrate the extraordinary and almost unexampled efforts made by the Poles in this memorable war. The result was, that when Diebitsch reached Ostrolenka, he encountered Skrzynecki there on his return. Meanwhile a combat took place on the 24th, between the advanced guard of the Russians, and a detached corps of the Poles under Lubinski at Czyzew; and on the 25th the Russians came up with the rear guard of the Polish army at Kleczkowo, where an engagement took place. In each of these actions, a comparatively small Po-

lish force was able to repulse or withstand a large Russian force :—for it is the remarkable feature of the contest that in every battle, the victorious Poles were but a handful, and the beaten Russians a host,—so much can the love of country and liberty effect against mercenary troops fighting battles in which the latter have no moral stake.

It was the same in the battle of Ostrolenka, of the 26th of May, between the two grand armies under their respective generalissimos. Ostrolenka is situated on the left bank of the river Narew. The line of march pursued by Skrzynecki lay through Ostrolenka across the Narew, and so down the right bank of the river towards Praga. He had passed the river, when the Russians entered the town, having partly destroyed the bridge, and having taken a position so as to be able to subject the Russians to great loss while they were effecting the passage. He succeeded according to his purpose, the Russians losing from 10,000 to 15,000 men in the battle, and the Poles only 4,000. Among the latter, however, were two general officers of great merit, Kaminski and Kicki, who were killed in gallantly leading on a charge. After the battle, the Poles continued their march undisturbed to Praga.

Soon after this time, occurred the sudden decease of Marshal Diebitsch. He died at Kleczkowo near Ostrolenka, on the 9th of June. The most probable accounts of his death ascribe it to apoplexy. It has been said, however, that chagrin arising from

the slow progress of the Russian arms and the great losses they sustained, and the knowledge or expectation that Paskewicz was to supersede him, hastened or produced his death. We should mention, also, that the Grand Duke Constantine died during the campaign, of disease, it is true, but still, perhaps, in consequence of the vexation and hardships occasioned by the insurrection. After the death of Diebitsch, the provisional command of the army devolved upon General Toll, until the arrival of Paskewicz, who had risen to distinction in the Asiatic campaign of the Turkish war, as Diebitsch did in the European.

Skrzynecki having effected his double purpose of providing employment for the combined corps of Kreutz and Witt, and driving off the Imperial Guard, proceeded to execute his ulterior plan, for creating a diversion in favor of the Poles by transferring the war in part to Lithuania. The insurgents, in that quarter, seemed to need only the presence of a small organized force of their Polish friends to be more than a match for the Russians; and several corps were successively detached by Skrzynecki to afford the requisite assistance. A small corps under General Chlapowski traversed the department of Bialostok triumphantly, gaining considerable advantages over bodies of Russians at Bielsk and at Narewka. A second, commanded by Colonel Sierakowski, after pursuing a division of the Imperial Guard, under General Saken, had orders to proceed onward in the direc-

tion of Lithuania. Finally, General Gielgud and his division started from Lomza for the same destination on the 27th of May. Upon this hazardous service a very considerable portion of the Polish army was employed, amounting to 6,350 infantry, 1,300 horse, and 28 field pieces.

General Gielgud soon came up with Colonel Sierakowski and his corps, and they proceeded together until they overtook the Russians on the 29th, at the lake of Raygrad near the village of Graiewo. A battle ensued, in which the Poles obtained a decisive victory, after which the Russians hastily retreated by the road to Kowno. Instead of pressing the attack, Gielgud suffered General Saken to make progress on the way to Wilna, the capital of Lithuania, while the endeavor should have been to intercept him in his march, so as to prevent the scattered corps of Russians from concentrating themselves in that important city, and suppressing the patriotic designs of its inhabitants. General Gielgud committed another fault. Lithuania is bounded on the side towards Warsaw, by the river Niemen, or Memel as it is called in a part of its course. Wilna is situated on a small branch of this river, called Wilya, which flows into the Niemen at Kowno. It so happened that the brave little corps under Chlapowski had already passed Grodno and pushed itself forward to the tract of country between Kowno and Wilna; and had Gielgud crossed the Niemen in the direct course towards Kowno, he would have been but a day's

march from Chlapowski. Instead of this, he continued on to a place called Gielgudski, thirty-two miles below Kowno, and wholly out of the direct road to Wilna.

Having passed the Niemen, and entered Lithuania, Gielgud was joined by Chlapowski on the 9th of June, and the united corps marched to Zemy. Many Lithuanians rallied around the Poles on the march; and among them, was the celebrated Countess Plater, who came in with a regiment of five or six hundred Lithuanians raised and equipped at her own expense. This young heroine was uniformly at the head of her regiment in the hottest engagements, and sacrificed everything in her country's cause. The ancients would have raised altars to such a splendid example of female patriotism, as being something divine; in the middle age, knights and men at arms would have flocked to her banner from the remotest corners of Christendom, as to a crusade; but in these calculating days of political combination, when protocols alone are potent to save, the Countess Plater enjoys the melancholy honors of a glorious exile.

The Polish generals commenced operations by an attempt on Wilna. Their plan was that General Dembinski should make a *detour* so as to attack Wilna on the other side, while Gielgud advanced in front; but by reason of not being supported by Gielgud, Dembinski was compelled to retreat, and thus the plan failed. And by another inconceivable error, Gielgud attacked the city

without availing himself of the aid of Dembinski, who, at the time of the attack, instead of being permitted to co-operate in it, was marching in another direction by Gielgud's orders. The attack itself was altogether unfortunate both in conception and in execution. Gielgud marched up the Poles in broad day, without any particular combinations to further his object, to carry by assault the Russian centre before Wilna, the Russians being strongly posted and with three times the force of the Poles. The consequence was a repulse, which was most disastrous in its effects. Not only did the Poles sustain a severe loss, but their cause more especially suffered; for the citizens of Wilna had risen upon the Russians at the sound of the Polish cannon, and the city was filled with arrests and imprisonments after the Poles retreated. The Poles were so much dissatisfied with the conduct of Gielgud, that he was virtually superseded, the authority and responsibility, though not the name of commander, being bestowed on General Chlapowski.

Contemporaneously with the happening of these disasters was the unfortunate expedition conducted by General Jankowski. A division of infantry under General Muhlberg left Praga on the 13th of June, to be combined with a division of cavalry, which departed from Koek the same day under General Jankowski, who was to command the united corps, and to act in concert with General Chrzanowski against the various bodies of Russians in the di-

rection of Lublin. General Rudiger's corps would have been destroyed if Jankowski had done his duty. Chrzanowski stood ready to attack the Russians, but Jankowski remained inactive and suffered them to receive reinforcements, and to pass the Wieprz unimpeded. A council of war was then called, and it was arranged that Generals Turno and Romarino should attack the enemy on one side, to be supported by Generals Jankowski and his brother-in-law, Bukowski, on the other, who were to march at the first sound of cannon. Turno engaged the enemy vigorously, and made head against him for six hours, while Jankowski and Bukowski, in full sight and hearing of the action, remained completely inactive, by which alone the Russians escaped total destruction. Their conduct was considered a decisive indication of treason, and they were forthwith put under arrest.

This affair occasioned extraordinary excitement in Warsaw. It was supposed to have connexion with a conspiracy, detected in the city about the same time, which had for its object the liberating and arming of the Russian prisoners, by whom Warsaw was to be delivered up to the enemy. The discovery of such extensive treason, pervading even the military movements of the army itself, struck the people with consternation and dismay. Their agitation yielded to a feeling of intense agony, when they received intelligence of the total prostration of their cause in Lithuania.

After the battle of Wilna, defeat and disaster seemed to be the never failing accompaniments of the Polish army in Lithuania. Their line of operation, immediately subsequent to the battle, was on the rivers Swienta and Wilyia, the former being a small stream which flows into the latter between Wilna and Kowno. On the 29th of June, the Russians commenced an attack along the whole line of the Poles, the skirmishes being obstinate at every point, and the Poles were compelled to abandon all their defences. The Russians continued to pursue the retreating Poles, engaged them successfully at Rosseyny, repulsed them with great loss in an attack on Schavla, and gradually entered into dispositions for cutting off their means of access to Poland. In these perilous circumstances, the Poles divided their forces into three divisions. One of them, under Chlapowski, was to make for Kowno, and endeavor to take this place by surprise, so as to reopen the communication with their own country. A second, under General Rohland, was to march upon Polonga, a port on the Baltic, where they expected to receive supplies from some French vessels cruising near that port, after which they were to ascend the Dwina on its left bank, and to prevent the Russians from receiving supplies by way of the province of Courland. The last division, under Dembinski, was to operate in the province of Minsk,*

* Minsk, here spoken of, is a province of Lithuania, having a capital of the same name. There is also a town called

in support of the insurrection. All these were operations on the offensive, at a time when the contingency required steadfast defensive efforts to secure the means of returning to Poland; and their result was fatal to the cause of the Poles.

Each of the subdivisions started for its destination on the 9th of July. General Rohland was followed by the whole force of the enemy; and on the 11th, was attacked by them at Powenduny, and after his corps had performed prodigies of valor in sustaining the attack of so large a body of fresh and well supplied troops, they continued their march so as to arrive on the morning of the 12th at Retow. Here they were astonished to learn that General Chlapowski had passed through that place the day before in a rapid march towards the Prussian frontier. During the battle of Powenduny he had been only four miles distant from Rohland's corps, and had been urged by his troops, who heard the firing through the whole day, to march them to the succor of their brethren. But he refused, insisting that the Russians had inevitably destroyed the small force under Rohland, and that nothing remained for themselves but to seek refuge in Prussia, and to claim the protection of that power. They did so, and were of course disarmed and put under guard. Rohland and his troops hurried after them, hoping to overtake

Minsk in the kingdom of Poland near to Warsaw, which we have referred to in giving an account of the operations of the Polish main army.

them before they passed the frontier, and to prevent their taking this fatal step. In fact, Rohland overtook them before they had all entered in Prussia, and the corps of Gielgud and Chlapowski thus had a full view of the corps of Rohland, which they were previously told by Chlapowski had been cut off by the Russians. Nothing could exceed the indignation of the Poles, or banish from their minds the conviction that Gielgud and Chlapowski were false to their country, and had wilfully betrayed them into the hands of Prussia. One of the officers, under the indignant feelings of the moment, shot Gielgud on the spot with a pistol, and could Chlapowski have been found, he would have incurred the same fate.

General Rohland and his corps then started, in order to find some proper place for crossing the Niemen, and return home. On arriving at Nowe-Miasto, near Yurburg, where they intended to cross, they found the enemy's forces in camp, and so posted as to be able to dispute their further progress. The Poles then saw themselves confined between the Russians and the Prussian frontier, and in a condition utterly hopeless. They were short of ammunition, their horses were broken down by unremitted use so as to be unfit for service, and the soldiers were exhausted by a continuance of forced marches, most of them being without covering to their feet. In these circumstances, they were under the necessity of accepting the proffered protection

of the Prussian authorities, and they also were lost to Poland.

The Lithuanian disasters gave new courage to the Russians before Praga, directed by the fresh energies of count Paskewicz. This general resolved to pass the Vistula and transfer the war to the left bank of that river. The Russian army accordingly crossed the river between the 12th and 20th of July, uninterrupted by Skrzynecki, who was too far from the point of passage to prevent it. In so doing, the Russians produced great alarm in Warsaw, the citizens of which, disheartened by the misfortunes in Lithuania and the recently discovered conspiracy of Jankowski, apprehended the worst consequences from this new movement of the Russians. Anxious, distrustful, agitated, the people demanded the appointment of a council of war to confer with the commander-in-chief regarding his plans, and to be constantly attached to his person, so as to tranquillize the minds of the nation. Skrzynecki opened himself unreservedly to the new council, on receiving their oath not to disclose his plans; and they published an address, assuring the nation of their perfect confidence in his patriotic intentions. By these means a certain degree of tranquillity was re-established in Warsaw.

The public gloom was interrupted for a brief space by the arrival of General Dembinski and his corps in safety. They had fought their way from the banks of the Wilyia, traversing four hundred miles in twenty days, in

the midst of detachments of the enemy, over whom they uniformly gained advantage at every encounter. Warsaw, the citizens, the army, the whole Polish nation, discerned in this fact, the treason or ineptitude of Gielgud and Chlapowski, who had criminally sacrificed the bravest soldiers entrusted to their charge, in the same circumstances which had afforded to Dembinski such a splendid triumph.

But the return of this relic of the Lithuanian army was only a temporary gleam of sunshine; for the fate of Poland was now sealed. Marshal Paskewicz caused the Russian forces to be concentrated at Lowicz on the left bank of the Vistula, until their victorious troops left Lithuania, and also effected the passage of the Vistula, so as to threaten the capital with the whole weight of the Russian army in Poland. In regard to this final period of the struggle we do not possess the same full and authentic details, which have guided us in our account of the previous military operations. It appears, however, that after the Russians had posted themselves at Lowicz, the Poles marched from Warsaw to meet them, Prince Czartoriski himself accompanying the commander-in-chief in person, as indeed he had done continually before, having been at Skrzynecki's side in many battles. Nothing of a decisive nature, however, was done, or could be done, by the Poles, in a rencounter with the grand army of the Russians.

It has been since imputed to Skrzynecki as an error that he

did not, in this crisis, throw himself on the detached Russian corps on the right bank of the Vistula, where they were in a situation to be incapable of receiving timely succor from their countrymen on the left bank. It has also been objected that, instead of marching upon Lowicz, or at all events whether he did that or not, he should have considered it all important to strengthen the fortifications of Warsaw, so as to render it equally impregnable with Praga. Whether any better fortune would have resulted from a different line of operations, it is impossible to say. Skrzynecki, whose talents and patriotism have been admitted by all, and mentioned in the highest terms of praise by such men as General Lamarque, the distinguished French patriot, and other competent judges,—adopted the course, which, in a perfect knowledge of all the circumstances of the case, he deemed to be most judicious; and if he failed, it was rather, as we shall presently see, the fault of their paltering friends, than of the gallant Poles themselves. But the inhabitants of Warsaw, and the ardent lovers of their country assembled there from other parts of Poland, maddened by the recent accumulation of public disaster, beginning with the prostration of their cause in Lithuania and consummated by the approach of the Russians to Warsaw, broke out into acts of domestic violence, which stand alone in the history of the revolution as examples of popular outrage, and unhappily contributed to hasten the melancholy catas-

trophe, which was now impending.

At the period in question, the 14th, 15th, and 16th days of August, Skrzynecki and Czartoriski were absent from the city, at the head of the army, which remained comparatively inactive. Under the stimulus of the causes to which we have alluded, the excitement of the people rose to phrenzy. For two days the city was filled with commotion. The people stormed and broke open the castle, in which Jankowski, and the other traitors detected in the conspiracy of the Russian prisoners; were confined,—and killed the principal criminals to the number of about forty persons. Order was at length restored; but not until the cause of Polish independence had been deeply disgraced by these unhappy scenes. Had the commotion passed away with the loss of the lives of a few traitors, it would still be a subject of extreme regret that such incidents had ever occurred, to stain the purity of so glorious a cause. But the people, actuated by their opinions of the unexplained inaction of the army, went so far as to demand the removal of Skrzynecki and Czartoriski, and this fatal step was taken. General Krukowiecki succeeded to the civil, and General Prondzynski to the military supremacy. Both of these officers had been highly distinguished throughout the war. Prondzynski, with Chrzanowski, whose achievements in the palatinate of Lublin we have had occasion to commemorate, were the counsellors and confidants of Skrzynecki in his earlier opera-

tions. It was the policy of Skrzynecki to observe the greatest secrecy in regard to his plans, but he generally advised with Chrzanowski, and with Prondzynski who succeeded that officer as *chef d' état major*. All these circumstances indicate the general fitness of Prondzynski to conduct the war; but the present was not a moment when a change could be made, without the most disastrous influence upon the issue of the struggle; for the exigency demanded the intellect of a chief like Skrzynecki, familiar with every detail, and fully possessed of the confidence of the army.

When Prondzynski assumed the command, he despatched a considerable part of the army across to the right branch of the Vistula, to act against Golownin, who menaced Praga. At an earlier period, the movement might have been useful; but now it was too late. Availing themselves of the distracted state of the inhabitants of Warsaw, and of the absence of so large a portion of the army on the other side of the Vistula, the Russians immediately invested the capital, defended only by its militia, or national guard as it is called, with but a small part of the regular troops. Nicholas had issued an edict or ukase under date of July 29th, addressed to the Poles, and to be communicated by Paskewicz before commencing an assault upon the city. In it, the Emperor reminded the Poles that the armies they sent into Lithuania had been driven upon foreign soil and made captive; that the Lithuanian provinces

were now quieted, and the Russian troops which had been sent thither had returned to strengthen the main army; and that the approaching events must be decisive of the fate of Poland. He exhorted them, accordingly, to lay down their arms, and accept of terms of peace and reconciliation in unconditional submission to his mercy. The Poles, of course, were far enough from a disposition to submit, without a last expiring struggle, to the power of the Russians; and both sides prepared for the final effort.

Paskewicz, having invested the city, opened a negotiation on the 5th of September, in order to prevent the effusion of blood, by obtaining a voluntary surrender. But finding that the Poles were determined to fight it out to the last, he caused his army to advance, on the 6th at day break, to the storm of the city. According to the accounts of the Russians themselves, it was only after a desperate and sanguinary resistance, that the enormous masses, which they successively brought up to the assault, succeeded in making themselves masters of the redoubts in their line of march, and of the outer defences, which surrounded the city, one of which was in itself a perfect fortress. But after they had proceeded thus far, and having occupied the whole day in carrying the external line of intrenchment, they found that a second line of intrenchments, and a broad moat defended by bastions, remained to be carried. Early on the morning of the 7th, new attempts at negotiation were made, and

General Krukowiecki acknowledged the necessity of a surrender, but declared that it lay with the Diet alone to decide upon the measure. An interview took place on the subject between Krukowiecki and Paskewicz, in which the latter strongly urged the Polish General to avert from the city the disasters which must inevitably attend a protracted defence.—Paskewicz gave the Poles three hours respite, for the purpose of reflecting upon the situation of affairs; and at the end of that time, commenced his operations against the second line of intrenchments.

The Russians advanced with great bravery, but they were received by men not less brave than themselves, and who were animated by the convulsive energy of despair. In this attack Marshal Paskewicz himself was wounded by a contusion on the left arm and breast, and obliged to quit the field, leaving General Toll to lead on the battalions to the assault. The Russians were at first repulsed; but they possessed a resource in their numbers, which enabled them to continue the assault with fresh troops, while the unfortunate Poles had but small means of reinforcement. However, this devoted people defended every inch of ground with unshaken resolution. When the intrenchments were carried, they made a determined stand in the gardens and on the edge of the ditches around the city, so that it was already dark before the Russians had overcome the various successive obstacles, which impeded their access to the walls.

These being at length reached, were scaled and carried at the point of the bayonet, the soldiers being lighted on by the burning houses of the suburbs and the numerous windmills in the environs. But here, at the close of another day of carnage, the Russians were obliged to pause, to gather strength for the sack of the city, which they contemplated for the morrow. Even now, while Warsaw was, in a military point of view, in possession of the enemy, the Polish army, if beaten, yet was not conquered. At midnight, a deputation of the citizens came to the Russians, to signify that the Diet was dissolved, and to deliver up the city at discretion. On the morning, therefore, of the 8th, the army left the city by the way of Praga, and proceeded in the direction of Plock.

On the same day the Russians took full possession of the city, which, by its submission, was rescued from sack and pillage at the hands of a lawless soldiery, only to be gradually sacked and pillaged by the titled minions of a foreign oppressor.

With the surrender of Warsaw the war was ended; for the shattered relics of the army were incapable of making head against the Russians. Of the subsequent fate of these brave men, we shall have occasion to give an account in another year, when the measures of administration adopted by Nicholas were developed, and the condition of the refugees became the subject of particular interest.

We defer to the same period the explanation of the new or-

ganic statutes of Nicholas, repealing the constitution of Poland, in defiance of the acts of the Congress of Vienna, by virtue of which alone he held the kingdom.

It should be stated, in explanation of the long inaction of the Polish troops, which preceded the capture of Warsaw, that the two chiefs, Skrzynecki and Czar-toriski, were misled,—shall we rather say deluded?—by the representations of foreign cabinets. The Polish government received official advices from Count Sebastiani, by a special messenger despatched on the 7th of July, urging the Poles not to risk a general battle with the Russians, but to temporize for the space of two months, when the cabinets of France and England would be enabled to accomplish, by means of negotiation, the national object so ardently desired by the Poles. They did wait, and the consequence was the fall of their country. Thus it was that those two powers, which, by manifesting a proper degree of indignation and firmness, might have saved Poland originally, were equally instrumental, by the same defective policy, in accelerating the final overthrow of the Poles. But we trust that they will efficaciously exert the influence they possess, in alleviating the sufferings of the Poles, after having apathetically stood by, to witness their subjugation unmoved. If they do not, let the gallant Poles be persuaded that, banished as they may be from their native country, and jealously watched as they are in Europe, there is yet republican America remain-

ing to receive with the open arms of affectionate welcome, the exiled countrymen of Kosciuszko.

In view of the fate of Poland, with all her glorious aspirations after independence,—in view of that heroic and self-sacrificing resistance of hers to the inexhaustible hordes of the Muscovite, which, all things considered, has no parallel in our day, but which has passed away unblessed,—we bow in humble submission to the power which rules the universe. It is the inscrutable decree of Providence, which has suffered the most barbarous in lineage and spirit among the Christian sovereign families to extend its empire over a hundred tribes of men, covering an ample half of Eu-

rope and Asia, and so frequently in our time, to pour forth its Tartar legions, sending terror and desolation into the more civilized states of central and western Europe. But in the total prostration of the Poles, there is one human ground of consolation, so beautifully expressed by the poet :

They never fail, who die
In a good cause : the block may soak
their gore ;
Their heads may sodden in the sun ;
their limbs
Be strung to city gates and castle walls ;
But still their spirit walks abroad.
Though years
Elapse, and others share as dark a doom,
They but augment the deep and sweep-
ing thoughts,
Which overpower all others, and con-
duct
The world at last to freedom.—

CHAPTER XII.

THE NETHERLANDS.

State of things in October, 1830.—Bombardment of Antwerp.—National Congress.—De Potter's Resignation.—Declaration of Independence.—Adoption of Monarchy.—Exclusion of the House of Orange.—Designs of Russia.—The Constitution.—Offer of the Crown to the Duc de Nemours.—Regency of Surllet de Chokier.—Conferences of London.—Question of Luxembourg.—Election of Prince Leopold.—Hostilities commenced by Holland.—Opening of the Belgic Chambers.

NOTWITHSTANDING that the relations of Belgium and Holland remain to this day in the most unsettled state, still much was done in the course of the year 1831, to give stability and permanency to the independent political existence of Belgium. We took leave of the subject, in our last volume, at the time when the Prince of Orange gave sanction, by his proclamation from Antwerp of October 16th, 1830, to the revolutionary movements of the Belgians. The commission of the Prince of Orange had been granted only on the 4th of October; and it was recalled by his father on the 20th of the same month. By the royal ordinance of that date, which terminated the authority of the Prince, it was announced that the Dutch government would be thenceforth confined to the northern provinces, and to Luxembourg, and the actual sep-

aration of Belgium and Holland was thus officially recognised. At the same time, the fortresses of Antwerp, Maestricht, and Venloo, within the Belgic territory, were still held by Dutch troops, and those places were declared to be in a state of siege. And at the opening of the States General on the 18th, King William admitted, in somewhat similar terms, that the separation was now complete. The affairs of Belgium, meanwhile, were administered by the provisional government established at Brussels, under the presidency of M. de Potter.

At this period, although William has thus avowedly ceased to have any effective control over the Belgians, and the Hague was once more the capital of the Dutch provinces exclusively, yet a possibility existed, that the sovereignty of the new state of Belgium might be offered to the Prince of

Orange. This possibility was extinguished forever by events which transpired at Antwerp. A body of Dutch troops remained on the road between Mechlin and Antwerp, continually pursued, however, by parties of the Belgians from Brussels. At length, the Dutch troops were compelled, partly by armed citizens of Antwerp and partly by the Brussels volunteers, to take refuge in the citadel. This is a strong fortress, constructed by the side of Antwerp by the Spaniards, whose object in building it, was quite as much to command the city, as to protect it against foreign aggression. After the Dutch had retired into this convenient strong hold, which may be considered impregnable when properly garrisoned and provisioned, a convention was entered into between General Chasse, then commander of the Dutch, on the one hand, and the burghers of Antwerp on the other, to the effect, that the troops in the citadel would not molest the citizens, provided the latter made no attack on the citadel. But, on the 27th of October, some hostile movements on the part of the volunteers having occurred, General Chasse commenced a furious bombardment of the city, as well from the citadel as from Dutch ships of war, which lay at anchor in the Scheldt. The cannonading lasted from four o'clock in the afternoon until eleven at night, with red hot balls and shells, which occasioned immense destruction of property, although but little loss of life. Many buildings were consumed, and among

others, the entrepot, which was peculiarly exposed, as being situated directly between the citadel and the river, and in which there was a large amount of foreign property. The provocation received by General Chasse had been so slight, that this outrageous proceeding could not fail to be attributed to the Dutch jealousy of Antwerp, the commercial rival of Amsterdam. It was impossible not to recollect the pertinacious, and but too successful, efforts of the Dutch to destroy the trade of Antwerp, at the epoch of the separation of the provinces from Spain. The Dutch were known to regard with infinite jealousy the growing prosperity of this great commercial emporium, at the present time. Under these circumstances, the bombardment of Antwerp by the Dutch troops raised a cry of indignation and vengeance, throughout Belgium, which totally obliterated the lingering attachment of the people to the House of Orange.

The provisional government at Brussels had convoked a Congress of the Belgic people to assemble at Brussels on the 10th of November. Previously to the late revolution, the members of the States General had been returned by the Provincial States acting as electoral colleges. For the Congress, however, the elections were made by the people acting immediately. In the exercise of this new franchise they proceeded with peaceful regularity, at the same time that they gave a distinct manifestation of the parties into which they were prone

to fall by their peculiar social state. In the country and in the smaller towns, they elected deputies from the *noblesse*, clergy, and great landed proprietors; while in the large cities, their representatives were more generally manufacturers, capitalists, and professional men of distinction. All the partisans and trusted servants of the House of Orange were sedulously excluded from the Congress. And on the other hand, M. de Potter and M. Ducpetiaux, members of the provisional government, were rejected by the electors of Brussels, who thus pronounced their disapprobation of the ultra-republican or infidel opinions of those two prominent statesmen.

When the Congress met, it was found that one hundred and fifty out of two hundred members elect, were present to attend the first sitting. M. de Potter opened the business of the meeting by a speech of considerable length, as the organ of the provisional government. He gave an exposition of the wrongs of the Belgians which had led to the expulsion of the House of Orange, and explained the acts of the provisional government. At the same time he announced the fact of the interposition of the allies, who, by the conferences of London, as we shall presently state, had undertaken to adjust the differences between Belgium and Holland.

Before the Congress had taken any definitive measures on the subject of this address, all the members of the provisional government, except M. de Potter,

sent in their resignations, conceiving that their functions ceased with the meeting of the representatives of the people. M. de Potter declined to participate in the act of resignation, on the ground that the provisional government and the Congress were equally the temporary creation of circumstances, independent of each other, and accountable to the people alone, from whom they respectively derived their authority. His idea was that, when the Congress had deliberated upon and prepared a constitution for Belgium, and the Belgic people had organized a constitutional government accordingly,—that then the functions of the Congress and of the provisional government expired together. He stood alone, however, in this view of the subject. The Congress passed a vote of thanks to the provisional government for their services, and requested the members to continue to act until a new government could be definitively organized. Hereupon, M. de Potter resigned, because he could not consent to hold his authority from the Congress, or to act with colleagues who differed so entirely from him in regard to the tenure of their power. And from this period, his influence and popularity in Belgium began to decline, giving place to the authority of men of less republican views of government.

After completing their preliminary arrangements, the Congress entered, at their sitting of November 16th, on the serious objects of their appointment, to wit,

the organization of the political institutions of the country.—The subject was introduced by the Count de Celles, who proposed two resolutions,—one, that the Congress should issue a formal declaration of the independence of Belgium,—the other, that Congress should not separate until the constitution of the new state was definitively settled. On these propositions a debate arose, on a motion of M. Rodenbach, to couple with the declaration of independence a declaration of the perpetual exclusion of the House of Orange from all exercise of power in Belgium. It was finally decided that this last motion was premature, inasmuch as the action of Congress upon the questions of independence and form of government might preclude the necessity of taking any notice of the deposed dynasty.

The consideration of the question was further embarrassed by the situation of Luxembourg, which the House of Orange claimed to hold as a family appanage, and by a tenure different from that, by virtue of which they reigned in Belgium. It was this topic, which interposed the greatest difficulties in the way of the negociations of the Allies, as we shall have occasion to show hereafter; and we defer entering into it, until we come to that branch of our subject. It is sufficient to say, in regard to the discussion of the matter in the Belgic Congress, that this body resolved to consider Luxembourg as an integral portion of the new state, notwithstanding that, by the acts

of the Congress of Vienna, Luxembourg was made a member of the Germanic confederation.

Finally, there was an active party in the Congress, who favored the incorporation of Belgium with France, and who desired, in proclaiming the independence of Belgium, to have it understood that the question of the future union of the countries should not be thereby prejudged. After a full consideration, however, of the various arguments for and against a separate national existence, the Congress unanimously joined in a declaration of unqualified independence, and ordered a manifesto be drawn up, to justify in the eyes of Europe both the fact and the claim of independent sovereignty.

Having disposed of all these questions, the Congress proceeded, on the 19th of November, to consider of the form of government to be adopted. An attempt was made to procure the establishment of a republic, but failed, owing to the preponderance of the nobility and clergy, not only in the Congress, but throughout Belgium among the people themselves. It was decided by a vote of 174 to 13, that the government should be a limited monarchy, in the most economical and liberal form of which such a system was susceptible.

Next followed the discussion of the proposition, renewed by M. Rodenbach, for the formal dethronement of King William, and the perpetual disfranchisement of the family of Orange-Nassau. Whatever disposition there might

have been among a portion of the members, to give the Prince of Orange, or some other branch of the family, a chance of reigning in Belgium, was removed in the course of the discussion, by the disclosure of the officious interference of the Emperor of Russia in behalf of his family connexions. The Russian government, it appears, had notified the provisional government at Brussels, through the medium of a French agent, that the separation of Belgium from Holland could be overlooked only on condition of the tender of the crown to the Prince of Orange. This ill-timed menace sealed the fate of the family. Many moderate members of the Congress, who, while they were devotedly attached to independence, were also partial, from personal or other considerations, to the House of Orange, or at least unwilling to engage in vengeful persecution of that House, were rendered indignant by the meddling conduct of the Russian autocrat. Accordingly, the sentence of exclusion against the House of Orange was passed by a large majority, when otherwise the result would have been by no means certain. The Belgians themselves, and indeed most of the European states, looked upon this measure at the time, as a kind of declaration of war, since it was prompted, as it were, by resentment of the threats of Russia, and was coldly received by England and France, the two powers most likely to uphold the doctrine of non-intervention in the case of the Belgians.

In fact, while the Belgic deputies proceeded to discuss the subject of a constitution for their kingdom, as preliminary to the election of a king, movements were taking place around them, which, but for the happening of events wholly unforeseen, would have involved all Europe in war. It is well ascertained, at the present time, that Russia and Prussia contemplated a forcible intervention in behalf of the House of Orange, and that Russia, especially, had resolved to attempt the restoration of the reign of legitimacy in France as well as Belgium. The Muscovite legions were about to be collected in Poland for this purpose, and extensive preparations had been made for the speedy commencement of hostilities. France, on the other hand, although her rulers were anxious to avoid war, even to the degree of excessive timidity and overwrought cautiousness of spirit, and therefore would gladly have steered clear of being involved with Belgium, yet saw herself compelled, by the necessities of her position, to make common cause with her neighbor. And from the obscure intimations of the English ministry, then controlled by the Duke of Wellington, there was reason to fear that the Belgians would have little succor from England, should Russia and Prussia cross the Rhine. But the evident tendency of events towards war was suddenly arrested by the breaking out of the Polish revolution, which gave Nicholas ample employment at home, and by the equally sud-

den overthrow of the tory cabinet in England, and the introduction of the whig party to power. These events left the Belgians to organize their domestic government undisturbed by foreign enemies.

They soon agreed to a constitution, having for its basis a limited monarchy of carefully defined powers, and two elective chambers of legislature. It only remained for them to select a prince to wear the new crown, thus added to the number of European dignities.

A little reflection taught the Belgians that they must look abroad for a suitable person to become their king; because, among themselves, no man existed of that transcendent rank united with decided patriotism, which were necessary to fix the popular voice at home. After much angry discussion on this subject, the contest among the Belgian deputies seemed to be narrowed down to two individuals, the Duc de Nemours, a minor son of Louis Philippe, and the Duc de Leuchtenberg, son of Prince Eugene Beauharnois. Owing, however, to the unsettled state of France and the deep seated affection of a part of the people for the name of Napoleon, it speedily became apparent that the French government would not look with complacency on the elevation of any one of the Bonaparte family to the throne of Belgium. Indeed, the cabinet of Louis Philippe were so sensitive on this point, that representations were officially made to the Belgians, to the effect

that the election of the Duc de Leuchtenberg would be considered an affront to France.

At length, on the 3d of February, the Congress made choice of the Duc de Nemours, the vote being for De Nemours 97, for De Leuchtenberg 74, and for the Archduke of Austria 21. The king elect was then proclaimed by the name of Louis Charles Philippe d'Orleans, Duc de Nemours, King of the Belgians, and a deputation of ten appointed to repair to Paris, and communicate the intelligence officially to Louis Philippe and his son. They were disappointed to find that, actuated by considerations of the interests of France, and the necessity of keeping her free from any such intimate alliance with Belgium as the possession of that country by a minor child of France must induce,—Louis Philippe declined the proffered crown in behalf of his son, and the Belgians were thus left to seek elsewhere for their monarch. Unable to arrive immediately at a satisfactory choice, and unwilling to leave the government in its present provisional form, they elected Erasmus Louis Surlet de Chokier, an eminent patriot of long tried ability and integrity, to be Regent of the kingdom. The Regent proceeded to arrange his cabinet, consisting of M. Goblet, as Minister of War; M. Charles de Brouckere, of Finance; M. Tielemans, of the Interior; M. Sylvan Van de Weyer, of Foreign Affairs; M. Alexandre Gendebien, of Justice; and M. Gerlache, as president of the Coun-

cil of Ministers. These steps being taken, the Belgians had opportunity to deliberate more freely, and decide more satisfactorily, upon the all-important subject of their future king. They were also better able to prepare for meeting the difficult questions continually growing out of the conferences of London, to which it is proper we should now advert.

It is to be remembered that the kingdom of the Netherlands was the creation of the great allied powers, which effected the overthrow of Napoleon. As a consequence of this, it followed that, when the work of their hands was destroyed by the spontaneous movement of the populace of Brussels, the principal parties to the Congress of Vienna assumed to themselves the right of interposing in the affairs of Holland and Belgium, so as to prevent the general peace of Europe from being sacrificed by the partial interference of any one state, either for or against the Belgians. Thus it has happened that the ministers of the five great powers, England, France, Austria, Russia and Prussia, assembled at London, have been deliberating on the affairs of Belgium ever since the end of the year 1830, and issuing protocol after protocol for the government of the self-willed Belgians and Hollanders. These protocols contain the decisions of the allies as to the various questions of boundary and the like, growing out of the separation of the two nations, which are offered to them in a some-

what ambiguous form, partaking both of recommendation and command. The Netherlands of each nation have accepted or rejected the proposals of the allies, partly according to the dictates of their own sense of right and wrong, and partly according as the circumstances left them free, or not, to exercise their own discretion. Altogether, however, the characteristic perseverance and obstinacy of the Dutch and Belgians in the prosecution of their purposes, has rendered the situation of the officious allies at once embarrassing and ridiculous; for protocol follows upon protocol in never ending succession, as the shifting phasis of affairs in Holland or Belgium requires some new modification of advice from the conference of London.

As preliminary to their future proceedings, the five powers agreed to a protocol on the 4th of November 1830, which required a cessation of hostilities between Belgium and Holland. This measure could not but be regarded as a practical recognition of the independence of Belgium, because it prohibited any attempts of the Hollanders to restore the lost authority of King William in the southern provinces. The decision of the conference on the terms of separation between Holland and Belgium was contained in a protocol of January 21st 1831. In fixing on these terms, the allies go back to the period anterior to the French revolution, when the Belgic provinces were a dependency of Austria, and assigned to Holland and Belgium such

portions of the territory of the kingdom of the Netherlands as belonged to either country at that time, except that, for reasons presently to be explained, they transfer Luxembourg to Holland. They also provide for an apportionment of the national debt between the two fragments of the late kingdom. This decision was accepted by the Dutch, but rejected by the Belgians, who, at the hazard of a war with Holland and of being left to their fate in the event of a general European war, protested against the dismemberment of their territory by the annexation of Luxembourg to Holland.

On this subject it seemed inevitable that collision should occur. Luxembourg had the same claims to independence with Brabant or Flanders. The Luxembourgers had made common cause with the other inhabitants of the southern provinces, in expelling the Dutch authorities, and in admitting those appointed by the provisional government at Brussels. They had elected deputies to the National Congress, and participated in all its acts, from the declaration of independence down to the selection of a Regent. Finally, notwithstanding the decision of the five powers, awarding Luxembourg to Holland, the Regent of the Belgians had announced his determination to sustain the Luxembourgers in their connection with the other Belgic provinces, by force of arms if necessity should require it; and the movements of Holland indicated that such a necessity was at hand.

A brief explanation of the difficult questions growing out of the situation of Luxembourg, is therefore material in this place.

Holland, it is to be remembered, had set up an independent government under the sovereignty of William of Nassau, before the final termination of the struggle between France and the allies. In the numerous changes of that time, and before the establishment of the kingdom of the Netherlands, William acquired a cession from the allies of the grand dutchy of Luxembourg as an equivalent for the principalities of Nassau, Dilleberg, Liegen, and Datz, the hereditary possessions of the house of Nassau, in Germany, which were ceded to Prussia. For the same purpose of indemnity to him, Luxembourg was made a member of the Germanic confederacy, in order that he might retain his connexion with that body, and have a voice in the Diet. And in pursuance of this arrangement, a garrison of Prussian troops was placed in the fortress of Luxembourg, as a fortress of the confederation. In addition to which, it was to descend to the second son of William, while the Netherlands should descend to the oldest, so that eventually, on the death of William, it would be entirely severed from the kingdom of the Netherlands.

Subsequently, however, to the establishment of the kingdom of the Netherlands, it was deemed important to make some changes in regard to this matter, so as to prevent the separation of the two

countries by their descent in different lines. The States General, with the concurrence of the King, assigned to his second son certain royal domains in the district of Breda as an indemnity for the future inheritance of Luxembourg, which was declared inseparable from the Netherlands. This being the case, the Belgians insisted that, on a dissolution of the kingdom of the Netherlands, Luxembourg belonged to the Belgic section of the kingdom, with which it had always been conjoined, from the days of the House of Burgundy, through all the subsequent changes of sovereignty, to which that part of Europe has been subjected. Nay, in the adjustment of the national representation of the kingdom of the Netherlands, this question seemed to be decided by the Dutch themselves. It had been arranged that the number of deputies for the whole kingdom should be 110; 55 for Holland, and 55 for Belgium, so as to secure a perfect equality of power between the two nations; and the deputies of Luxembourg entered into the 55 assigned to Belgium.

The facts, which we have thus summarily stated, were such as to give color of reason to both parties. William insisted that Luxembourg was held by him as an hereditary domain, wholly independent of his title to the kingdom of the Netherlands. The Belgians replied, that he acquired Luxembourg just as he acquired Brabant,—by the arbitrary act of the allies; that as for

his hereditary estates, he might seek them of Prussia, by whom they were held; and that at any rate, Luxembourg, like the rest of Belgium, was resolved to be independent of the House of Orange, to which it owed no natural or hereditary allegiance,—and the rest of Belgium was equally resolved to maintain the independence of Luxembourg.

In the midst of all the irritating discussions, to which this question gave rise, the Belgians had been gradually settling upon Prince Leopold of Saxe Cobourg for their king. It was ascertained that the heads of the Catholic, as well as the Protestant party, were favorable to his pretensions, and that a large majority of the members of Congress were disposed to offer him the crown. But it was deemed prudent to ascertain the views of Leopold before proceeding to a formal election, for which purpose a deputation repaired to London. Finding him disposed to accept the crown, if regularly tendered to him, the Belgian Congress at last proceeded to ballot once more for a king, and elected Leopold by a vote of 152 out of 196 members who were present at the time. Indeed, of the dissidents, only 14 voted for another person, the rest having abstained from voting at all; so that, on the whole, the vote was a very strong and decided expression of preference for Leopold.

Thus it was, that this favorite of fortune at length arrived at a throne. Leopold had been se-

lected by Princess Charlotte to be her husband, on account of his external graces of person. Her sudden death had left him in possession of a splendid appanage and the princely residence of Claremont. The throne of Greece had courted him in vain. His reputation for intelligence, good sense, cultivated mind, and moderation of spirit, now attracted to him the suffrages of the Belgians, and placed him among the crowned heads of Europe. He left London for Brussels on the 16th of July, and landed at Calais, where he was met by General Belliard and M. Le Hon. On the 17th, he proceeded through Dunquerque to Ostende, being received on the Belgic frontier, between the two last named places, by Baron d' Hoogverst, Governor of West Flanders. He was everywhere greeted with the highest demonstrations of loyalty. It is somewhat remarkable that he entered Belgium on the anniversary of the very day on which William was compelled to leave it,—whether by design or accident we do not know.

Scarcely, however, was he warm in his new throne, when he was called upon to repel an invasion of his kingdom by the Dutch. They entered the Belgic territory in great force, sacking and firing the villages, pillaging the farm houses, and committing manifold outrages on the persons and property of the inhabitants. The Belgian army being wholly unprepared for this sudden inroad, made but a feeble

resistance, and was driven before the Dutch in disgrace, who threatened to march to Brussels. In this difficult emergency, King Leopold instantly notified the French and English governments of the breach of the armistice by the Dutch, and called upon them to make good their pledge of sustaining the neutrality of Belgium. However humiliating may have been the necessity of recurring to foreign aid for the protection of the country, it was the only resource, which, in the circumstances, the Belgians possessed. Their appeal was promptly met by England and France, especially the latter. Immediately on the receipt of the intelligence that King William's troops had invaded Belgium, Louis Philippe summoned a council, at which it was resolved that Marshal Gerard, at the head of 50,000 French troops, should march to the succor of the Belgians. The French army was put in motion forthwith, and entered Belgium on the 7th of August in three different directions, while an English fleet under Sir Edward Codrington was ordered to assemble in the Downs to act as events might demand. These summary measures of the French and English governments were decisive in the matter; for King William lost no time in withdrawing his troops, and professing a readiness to proceed with the negotiations undertaken by the five powers. The French troops were welcomed by the Belgians as brethren and friends, but had

no occasion to engage in combat with the Dutch; and, after remaining long enough to be assured of the cessation of hostilities and the restoration of tranquillity, they quietly evacuated the Belgic territory and returned to France.

The Belgic chambers assembled under the provisions of the new constitution in September, when Leopold delivered his opening speech, at this the proper commencement of the constitutional existence of Belgium. With this event we terminate our chronicle of Belgian affairs for

the year, in order to give, on resuming it on a future occasion, a connected account of the internal organization of the kingdom under the new order of things, and of the unsatisfactory and inconsequent negotiations for the settlement of its relations with Holland, which continue now, at the expiration of two years from the occurrence of the events of July, to be quite as threatening to the peace and repose of the rest of Europe, as they were in the very outset of the revolution.

CHAPTER XIV.

SWITZERLAND.

Formation of the Confederacy.—Constitution of the old Republic.—Its Evils and Abuses.—The French Revolution.—Act of Mediation.—Compact of 1814.—Its Public Law.—Example of Berne.—Other Cantons.—Foreign Interference.—Movement in Tessino.—In other Cantons.—Hostilities in Bâle.—Constitution of Berne.—Of other Cantons.—State of Schwytz.—Proceedings of the Diet.—Neufchâtel.—Reflections.

DURING the last two years, events have transpired in Switzerland, which, if they do not affect the situation of so large a population as the revolutionary movements in France, the Netherlands, and Poland, are intrinsically of considerable interest and importance in the political history of our times. The condition of Switzerland, as a federal republic, renders the incidents in question peculiarly deserving of attention in America, from the analogy, in many points, between the institutions of the two countries. To understand the nature of the changes lately effected in the heart of the Helvetic mountains, it is necessary to take a brief retrospect of the origin and successive combinations of the political rights of the confederated parties. The primitive confederation was composed of the three forest cantons, so called, of Schwytz, Uri, and Unterwalden, which pos-

sess, even in our day, only a population of seventy thousand inhabitants. It was this handful of heroic mountaineers, which undertook to resist the powerful House of Austria, and which for twenty years maintained the contest for independence unaided and alone. Fifteen years after the great victory of Mongarten elapsed, before Lucerne was received into the confederacy. Zurich, Glaris, Zug, and finally Berne followed. These eight cantons, by their persevering love of liberty, and by a succession of splendid victories, signalized the name of Switzerland, during the fourteenth century, and at last compelled Austria to desist from asserting her pretensions by force of arms, although it was not until the peace of Westphalia, three centuries later, that she formally recognised the national independence of the Swiss.

Thus passed the fourteenth

century. During the fifteenth, the new Republic acquired strength, consistency, and allies, and began to act upon the affairs of Europe. It was at this period that the Swiss sustained their memorable contest with Charles the Rash, terminated by the battle of Morat, so fatal to the chivalry of Burgundy and Flanders. After this, Soleure, breaking loose from the German empire, and Friburg shaking off the authority of the Duke of Savoy, entered the confederacy under the protection of Berne. Next to them, Bâle and Schaffhausen joined the hardy family of republicans; and at length, in 1513, Appenzell became the thirteenth canton, and completed the frame of the Swiss Republic as chiefly known to history. Many divisions, intestine wars, and religious disputes occurred meanwhile, which served to keep alive and confirm the military spirit of the people. Their poverty and their martial temper conspired to induce those military capitulations, the first of which was concluded with France in 1479, which introduced them into the Italian wars in the capacity of mercenary auxiliaries of some foreign power, and ended in their continual employment as household troops in the service of France.

Wars of religion, intestine convulsions growing out of conflicting political pretensions, and not infrequent connexion with, or participation in, the hostilities of the neighboring nations, occupied the Swiss during the fifteenth and sixteenth centuries, but not so as to prevent the general prosperity

of the Republic, which gathered one increment after another from time to time. And thus matters continued down to the period of the French Revolution, which acted upon the internal condition of Switzerland not less decisively than upon that of France itself. The constitution of the Republic had now acquired full development from the gradual progress of events; but that development gave intensity and diffusiveness to various abuses equally unbearable with those of countries, which were destitute alike of the claims to freedom and of the glorious historical recollections, which hallowed the name of Switzerland. Equality of political rights, consistency of republican principle, just and equitable administration of government,—all these were scarcely better established and understood in the land of William Tell, than among the subjects of any of the neighboring monarchies.

Switzerland, at the close of the eighteenth century, consisted of the thirteen sovereign cantons, and of various other political bodies connected in different ways with the Republic. Some were in alliance with it or its members, others were its subjects. The Valais was the ally of the whole thirteen cantons. Geneva, on the other hand, was the ally only of Berne and Zurich, to whom it was attached by community of religious faith. The allied cities or communities had the right of sending deputies to the Diet, but they had no voice except in what concerned their particular alliances. As for the sub-

jects of the Republic, they were ruled with a sterner authority than individual princes would have ventured to exercise over the people of their hereditary domains. The Italian bailiwicks, so called, were especially the objects of extreme tyranny and misrule. And while the connexion of the allied communities with the Republic partook so little of a national federative union, and the situation of the dependencies of the Republic was so abhorrent to all the doctrines of liberty, the picture presented by the cantons themselves did no credit to their form of government.

Viewing the great members of the Republic with reference to each other, it would be seen that they lived in a state of hostility among themselves, almost of anarchy. Separated by their religious opinions, by diversity of interests, by variance in political principles, they presented a favorable theatre for the intrigues of foreign diplomacy, while the Diet had little power, and scarcely the will, to draw closer the bonds of confederacy. Discontent and distrust also prevailed in the bosom of each canton, on account of the preponderance usurped by the cities over the tracts of country around them,—in fact, from the very same causes, which, in several of the principal cantons, have produced the recent excitement. Other evils, in themselves of a less irritating nature than the last, continued to aggravate the public uneasiness,—especially monopolies in trade, and the practice of military capitulations.

When the French Revolution

broke out, its effect was electrical among the subjects of Switzerland. The inhabitants of the Pays de Vaud began by soliciting the interposition of their republican neighbors to free them from the tyranny of Berne, which had gradually despoiled them of all their franchises. The Directory needed only a pretext for action; and Switzerland, after being stripped of the Valteline, Geneva, and the bishopric of Bâle, was at length completely overcome by the French. Several of the cantons made an heroic stand in vindication of their independence and their power, but in vain; for the Helvetic Republic, one and indivisible, was imposed on the country by force of arms, and equality of political rights was substituted through all Switzerland, in place of the antiquated system of the past, and its numerous abuses and anti-republican privileges. But the pretensions of the aristocracy, and the attachment of the people to federal institutions, proved the fruitful sources of disturbance, until the Act of Mediation, which emanated from the First Consul in 1803, laid the foundation of a new structure of public law. By this measure, Napoleon re-established the federal system, making the number of cantons nineteen; he constituted each canton internally in a manner conformable, as far as might be, to local feeling and the habits of the country; and he gave completion to his work by proclaiming political equality and freedom of industry through the whole extent of the territory. After this, Switzerland enjoyed

repose and prosperity, so long as it remained under the protection of the Emperor.

With the dissolution of the French empire in 1814, the face of things in Switzerland was almost entirely changed. The ancient possessors of monopolies, political and commercial, sought to resume their suspended privileges: the modern possessors of equal rights endeavored to maintain their newly gotten independence.—The Republic was organised anew under the auspices of the Congress of Vienna; and Switzerland became a most anomalous assemblage of every variety of political institutions, from pure democracy up to monarchy itself. While the pastoral cantons returned to the simple forms of interior administration, which belonged to them in olden times,—and while Berne and the great Catholic cantons were replaced in the hands of their aristocracy by the help of Austrian bayonets,—Neuchâtel, as a principality dependant on Prussia, caused a king to be one of the integral members of the Swiss confederacy. The evils of the new organization were the handy work of the allies; and the abuses they re-established in Switzerland passed away with the result of their highly disinterested labors in France and Belgium.

We may as an example take the populous canton of Berne, the largest in the confederacy, the most influential as well from long custom as from the political adroitness of the Bernois, its capital being the residence of the diplomatic body, and so, in some senses, the capital

of Switzerland. In this canton there was a double conflict of interests, first between the city and the country dependent on it, and secondly, between the burgher and patrician families in the city itself. The Great or Sovereign Council of Berne was composed of 299 members, of which the city, having a population of 12,000 souls, elected 200 members, whilst only 99 remained for the country, with a population of nearly 300,000 souls. Again, of the 280 families having rights of citizenship in the city of Berne, only 80 are reputed noble or patrician; and in the hands of these privileged families the public employments were concentrated; so that the 200 city members of the Sovereign Council in fact represented but 80 families.—The representation was renewed, not by free elections, but by an electoral committee composed of the smaller council together with sixteen members of the Great Council; and of the twenty-six members of the smaller council, twenty-two were by the rules to be noble. In practice, therefore, it happened that a majority of the Grand Council was furnished by thirty privileged families of the city. In addition to all this, the *Council and Sixteen*, as the committee before mentioned was denominated, enjoyed the *initiative*, and had power to confirm, suspend or exclude the members of the Great Council.

Although the political constitution of Berne is a strong case of the abuses in question, yet others of the same nature existed in all the aristocratic cantons, and espe-

cially in those of the Catholic faith, as Soleure, Lucerne, and Friburg. In some of the Protestant cantons more disposition was manifested to conciliate the feelings of the rural population. In Bâle, which in point of religion is mixed, the *bourgeoisie* obstinately insisted on their exclusive rights in trade, and their monopolies as well as their prerogatives in the public representation. In the democratic cantons there was less to reform, and of course less talk of reformation. On the whole, the subjects of Switzerland had gained materially by the vicissitudes of the age, being raised from the condition of wretched dependants to that of free and sovereign cantons. Thus it was with Vaud, Argow, Thurgau and the Tessino.

From the year 1815, to that of 1830, no historical event of any importance occurred in Switzerland. The Republic remained in a state of unnatural and forced tranquillity, under the influence of the Holy Alliance, which, having contributed so largely towards re-instating the aristocracy in their ancient power, had unanswerable claims on their subserviency. Of course, they were not seldom called upon to manifest their grateful sense of past favors. They were required to send away the Italian emigrants, and they did it. They were required to enslave the press, and they did it. Notwithstanding the warning experience of past misfortunes, new capitulations were contracted with the King of Naples for supplying him with hired troops from the Re-

public. The Diet was filled with disputes, and plans of public utility were occasionally proposed, but to no purpose, until the flame of revolution burst out where it was least expected.

It was among the Italian bailiwicks of the Tessino, that the work of reformation was undertaken by the people in the month of June, 1830, a month before the revolution of the Three Days in Paris. This little canton, therefore, deserves the credit of having commenced the task of overthrowing the structures raised by the Congress of Vienna. Some changes, it is true, had been introduced in the constitutions of Vaud and Lucerne, but they were deceptive and incomplete. But an attack by the land-daman Quadri on the liberty of the press and the public rights of the people, was the signal of revolution in the Tessino, and gave the first effective impulse to the cause of political reform in Switzerland.

In July, the Diet assembled at Lucerne, and passed much time in discussing the movement of the Tessino. Every shade of opinion made its appearance, as well the unshaken republicanism of Appenzell, as the *quietism* and attachment to the existing order of things of Friburg and Zurich. But nothing came of it. The Diet left this subject, to discuss the penal code of the Swiss regiments in the service of France; and at the very period when the wiseacres of the Diet were adjusting the conditions of service, the patriots of the Parisian barricades were cutting up or making

prisoners of the regiments themselves, and thus summarily disposing of the articles of capitulation.

The spectacle of the great events of July seemed to fill the Swiss with a kind of stupor. Agitated as the people of Switzerland themselves were with projects and wishes of reform, they could not, for the moment, satisfy themselves what influence over their own condition the changes in France were to operate. It was plain to see, however, that liberty must be a gainer by the shock, which the dethronement of Charles X. had given to the institutions of the year 1814. Appenzell was the first to collect itself, and to speak of reforms at home; and Soleure followed in the same track. But the earliest popular meeting was among the inhabitants of Argau. There is a ruined castle, the stronghold of the counts of Lenzbourg, and once the abode of a warlike and chivalrous court, where the Swiss minnesingers of the thirteenth century came to sing at the feudal banquet. At the foot of this relic of another age, the people of Argau assembled on the 7th of September, 1830, demanding reforms in the popular interest. The example was electrical. Bâle, Zurich even, witnessed like assemblages of the people, everywhere complaining of the usurpations of the cities, and claiming a national representation based on the population of the canton, and divested of all privileges of locality or class.

Berne being, as before explained, the leading canton, it is im-

portant to observe the progress of things there. The smaller Council began by an injudicious interdict of the Zurich Gazette, which irritated the popular party. Other measures of an impolitic nature ensued, and the people at length became roused. Petitions began to flow in from all quarters of the country, claiming the most radical changes in the whole constitution of government. They demanded the recognition of the sovereignty of the whole people, and as a consequence, the abolition of the patriciate; two thirds of the representation for the country; a complete publicity in all proceedings, legislative and judicial; the participation of both councils in the *initiative* of laws; freedom of the press, amovibility from employments, and personal guaranties:—all to be secured by a constitution submitted to the people for their sanction. It needs only thus to advert to some of the principal requisitions of the reform party among the Bernese, to perceive how imperfect and faulty was the existing state of things in the Republic.

While these petitions were pouring in upon the government of Berne, other cantons were proceeding to accomplish the changes they desired. In Saint Gall, and in Soleure, the cantonal government anticipated the people; Thurgau and Lucerne yielded without a struggle. In Zurich an assembly of nine or ten thousand citizens was held at Uster, who deliberated on the public grievances in perfect order and with heads uncovered, and compelled the government to

equalize the representation and prepare a constitution on the base of the popular rights and sovereignty. Friburg, after a while, had come to form the head-quarters of the emigrant clergy from France; and its governors endeavored, by acting in concert with that of Berne, to defeat the wishes of the people. The inhabitants of the country, finding that such was the fact, flocked to the city in great numbers, and there, acting in harmony with the untitled *bourgeois*, they made such a demonstration of their power, that the Council yielded the point, and almost unanimously decreed a revision of the constitution, which was peaceably and amicably concluded in the sequel.

December was an important month in the cantons; for it was the season of some of the most decisive movements of the popular party. In Argau, the Council had temporised so much, that the people began to doubt their sincerity; and seven or eight thousand peasants took possession of the city, and compelled the government to convene a constituent assembly, as in the other revolutionised cantons. So it was in the Pays de Vaud. Some want of good faith having been manifested by the government, the peasants flocked to Lausanne, the capital, in a body, at the sound of the tocsin and upon the view of signals lighted up in Lausanne itself. Of course, their demands were acceded to by the Council without reserve or condition.

Two incidents, of an opposite nature, indicated the intentions

and feelings of the Swiss in regard to foreign nations. Some of the Carlists who had taken refuge in the Valais, sought to make their asylum the centre of political intrigues, and were compelled by the government to respect the neutral rights and duties of the country. On the other hand, a number of Italian patriots, who had fled to the Tessino to escape the penalty of disaffection to the government of Austria or Sardinia of which they were the subjects, and who became justly obnoxious to complaint as conspirators, although conspirators in the cause of liberty, were obliged to disperse themselves among the cantons, although not excluded from their refuge in Switzerland. It was impossible, after this, for either liberal France or servile Austria to impeach the impartiality of the Swiss.

The federal Diet assembled on the 22nd of December at Lucerne, and this time, at least, left no cause of complaint against its doings. It proclaimed the neutrality of Switzerland, occupied itself with the organization of a federal army to maintain that neutrality, and recognised the right of the cantons to re-construct their systems of internal administration.

Nor was the month of January, 1831, less remarkable for the events it witnessed. To begin with the affairs of Berne:—The Grand Council, which assembled on the 6th of December, had assumed an attitude of entire hostility towards the petitioners for redress of grievances, going so far as even to refuse to acknowl-

edge their right to petition collectively. They prepared to march troops against a part of the Bernese territory, which demanded to form a separate canton; and the troops, in fact, were sent upon this duty; but they could not be forced to act against the people, and soon retreated, having produced no other effect but to draw the ire of the country *communes* upon the government, and to cause the peasants to organize themselves for offensive operations. Presently the secondary burghers of the city of Berne began to act in unison with the inhabitants of the country, against their common enemies, the patricians. When this union was formed, the Bernese oligarchy saw plainly that their hour was come, and they bent themselves to the necessity which they could not avert. On the 13th of January, 1831, the government addressed to the people a proclamation, summoning a constituent assembly according to the public wish. This convention met in May, and was occupied for the space of three months in the work assigned them, which they performed thoroughly and well. They made a radical change in the whole system of government, and reported a constitution, just, equal, and reasonable,—which equalised the representation,—secured the liberty of the press, of instruction, worship, industry, petitions, and person,—abolished the military capitulation,—and was adopted by the people in August, by an overwhelming vote. Still the patricians kept aloof, refusing to take

part in the government organised under the new constitution, contrary to the policy of their class in Friburg and Soleure, where the nobles wisely concluded to enter frankly into the new order of things.

We have said little of Bâle thus far; but the events, which occurred in that canton, require to be particularly stated, because there the progress of the revolution was attended with bloodshed. In Bâle, the rural population embraces only three fifths of the whole population; but without duly considering this fact, the country claimed, as at Zurich, two thirds of the representation. This was one subject of difference. Another was the antiquated monopolies of the city, which shackled and oppressed the industry of the country. The peasantry were somewhat warm in their representations to the city: the latter replied by military preparations, the citizens submitting to bivouac, as in time of war. On the 3d of January, 1831, an assembly of 2,500 men was collected at Liestall, three leagues from Bâle, to discuss the public grievances. They demanded a convention of the people,—the abolition of all exclusive privileges,—and instead of two thirds, five sevenths of the representation, that is, one in twenty-one more than they had previously claimed; and they threatened to use force in case their demands were not granted. Hereupon the citizens met in the church of Saint Martin, and after deliberation, resolved to meet force with force. The insurgents appointed

a provisional government, and laid siege to the city; but they were repulsed in two sorties, and Liestall, the seat of the insurgent government, fell into the hands of the Bâlois. Had the latter consulted moderation in this crisis, all might have been well; but they excluded all the members of the provisional government from the benefits of amnesty, and thus laid the foundation of future disturbances. A new constitution, however, was framed and adopted by a majority of the people, in the midst of the troubles in question.

In Saint Gall and Schaffhausen the people attained their wishes, but not until they had entered the city in great numbers, as at Arau. The Grisons, the Valais, and Geneva took, apparently, little or no interest in the changes which were going on about them, until they had been consummated elsewhere, when the aristocracy of Geneva voluntarily offered concession to the interests of the people. But the proceedings in the canton of Schwytz, the birth-place of the country's independence, were the most curious. The small pastoral cantons, it should be remarked, were contented with their institutions. Among them, everything passed as in a family, and in the patriarchal simplicity of their manners there was but little to desire or obtain in political reforms. The canton of Schwytz consists of two portions, namely, the original country, and certain exterior districts incorporated with it in after times, the two divisions of the canton being united only by a

mere convention, and the latter having been deprived of its rights by gradual encroachments, until it had come to be treated as a subject rather than an associate. On the 8th of January, 4,000 citizens met at Lachen, with drums beating and colors flying, in the midst of a snow-storm, which of course they little heeded. They gave to the old country three weeks to come to terms in; and on the refusal of the Schytzers to give way, declared themselves a separate canton, and established a provisional government accordingly. The two parties did not commit actual hostilities, as in Bâle; but they came to no settlement.

The Diet adjourned on the 7th of May, 1831, but assembled again the 4th of July. They were engaged upon several minor subjects, until the recommencement of hostilities in Bâle called for their interposition. The two governments of Bâle and Liestall went to war again in good earnest in August. Liestall was once more taken by the Bâlois; and then retaken from the latter after a serious battle in which the Bâlois were beaten. To put an end to hostilities, the Diet, on the 7th of September, resolved to occupy the canton of Bâle with the troops of the confederacy, not to influence or control public opinion, but to prevent the further effusion of blood.

It remains only to say a word concerning Neufchâtel. This being a Prussian possession, seemed hardly to have the same free will in regard to reform as the

other cantons. The city of Neufchâtel, indeed, was contented with its political condition, because it served their interests at the present moment; but some of the dependent *communes* were proportionably dissatisfied with their situation, and for the very same reason. Finally, the latter broke out in open insurrection on the 13th of September, took possession of the arsenal, and proceeded to nominate a provisional government, demanding at the same time a constituent assembly. While the course to be adopted by the King of Prussia remained yet uncertain, the Swiss Diet occupied the canton with the troops of the confederacy, for the sake of preserving peace, by virtue of the federal compact, and in the way that Bâle was occupied. We defer till another volume the giving an account of the hostilities which afterwards took place in Neufchâtel, as also the further

history of the proceedings in the other cantons of the Republic.*

We make no observations upon the events which we have described, except only that the equalization of rights in Switzerland must exercise the most favorable influence on the domestic prosperity and external respectability of the Republic. Industry will now be made to flourish under the same free principles, which have fostered it in this country. The physical force of Switzerland will become attached to institutions so liberal and equal as those under consideration, and the inhabitants of the Alps will thus be rendered more capable of defending their mountain passes against foreign aggression, and of making a stand, if need be, for the liberties of Europe.

* This chapter is compiled from articles in the *Revue Encyclopedique* for July, 1830, and Nov. 1831.

CHAPTER XIII.

ENGLAND.

State of Public Feeling.—Condition of England.—Aristocratic character of Government.—House of Commons.—Elective Franchise in England,—Scotland and Ireland.—East India Company.—West India Company.—Corruption of Government.—Catholic Emancipation.—Resignation of Duke of Wellington.—Whig Administration.—Situation of Country.—Poland.—Portugal.—West India Colonies.—East India Charter.—Ireland.—Anti-union Movements.—Distress.—Disturbances.—Anti-tithe Associations.—England.—Church Property.—Meeting of Parliament.—Civil List.—Retrenchment.—Budget.—Reform Bill.—Charter of Reform.—Discussion.—Timber Duty.—Defeat of Ministers.—Second Reading of Reform Bill.—General Gascoyne's Motion.—Parliament dissolved.—New Parliament.—Reform Bill again brought forward.—Committed.—Course of Tories.—Passed House of Commons.—Rejected by House of Lords.—Public Excitement.—Lord Ebrington's resolution.—Riots at Bristol.

THE year 1830 was the commencement of a new political era in Europe. The overthrow of the Bourbons sounded the knell of the feudal institutions of Christendom. It was soon discovered, that the principle of legitimate monarchy was not destined to fall alone. While the monarchs of the old world had learned from the bloody scenes of the French revolution, nothing but the necessity of reverting to the antiquated maxims of absolute power and divine right; their subjects derived from the pregnant lessons

afforded by the subsequent pacification of Europe, a conviction, that their safety and happiness would be best promoted, by an extension of political power to those most immediately affected by its exercise.

The revolution of Paris, therefore, proved only the signal for the recoil of freedom upon her oppressors. In Belgium, in Germany, in Italy, in Switzerland, and in Poland, insurrections and commotions succeeded each other so rapidly, as to indicate a general consciousness of injustice

and misgovernment, and a widespread conviction on the part of the people of their right and their power to redress the evil.

Nor was this feeling confined to the continent. An impulse was given to the public sentiment of England, and the demand for reform both in the constitution and in the administration of the government, became too powerful to be longer disregarded.

For more than half a century, this kingdom had been driven by the force of circumstances, into the unnatural position of chief antagonist to the revolutionary spirit of Christendom. In modern Europe, the desire of colonies had been substituted for the spirit of conquest, and England had proved remarkably successful in this struggle for commercial power. Favored with institutions which secured to her subjects domestic freedom, she had rapidly advanced in wealth and power, until she was enabled to furnish, from her own resources, the materials of an extensive foreign trade, and by means of the exclusive policy of her navigation acts, to monopolize a large share of the commerce of the globe.

Acting upon the illiberal maxim of stimulating to the utmost extent the commerce and productions of her own subjects, and of repressing those of other nations where they came into competition with her own, she had within a century after the date of those celebrated acts, appropriated to herself the greater part of the East and West Indies, the most valuable portion of North America, and numerous impregnable

depots, and naval stations in other parts of the world. Ireland was held as a dependent and tributary kingdom. Gibraltar secured the entrance of the Mediterranean and protected the trade to the Levant: while her political connexions with Portugal, Holland, and Hanover, enabled her to extend her commercial relations with the European continent. Thus favorably situated, she was rapidly monopolizing the trade of the world, and developing those vast schemes of commercial ambition, which have since brought under her sway, Australia, the Cape of Good Hope, Malta, and St. Helena, (forming a chain of naval stations in the most important quarters of the globe;) when this plan of commercial and political aggrandizement received a check by the revolt of her North American colonies, and by their separation from the mother country, the world was preserved from a maritime preponderancy which would have proved fatal to the naval independence of all other powers.

Fortunately for mankind, those settlements were founded by men whose principles, religious, political, and commercial, went beyond the narrow maxims of the British government. They were not contented with toleration under an established hierarchy; nor satisfied with that share in the government, which was enjoyed by the commons of England through representations in a Parliament filled with the nominees of borough owners, and the pensioners of the treasury. Their ideas of free trade aimed at the

abolition of monopolies and the admission of all nations into their ports upon terms of reciprocity. This discordance of principles soon alienated the provinces from the mother country, and an attempt to enforce her system resulted in the establishment of their independence.

The contest which then commenced, has since that eventful moment involved Europe in a general and sanguinary war, and after many vicissitudes it reached a state of temporary repose in the general pacification at the restoration of the Bourbons.

During that long and bloody contest, the English nation enlisted itself in defence of the antiquated establishments of feudal Europe.

Embarrassed by the false position in which the country was placed by the principles of her commercial system, and shocked by the excesses of the French revolution, the English nation did not sufficiently discriminate between a blind rage for innovation, and the cautious spirit of reform, but exerted itself with equal zeal in repressing the revolutionary feeling then pervading the lower classes at home, and in putting down the same spirit on the continent. The tory party, which then administered the government, was not slow to avail itself of the favorable situation in which it was placed, and by alternately appealing to their fears and national pride, it induced the people of England to acquiesce in an extraordinary augmentation of the powers of government, and succeeded in defeating all attempts

to reform the representation in the House of Commons.

After unparalleled exertions and the most extravagant expenditure of blood and treasure, they also succeeded in overthrowing the revolutionary party on the continent. The entire change in the character and objects of that party which had been effected by the ambition of Napoleon, had bitterly disappointed the sanguine expectations of the friends of freedom, and enabled them to contemplate the triumph of the allied sovereigns with indifference. This feeling, however, was not of long continuance. The infatuated desire of the Bourbons to restore the ancient order of things in France, and the arbitrary maxims promulgated by the Holy Alliance, caused a reaction in public opinion, and it was soon discovered that the demon of military ambition had been exorcised, only to make room for those worse fiends, which had by injustice and oppression driven Europe to the delirium from which she was just recovering. A similar reaction took place in England. After twenty-five years of war, she at length ascertained that the objects of her allies were not identical with her own, and was compelled to withdraw from the alliance, with the grateful reflection, that, by her subsidies and arms, the government of France was rescued from the hands of Napoleon to be again entrusted to the Bourbons, and that the repose of Europe was secured by the ascendancy of legitimacy.

This grateful reflection was

somewhat embittered by the consciousness that, in effecting this object, the national debt was augmented beyond the ability of the country to extinguish it, or even long to sustain the burden of paying the annual interest; that the poor rates were quadrupled, and one-sixth of the population were paupers; that taxation (which, since the accession of George III. had been more than quadrupled) now bore hard upon the productive industry of the country and threatened to place it in disadvantageous competition with that of other nations; that the agricultural classes were so burthened with tithes and poor rates as to alienate them from the established church, and to prevent them from sustaining themselves even in the absence of all competition from abroad, while all other classes were complaining of the corn laws, to which they attributed the high price of grain.

The people of England began to realize the evils resulting from the false policy of their government. Recovered from the feverish excitement, which had sustained them in their unparalleled efforts against the military supremacy of France, they felt their strength to have been overtasked. The reaction consequent upon over-exertion now commenced, and a general conviction began to prevail of the necessity

of some reform, that should materially diminish the burdens of the nation. The kingdom indeed was wealthy and prosperous. The face of the country was covered with roads, canals, bridges, and public and private buildings of unsurpassed magnificence. The soil attested the power of the most skilful and laborious cultivation. Its manufactures enjoyed a deserved supremacy over those of other nations, and they in their turn contributed to augment a trade, which placed England at the head of maritime powers. Her colonies alone afforded a secure and constantly increasing market for her manufactures, and furnished the materials for a lucrative commerce.

The exports from these colonial possessions amounted annually to £31,500,000, or \$151,000,000, and the imports to £28,300,000, or \$135,200,000; and two-thirds of this trade was carried on directly with Great Britain and Ireland, giving employment to 1,325,000 tons of British shipping. The revenue of these possessions also contributes to swell the power and patronage of the government, and it amounted, including that of the East Indies, to the enormous sum of £24,852,000, or \$120,000,000, annually.*

Contemplated as a whole, and it may be safely asserted, that the world never before saw so vast

* EXPORTS AND IMPORTS.

1. *West India Colonies.*

	Exports to.	Imports from.
1829, Great Britain and Ireland,	£9,539,916	£5,801,786
1826, Other Places,	3,031,230	3,298,593
Total,	£12,571,146	£9,100,379

an amount of wealth and power under one head, as that under the control of the British government. When the superstructure was viewed more closely, however, indications of weakness were perceived. Among the nobility, the aristocratic commoners, the merchants, bankers and great manufacturers, there was a superabundance of wealth. The treasures of the old and the new world seemed to be accumulated in order to render England opulent. But turning from her royal ex-

change, from her palaces, from the princely seats of her nobility, and from the stately colleges and hospitals erected by her munificence, to the factories and the work shops where the operatives (whose labor laid the foundation of her wealth) are employed in earning a scanty subsistence, or to the alms-house, to which they resort upon the first stagnation of trade, and the reverse of the picture is seen. The hungry poor, whom ignorance and want are daily rendering more dangerous,

2. *North American Colonies.*

	Exports to.	Imports from.
1829, Great Britain and Ireland,	£1,149,146	£2,131,993
1826 and 1830, Other Places,	1,299,156	2,226,639
Total,	£2,448,302	£4,358,632

3. *Eastern Colonies.*

1829, Great Britain and Ireland,	793,005	1,935,821
1826, Other Places,	222,225	825,491
Total,	£1,015,230	£2,761,312

4. *East Indies and China.*

1829, Great Britain and Ireland,	7,859,884	6,462,128
1818, Other Places,	7,654,963	5,612,808
Total,	£15,514,847	£12,074,936

British Tonnage employed in this Trade.

	Tons.
West Indian Colonies, with Great Britain and Ireland,	253,187
North American do. do.	419,421
With Asia,	111,659
East Indies, with Canton, &c. &c.	45,000
Africa, with Great Britain and Ireland,	46,639
Gibraltar, Mediterranean, and do do.	21,546
North American Colonies, with British West Indies,	91,000
West India Colonies with Foreign ports,	100,000
North American Colonies—colony with colony,	187,387
Do. do. to Foreign ports,	50,000
Total,	1,325,839

Colonies—Revenue and Expenditure.

	Income.	Expenditure.
Slave Colonies,	£666,765	£610,573
North American Colonies,	261,137	275,789
Eastern Colonies,	1,074,280	883,492
Total,	£2,002,182	£1,769,854
<i>East Indies.</i>		
East Indies, 1827—1828,	£22,851,424	£24,066,530

are placed in immediate juxtaposition to the luxurious rich, whose inexhaustible wealth seems to have been provided to gratify the wants of all, and they are kept in subjection only by laws of inexorable severity, or by an overpowering military force.

In this unequal distribution of riches is to be found the great secret of discontent in England; and this discontent is directed against the government, because one of the chief causes of this inequality is fairly to be attributed to the constitution and administration of the government.

Though nominally monarchical, it is essentially aristocratic in its character; and for many years past its policy both foreign and domestic has chiefly aimed to maintain the ascendancy of the Tory party. By the law of primogeniture, aided by the practice of entails, large fortunes are accumulated in the hands of the representatives of noble families, and the family itself is enabled for many generations to preserve its consideration and power. Through their influence in the government, (of one co-ordinate branch of which they have exclusive possession, and almost the entire control of the other, by virtue of the borough system,) they find the means of providing for the younger members of their families in the army, navy, church, or in the home diplomatic or colonial departments. As these persons have been accustomed, from childhood, to an expensive style of living (being brought up with their more fortunate elder brothers, upon whom their ances-

tors' wealth descends,) it is necessary that the provision thus made for them at the public expense should be large; and hence arises extravagance in official salaries, and a profuse expenditure of public money in jobs, contracts, pensions and sinecures, both in the government and church—which present a more open mode of effecting the same object.

The history of the peerage is but little else than a series of jobs and contrivances to enrich the few at the expense of the many. That body has been maintained in its splendor by places, pensions, civil employments, government contracts and taxation. How successfully it has used its advantages in appropriating the honors and emoluments of the government, may be gathered from the fact, that the sinecure employments and a great majority of those not requiring much personal attention, were held at the close of the Wellington administration, by the relatives and connexions of noble families, almost to the exclusion of the rest of the community. In the church this rule prevailed most extensively—the 3 archbishopricks, 10 bishopricks and 269 clerical appointments, being held by this class. In the army, 44 general officers, 85 colonels, 45 lieut. colonels, 29 majors, 51 captains, and only 39 subalterns belong to the same order. To the navy, they furnished 32 admirals, 111 captains, 15 commandants, and 16 lieutenants. Whenever labor or exertion was required, unless most amply compensated, the nobility were not to be found. Notwith-

standing the great number of high military and naval appointments distributed among them, they furnished only 55 subalterns ; while in the artillery and marines, where seniority is the rule of promotion, scarcely a noble member was to be found.

All the lord lieutenancies of counties were held by peers, and the valuable appointments in the gift of the magistrates appointed by them, and the jobs at their disposal, furnished another fund to augment the wealth and influence of the same class.

The inevitable result of this system was, to cause an unequal distribution of wealth by the agency of the government, and to accumulate property and political power in the hands of the aristocracy. Any dilapidation in their private fortunes was made up in this indirect manner from the public treasury ; while the taxation to supply this expenditure continually tended to impoverish the rest of the nation. The augmentation of the national debt tended to the same result and still farther increased the inequality. Holding a large share of the wealth of the kingdom, and deeply interested in the success of the government, the aristocracy during the war subscribed freely to the government loans when the public stocks were depressed ; and the rise of these securities upon the return of peace, augmented the wealth of a class, which was already too powerful for the welfare of the country.

The history of modern Europe, or rather of Christendom, has taught the world, that no govern-

ment is so stable as that whose laws promote the general diffusion of wealth among its citizens, and thus enlist their interests in sustaining a system which ensures them prosperity and happiness. Governments established upon opposite maxims, create at the outset the elements of discontent, and where this inequality is increased by the operation of political institutions, and the class of abject poor is augmented from year to year, the materials of discontent are progressively accumulated, until they become too powerful to be repressed. Yet although among the civilized nations of the earth is to be found nowhere greater inequality in the distribution of wealth than in England, and although the elements of discontent are abundant and constantly fermenting, circumstances exist, which hitherto have prevented them from producing a general explosion.

The wealth of the country is so far beyond that of other nations, that although unequally diffused, it suffices to enrich a large portion of the community, and enables the government to maintain a powerful force competent to retain both the colonies and the domestic operatives in subjection, if not in tranquillity. If the aristocracy has possessed itself of the political power of the kingdom, it has proved not altogether unworthy of the trust, and it is powerful in its numbers, talent, wealth, courage, and the influence which these qualities enable it to exercise over the lower classes. It is also continually strengthening its ranks by raising to the peerage

most of the public men who have obtained consideration with the nation, either by civil or military services. In this manner the nobility of England have maintained their hold upon public opinion, and have been permitted to exercise their direct and constitutional powers in parliament, long after the reasons which first constituted them into a branch of the legislature have ceased to operate. Their power, however, has been more efficiently exerted through the House of Commons, which, as it purports to be a representation of the people of England, has preserved a more substantial influence over the public mind. Had the peers of the realm undertaken to do directly, what they have habitually done through their acquired influence over the lower house, the English people would long since have curtailed their privileges. But coming with the sanction of a body, which they have established as the guardian of the public treasury and which purports to be elected by themselves, the measures appear to proceed from their own representatives, and not from an irresponsible aristocracy. In reality, however, the House of Commons has been for more than a century but little else than a tribunal to register the decrees of the ministry, or of the leading Peers, whose combinations determine who should be the ministers.

That body so distinguished in the history of representative governments, is constituted upon what may be denominated a traditional or historical basis. Its members are indeed elected, and they repre-

sent, in some instances, counties; in others, boroughs, of which some are populous, and others decayed; but the representation is upon no settled principle, either of population, property, or taxation, which awards a fair or equal share of power to the different classes of the community, or to the several portions of the empire.

The apportionment between the three constituent parts of the United Kingdom is adjusted by the several acts of union, so as to secure to England a decided preponderance—so far beyond her share, as to be sustainable only upon the historical basis.

The representation of England consists of 82 members sent from 40 counties, and 407 members sent by 204 boroughs: that of Wales, of 12 members representing 12 counties, and 12 members from the Welsh boroughs: that of Scotland, of 30 members from the counties, and 15 members from the boroughs: that of Ireland, of 64 members from 32 counties, and 36 members from 34 boroughs. The whole representation of the British empire, therefore, is composed of 188 members from the counties or rural districts, and 470 from boroughs or town constituencies. Of this latter class, however, 292 are nominees of the owners of boroughs, independent of 45 members from Scotland, and 164 members from open boroughs, many of whom are returned through government influence, or by direct and open corruption.

Of these 292 nominees, 176 are the nominees of 89 Peers and 99 of Commoners, and 182

represent places having less than 100 electors each.* In the boroughs the qualifications of electors are almost as various as the boroughs are numerous,—extending in some places to all the inhabitants, and restricted in others to a corporation not exceeding a dozen persons.* Notwithstanding this diversity, the Burgage tenure was the most ancient species of suffrage.

In very early times, all the burgesses, who held houses or land within their town or borough, were entitled to vote. On the introduction of corporations, it was sometimes granted by charters to the corporation only, or to the corporation and freemen, or to the corporation, freeman, and inhabitants. The other variations are the result of usurpations, for a long time submitted to, until no proof of a contrary custom could be established, the ancient records of the corporation having been lost. But the most fruitful source of anomaly has been the contradictory decisions of committees of the House of Commons, which permits no other tribunal to interfere with its jurisdiction. The ministerial party of the day decided very generally in favor of their own friends; and words were, in reference to different places, construed according to very different meanings, by which the suffrage has been narrowed or enlarged, as the case of the party whom the minister was pleased to support happened to require. The present Lord

Grenville, when in the House of Commons, obtained an act to render the last decision of a committee of the House final. But though that statute is calculated to prevent a profligate appeal to the strength of a party in the House, yet it has preserved many unsound decisions. As the right of sending representatives has been for some centuries regarded as an immunity, it has been restricted to the ancient limits of the place which originally enjoyed it. These limits being often very narrow, wealthy individuals have acquired the entire real property of the place, and where the suffrage is attached to burgage-holds have easily controlled the suffrage by conferring on their friends, relatives, or dependents, the right of property for the period of election. In other instances, the right of election is invested by charters, in corporations, self-elected—or in burgesses or freemen chosen by these self-elected corporations. As the members of such corporations are generally tradesmen, they are easily subdued by the influence of a neighboring peer or wealthy proprietor, upon whose support they depend. Friends and relatives, in some cases the persons in the lowest condition of life, and even menial servants, have been elected members of such corporations; and these have in their turn elected other creatures of their patron to succeed to vacant places. There are many corporations of this kind, which appear to have been instituted merely as a convenient machinery by which the elective interests of a patron might be

* Vide Table 1, at the end of this chapter.

securely managed; the greater number of their members residing at a distance, and visiting the place merely to attend elections. Where the right is vested in freemen chosen by these corporations, the case is very little altered; as the freedom is seldom conferred upon any individual on whose support the influential party cannot depend, and should the favored persons incline to change their opinions, a host of freemen are admitted, on the spur of the occasion, to counterbalance their numbers. Where the right of election has extended beyond these narrow limits, to the inhabitants paying scot and lot, the right of persons unfavorable to the influential party has been defeated, by omitting to rate them to pay the parish taxes; and friendly magistrates have been found to sanction the omission, though the rejected persons formed the most wealthy portion of the parish.

The returning officer, too, sometimes undertakes to reject or admit votes according to his pleasure, and often without condescending to assign a reason. In some instances, the farce of an election is gone through, without even summoning the electors—the whole business being done by the Port reeve and his clerk.

Notwithstanding the defects of the Close Boroughs, the 'Open' do not fall short of them. Money, expended in every form of bribery—in treating, in buying freedoms, in idle pageantry, in the fees of legal agents, in the conveyance of voters from distant homes, and in maintaining

them whilst from home—form the influence.

There are some places which are regularly sold—juntos of individuals possessing great local influence, acquired by means such as have created the patrons of the close boroughs. The price of these places ranges from 1,000*l.*, for the remainder of a short Parliament; to 4,000*l.* or 5,000*l.*, for a whole one. These sums are distributed among the voters in smaller sums of 20*l.*, 10*l.*, and even 2*l.*, according to the number of the voters. In cases of contest, from which such bargains do not protect the candidate, the expenses have extended even to 18,000*l.* or 20,000*l.*

The English counties, with few exceptions, may be regarded as open—the smaller freeholders being too numerous to be controlled by the great proprietors. As the expense of county elections precludes the idea of a contest, the principal families, in order to preserve a friendly understanding among themselves, have usually entered into a compromise, by which one Whig and one Tory member are returned.

In some of the counties, particular noblemen have long exercised a powerful influence; as the Duke of Devonshire in Derby, the Duke of Beaufort in Monmouth and Gloucester, the Earl of Derby in Lancaster, and the Earl of Lansdale in Cumberland and Westmoreland.

With the exception however, of Westmoreland, neither of these noblemen could carry an election in defiance of the independent freeholders, and their in-

fluence is maintained chiefly by the absence of all objection to the candidates proposed by them.

In Scotland, the elective franchise, is upon a different footing, and the constituency is peculiar to that country. The qualification of a county elector is nominally £400 of rental, according to a valuation made two centuries since, and it is confined to land alone. According to the Scotch law however, the right of voting may be separated from the estate, and freeholders are thus divided into two classes, the real or landholder, and the paper or superior, who only holds the right of suffrage. As the elector votes solely by right of his superiority, he may enjoy that right at the same time in several counties, and thus may exercise a potential voice in sending the representatives from several counties without owning a foot of land in either.

Through this right, a political influence is acquired, which the proverbial shrewdness of the natives of this part of the empire has taught them how to wield to their advantage, and superiorities have become mere merchantable commodities, bringing from £600 to £1200 each, according to the whole number of electors in the county.

The borough electors are composed in general, of the members of the merchant council, and of the traders council; the former of which is self-elected, and the latter consists of the representatives of the different craftsmen of the place, who choose a certain number of names, which are sub-

mitted to the merchants council, and the obnoxious names being stricken out, the choice of the representatives of the tradesmen is made from the residue. The councils being thus constituted, a delegate is chosen from each borough, who, with the delegates from the other boroughs in the same district, elect a member of Parliament.

A large borough is thus placed on an equality with a small one, and so many opportunities are afforded for the exercise of a corrupt influence, that the Scotch representation has been for many years past, the property of the ministry, which maintains its influence with the small body of constituents, who act in behalf of the people of Scotland, by a liberal dispensation of patronage.

The whole number of electors in the counties and boroughs is estimated at 3,000, but from the nature of the elective franchise, it is obviously difficult to form a correct estimate.

In Ireland, the elective franchise is upon a better footing than either in England or Scotland. The smaller freeholders, who voted for their landlords with as much servility as the most dependent burghers in England, and who had been disfranchised by the Catholic emancipation acts, have given place to a more independent and more intelligent class of electors. The representation presents a more faithful picture of the public feeling, than that of either of her sister kingdoms; but still the ancient influences of habitual attachment to particular persons and local property, preserve their

sway in certain counties, and more time is required to fully test the policy of the new changes made in the Irish system of elections. Such is the mode in which the House of Commons is composed, and from the character of the electors in the boroughs, it is obvious that it is no difficult matter for a combination of men in the position of the English Peers, to obtain the control of that body. It is equally clear, that from its power as a co-ordinate branch of the government, powerfully influencing public opinion and holding the purse strings of the nation, it will amply repay any expenditure which secures a majority of the house.

All the interests connected with, or requiring the aid or countenance of the government, seek to be represented in the lower house. Among these interests, the Peerage stands pre-eminent, and that body, either by the nominees of Peers owning boroughs, or by their relatives and connexions, representing counties, is represented by more than one half of the House. The next prominent interest to that of the Peerage, with which, however, it is intimately connected, is the East India interest.

This representation is not of the natives of India, nor of the English residents in Calcutta or its dependencies; but merely of the India Company and the principal proprietors. In the House chosen upon the death of George the 4th, there were no less than 61 members, who were directly interested in the Company: i. e. Ten Directors returned from 8

boroughs, and one Scotch county and 51 proprietors,—28 of whom were returned from proprietary boroughs. These members possessed 100 votes at the India house, estimated to be worth £2,200 each, and the directors were enabled by the annual appointments in their gift, to bring a patronage of the enormous amount of £250,000 per annum to bear upon the votes of the house, independent of the local patronage of the India house and that arising from the contracts made under their direction. Besides these, there were 15 members, who were retired servants of the Company,—6 of whom enjoyed pensions of more than £1,000 each.

The East India Company, must not, however, be regarded as entirely independent of, and as acting only upon the government. It is connected with the government, and like that is used for the benefit of the Peerage. Seventeen of the Peers possess thirty-one votes at the India house, and three of these noble proprietors control 8 votes in the House of Commons.

The East India interests although for some purposes, distinct, consequently forms part of the great political machinery of the government, and its patronage is often effectually used to influence the House, for purposes entirely distinct from company interests. In its own employments and revenues, it presents objects equally tempting to any combination seeking power or patronage, and by a sort of moral affinity, the Tory and the India interests

have joined their forces in defending existing abuses. Their objects are similar, and in general the government and the company have gone on together harmoniously, mutually sustaining and corrupting each other.

The attempt made by Mr. Fox to separate the Company patronage from the government, threw the Tory lords into a paroxysm of terror. They saw one of the chief sources of power and influence departing from their party, and as a necessary consequence, the future predominance of the Whig interest. To prevent the passage of the act brought in by him, the personal opinions of the King were invoked, as a last resource in the House of Lords, to control their deliberations, and by a disgraceful intrigue, the honest but narrow prejudices of George 3d were so far excited, as to cause an entire alienation of his confidence from the great Whig Minister.

Their influence with the last Tory administration, was seen in the nomination of the Select Committee appointed by the House of Commons in the reign of the late King, to enquire into the state of the Company's affairs with a view to the removal of the charter. In that Committee, there were 3 directors, 7 proprietors, and 2 servants of the Company, two West India proprietors, and 8 members of the administration, all directly interested in extending the monopoly.

The West India interest, although less powerful, is still influential, and the colonial appoint-

ments in the gift of the government, furnish another fund of official patronage. This interest controlled about 34 votes in the same House of Commons; but these members represented the colonies only, so far as their interests were connected with those of the West India proprietors. Other interests, such as the Bank of England and the Church, are also represented in the House of Commons, and when closely investigated, it will be found, that although these interests sometimes clash, they are finally brought to act together, and when united, they furnish a fund of government patronage, in comparison with which, the sources of corruption at the disposal of republican or imperial Rome, shrink into insignificance.

What effect this patronage has upon the House of Commons, may be gathered from the fact, that the members of the first house, elected under the present King, enjoyed either in their own persons, or through their near connexions, places and pensions to the amount of £470,000, or upwards of \$2,000,000 per annum, and that for a long series of years, the daily increasing patronage of the government and of the East India Company, and the jobs and lucrative contracts and employments, which the expenditure and public business of the British Empire placed at the disposal of the Tory party, were openly used to control the deliberations and the votes of the popular branch of the Imperial Parliament. By these means, the government of Great Britain has

been rendered merely aristocratic; and the resources of her colonies, and the industry of her own people have been so heavily taxed, to sustain the splendor of a luxuriant and indolent nobility.

The effects of this constitution of the government upon the public expenditure, and upon the foreign and domestic policy of the kingdom may be seen in its enormous national debt; and its inseparable concomitant high taxation, in the increase of places, pensions and sinecures; in the large salaries paid to all employed by the government at home or abroad; in the long and expensive wars waged to preserve the balance of power in Europe and to extend the colonial empire of England, in India and America; in the magnificent public establishments provided for her worn out soldiers and sailors, and in a system of poor laws, which prefers to maintain a sixth part of the population as paupers, rather than to facilitate a distribution of property, which would indeed diminish the power of the aristocracy, but only to afford additional employment to the idle poor. They may be seen in the gorgeous splendor of her nobility, and in the destitution of her peasantry; in her extensive commerce with her colonial possessions, whose productions are destined to swell the wealth and pamper the pride of the mother country, and in the impoverishing those colonies, and the prostration of their best and permanent interests through misgovernment. In short they may be discovered in every department of the government, in

all portions of her dominions, and to the operation of this system, may be attributed much of what is the boast, and nearly all which ought to be the shame of England.

By it the Catholics of Ireland have been compelled to maintain at an annual expense of £1,785,000, a Protestant Church for the benefit of the few who have appropriated its pluralities and its sinecures; and the natives of India have been ground into the dust to swell the dividends of a commercial company, whose sole claim to the produce of their labor is founded upon successful war. The grievous abuses resulting from the manner in which political power is vested and administered in England, are so numerous that it is scarcely possible that even the belief of the participation of the people in the government, through the House of Commons, or the wealth and influence of the aristocracy, or the military force, at the command of the ministry, or even all combined, could have prevented a violent attempt to remedy them, had parties been so divided, that the aristocracy were as united in sustaining these abuses, as the mass of the nation were in opposition to them. Such a division would soon have presented a decisive issue, and the fatal contest could not have been averted. Fortunately, however, for the aristocracy, there were many in that class, who were opposed upon principle, to a continuance of these abuses, and who wisely sought to preserve a portion of their privileges by abolishing some of the

most obnoxious. Seeking a reform of the government with as much anxiety, as the more radical reformers, their rank and station in society enabled them to take the lead in the reforming party, and to direct its efforts to effecting a constitutional, instead of a violent reform of the political institutions of the country. In the same class of moderate reformers, may be ranked the wealthy manufacturers, merchants, and bankers, who seek a direct, instead of an indirect representation in the government. To all these persons, who may be regarded as the leaders of the reforming party, a revolution attended with violence would be equally unwelcome as to the Tory party. Their movements are directed to effect a peaceable reformation, and wherever the elements of discontent have exploded in violence, as in the combinations for higher wages in the mining and manufacturing districts, in the incendiary conspiracies, in the agricultural counties, or in the anti-union movements in Ireland, the ring-leaders have been surrendered to the vengeance of the laws without any interference on the part of the Whigs. But in all agitations to intimidate the aristocracy, so long as the violence is not likely to overpower the public authorities, and to ensure the triumph of the mob, both divisions of the reformers—the Radicals and the Whigs—move on harmoniously; and great changes must be effected in the political system of England, before such discrepancy can arise in their views, as to place them in opposition to each other.

With all their combined efforts, however, they were doomed to experience constant defeat during the long reign of George the 3d, and during the greater part of that of his successor. Every attempt seemed to place the objects of their wishes at a more unattainable distance.

Catholic emancipation, reform in the House of Commons, retrenchment in the public expenditure, diminution of the taxes, of tithes and of poor rates, were still the objects of deferred hope; and the deep but not unobserved current of popular discontent, was fast setting against the government itself.

The first concession to public opinion was Catholic emancipation, and this was accompanied with the ungracious remark, that it was made, not because it was right, but because it was necessary and expedient. The right to worship God according to the dictates of conscience—a right, personal, private, and unalienable, was conceded to public opinion, after a severe contest, and after it had caused the overthrow of more than one administration, in order, as the ministry avowed in Parliament, to avert a civil war! This concession was fatal to the supremacy of the Tory party. It admitted the existence of a power in the state, stronger than the physical force of the government, and it made the further and more fatal admission, that power was opposed to the existing system.

Public opinion now acquired an acknowledged existence, and the Duke of Wellington found

that neither the laurels won at Waterloo, nor his own energetic character could sustain his administration, when he first ventured to disregard the demands of the new power, he had invoked into the councils of the nation. The people of England were as unanimous for reform, as the people of Ireland had been for Catholic emancipation, and his declaration against the expediency of any alteration in the Constitution of the House of Commons, by depriving him of the support of the moderate Whigs, left him in a minority in Parliament, and compelled him to intimate to the King, that he could no longer administer the government.

It must not, however, be imagined, that a different course would have ensured his continuance in power. A denial of the claims of the Catholics, would only have precipitated the crisis, and have brought on a revolution, violent and bloody in its commencement, and aggravated in its course by bigotry and fanaticism. The truth was, that the political system of England had reached that point, where reform either constitutional or revolutionary had become absolutely necessary; and the only question was, whether the reform should be effected under the auspices of a Whig or a Tory administration.

The declaration of the Duke of Wellington having incapacitated him for that office, a ministry composed of the leading Whigs with Lord Grey at its head, was accordingly formed, and came into power, pledged to a reform in the House of Commons, re-

trenchment in the public expenditure; and non-interference with the internal affairs of foreign powers.

The position of the new cabinet was not, however, unattended with difficulties.

While on the one hand, the condition of the public finances forbid England's entering into a crusade for the liberties of Europe; there were on the other, considerations of an urgent character, against a too close adherence to the insular policy adopted by the Tory administration. The movements in Poland afforded a most favorable opportunity to check the encroachments of Russia, and to establish a kingdom that should serve as a bulwark to modern Europe against an irruption of the barbarians of the North. The popular feeling not merely of England, but of the civilized world, was warmly enlisted in behalf of the Poles; France could scarcely be restrained from taking up arms in their favor; the treaty of Vienna to which they were all parties, had guaranteed the separate existence of Poland and afforded sufficient grounds for their interference, and strong considerations of policy growing out of the state of public feeling, the necessity of providing employment for the superabundant population of the country, and of effectually checking the growing ambition of Russia, all dictated the propriety of interfering promptly and decidedly in behalf of this gallant people. No addition, however, was likely to be gained to the colonial possessions of England, in such a

controversy. Poland was without ports, and Lord Grey found more congenial employment in providing for a pensioner of the British government, by placing him on the throne of Belgium, and in chastising the insolence of the petty despot of Portugal, than in an extraordinary exercise of the power of England, which would have made her the arbiter of the destinies of Europe, restored the balance of power in the North, and placed his administration on an immovable basis in the public mind.

The occasion was permitted to pass by unimproved. England and France both contented themselves with ineffectual remonstrances and intercessions, and Russia profiting as much by their neutrality now, as by their active assistance at Navarino, incorporated Poland as a part of her empire, and waited until a conjunction of favorable circumstances might enable her to award the same fate to Turkey.

The conduct of Portugal, however, afforded an opportunity for the display of more energy which was warmly embraced. The revolting cruelties and oppressions practised by Don Miguel, against those in his dominions who were suspected of holding liberal opinions, had not been confined to his own subjects. The English residents had rendered themselves particularly obnoxious, and his conduct towards them had been so insulting and oppressive, that their government determined to demand satisfaction. A fleet was accordingly despatched to the Tagus in the month of April, for

the purpose of enacting redress, and Don Miguel, not being in a condition to make resistance, submitted to the terms prescribed by the British admiral. These consisted in the dismissal of certain civil and military officers, who had been complained of by the English residents, the dismissal of the judge conservate of Oporto, and the recognition of one elected by the British merchants in that city, a compensation and apology to an English traveller for interrupting him on his journey and compelling him to return to Badajos, to obtain a Portuguese signature to his passport, and a compensation of 20,000 reis per diem for the detention in prison of a person in the employ of an English ropemaker, and full satisfaction of the claims of British subjects for certain exactions of the Portuguese authorities. This rigid enforcement of the rights of Englishmen when abroad, was in the highest degree honorable to the Grey administration, and showed a determination to extend the protection of the government to its subjects, however unwilling they might be to hazard a war for principles and interests, which though important in a national point of view, were perhaps regarded as more remote. Their conduct in this matter affords a good example for the government of the United States, which it is to be presumed, will not be lost sight of, in case any question should hereafter arise in relation to the unauthorised detention or ill usage of the citizens of this Republic, by the civil, military or naval officers of any other nation.

The chief causes of embarrassment to the new administration, however, were to be found at home. The long pending controversy respecting the emancipation of the negroes in the West India colonies, had now arrived at that point when it became necessary for the government to take measures to carry its policy into effect; or so to modify it as to render it more acceptable to the planters. The wishes and orders of the secretary of the colonial department had been promulgated in vain; the resolutions of Parliament had produced no other effect, than that of alienating the colonists from the mother country, and affairs were brought to that crisis; that while the British government on the one hand, insisted on the colonial legislatures taking steps to meliorate the condition of the slaves, with a view to their ultimate emancipation; they on their part, wholly refused to adopt such steps, but insisted that they could only result in destroying their property, and in periling their lives, without the least tendency to improve the situation of the blacks. The responsibility of finally deciding this important question, was thus imposed upon the Grey administration, and so surrounded with difficulties was it, that it demanded their best faculties and most profound deliberation, to reconcile the demands of justice and the expectations of the British nation, with what was due to the safety of the planters and to the vested rights obtained under laws sanctioned for a long series of years by the government.

After some deliberation, the ministry announced its determination to carry the system of emancipation into full effect; not suddenly, but with caution and with due attention to the education of the negroes, so as to prepare them for the enjoyment of freedom. The details of the system to be adopted, as whether compensation is to be made for the slaves, and in what mode they are to be raised from their present dependent and unenlightened state, to the condition of free agents, were not set forth; and with the exception of the declarations of the ministry, of its adherence to the policy of emancipation; and those of the colonists, of their unabated opposition to the whole scheme, the subject remained in the same state as when the Whigs came into power.

Another question requiring their immediate attention, was concerning the renewal of the charter of the East India Company. The time for the expiration of the present charter was fixed in 1834, but the company was entitled to three years notice in case it was not to be renewed.

As a matter of form, the notice was given by order of the House of Commons on motion of Mr. Grant, and the great and important question whether, the industry of Great Britain and India is to be prevented from a free interchange of the productions of the respective countries, to gratify the cupidity of the directors and proprietors of the East India Company, is probable to be decided under the auspices of a Whig ad-

ministration. A strong feeling has long prevailed throughout the kingdom against the monopoly, and it may reasonably be presumed, that no Parliament representing the opinions of the English people, will consent to a renewal of the charter of a company which has brought disgrace upon the British name by the misery and ruin that its oppression and cupidity have inflicted upon India.

Ireland, too, that stumbling block to English statesmen, was most urgent in its claims upon the attention of the new cabinet.

The misgovernment of that unhappy country, had exasperated the misery of the lower classes to that degree, that they seemed about to seek relief in anarchy. The union with England was attended with two evils, which, by them at least, were deemed more than an equivalent for its advantages:—i. e., the fixing upon Ireland a church establishment, not consonant to the feelings of the country, and the removal of the government, and of the great landholders to the metropolis of the empire. By the absence of the landlords, the tenants were exposed to all the exactions of the middle men, and a subdivision of landed property was ultimately effected, which placed it in the hands of mere laborers without capital, and barely able to obtain from their small patches of ground, a scanty subsistence for their families. The island thus became overpopulated, until the landlords perceiving at length the evil, with the view of obtaining a more substantial class of tenants,

undertook to abolish subletting, and divided their estates into farms of moderate extent. A crowd of impoverished cotters were thus ejected from their hovels, to exasperate the discontent of the country. No employment was provided by the government, and the monopoly by England of the commerce and manufactures of the united empire, left them no resource but emigration—a resource of which, many from want of means, were unable to avail themselves. Besides the advantages, which the superior capital of England gave to that part of the empire, it enjoyed those flowing from the expenditure of the Irish absentees, who were computed to draw from Ireland £3,000,000 yearly for the maintainance of themselves and their families at a distance from their estates. A still larger sum (viz., 4,000,000,) was contributed by Ireland in the shape of taxes, towards the national revenue, which was mostly expended out of that island. The great naval depots, the public establishments, the government were all in England, and while in that island, there were 2,400 miles of canal, and 400 miles of rail-road; there were but 400 miles of canal in her less favored sister island.

Another drawback on the prosperity of Ireland, was to be found in the established church, and which was maintained at an annual expense of £1,785,000, of which £780,000 were derived from tithes. It was not, however, so much of the amount of this contribution (large as it was) that

the Irish complained, as of the oppressive manner in which it was collected by the proctors to whom the tithes were formed, and whose fees and expenses often quadrupled the amount of the original tithe. The injustice of making a population of which five-sixths were Catholics support a Protestant church, exasperated the minds of the poorer classes, and at the same time that by the abuses of the system they were stripped of the last farthing. In the southern and western counties the inhabitants are nearly all Catholic—in many of the counties being in the proportion of twenty to one Protestant, and in some parishes where the church exactions amount from £600 to £1000, the whole number of Protestants belonging to the parish does not exceed a dozen. As the hearers are few, the cares of the preacher are small, and sinecures and pluralities thus form a peculiar characteristic of the Irish church. In no country in modern Christendom are the ecclesiastical abuses and burdens greater than in Ireland, and in no country is there less ability to endure them. These combined causes had produced a state of distress and discontent there, which was continually demanding relief at the hands of the government. In the vain expectation that the concession would be sufficient, the late administration had granted Catholic emancipation. This, however, produced no alleviation of the evils afflicting Ireland. It removed a strong and substantial ground of complaint,—a cause of excitement, that in itself might have produced and would have justified a revolution; but it left untouched the great causes of discontent,—the poverty and ignorance of the lower classes;—no employment was provided by government; no new manufacture established by capitalists;—the process of consolidating the small patches of the cotters into substantial farms continued to go on;—the abuses of the tithe system were not reformed;—the absentees remained abroad, and the government expended the public revenue, as it had always done, in England and not in Ireland. No sooner, therefore, were the disabling acts repealed, than the great political agitator (O'Connell) commenced an attack upon the union between the two countries. To those whose view only grasped the present moment, it was easy to represent the union as the great cause of distress, and, unfortunately for the harmony of the empire, there were too many proofs of the unfavorable influence of the policy of England upon the prosperity of Ireland.

The dissolution of the union, accordingly, soon became a popular topic, and large meetings were held in various counties to urge the subject upon the favorable consideration of Parliament.

After travelling through Ireland, to rouse the country to exert itself in favor of a repeal of the union, O'Connell made his public entry into Dublin, in the latter part of December, 1830, and was received with an enthusiasm which indicated the popular feeling to be with him, and

afforded a striking proof of the oppressive and short-sighted policy of the British government towards Ireland. The trades of the metropolis to the number of 50,000 marshalled under banners, met him at his entrance, and accompanied him to his residence with every demonstration of respect; and after an address from him against the union, separated in the most orderly manner.

In the country, too, a strong excitement prevailed, and the lower classes and a majority of the middling classes everywhere, except in Ulster, were warmly in favor of a dissolution of the connexion with England.

On the other hand, the nobility, the land proprietors, the more important mercantile interests, and the members of the learned professions were as strongly opposed to it; and the people of England of all parties were equally hostile to the dissolution of a connexion which they had found both convenient and profitable, and which they deemed highly important to their domestic tranquillity.

The movements of Mr. O'Connell were accordingly vigorously opposed by the government; all meetings in favor of a repeal of the union were prohibited as seditious, and the magistrates of the several counties were enjoined to disperse all such assemblies. A warfare somewhat ludicrous now commenced between Mr. O'Connell and the Irish government—the former proposing from time to time new associations and meetings in the place of those prohibited, until the contest was finally brought to a close by the

arrest of the agitator and four of his chief coadjutors. Legal proceedings were then commenced, and the difficulty was finally adjusted by a compromise—Mr. O'Connell pleading guilty to the informations filed against him, and the government directing the judgment to be suspended.

The agitation on this subject was thus checked, and indeed the absorbing interest felt by all classes in Ireland, as well as in England, for the fate of the reform bill, (which had now come before Parliament,) rendered it impracticable to keep alive any minor excitement.

The distress which was at the bottom of this excitement, however, augmented rather than diminished, until it prevailed so as to resemble more a visitation of Providence, than any result of the misgovernment of man. In some of the more populous districts of the island, the most appalling pictures of famine were presented by the starving peasantry. In Dublin itself, 6000 persons were found in one parish consisting of 25,000, in a state of actual want, and in many houses full grown children were found huddled together in corners of rooms, in order to preserve the warmth of their naked bodies. In the counties of Donegal, Sligo, and Galway, more than 100,000 persons were estimated to be in a state of starvation and destitute of every necessary of life. The people on the sea coast were obliged to resort to sea-weed to eke out their scanty subsistence, and in the mountains the most unwholesome food was eagerly

devoured by the famished peasants. These horrors were beyond the power of human endurance, and pestilence, kindly sent to abridge the term of their sufferings, at length afforded some relief to the densely populated and misgoverned districts of the west of Ireland.

Private charity was aroused by this unprecedented suffering, and subscriptions exceeding fifty thousand pounds, testified the sympathy of the British nation in the distress of their Irish brethren. The government also undertook to give employment to a portion of the poorer classes on public roads laid out with that view. The hand of private charity and of official bounty, however, were both vainly exerted to relieve evils so deeply seated and so widely diffused. When want and famine afflict a nation, and it cannot be attributed to barrenness of soil nor capricious skies, there must be something inherently wrong in the constitution of society. Private charity and public bounty can only administer temporary relief; and an effectual remedy can alone be found in a policy which shall impart a fresh stimulus to industry, open untried channels of commerce, establish new manufactures, and animate the industry of the country to unwonted exertion.

The temporary relief was here given, and it was intimated, that the condition of Ireland would receive the deliberate attention of the government; but no steps were taken to remove the causes of distress, and the half starved peasantry in some parts of the

country, weary of hoping relief from their superiors, undertook to obtain it for themselves in their own way. Extensive combinations were formed in the counties of Clare, Limerick, Galway, and Roscommon, to compel the landholders to let their lands upon such terms as the members of the association should deem equitable. These terms were transmitted to the landlord, in an illiterate note with the signature of Terry Alts; and woe to him who refused obedience to the arbitrary mandates of this irresponsible dictator. His walls and fences were levelled to the ground, his pastures turned up by the spade, his cattle hunted to death, his landmarks and out-houses destroyed, and his life saved from these conspirators only by seeking refuge in the cities. No peasant dared to work for the landlord denounced by this mysterious personage, who exercised a worse than oriental despotism over all the land proprietors, that did not fly beyond the reach of his power.

The government exerted itself to put an end to this system of organised robbery and murder, and several hundred persons were arrested and put on trial before a special commission issued for the disorganised counties; but the evil, although checked, was beyond the reach of any cure, except one which should appertain to the laboring classes such share of the productions of their industry as would suffice for their maintainance.

While the ignorant and misguided peasantry in those counties were seeking to remedy the

evils of absenteeism, and subletting by such desperate courses, a more moderate and extensive combination was produced by the exactions of the established church, that nearly effected an abolition of the system of tithes, and compelled the clergy themselves to solicit the interposition of Parliament. Driven almost to madness by the oppressive demands of the church, the peasantry, upon the recommendation of the Catholic priests, refused to pay the tithes, and although no resistance was offered to the police or to the proctor, when they came to enforce the parson's claims, yet they found the whole country combined to thwart the ecclesiastical process. Notice was given to remove the cattle on which they intended to levy. Even when siezed and put up for sale, they attracted no bidders. The fatal word tithes, branded on their hides, indicated, that they were destined for the service of the church and the laity, seemed to regard it as sacrilege to interrupt them in their destination. When bought in on account of the tithe farmer, or the parson, no person would give them food or shelter; and after they had been with great difficulty transported to England, it was ascertained that the enormities of the Irish church were known there, and that the English farmers and butchers would not buy cattle that had been wrested from the Irish peasant, to maintain a luxurious and indolent clergy. This combination extended through the counties of Kilkenny, Queens, Wicklow, Kings, Wexford, Tip-

perary, Longford, and Westmeath, and such was its power, it virtually subverted, for the moment, the Irish church establishment, and compelled the clergy to bring the whole subject to the notice of the government.

The discontent of the laboring classes in England, although not carried to the same extent as in Ireland, was not less alarming as indicating a feeling hostile to law and order, and subversive of the whole principle of property. The incendiaries who last year filled the agricultural counties with dismay, still continued, though not to the same extent, their nefarious warfare upon the property and tranquillity of their more opulent neighbors; and in the mining and manufacturing districts, the laborers endeavored to regulate the rate of wages, and sought to obtain by violence and riot a higher reward for their labor. This discontent, though highly dangerous to the peace of the country, was not so unacceptable to the better class of farmers in some of the counties, as would have been universally supposed. They seemed conscious that the complaints of the inadequacy of wages were far from being unfounded, and they attributed to the tithes and the exactions of the church, their inability to give a more adequate compensation.

In some places they refused to be sworn as special constables to repress the rioters, except upon condition, that the curate would remit a portion of his tithes; and the hostility to the national ecclesiastical establishment began daily to assume a more consistent

and important character. Petitions were sent into Parliament from all parts of the kingdom, praying a remission of tithes, and asking government to resume the possession of the church property, and so to regulate it as to render it more useful to the interests of religion, and to the welfare of the community.

More than one half of the nation were dissenters, and they naturally regarded their contributions to the established church as exacted in violation of the rights of conscience; while the amount of the exactions, and the mode of payment conduced to render the system generally unpopular, and to enhance the burdens of the country.

Upon the meeting of Parliament in February, 1831, Lord King, who appeared to be a leading reformer of the ecclesiastical establishment, called the attention of the House of Peers to the subject of church property, and intimated, that he agreed entirely with the petitioners in considering the church establishment as a creature of the state, which might be remunerated in any way most conducive to the public service. Its property, therefore, was public property, and the government might not only direct how it should be applied, but might remunerate the church functionaries in any other mode, and give a different destination to the property now appropriated to its use.

This intimation called up the Bishop of Lincoln in defence of the rights of the church, whose property he contended was given to it, not by the government, but

by pious individuals, anxious to secure the residence of a clergyman on their respective estates. The public never gave it, and had no control over it. Nevertheless, he felt desirous to make the collection of tithes more conformable to the public sentiment, and he would cordially join in any plan to effect that object.

This important question, as well as those connected with the East and West Indies and with Ireland, were for the time postponed for the purpose of effecting a reform in the House of Commons,—a question necessarily precedent to the others. To a general reform in the administration, as the government, the whig party was pledged, and it was obvious, that no efficient reform in all the departments of the public service could be carried through the House of Commons as it was then constituted. Convincing proof was given of the disinclination of the House to any such reform, even during the short period intervening between the meeting of Parliament in February, and the introduction of the reform bill by Lord John Russell. At the commencement of the session, the ministers declared that such a bill would be introduced as soon as its details could be adjusted. In the mean time it brought before the House, its plans of financial reform, and on the second day of the Session, the subject of the civil list was moved by the Chancellor of the Exchequer.

The civil list, although an annual allowance to the King, granted upon his coming to the throne comprehends many items of ex-

penditure, not connected with the dignity of the crown, nor with the personal comfort of the monarch. The late ministry had proposed, shortly after the accession of William the 4th, to grant £970,000 per annum for the civil list, without any alteration in the branches of expenses belonging to it. As among these were comprehended the salaries of the diplomatic corps, and of various high civil officers, the new cabinet proposed to relieve the civil list from those expenses, and to place them among the other expenses of the government, subject to the control and supervision of Parliament. This would relieve the king from an annual disbursement of £460,000, and confine the civil list to objects connected either with the dignity of the crown, or the maintainance of the royal family.

For these objects, it was proposed to grant £510,000 annually during the life of the King, and to divide it into 5, instead of 10 classes of expenditure, as formerly.

For the first of these, containing the privy purse of the King, and the allowance to the Queen, a grant of £60,000 for the former and £50,000 for the latter, was proposed: for the second, containing the salaries of the household officers, £130,300; for the third, being the expenses of the household, £161,500; for the fourth, being the royal charities and bounties, £234,000; and for the fifth, being pensions chargeable on the civil list, £75,000. In this last class, which comprehended what were for-

merly denominated the English, Scotch and Irish pension bills, a reduction was proposed from the amount asked by the late ministry of £69,000. An increase, however, was made in the household expenses, in consequence of the King's being married, so that altogether, the actual reduction amounted only to £20,000. Some disappointment was felt at the small amount of the sum reduced; but the decided reform in the mode of administering the diplomatic fund, and the other expenditures removed from the civil list, in some measure reconciled the public mind to the disappointment. A few days afterwards on the 11th of February, the budget for 1831, was opened by Lord Althorpe. The relief to the public, proposed by the new cabinet, consisted in the abolition of certain places and in the reduction of taxes. The places to be abolished were as follows:

Vice-Treasurer of Ireland	1
Lieutenant-General of the Ordnance	1
Clerk of Delivery ditto	1
Auditor of the Civil List	1
Treasurer of the Military College	1
Ditto Military Asylum	1
Resident Surveyor	1
King's Stationer, Ireland	1
Clerks of Privy Seal	4
Commissioners of Victualling	2
Ditto Navy	2
Superintendent of Transport	1
Paymaster of Marines	1
Officers of Dockyards	78
Husband of 4 1-2 per cent. Duties	1
Inspector of Stamps, Manchester	1
Receiver-General, Scotland	1
Receivers-General, England	46
Commissioners of Sufferers' Claims at St. Domingo	1
Paymaster of American, &c. officers	1
Unenumerated	126
Total	273

The taxes to be reduced or removed were Tobacco, reduction of 50 per cent. Newspapers, stamp-paper, duty reduced to 2d.

Newspaper advertisements, duty reduced to 1s. for advertisements of less than 10, and 2s. 6d. for such as are of more than 10 lines.

Coals and slate, tax abolished.

Printed cottons, tax abolished.

Glass, tax abolished.

Sales of land by auction, and miscellaneous, in all 263 articles, taxes abolished.

The whole amount of the relief to the public on these various items, was estimated at 4,160,000*l.*; of loss to the revenue, 3,200,000*l.* The loss, Lord Althorpe, proposed to make up by an equalization of the duties on wines, which he would change from 7*s.* 3*d.* for French, 4*s.* 10*d.* for Peninsular, and 2*s.* 3*d.* for Cape, to 5*s.* 6*d.*; by an addition to the timber-duty, by which that on the load of European timber will be raised to 50*s.*, and on the load of Canadian, to 20*s.*; a new duty of 1*d.* per lb. on raw cotton imported, with a drawback of equal amount; a tax on steamboat passengers, where the distance does not exceed 20 miles, 1*s.*, from 20 to 30, 2*s.*, above 30 miles, 2*s.* 6*d.*; 10*s.* per cent. on the actual sale of landed property, and 10*s.* per cent. on the actual transfer of funded property. The whole calculated amount of those new taxes was 2,740,000*l.*

Wine	240,000
Timber	600,000
Raw Cotton	500,000
Coals exported	100,000
Steamboats	100,000
Transfers	1,200,000

Lord Althorpe said that his first object was to relieve the laboring classes, and he did not think this object could be accomplished so well by a reduction of taxes on articles consumed by them, as their condition prevented the use of many taxable articles. He pre-

ferred, therefore, to effect the reductions upon articles of manufacture in more general use; from the increased consumption of which they would derive more employment. This principle had led him to adopt the tax on funded property. It would be objected by the monied interest, that the proposed measure was a violation of the public faith. He did not regard it in that light, and he saw no reason why that species of property should be less free from taxation than land. It might be said that it was only a beginning; but the fact that land was similarly taxed was some security against the extension of it. He did not propose to tax the transfer of stock when it was only a security for a loan of money, as that would have been a source of great inconvenience to the commercial world.

Lord Althorpe concluded with the following general view of the whole subject.

The income for the year 1830 was £50,060,000. If from this sum were deducted the loss by the taxes off in 1830, which amounted to £2,910,000, the income left for the present year would be £47,150,000. Now he found that owing to the increased consumption which had been created of several articles by the reduction of the taxes upon them, there was an arrear due to the Excise of £580,000 at the beginning of this year, more than there was at the commencement of the last. He might, therefore, reckon upon that sum as part of the increased revenue for the year, and it was £47,730,000. He de-

ducted from this sum the taxes which he had taken off, and which he estimated at £3,190,000; and this left £44,540,000, for the revenue of the year. He added to this sum £2,740,000, for the amount of the new taxes which were to be imposed; and that raised the income to £47,280,000. Deducting from this sum the estimated expenditure for the year, which he had before shown would be £46,850,000, it would leave a clear surplus of £430,000. These were the propositions which he intended to submit to the consideration of the House.

This statement was received with apparent satisfaction by the House; but in the debate that ensued, many parts of the plan were objected to, particularly the tax upon transfers, which was stigmatised as a breach of faith with the public creditor, and a violation of acts of Parliament authorising the loans, which were said to protect this species of property against all taxes or deductions. It was said to be as impolitic as it was unjust, and that it would drive the larger capitalists to invest their property in foreign funds.

The impost scheme was also warmly attacked, but the discussion of the details was postponed to a future day.

It was soon perceived by the ministers, that they could not depend on the House of Commons to sustain their financial arrangements, and with the view of reconciling the monied interest, it was determined to withdraw the proposed tax on transfers.

This was accordingly done on the 15th of February, by Lord Althorpe, who stated at the same time, that he was not convinced of the injustice or impolicy of the tax, but that he yielded to the opinions expressed in the House.

As this tax was estimated to produce £1,200,000, its withdrawal so much straitened the ways and means of the Exchequer, that Lord Althorpe said he would be compelled to retain the taxes on glass and tobacco as an equivalent for that withdrawn.

The administration was thus completely foiled in its attempt to effect any reform in the public finances. It had done comparatively nothing, and the Whig ministry seemed to be fast losing that hold upon the public mind, which had forced it into power against the wishes of the aristocracy, and unaided by the opinion or the will of the king, who was merely the passive instrument of the dominant party in the state. Without some decisive step towards realizing the wishes of the nation, this cabinet must soon have shared the fate of all previous Whig administrations, and by its ephemeral existence afforded a new proof of the impracticability of administering the British government, as then constituted upon patriotic principles. The difficulty of preserving a majority in the House of Commons elected under the auspices of a Tory administration, was constantly felt in every step of the government, and with the view of putting an end to this factitious influence over the popular representation in Parliament, and

to enable the ministry to realize the pledges given upon its coming into office, Lord John Russell was deputed to bring in a bill for the reform of the House of Commons. This measure, which may justly be regarded as the cornerstone of reform, was brought forward in the House on the 1st of March.

Lord Russell commenced by observing, that the bill which he was about to propose had been framed by the Premier, (Lord Grey,) and approved of by the rest of the cabinet. In proposing this plan, the ministry had no intention to shake the settled institutions of the country; but they desired to propose such a reform, which, while it might not be satisfactory to the bigoted, who opposed all reform, nor to the fanatical, who asked only for a particular species of reform, would be entirely so to the nation at large, and could not fail of being salutary to the state.

This plan sought to effect three objects: 1st. To reform the representation from the nominee boroughs; 2d. To remedy the defects in the mode of electing members from the close boroughs; 3d. To diminish the expense of elections. As a remedy to the first evil, Lord Russell proposed to disfranchise the following boroughs, each having less than 2000 inhabitants, being 60 in number, and represented by 119 members.

Aldborough, (York)	Bishop's Castle,
Aldborough, (Suffolk)	Bletchingly,
Appleby,	Boroughbridge,
Bedwin,	Bossiney,
Beeralston,	Brackley,
	Bramber,

Buckingham,	Newton, (Isle of Wight)
Callington,	Okehampton,
Camelford,	Orford,
Castle Raising,	Petersfield,
Corfe Castle,	Plympton,
Dunwich,	Queensborough,
Eye,	Reigate,
Fowey,	Romney,
Gatton,	St. Maw's,
Haslemere,	St. Michael's,
Hedon,	(Cornwall)
Heytesbury,	Saltash,
Higham Ferrers,	Sarum, (Old)
Hindon,	Seaford,
Ilchester,	Steyning,
Looe, (East)	Stockbridge,
Looe, (West)	Tregony,
Lostwithiel,	Wareham,
Ludgershall,	Wendover,
Malmesbury,	Weobly,
Midhurst,	Whitechurch,
Milborne Port,	Winchelsea,
Minehead,	Woodstock,
Newport, (Cornwall)	Wootton Bassett,
Newton, (Lancashire)	Yarmouth, (Isle of Wight)

To reduce the representation of Weymouth and Malcombe Regis from four to two members, and the following boroughs, each having less than 4000 inhabitants, from two members to one.

Amersham,	Maldon,
Arundel,	Marlborough,
Ashburton,	Marlow,
Bodmin,	Morpeth,
Bridport,	Northallerton,
Chippenham,	Penryn,
Clitheroe,	Richmond,
Cockermouth,	Rye,
Dorchester,	St. Germain's,
Downton,	St. Ives,
Droitwich,	Sandwich,
Evesham,	Sudbury,
Grimsby,	Shaftesbury,
Grinstead, (East)	Tamworth,
Guildford,	Thetford,
Helston,	Thirsk,
Honiton,	Totness,
Huntingdon,	Truro,
Hythe,	Wallingford,
Launceston,	Westbury,
Leominster,	Wilton,
Liskeard,	Wycombe,
Lyme Regis,	Weymouth,
Lymington,	

This reduction in the representation of the boroughs would take 167 members from the

House, and it was not the intention of the government to fill up the whole number reduced, as the House was at present inconveniently large. In the place of the 167 reduced, Lord Russell said, he should propose 106 new members to be distributed in the following manner. Yorkshire to send four additional members, and the following counties each two additional members.

Chester,	Northumberland,
Cornwall,	Norfolk,
Cumberland,	Nottingham,
Derby,	Shropshire,
Devon,	Somerset,
Durham,	Southampton,
Essex,	Stafford,
Gloucester,	Suffolk,
Kent,	Surry,
Lancaster,	Sussex,
Leicester,	Warwick,
Lincoln,	Wilts,
Northampton,	Worcester.

The Isle of Wight to send one member; each of the following towns to send two members.

Manchester,	Wolverhampton,
Birmingham,	Devonport,
Halifax,	Sheffield,
Leeds,	Sunderland.
Greenwich,	

The following towns to return one member each.

Brighton,	Whitehaven,
Blackburn,	Dudley,
Macclesfield,	Tynemouth,
South Shields,	Cheltenham.
Warrington,	Bradford, (Wilts)
Huddersfield,	Frome,
Gateshead,	Wakefield,
Kendal,	Kidderminster,
Bolton,	Walsall.
Stockport,	

The following London districts to return two each.

Tower Hamlets,	Finsbury,
Marylebone,	Lambeth.

The town of Portsmouth was to be added to the borough of Portsea, the town of Rochester to Chatham and Strand, and the

town of Kingston-upon-Hull to Sculcoates, forming three districts of two members each.

In Wales a new borough, sending one member, was to be created, consisting of Swansea, Loughame, Neath, Aberavon, and Then Fig, and several adjacent towns were to be added to, and to be represented with the other Welsh boroughs.

These, together with the additional representatives given to the English counties and the new boroughs, would add 98 representatives to the House in the place of those from the reduced and disfranchised boroughs. It was also proposed to add 5 for Scotland, and 3 for Ireland, viz. one member from Belfast, Limerick, and Waterford, making the whole number of the House 596 instead of 653.

To put a stop to the abuses in the elections in the close boroughs, and to ultimately bring them all to one uniform mode, Lord Russell proposed, that all inhabitant householders occupying for six months houses of the yearly value of £10 or upwards, should be admitted to the elective franchise, and that all now enjoying the right should continue to exercise it during their lives.

He also proposed to limit the elections in the towns to two days, and to three days in the country—to have lists of the voters prepared yearly by the returning officers of the boroughs, and by the parish overseers and church wards in the counties, which were to be published and to be subjected to question only in the House of Commons. Polls were

directed to be opened in various towns, so that no elector in the shires, need travel more than 15 miles from his residence to give his vote. In the counties or shires, the 40s. franchise was to remain unaltered, but the right of voting was to be extended to copyholders of the yearly value of £10, and to lease holders of 20 years duration, of the yearly rent of £50, provided the lease was not granted within two years immediately preceding the registration.

In Scotland, where the right of voting in the counties by virtue of superiorities held independent of the freehold existed, it was proposed to abolish that right, as well as the practice of electing burgh members by town councils, or delegates, and to substitute as qualifications in the counties, the ownership of a freehold of the yearly value of £10, or a leasehold of at least 19 years, of the yearly value of £50, and in the burghs the occupancy of a dwelling house of the yearly value of £10, and elections by a majority of qualified voters.

It was also proposed to join the counties of Peebles and Selkirk, of Dumbarton and Bute, of Ross and Cromarty, of Orkney and Shetland, of Elgin and Nairne, of Clackmannan and Kinross, so as to form six districts, each sending one member—the remaining 22 counties to send one member each; Edinburgh and Glasgow, two each; Aberdeen, Dundee, Paisley, Greenock, and Leith, one each; the East Fife burgh to be thrown into the county, and the remain-

ing 13 burghs to return one member each, except that Kilmarnock was to be substituted for Glasgow, Peterhead for Aberdeen, and Falkirk added to the district of Lanark, Cromarty to that of Tain, and Dundee no longer to vote in that of Perth. The other details to be similar to those in England.

By this plan it was estimated that 500,000 additional electors would be admitted to the elective franchise in England, and about 60,000 in Scotland. All these persons had a substantial stake in the country, and they would freely come forward in the event of a struggle, to support the government in carrying the contest to a successful result.

Lord Russell said, he feared no danger to the aristocracy from the success of his plan. It was impossible, that a member of the aristocracy, residing on his estate, and exercising the power which his fortune and station gave him, in improving the condition of his tenantry, and promoting the prosperity of his neighborhood, should not have great influence in the election of members of Parliament. But for that portion of the aristocracy, which did not live among the people, which knew and cared nothing about the people, which asked for power only to abuse it, sought honors without desert, craved places without duties, and pensions without services, he had no respect nor sympathy. The sooner this influence was destroyed, with the corruption it engendered, the better for the country.

The question, however, was not one which the aristocracy alone

was competent to decide. The unanimous voice of the Commons of England demanded reform, and the only question now was, shall the house accede to it, or permit the British constitution to perish from a collision between the different orders of the state.

Lord Russell concluded by moving for leave to bring in a bill pursuant to the plan he had set forth.

The motion was briefly seconded by Sir John Sebright, and opposed by Sir Robert Inglis.

Sir Robert said, reform had now, for the first time, been brought forward by the Ministers of the Crown. He denied that the people demanded reform. A similar cry for reform had been often heard before—not, perhaps, backed by so many petitions, but still by a sufficient number to justify exclamations as loud as had been heard that night. In 1732, the House was told by Mr. Burke that there would be great and urgent danger to the government if reform were refused; in 1782, the meetings and the demands of the people were as formidable as they are now. The excitement that now prevailed, was stimulated by the transactions of Belgium and of France, and would pass away when the novelty of these transactions had worn off. It was quite as great in 1793, and from a similar cause. Ten years ago, the cry for reform was raised in consequence of the popular insurrection in Naples. The case at present was wholly different from what it was during the discussion of the Catholic question: then the people spoke

of what they understood—they asked to keep what they possessed, and thus, asking what it would be improper to grant, he felt he was quite justified in refusing to listen to their prayers. Members were not chosen as attorneys for particular places, but for the empire at large; and they were not bound to obey the recommendation of their particular constituents, unless it coincided with their own judgment. With respect to the theory that population and taxation formed the sole basis of the representation, there was no proof in the history of England that such a basis ever existed. In the earliest part of the Parliamentary history, small boroughs had been called on to return members, while large towns had been passed over. When the first writ was directed to the stock example, so often alluded to in the House and out of it, Old Sarum, it was but an inconsiderable village. He defied Lord John Russell to show a single instance in which the privilege of sending members to Parliament had been withdrawn from a town merely because it was small, or granted to a town merely because it was large. In one instance, Queen Elizabeth had created two boroughs, at the special request of one of her favourites,—Newport, in the Isle of Wight, was created at the request of Sir George Carew. It was evident that the boroughs were originally called into being to gratify the aristocracy; yet Lord John Russell denominated the destruction of the boroughs and of the influence of the aristocracy, a restoration.

Some of the towns to which it was intended to transfer the right of returning members, were large and populous very many years ago. Previous to 1580, Manchester contained no less than 5400 inhabitants; yet subsequent to that period, no less than 51 boroughs were summoned for the first time, while Manchester was passed over. Sir Robert went on to argue, that, with a very few exceptions, all the men who had taken a large share of the business of the country had entered Parliament through close boroughs—that there was no other method by which lawyers and mercantile men were likely to enter it, however desirable their presence might be; and that, so far from its being now more than at any former period of our history necessary to repress the influence of the Crown, there was no former period when the influence of the Crown was less. The influence of the aristocracy had equally declined, from that period when a Duchess of Norfolk, after arranging the return for the county of Norfolk, proceeded to nominate the members for Maldon, and when an Earl of Essex commanded one of his kinsmen to be returned for Stafford, and one of his servants for Tamworth. The only ground for a change in the constitution of Parliament was the prevalence of money influence, of the influence of place, of the existence of parties injurious to free discussion, none of which were at present proper and just subjects of complaint. The increase of petitions, the publication of the debates, everything

proved that the independence of the House was never so great as it now was. To add to the popular branch of the Legislature any greater weight than it at present possessed, would only tend to destroy the other two.

He sincerely believed that a representation so entirely popular as that which the noble Lord wished to introduce, never could coexist with a free press on the one hand, and a monarchy on the other. No instance, he was sure, could be pointed out, where a popular government on the one hand, aided by a free press on the other, could be found in juxtaposition with a monarchy. They had an instance of this formerly. On the very day when the Commonwealth Parliament murdered their King, they voted the House of Lords a nuisance; and he was convinced, if the proposed plan were agreed to, that in the course of ten years the shock would be decisive. If such a measure as that of the noble Lord were carried, it would strike at the very foundation of the constitution, and lead to the utmost confusion.

The debate was continued during that day and until the 9th of March, the most distinguished members of the House taking part in the discussion.

The opponents of the bill contended that the reform proposed was in effect a revolution and that it would destroy a constitution, that had contributed so much to the power and glory of England. The disfranchisement of boroughs was denominated a destruction of vested rights, that would draw after it a violation of other rights

now deemed sacred, but which would not be held in equal sanctity by a reformed Parliament. The House was reminded that most of the ablest men, who had sat there, had been introduced as borough members, and that they afforded the means of bringing young men of talent and promise into public life. It was exhorted not to destroy a system that worked so well, to gratify a temporary ebullition of public feeling occasioned by the excitement on the continent, and yielded to, if not encouraged, by the ministry in order to maintain themselves in power. They also remarked, with justice, that the bill itself was not consistent even with the principle upon which it purported to proceed. Why was it asked were some boroughs with 1900 inhabitants entirely disfranchised and others having only 100 inhabitants more to retain their representatives, when some boroughs, whose population amounted to quadruple that number were left without any representative. The advocates of the measure replied, that some reform was necessary and that the proposed plan united the greatest mass of opinion in its favor: the present system was calculated to perpetuate the extravagance and misrule of which the people complained and produced corruption in every department of the government; it was inconsistent, partial, and founded upon no established principle, and it was absolutely necessary to reform the representation in order to satisfy the nation.

Lord Russell closed the debate,

and leave was given to bring in the bill, which was accordingly done on the 14th of March. The 2d reading was fixed for the 21st of March.

The introduction of this bill firmly established the Grey administration in public opinion. The length of time, which had elapsed before any steps were taken to reform the house, had excited some doubts concerning the sincerity of their professions, but these were now dispelled by the uncompromising character of the contemplated reform.

The Tory party also became convinced, that a real and efficient reform was intended in the popular representation by which more equality would be introduced in the distribution of the honors and emoluments of public office and every nerve was exerted by that party to hurl the ministers from their stations, before they could accomplish such a reformation.

An opportunity was afforded for the manifestation of their feelings, four days after the introduction of the reform bill, when the House went into committee on the duty proposed on timber.

With the view of encouraging the Baltic trade and also of diminishing the price of timber, Lord Althorpe proposed an alteration of the duty asked on Canada timber in the budget. He said that this tax had been proposed for the general benefit, inasmuch as the domestic taxes could not otherwise be repealed. It had been his intention to impose this tax, but on looking at the estimates of the revenue for

1832 he found, that there would be a surplus over that for 1830, of about £1,135,000. He therefore did not think it necessary to press the consideration of the immediate increase of the duty on Canada timber, but he should propose in its stead a gradual increase on Canada, and a gradual decrease on Baltic timber.

The encouragement of the Canada trade in timber was not only the encouragement of a partial interest at the expense of the whole community,—for while the shipping interest profited, the people of England suffered,—but the encouragement of a bad article at the expense of a good, it being notorious that it was made a condition in all well-considered contracts into which timber entered, that only Baltic timber should be used. It was also unwise as respected the means of the countries whence the timber was procured: Canada was rich in many articles of export, and its timber was one of the least valuable: Norway had nothing else to give in exchange for our merchandise. With respect to the colonial capital employed in the trade, it was exceedingly small: the only fixed part of it was in the shape of a few saw-mills; the rest was wholly floating, and could be at once directed into any channel that was more rational and productive. To the emigrant the timber trade offered few advantages: in felling the trees, he was superseded by the Americans from the United States—the only labor he could perform, was in getting down the rafts to the coast, and that labor might be much

more beneficially for the colonies and himself, directed to the cultivation of the land which formed a permanent source of revenue. His Lordship concluded by stating that Government intended to proceed on this gradual plan. The duty on Canada timber was now 10s. per load, on Baltic timber 45s.; he proposed to reduce the latter 6s. in 1832 (1st January), 6s. in 1833, and 3s. in 1834,—leaving the permanent duties 10s. and 30s. respectively.

Mr. Attwood, said the question for the Committee was, the right of the colonies to protection, and the policy of granting it; and that question had been decided by the act of 1809. The object of the act was neither to procure cheap timber nor to increase the revenue—it was wholly and solely protective. On the faith of that act, mills had been erected, warehouses had been built, large capital in the colonies and at home had been embarked, which it was now the object of Government to destroy. There could be no safety, no wisdom, either proximate or ultimate, in measures where there was no justice. He was far from saying that protective measures ought never to have been adopted, though some were of that opinion; but, supposing it decided that they ought not, there yet remained the question of how far it was wise, protective measures having been adopted, to change them, and above all, whether it were wise to change them at the present period. The experiment, at all times hazardous, was doubly so at the present. When open foes and concealed

enemies were eagerly seeking where to plant a blow against the prosperity of Great Britain, it was not the time to attempt carrying into effect the wild theories of a crude philosophy.

Mr. P. Thomson expressed his gratification that the measures of Ministers did not meet the approbation of Mr. Attwood—he should be sorry that plans, intended to advantage the community at large, should drest for acceptance on the colonists and ship-owners of the country. It was a most shortsighted mode of legislating, to bolster up particular interests at the expense of the people at large. With respect to the alleged breach of faith in the repeal of the act of 1809, it was only necessary to refer to the speeches of the Minister of the Crown, Earl Bathurst, who expressly stated, that the act would be subject to revision, not in twenty years, but in three or four years. It was sufficient to justify the present proposal from the charge of rashness and theory, that it proposed to do that gradually which the Lords' Report of 1820 proposed to do at once; and the balance of protection which it would leave the Colonies exceeded by one-half what that report recommended. Mr. Thomson went into a long calculation, to show that the trade, as hitherto managed, had been eminently injurious to the country; and that even if half the ships employed in it were to be rendered useless, it would be a much cheaper and wiser plan to buy them up than to keep them navigating at so great a loss to the country. Mr.

Thomson concluded by stating, that the real question was, whether the House would continue to sanction a system which even Lord Liverpool had condemned, and which cost the country 120,000*l.* a year,—in order that they might get a bad article from a great distance, while a good one at their doors was held out to their acceptance.

After a full debate the committee divided 236, against and 190 in favor of the motion. A majority of 46 appearing to be against the ministers, their political opponents called upon them to resign, but the motives of the combination of the Tory party, with the representatives of the shipping and colonial interests, were too palpable to weaken the hold of the Whigs upon public opinion, and they wisely determined to maintain their stations regardless of the venal majority that had united against them. The Reform bill was accordingly called up for a second reading on the 21st of March. This motion produced a vehement and acrimonious debate, which continued through that and the next day, when the bill was ordered to a second reading 302 Ayes and 301 Nays.

This majority although it enabled the ministers to preserve the bill, was obviously inadequate to carry the reform proposed, through the ordeal of a committee and a protracted contest on its details. The ministry, however, determined to bring the House to some decisive vote against them on the principles of the measure, before they advised a dissolution

of Parliament. Notice was accordingly given that the bill would be committed on the 18th of April, and in the mean time, the administration devoted itself to procuring the sanction of Parliament to the financial arrangements necessary for the public service.

On the 24th of March, the Irish reform bill was brought in by Mr. Stanley, its details relative to qualification were similar to those in the English bill with the exception of copy holders.

In each county there were to be fifteen polling-places; no more than six hundred to be allowed to poll at one place; and the whole to finish in two days. In addition to Belfast, Waterford, and Limerick, Galway was also in future to return two members; and an additional member given to Dublin University—the right of voting being extended *in future* to all scholars who may register within six months of the passing of the bill, instead of being limited to scholars actually studying at the University; this would increase the number of electors for the University from about eighty to five hundred. In this way, five members would be added to Ireland, instead of three as at first proposed; which would leave 603 members in the House of Commons, under the three bills,—being a total reduction of 55, instead of 62 members. Mr. Stanley concluded by moving the first reading of the bill.

Mr. O'Connell greatly approved of the bill; still he thought the details might be properly reconsidered. The addition to the representation of Ireland was not

proportionate,—Scotland, which possessed only 2,093,000 inhabitants, got five; while Ireland, with a population of 6,800,000, got no more than five. Dublin, he thought, ought to have two members more; its population, including the suburbs, was at least 250,000; there were also twelve counties with populations of above 200,000—Cork had nearly 600,000—to each of which two additional members might well be given. He hoped, when the bill went into committee, some of these points would be attended to.

Parliament shortly after this adjourned to meet on the 12th of April. Upon the meeting of the House, Lord Russel observed, in reply to a question concerning the population returns, that the details in the bill had been based on the returns of 1821, and that complaints having been made of their inaccuracy, measures had been taken to correct the mistakes. The Schedules A. and B. therefore would require some alterations, in order to make them conform to the principles laid down by the ministry for the disfranchisement or reduction of boroughs. It was also intended to propose an alteration concerning the freemen of boroughs, and if the House manifested a strong indisposition to a diminution of its members, the government was not disposed to press that part of the plan.

The principle of the bill would be adhered to, as eminently calculated to promote the happiness, prosperity, and tranquillity of the kingdom. On the 18th of April, the day assigned for that purpose,

the reform bill was called up for commitment, and Lord Russell in making a motion for that purpose, stated, that he should propose to place Beeralston among the disfranchised boroughs; to transfer Aldeburgh, Buckingham, Malmesbury, Okehampton and Reigate from Schedule A. to Schedule B., on the ground that the corrected returns showed their population exceeded 2000; and to leave Leominster, Northallerton, Monteth, Tamworth, Truro, Westbury and Wycombe out of Schedule B., on the ground that their population exceeded 4000. He should also propose that Bury, Oldham, Rochdale, Salford, Stoke upon Trent, Wakefield, Halifax and Whitby should send one member each; that all counties in England and Wales, having over 100,000 inhabitants, should send an additional member; and all having over 150,000 should send four members. These alterations would augment the number originally proposed so as to make the diminution of the House only 31 instead of 62.

Some modifications were intended in those parts of the bill, fixing the qualifications of electors, so as to allow leaseholders renting property for 14 years at the yearly rate of £50, or for 60 years at the yearly rate of £10, and those who paid a fine for their leases to vote for county members and to admit the occupiers of ware houses and counting rooms in boroughs to vote upon the same footing as the occupiers of dwellings. All children born, or apprentices bound, before the passage of the act, were

to be admitted to the privileges of freemen in boroughs in the same manner, as if the act had not passed. The extra parochial places were to be joined to the smallest adjacent parish, and the returning officers were to be empowered to appoint several places for polling the votes. These proposed alterations which were offered with the view of conciliating the anti-reforming party, did not produce that effect. Their hostility was as uncompromising as ever, and in the expectation "of scotching the snake" they did not dare "to kill." General Gascoyne was put forward to move a resolution, as an amendment to the motion to go into committee, declaring, that, in the opinion of the House, the representation of that part of the united kingdom called England and Wales ought not to be diminished.

The disproportionate representation of this portion of the kingdom had been one of the subjects of well founded complaint, both in Scotland and Ireland, and the passage of Gen. Gascoyne's resolution would prevent any remedy of that evil, except by augmenting the total number of the House of Commons, already too large for convenience. Both those members of the united empire would thus be deprived, not only of a positive addition to their own representation, but of that benefit resulting from the diminished number of the representation of England and Wales.

The amendment was therefore warmly opposed by the ministry, and the Chancellor of the Ex-

chequer observed, that if it were carried, the bill would lose all its efficacy. A vehement debate again ensued which was resumed the next day, when the House divided 299 in favor and 291 against Gen. Gascoynes resolution.

This division having shown a majority of 8 against the ministry on a vital principle of the reform bill, it was at once perceived, that their resignation, or a dissolution of Parliament must follow. An attempt was made the next day to prevent the latter and to obtain a pledge from the ministers not to dissolve Parliament, before proceeding with the supply bills. Lord Althorpe, however, declined informing the House on the subject, although he stated that it was not the intention of the government to proceed farther with the reform bill. A motion was then made to adjourn, which was carried by the Tory party, notwithstanding the opposition of the ministers by a majority of 22. A dissolution was now determined upon with the intention of appealing to the nation on the question at issue between the ministry and the opposition.

Such an appeal was dreaded by the aristocratic party as the worst of horrors, and the rage and clamor prevailing in the House of Lords upon the announcement of the King's intention to prorogue Parliament, are represented as having never been equalled in that most disorderly of deliberative assemblies—an English House of Commons, since the days of Cromwell. The courtesies of society were violated on

all sides, and the rudest personalities passed among the dignified Peers during the confusion. This scene continued until the King actually entered the House, when having taken his seat upon the throne and assumed the crown and sceptre, he summoned the House of Commons to attend, and prorogued Parliament in the following truly royal manner:—

My Lords and Gentlemen,

‘I have come to meet you for the purpose of proroguing this Parliament, with a view to its immediate dissolution.

‘I have been induced to resort to this measure for the purpose of ascertaining the sense of my people, in the only way in which it can be most conveniently and authentically expressed, for the express purpose of making such changes in the representation as circumstances may appear to require, and which, founded upon the acknowledged principles of the constitution, may tend at once to uphold the just rights and prerogatives of the crown, and to give security to the liberties of the people.

Gentlemen of the House of Commons,

‘I thank you for the provision you have made for the maintenance of the honor and dignity of the crown, and I offer my special acknowledgments for the arrangement you have made for the state and comfort of my royal consort. I have also to thank you for the supplies you have furnished for the public service. I have observed with satisfaction your endeavors to introduce a strict economy into every branch of that service, and I trust that the early attention of a new Parliament, which I shall forthwith direct to be called, will be applied to the prosecution of that important subject.

My Lords and Gentlemen,

‘I am happy to inform you that the friendly intercourse which exists between myself and foreign powers, affords the best hopes of a continuation of peace, to the preservation of which my most anxious endeavors shall be continually directed.

My Lords and Gentlemen,

‘In resolving to recur to the sense of my people in the present circumstances of the country, I have been influenced only by a desire, and personal anxiety,

for the contentment and happiness of my subjects, to promote which I rely with confidence on your continued and zealous assistance.

'My pleasure is that this Parliament shall be prorogued, and forthwith, to Tuesday the 10th day of May next.'

The next day a royal proclamation appeared, dissolving Parliament, and ordering an election forthwith for a new Parliament, to meet on the 14th of June following. Both parties now prepared for the contest with means and vigor commensurate with the importance of the cause depending upon their exertions.

Enormous sums were subscribed to defray the expenses of the elections, and the Tory party strained every nerve to obtain a majority in the new House of Commons.

Efforts were made to alarm the public mind with fears of revolution and anarchy: the church was in danger: the national debt would be spunged out; and all the established institutions of the country sacrificed to the wild spirit of innovation. These spectres, however, had long ceased to terrify. The people of England were true to the cause of reform, and the defeat of the Tory party was overwhelming. In Scotland, indeed, and in the reduced and disfranchised boroughs, they obtained a majority of more than two to one. But in the open boroughs, in the English and Irish counties, and wherever the unbiassed force of public opinion could be exerted, they were defeated.

Ten of the counties, returning 55 members, were unanimous for reform, and in nearly all the coun-

ties the knights of the shire were returned from the same party.

Notwithstanding the regular clergy, generally, and the universities of Oxford, Cambridge, and Dublin, imprudently enlisted themselves against the feeling of the country; and the members of the established church came forward in great numbers to sustain the system of rotten boroughs and limited constituencies; the victory obtained over the forces thus combined to maintain a corrupt system of government, exceeded all that could have been conceived possible for a people to achieve, who were trammelled by the very mischiefs which rendered reform necessary.

A ministerial majority exceeding 100 was returned to the new Parliament, and the ministers met that body on the 14th of June, with an entire conviction of the assent of the lower House to any efficient plan of reform.

The Hon. Charles Manners Sutton was unanimously re-elected Speaker, and on the 21st of June, the King delivered his speech to the new Parliament, in person. The speech was rather more intelligible than usual, and the detailed explanations furnished of the affairs of the kingdom evinced a greater deference to public opinion, than when the King acted merely as the organ of a Tory cabinet.

Parliamentary reform was primarily recommended to their attention, as a measure which had just received the sanction of the people. The prospect of a continuance of peace was said to be encouraging, and the principle

upon which the discussions on the affairs of Belgium were conducted, was stated to be that of non-interference with the right of the Belgians to establish their government according to their own views of expediency, so long as in the exercise of that right they did not endanger the security of neighboring states.

The chastisement of Portugal was alluded to as having procured full satisfaction from that government. The progress of the Cholera was mentioned, and every effort was said to have been taken to prevent the introduction of the disease into the kingdom. Ireland was represented as being in a state of great distress, and an intimation was given, that additional powers might be required by the government to repress the disorder in that island.

The recommendation of Parliamentary reform was not long neglected, and on the 24th of June, Lord John Russell again presented the subject to the consideration of the House, by asking leave to bring in a bill similar in principle to the one already described. The only amendments were, that Downton and St. Germans were now added to the list of disfranchised boroughs, and that Falmouth being added to Penryn and Deal, and Walmer to Sandwich, those two boroughs were withdrawn from the list of reduced boroughs. Some alterations were also made in the parishes to be included in Manchester and Wolverhampton, and in the Welshborough districts. The elective franchise in boroughs was extended to the occupiers of

land, as well as to the occupiers of houses and counting rooms; and in the counties, the period of leases of £50, yearly value, was reduced to seven years. It was further provided, that the right should be exercised by the mortgagor or cestuique trust in possession, and not by the trustee or mortgagee, and that the power of enlarging or settling the boundaries of boroughs, and of dividing counties, should be vested in a commission chosen by Parliament.

The reform bill was now completed. It had undergone the examination of a vigilant and unsparing opposition in Parliament. It had been subjected to the criticism of the public press. A new census had just been taken, and availing themselves of more accurate information and well-timed suggestions, the bill was amended so as to conform to the principles of reform promulgated by the ministers, and to unite the greatest mass of public opinion in its support. The bill, the whole bill, and nothing but the bill, now became the watchword of the people of England. The political unions, which had been organised in the larger towns, and the periodical press, which now began to exercise its legitimate influence over the public mind, directed their combined energies to sustain the ministry.

The questions of ballot and universal suffrage, which had been started by the radical reformers, were, by common consent, laid aside, as calculated to produce division in the reforming party, and the government brought forward the measure, in the new

Parliament, under every advantage. The Tory party, however, was not discouraged, but renewed the contest with unabated vigor. The discussion on the principles of the bill was again entered upon, and ministers were charged with having stimulated the people to demand a change in the constitution, and the members were exhorted to show themselves superior to the influence of popular clamor, and to vindicate the bill. The debate which commenced on the 4th of July was protracted through that and the two succeeding days, when the bill was ordered a second reading, 370 in favor, and 233 against it.*

The principle of reform having been thus sanctioned by an overwhelming majority, the bill was ordered for commitment, on the 12th of July, and the Tory party, foreseeing the impossibility of at once rejecting it with that decision and tact which characterise, in representative governments, the party seeking its own interest, as contradistinguished from that aiming at the public good, promptly resolved to protract the contest, as to the details, in the hope of exhausting the public interest in the bill itself, when they might safely give it a quietus in the House of Lords.

In conformity with this system of tactics, the disfranchisement and reduction of each borough, was contested in detail, and the House was occupied the remainder of July, and until the 17th of August, on the schedules alone, without producing any alteration, except in the case of Saltash, which was transferred from the list of disfranchised, to that of reduced boroughs, by a vote of 231 to 150. Lord Althorpe, Lord Russell, and nearly all the ministers, voting in the majority. During this apportionment of representatives, an ineffectual attempt was made by Mr. Hume, to procure a representation for the colonies by moving an instruction to the committee, that 19 members should be allowed to those parts of the British empire. This motion was a severe test to the sincerity of the Whigs. The principle by which they professed to be governed, obviously demanded their full assent to the motion, in its fullest extent. The colonists were subjects of the same government. Their most vital interests were legislated upon in the British Parliament, and the same reasons which rendered it improper that the representatives of Gatton and Old Sarum should continue to legislate for Manches-

* *Analysis of the House on the second reading.*

	For.	Paired off in favor.	Against.	Paired off against.	Absent.	Vacant.
England counties,	74	2	6			
“ boroughs,	195	4	172	8	17	3
Wales counties,	10		2			
“ boroughs,	8		2		1	
Scotland counties,	12	1	15	1	1	1
“ boroughs,	11		4			
Ireland counties,	44		18		1	
“ boroughs,	16	2	14		4	
	370	9	233	9	24	9

ter and Birmingham, might be urged, with tenfold force, against the legislative control exercised by the representatives of the Commons of England over the interests of her American and African colonies, and of her East India possessions.

The members of the political unions, however, did not yet seem to perceive, that the grievances of which they complained were more than shared by the inhabitants of the colonies; and they were not yet prepared to admit, that the rights of suffrage, of self-government, and of exemption from unequal and intolerable taxation were human rights, but merely, that they were the birth-right of Englishmen. An acquiescence in the motion of Mr. Hume, might, consequently, have deprived the ministry of their public favor; and they deemed it expedient to waive the discussion of this delicate topic, on the ground, that it might embarrass the measure before Parliament.

Some remarks were made by leading Tories concerning the inconsistency of leaving the colonies without actual representation, after the virtual representation should be cut off by the abolition of the close boroughs; but the ministers persisted in their opposition, and the motion was negatived without a division.

When the clause prescribing the qualifications of voters in shires came under consideration, Colonel Sibthorpe, with the view of preserving a remnant of aristocratic influence over the elections, moved that all tenants paying £50, yearly rent, should be

entitled to vote, and his motion being withdrawn on account of some informality, it was renewed by the Marquis of Chandos, and carried, 232 to 148.

The other clauses of the bill were afterwards carried without material alterations, and on the 19th of September, after a discussion of eleven weeks, it was ordered to a third reading.

On the 21st of September it received the final sanction of the House, the vote being on the passage of the bill, 345 Ayes, 236 Nays; and the next day it was carried to the House of Lords with unusual formality by Lord John Russell, attended by most of the leading members of the House who had taken an active part in favor of the bill.

The concurrence of that branch of the legislature was now all that was wanted to effect this important change in the constitution.

The King and his ministers had already indicated their opinions. The wishes of the people of England could not be misunderstood, and their representatives in the House of Commons had yielded obedience to their will in proposing a reform in the representation. The only remaining obstacle was the House of Lords.

In this juncture that body should have remembered, that it was the peculiar province of the House of Commons, to judge of the proper qualifications of its own members; that it was the right of the people to determine how, and by whom, they would be represented; and that if by an indiscreet exercise of their privileges, as a co-ordinate branch of the

legislature, they should place themselves in opposition to the people and the government, it might suggest itself to those, whose wishes they thwarted, that Peers were not necessary either to the existence of the government or to the welfare of the people. It was, however, equally obvious, that in a reformed House of Commons, their influence would be prostrated, and that among the first measures in such a body would be propositions to effect a reduction of taxes, a curtailment of salaries, and a gradual abolition of all those burdens which had been imposed upon the people for the benefit of the privileged orders.

They accordingly resolved upon crushing the movement in the outset. *Obsta principiis* was, in their opinion; the surest, and if their power had been commensurate with their will, it would doubtless have been the wisest course.

The first reading of the bill was, of course, without opposition, and the 3d of October, was assigned for the second reading.

On that day Lord Grey made the motion for the second reading; and in his address to the House, he was deeply agitated by the importance of the question, which he had been so instrumental in bringing before Parliament. In case that the bill was ejected (which he then probably foresaw,) his continuance in office, he stated, would depend upon his seeing a reasonable prospect of carrying a bill of reform, at least, equally efficient. After strongly urging the necessity of reform, the Premier

addressed himself directly to the bench of Bishops, and pointedly intimated, that if the question should be decided by their votes contrary to the wishes of the nation, there were many questions now agitated, which might take a direction attended with the most serious and fatal consequences to their own interests. This direct intimation of the danger to which the established church would be subjected, in case of their continued opposition to the national will, did not diminish the repugnance of the Bench to a reform in the State, and with the exception of the bishops of Chichester and Norwich, they were all accordingly found among the non-contents.

The arguments of the Peers in opposition to the bill, consisted of those already urged in the House, and a vindication of their right to act as a co-ordinate and independent branch of the government, for the purpose of preventing an innovation in the constitution, which could not fail to result in the destruction of the Peers, and, ultimately, of the Monarchy.

After a debate, which continued until the 7th of October, and which was closed by a most eloquent and convincing argument by the Lord Chancellor, (Lord Brougham,) in behalf of the bill, it was refused a second reading, by the following vote.

Contents	128	Non-contents	150
Proxies	30	Proxies	49
	—		—
	158		199

Of this majority of 41, which so contemptuously refused to ex-

amine, even for the purpose of amendment, a measure that the English nation had so much at heart, 21 belonged to the Bench of Bishops, and 131 were new creations since the accession of George III—a majority of the ancient nobility of England voting in favor of the bill. This decision created the strongest sensations throughout the kingdom. The quiet prevailing during the long and protracted discussion, had produced a belief that the public interest in the subject was diminished, and that the question might be safely placed upon the footing of ordinary political contests. The movements, consequent upon the rejection of the bill, put an end to this delusion. The day following this division, meetings were simultaneously held by the ministerial members of Parliament, by the Common Council of London, and by the delegates of the several parishes of the metropolis, with the view of sustaining the ministry.

On the following Monday, Lord Elington introduced a resolution in the House of Commons, expressing the regret of that body at the loss of the reform bill, its determination to re-assert and adhere to the principles and leading provisions of that bill, and the confidence of the House in the ministry. A debate ensued involving an examination into the merits and character of the administration.

On one side it was insisted that the ministers were inefficient and incapable; that they had done nothing, but had failed in all their attempts at reform, and that

their financial arrangements indicated neither knowledge nor talent.

On the other hand it was said, that the repeal of the taxes on coal and candles had relieved the lower classes; that the modification of the game laws afforded relief to the farmer from gross and unnecessary oppressions; and that the reforms effected in the Court of Chancery by the genius and energy of Lord Brougham, furnished the strongest proofs of the intentions of the ministry, and that those intentions were not more fully carried into effect, must be attributed to the opposition they had experienced from their political opponents.

Lord Althorpe, after assuring the House that he was no party to the resolution, said, that his continuance in power entirely depended upon the carrying a reform bill equally efficient with the one rejected.

The resolution was ultimately adopted, 329 in favor, and 198 against its passage.

This vote was decisive as to the continuance of the ministers in power, and they were loudly called upon to create Peers to outvote the majority in the House of Lords. The people, also, continued to manifest their indignation against the anti-reforming party, and the feeling spread through the island as fast as the intelligence was communicated by the mails, until the whole kingdom, from Cape Clear to the Giant's causeway, was raised to the highest pitch of political excitement.

The inhabitants of the metropo-

lis met at once, in their several parishes, to vote addresses to the King, praying him to keep the Whig ministers in office. Their example was followed by the principal towns and villages throughout the country, and a firm determination was everywhere expressed to adhere to the ministry, and to be satisfied with nothing less than the bill.

Combinations, too, began to be formed to refuse to pay taxes, or to purchase any articles distrained by the tax collector. The people were roused, in reality, by the conduct of the aristocratic faction; and at Derby and Nottingham, the inopportune expression of the triumphant feelings of a few anti-reformers at the ejection of the bill, caused an explosion of the popular indignation, and the most alarming riots succeeded.

Several houses belonging to the leading Tories at Derby were demolished, the tower gaol broken open, and the military were compelled to act against the mob, for the purpose of restoring quiet.

At Nottingham, the house of correction was forced open, and Nottingham castle, belonging to the Duke of Newcastle, (one of the great borough holders,) was destroyed.

At Manchester, a disposition appeared on the part of the people to rise in their demands for reform. A very large and respectable meeting was held, and a great majority of the inhabitants declared themselves in favor of annual Parliaments, universal suffrage, and the vote by ballot,—realising the prediction of Lord

Brougham as to the character of the concessions, which would be enacted in case the bill should be rejected.

This, however, was the only place where the radicals indicated a disposition to separate themselves from the Whigs. Elsewhere the public feeling was intense, direct, and unanimous. Without any effort on the part of the ministers, who showed themselves deficient in that active moral energy which both excites and controls the storm, the nation was completely and thoroughly roused to assert its rights; and the attempt of the House of Lords to resist it, was, with no less humor than logic, compared to the conduct of a notable housewife, striving with her mops and her brooms to repel from her habitation the encroaching waves of the exasperated ocean.* This was a just and true picture of the contest in England. The power of the nation was arrayed against a small faction, which entrenching itself behind constitutional

* Extract from a speech of the Rev. Sidney Smith, at a reform meeting. "The attempt of the Lords reminds me of the conduct of the excellent, Mrs. Partington, on occasion of the great storm at Sidmouth. A great flood set in upon the town—the waves rushed into the houses, and everything was threatened with destruction. In the midst of this sublime and terrible storm, Dame Partington, who lived upon the beach, was seen at the door of her house with mop and pattens, trundling her mop, sweeping out the sea water, and vigorously pushing away the Atlantic. The Atlantic was raised and so was Mrs. Partington, but the contest was unequal. The Atlantic beat Mrs. Partington. She was excellent at a sloop, or a puddle, but she could do nothing with a tempest."

forms and antiquated observances, denied all concession to the general welfare, or to the spirit of the age. The certainty that the contest must result in obedience to the national will, calmed the minds of many, and induced a general acquiescence through the country in the determination of the ministry to attempt to carry the measure at an adjourned Session of Parliament; but in cities where large masses were assembled, a feeling more difficult to control prevailed. That class of society which is kept in restraint by the terrors of the law, always sympathises with the general feeling of the community. The mob, indiscriminating as it is, never moves against the current of public feeling. The disregard, by the anti-reformers, of the national will, excited all classes, according to their temperaments; and what the reformers sought through the constitutional forms of petitions and resolutions, the mob endeavored to obtain by intimidation and violence.

The division in the House of Lords brought forth together, the addresses of the political unions, and the riots and disorders, in which this class was accustomed to express the feeling of the moment.

At Bristol this temper produced the most appalling results.

Sir Charles Wetherell, the Recorder of that city, had made himself conspicuous, by his violent opposition to the reform bill in all its stages; and strong apprehensions were entertained, that his entrance into Bristol upon the occasion of holding the Municipal

Court, on the 29th of October, would draw forth some expression of the popular indignation.

It was not, however, thought advisable, either by the municipality or by the Recorder, to have a military force ordered out to prevent any disturbance, and Sir Charles entered the city in the ordinary manner. An immense concourse of people assembled and received him with hisses and groans. No violence, however, was attempted, until the court had adjourned for the day, and the Recorder had retired to dine with the municipality in the mansion house, to which place they were followed by the crowd. Some noise and disturbance occurred there, and several attacks were made, in the first instance, upon the crowd, in the indiscretion of official authority to secure particular individuals. At length they succeeded in exasperating the mob; and the populace, arming themselves with sticks and bludgeons, made an attack upon the marshals whom they dispersed, and forced their way into the mansion house, which they pillaged, and which was only saved from conflagration by the arrival of the military. The mob still showed no disposition to disperse, but opened and made way for the soldiers, whom they cheered as they passed. About midnight, however, they became impatient of the restraint of the troops, and left the mansion house with the intention of attacking the council house. The cavalry were then ordered to charge upon the mob, and a conflict took place, in which one of the rioters was killed,

several wounded, and order was restored for the night. The next day, the troops were withdrawn and the mob soon re-assembled and completed the plunder of the mansion house. Like a ferocious animal which has once tasted blood, the mob became now excited beyond the power of control. They had the hardihood to attack the military, and no magistrate being present to direct their proceedings, the troops were withdrawn by their officers, after firing in self defence, by which many of the rioters were killed and wounded. They, however, continued to press upon the soldiers until they had retired to their quarters, and the populace were assured by Colonel Bereton, their commander, that the 14th regiment should be withdrawn from the city.

The mob now considered that they had achieved a triumph over the constituted authorities, and they set about realising the fruits of their victory. The Bridewell and gaol were first broken open, the prisoners released and the buildings burnt. The Gloucester county prison shared the same fate. The mansion house, custom house, excise office, toll houses, and the bishop's palace, were next doomed to the flames; and finding that the deliberate destruction of the public buildings met with no resistance from the municipal authorities, or the substantial inhabitants of the place, (who all seemed paralysed by fear;) the rioters began to plunder and destroy indiscriminately the dwelling houses of the citizens. A small band, chiefly of boys, pro-

ceeded from house to house, warning the inhabitants to retire; and the houses, after being pillaged, were set on fire with a regularity and coolness which rather resembled the execution of a judicial sentence, than the lawless acts of a riotous mob.

This reign of anarchy lasted the whole of Sunday and Sunday night, during which 42 dwellings and stores were pillaged and burnt. Carts laden with plunder were passing to and fro during the whole of the night, and it was not until Monday morning, when the rioters were wearied with rioting, and the thieves satisfied with plunder, that the citizens and the magistrates recovered from their panic and came forward to restore the city to order.

The troops were then called upon to clear the streets; and, exasperated as they were by the appearance of the city, they executed their orders with unwonted severity. Upwards of one hundred were killed and wounded by the military, besides many who perished in the flames from the buildings being ignited before the work of pillage was wholly completed. After order was restored, measures were taken to search out the plunderers and the plunder, most of which was found restored to the owners. Many of the rioters were also arrested and committed for trial. This specimen of the character of the English populace was not well calculated to create a high impression of their fitness to exercise the elective franchise; the riot was felt to be a most unfortunate occurrence, as well for

the cause of reform, as for the character of the city of Bristol. Both parties endeavored to turn the event to their own purposes. The Tory press sought to make the government responsible for the whole affair, which it imputed to the encouragement given by the ministers to the political unions; while the whig papers, with better reason, charged it upon the contemptuous disregard of the national wishes by the anti-reformers; the defiance of the popular feeling by Sir Charles Wetherell in openly entering Bristol without taking proper precautions to preserve order, and the culpable indifference and pusillanimity of the official authorities of the city.

The government, upon the first information of the disorders, took the necessary measures to restore tranquillity to the city, and to preserve order in the adjoining districts, where a similar spirit of insubordination manifested itself upon hearing of the Bristol riots. With some exertions, the supremacy of the laws was maintained.

An indication not to be misunderstood, however, had now been given of the temper of the mob and of the danger of its ascendancy. It was too obvious, that the lower classes, both in town and country, were ripe for revolution; because revolution would bring confusion, and with it, the opportunity of plunder. The middling classes were resolved on reform, and further resistance to the national will might

exasperate the demand for reform into a call for revolution. The privileged orders stood on the very brink of destruction. The cordial agreement between the course of the ministry and the wishes of the people, alone prevented a collision between the contending parties that must have proved fatal to the government itself; and the resistance of the aristocracy was only tolerated, because it was regarded as an obstacle, that in the nature of things must be speedily withdrawn.

The reform in the House of Commons must accordingly be looked upon as a settled event; and whenever it shall be consummated, a change will have been effected in the British constitution at least equivalent to a revolution in the character of the government. The government must, henceforth, be representative in reality as well as in name. Its policy, both domestic and foreign, must faithfully reflect the opinions of the people of England; and its ministry, naval, colonial, and ecclesiastical establishments must be squared to their ideas of expediency. How this will operate upon the policy and interests of other nations, are questions which can be solved by time alone; but it requires but little of the spirit of prophecy to foretell, that a revolution is commencing in England, whose consequences will be momentous to more than the inhabitants of the fast-anchored isle.

COMPOSITION OF THE HOUSE OF COMMONS—1830.

TABLE I.

ENGLISH BOROUGHS.

Place.	No. of Mem.	Prevailing Influence.	Nature of Suffrage.	No. of Electors.
Abingdon,	1	Money.	Inhabitants paying scot and lot,	400
Albans, St.	2	Earl Verulam and Money.	Mayor, Aldermen, and Freemen, inhabitants, paying scot and lot,	800
Aldborough,	2	D. of Newcastle.	Householders paying scot and lot,	60
Aldeburgh,	2	Marq. of Hertford.	Bailiffs, Burgesses, and Freemen, not receiving alms,	80
Amersham,	2	W. Drake.	Inhabitants, paying scot and lot,	125
Andover,	2	J. A. Smith.	Corporation,	
Appleby,	2	Earl of Thanet,	In Burgage tenure,	100
Arundel,	2	Earl of Lonsdale.	Householders, paying scot and lot,	450
Ashburton,	2	Money.	Freeholders of the County residing within the borough,	170
Aylesbury,	2	Lord Clinton and Sir L. V. Palk.	Freeholders of the Hundred, and Householders of the Borough, not receiving alms,	1000
Banbury,	1	Earl of Guildford.	Mayor, Capital Burgesses, and Asisstants only,	20
Barnstaple,	2	Money.	Corporation and Burgesses,	400
Bassetlaw	2	Earl Manvers and	Freeholders of the Hundred, and Inhabi-	
(hundred of),		D. of Newcastle.	tants of East Retford,	1750
Bath,	2	Corporation.	Mayor, Aldermen, and Common Councilmen,	30
Bedford,	2		Burgesses, Freemen, and inhabitants, not receiving alms,	1500
Bedwin,	2	M. of Aylesbury.	In Burgage tenure,	80
Beerlston,	2	Earl of Beverley.	Burgage tenure,	100
Berwick-up-	2	M. of Waterford &	Freemen, resident and non-resident,	700
on-Tweed		Money.		
Beverley,	2	Money.	Freemen of the town, who acquire the right by birth, servitude, or purchase.	
			Resident,	80
			Non-resident,	1100
Bewdley,	1	Lord Littleton.	Burgesses,	45
Bishop's	2	Earl Powis.	Bailiffs and Burgesses,	60
Castle,				
Bletchingly,	2	Mr M. Russell.	Borough Freeholds,	80
Bodmin,	2	D. G. Gilbert & Marq. of Hertford.	Corporation,	36
Borough-	2	D. of Newcastle,	Burgageholders,	50
bridge,		disputed by Mr. Lawson.		
Bossiney,	2	L. Wharncliffe & E. R. Tunno.	Freeholders,	35
Boston,	2	Money.	Freemen, paying scot and lot,	400
Brackley,	2	R. H. Bradshaw.	Corporation,	33
Bramber,	2	L. Calthorpe & Duke of Rutland.	Burgageholders, (resident),	20
Bridgenorth,	2	Money.	Burgesses and Freemen, within and without the borough,	800
Bridgewater,	2		Inhabitants paying scot and lot,	300
Bridport,	2	Money.	Inhabitants paying scot and lot,	340
Bristol,	2	Corporation and Money.	Freeholders, and Freeburgesses.	
			Resident,	5000
			Non-resident,	3000

Place.	No. of Mem.	Prevailing Influence.	Nature of Suffrage.	No. of Electors.
Buckingham,	2	D. of Buckingham.	Bailiffs and Burgesses,	13
Bury St. Edmunds,	2	D. of Grafton & Marq. of Bristol.	Corporation,	88
Callington,	2	Mr A. Baring.	Householders paying scot and lot,	50
Calne,	2	M. of Lansdowne.	Burgage tenure,	24
Camb. University,	2		Doctors, and actual Masters of Arts,	1200
Cambridge,	2	Duke of Rutland.	Mayor, Bailiffs, and Freemen, not receiving alms,	240
Camelford,	2	M. of Cleveland.	Freemen being bona fide householders,	25
Canterbury,	2	Money.	Freemen, resident and non-resident,	1600
Carlisle,	2	Earl of Lonsdale.	Freemen,	600
Castle Rising,	2	M. of Cholmondeley & F. G. Howard.	Corporation,	40
Chester,	2	Earl Grosvenor & Corporation.	Corporation and Freemen not receiving alms, who have been resident an entire year next before the election,	1000
Chichester,	2	D. of Richmond & Money.	Inhabitants paying scot and lot,	700
Chippenham,	2	Mr. Neeld.	Burgageholders,	135
Christchurch,	2	Sir G. Rose.	Corporation and burgesses,	50
Cirencester,	2	Lord Bathurst & J. Cripps.	Inhabitant householders,	700
Clitheroe,	2	Earl Howe and Earl Brownlow.	Burgesses and Freemen,	45
Cockermouth,	2	Earl Lonsdale.	Burgageholders,	180
Colchester,	2	Corporation and Money.	Free Burgesses, resident and non-resident,	1800
Corfe Castle,	2	Mr. H. Bankes.	Burgageholders,	50
Coventry,	2	Corporation and Money.	Mayor, Aldermen, and Freemen, resident and non-resident,	2500
Cricklade,	2	J. Pitt.	Freeholders of the Hundred,	1350
Dartmouth,	2	Mr Holdsworth.	Corporation and Freemen,	100
Derby,	2	D. of Devonshire.	Corporation, Freemen, and sworn Burgesses,	800
Devizes,	2	Corporation and G. W. Taylor.	Mayor, and select number of Burgesses,	40
Dorchester,	2	R. Williams and E. of Shaftesbury.	Payers of church and poor-rates in respect of real estates, within the borough, though not inhabitants or occupiers,	200
Dover,	2	Warden of the Cinque Ports and Money.	Freemen and Freeholders. Resident,	1450
			Non-resident,	1200
Downton,	2	Earl of Radnor.	Burgageholders,	60
Droitwich,	2	Lord Foley.	Corporation,	12
Dunwich,	2	M. Barne and L. Huntingfield.	Bailiffs and Burgesses,	18
Durham city,	2	Money.	Freemen, resident and non-resident,	1200
East Looe,	2	Mr. Hope.		50
Evesham,	2	Bribery.	Common Burgesses,	600
Exeter,	2	Corporation and Money.	Freeholders and Freemen,	1600
Eye,	2	Sir E. Kerrison	Free Burgesses and Corporation, inhabitants paying scot and lot,	100
Fowey,	2	Mr Austin and Mr Lucy.	Freeholders and inhabitants, paying scot and lot,	70
Gatton,	2	Lord Monson.	Freeholders, inhabitants paying scot and lot,	5
Germain St.	2	Earl St. Germain's.	Housekeepers.	70

Place.	No. of Mem.	Prevailing Influence.	Nature of Suffrage.	No. of Elec.
Gloucester City,	2	Corporation and Money.	Freemen, resident and non-resident,	2200
Grantham,	2	Money.	Freemen, resident and non-resident, not receiving alms,	800
G. Grimsby,	2	Money.	Resident Freemen paying scot and lot,	300
E. Grinstead,	2	Earl Delaware.	Burgageholders,	30
Guildford,	2	Lord Grantley.	Resident Freemen, and Freeholders, paying scot and lot,	180
Harwich,	2	The Treasury.	Corporation,	32
Haslemere,	2	Earl of Lonsdale.	Freeholders,	60
Hastings,	2	Treasury, through Mr. Milward.	Mayor, Jurats, and Freemen, not receiving alms,	200
Hedon,	2	Money.	Burgesses,	380
Helston,	2	Duke of Leeds.	Corporation and Freemen,	30
Hereford,	2	Money.	Freemen, resident and non-resident,	1206
Hertford,	2	Marq. Salisbury, Money.	Inhabitant Householders and Freemen. Resident, Non-resident,	550 150
Heytesbury,	2	Ld. Heytesbury.	Burgageholders,	50
Higham Ferrers,	2	Ld. Fitzwilliam.		145
Hindon,	2	Ld. Grosvenor & Ld. Calthorpe.	Inhabitants paying scot and lot,	240
Honiton,	2	Money.	Inhabitant Householders paying scot and lot,	350
Horsham,	2	Duke of Norfolk.	Tenants of Freeholds, resident and non-resident—Burgage tenure,	25
Huntingdon,	2	Earl of Sandwich.	Corporation and Freemen,	240
Hythe,	2	Corporation and Patronage.	Mayor, Jurats, Common Council men, and Freemen,	150
Ilchester,	2	Ld. Cleveland disputed by Ld. Huntingtower.	Inhabitants,	70
Ipswich,	2	Money.	Corporation and Freemen, resident and non-resident,	1100
Ives, St.	2	Mr. Wellesley.	Inhabitants paying scot and lot,	200
King's Lynn,	2	D. of Portland and Lord Orford.	Freemen,	300
Kingston-upon-Hull,	2	Money.	Burgesses,	1700
Knaresborough,	2	Duke of Devonshire.	Burgageholders,	110
Lancaster,	2	Money.	Freemen,	1700
Launceston,	2	D. of Nortumb'and.	Corporation and Freemen,	15
Leicester,	2	Corporation and Money.	Burgesses, and Householders, paying scot and lot,	5000
Leominster,	2	Money.	Capital Burgesses, and Inhabitants, paying scot and lot,	700
Lestwithiel,	2	E. of Mount Edgecumbe.	Mayor, Capital Burgesses, and Assistants,	24
Lewes,	2		Inhabitant Householders paying scot and lot,	400
Lincoln,	2	Money.	Freemen,	1300
Liskeard,	2	E. St. Germain's.	Mayor and Burgesses,	105
Litchfield,	2	Lord Anson and Corporation.	Burgage tenures and freeholds,	600
Liverpool,	2	Corporation Money.	Freemen,	
London.	4		Ex-Freemen and Liverymen of the city,	12000

Place.	No. of Mem.	Prevailing Influence.	Nature of Suffrage.	No. of Elec.
Ludgershall,	2	Sir G. Graham & Mr. Everett.	Freeholders and Leaseholders for life, resident or non-resident,	70
Ludlow,	2	Earl of Powis.	Mayor, Burgesses, and Commonalty,	500
Lyme Regis,	2	Earl of Westmoreland.	Capital Burgesses and Freemen, resident or non-resident,	30
Lymington,	2	Sir H. B. Neale.	Mayor and Burgesses,	70
Maidstone,	2	Corporation and Money.	Freemen not receiving alms,	900
Maidon,	2		Freemen,	2000
Malmsbury,	2	Mr. Pitt.	Aldermen and Capital Burgesses,	13
Malton,	2	Earl Fitzwilliam.	Burgageholders,	270
Marlboro',	2	M. of Alesbury.	Capital Burgesses,	21
Marlaw, Gt.	2	Mr. O. Williams.	Inhabitants of Burgagehouses paying scot and lot,	235
Mawes, St.	2	D. of Buckingham.	Burgageholders,	20
Michael's, St.	2	J. H. Hawkins & Lord Falmouth.	Superior, and Deputy Lords, and inhabitants, paying scot and lot,	32
Midhurst,	2	John Smith.	Burgage tenure,	18
Milburne Port,	2	Marq. of Anglesea.	Burgage tenures, and Inhabitants, paying scot and lot,	90
Minehead,	2	Mr. Luttrell.	Burgage tenures,	10
Monmouth,	1	Duke of Beaufort.	Burgesses being Inhabitants,	200
Morpeth,	2	Earl of Carlisle & William Ord.	Bailiffs and free Burgesses,	400
Newark-upon Trent,	2	D. of Newcastle.	Mayor, Aldermen, and Inhabitants, paying scot and lot,	1700
Newcastle-upon-Dee-Line,	2	Money.	Freemen residing in the Borough,	700
Newcastle-upon-Tyne,	2	Corporation and Money.	Corporation and free Burgesses, resident and non-resident,	2500
Newport, Cornwall,	2	Duke of Northumberland.	Burgageholders, and Inhabitants at large, paying scot and lot,	62
Newport, Isle of Wight,	2	Holmes family.	Mayor, Aldermen, and Burgesses,	24
Newton,	2	Mr. Leigh.		60
Newton, Isle of Wight,	2	Ld. Yarborough & Sir F. Barrington.	Burgage tenures,	40
Northaller-ton,	2	E. of Harewood.	Burgageholders,	200
Northampton,	2	Corporation and Money.	Inhabitant Householders not receiving alms,	1000
Norwich,	2	Corporation and Money.	Freemen and Freeholders,	4500
Nottingham,	2		Corporation, freemen, resident and non-resident,	4500
Oakh'mpton	2	Money.	Freemen and Freeholders,	250
Orford,	2	Marq. of Hertford.	Corporation,	20
Oxford University,	2		Doctors and Actual Masters of Arts,	1200
Oxford City,	2	Corporation and Money.	Mayor, fifteen Magistrates, Common-Council, and Freemen,	1500
Penryd,	2	Money.	Inhabitants paying scot and lot,	400
Peterboro',	2	Earl Fitzwilliam.	Inhabitant Householders not receiving alms,	460
Petersfield,	2	Colonel Joliffe.	Freeholders of land and ancient dwellings,	140
Plymouth,	2	The Admiralty.	Mayor and Freemen,	230
Plympton,	2	Mr. Treby and E. Mt. Edgecumbe.	Freemen,	210
Pontefract,	2	Money.	Inhabitant Householders, resident,	620

Place.	No. of Mem.	Prevailing Influence,	Nature of Suffrage.	No. of Elec.
Poole,	2	Corporation and W. Ponsonby.	Corporation and Freemen,	100
Portsmouth,	2	Corporation.	Mayor and Burgesses,	100
Preston,	2		Inhabitants at large,	6000
Queenboro',	2	Money and Ordnance.	Burgesses,	270
Reading,	2	Corporation and Money.	Inhabitants paying scot and lot,	700
Richmond,	2	Lord Dundas.	Burgageholders,	270
Ripon,	2	Miss Lawrence.	Burgageholders,	159
Rochester,	2	Money and Treasury.	Freemen not receiving alms,	760
Romney New	2	Sir E. Deering.	Mayor, Jurats, and Commonalty,	150
Rye,	2	Dr. Lamb.	Corporation and resident Freemen,	25
Ryegate,	2	E. of Hardwicke & Lord Somers.	Freeholders,	200
Salisbury,	2	Earl of Radnor & Mr. Wyndham.	Corporation,	54
Saltash,	2	Mr. Buller.	Burgageholders,	36
Sandwich,	2	Money.	Freemen, resident and non-resident,	955
Sarum, Old,	2	Lord Caledon.	Burgageholders,	2
Scarborough	2	Duke of Rutland & Lord Mulgrave.	Corporation and Freemen,	44
Seaford,	2	J. Fitzgerald & Lord Seaford.	Inhabitant Householders paying scot and lot,	98
Shaftesbury,	2	Lord Grosvenor.	Inhabitants paying scot and lot,	300
Shoreham,	2	Lord Egremont & Duke of Norfolk.	Freeholders of the Rape of Bramber,	1350
Shrewsbury,	2	Corporation and Money.	Resident Burgesses,	1000
Southampton,	2	Money.	Non-resident, and Inhabitant Burgesses, and Inhabitants paying scot and lot,	800
Southwark,	2		Inhabitants paying scot and lot,	3500
Stafford,	2	Money.	Mayor, Aldermen, and Burgesses, within the Borough,	600
Stamford,	2	Marq. of Exeter.	Inhabitants paying scot and lot,	540
Steyping,	2	Duke of Norfolk.	Inhabitants paying scot and lot,	110
Stockbridge,	2	Lord Grosvenor.	Burgage tenure,	106
Sudbury,	2	Money.	Freemen, by birth, servitude, or redemption,	800
Tamworth,	2	Ld. C. Townshend and Sir R. Peel.	Inhabitant Householders paying scot and lot,	300
Tavistock,	2	Duke of Bedford.	Freeholders of the county within the borough,	24
Taunton,	2	Money.	Inhabitant Potwallopers not receiving alms,	450
Tewkesbury,	2		Freemen and Freeholders,	500
Thetford,	2	Duke of Grafton & Mr. A. Baring.	Corporation and Burgesses,	31
Thirsk,	2	Sir T. Frankland.	Burgageholders,	60
Tiverton,	2	Earl of Harrowby.	Corporation,	25
Totness,	2	Corporation.	Corporation and Freemen, resident and non-resident,	58
Tregony,	2	Mr. J. A. Gordon.	Potwallopers,	180
Truro,	2	E. of Falmouth.	Corporation,	26
Wallingford,	2	Money.	Corporation,	180
Wareham,	2	Mr. Calcraft.	Mayor, Recorder, 6 Capital Burgesses, and 12 Assistants,	20
Warwick,	2	E. of Warwick.	Housekeepers paying to the church and poor,	550
Wells,	2	Money.	Mayor, Masters, Burgesses, and Freemen,	450

Place.	No. of Mem.	Prevailing Influence.	Nature of Suffrage.	No. of Elec.
Wendover,	2	Lord Carrington.	Inhabitants living in Burgage houses,	140
Wenlock,	2	Lord Forester.	Burgesses at large,	110
Weobley,	2	Marquis of Bath.	Inhabitants of the ancient vote houses,	90
Westbury,	2	Sir M. Lopez.	Burgage houses,	70
West Looe,	2	Mr. Buller.	Corporation,	55
Westminster,	2		Inhabitant Householders paying scot and lot,	17000
Weymouth & Mel. Regis,	4	Trustees of Sir F. Johnstone and Money.	Burgesses and Freeholders within the borough,	700
Whitechurch,	2	Sir S. Scott and Lord Sidney.	Burgage freeholds,	70
Wigan,	2	Earl of Balcarras.	Free Burgesses,	219
Wilton,	2	Earl Pembroke.	Mayor and Burgesses,	20
Winchelsea,	2	M. of Cleveland.	Freemen,	40
Winchester,	2	Lady Mildmay and D. of Buckingham.	Corporation,	34
Windsor,	2	The Brewery and The Court.	Inhabitants paying scot and lot,	750
Woodstock,	2	D. of Marlborough	Freemen,	400
Wootton	2	Mr. Pitt and Earl Clarendon.	Freemen,	100
Basset,				
Worcester,	2	Corporation and Money.	Citizens by birth, servitude, or redemption, not receiving alms,	2000
Wycombe,	2	Sir J. D. King and Corporation.	Mayor, Bailiffs, and Burgesses, not receiving alms,	65
Yarmouth, Gt.	2	Money.	Burgesses at large,	1700
Yarmouth, I. W.	2	The Holmes Family.	Mayor, Capital and Free Burgesses,	50
York,	2	Corporation and Money.	Freemen,	3500
Nominees returned by themselves or relatives,				122
Nominees returned by other patrons,				143
Members for open boroughs,				142
Total,				407

WELCH BOROUGHS.

Beaumaris,	1	Mr. Bulkeley.	Corporation,	24
Brecon,	1	Sir C. Morgan.	Capital Burgesses,	20
Cardiff,	1	Marquis of Bute.	Burgesses,*	1250
Cardigan,	1	Mr. Powell and Mr. Pryse.	Burgesses,*	1500
Carmarthen,	1		Burgesses,	160
Carnarvon,	1		Burgesses,*	800
Denbigh,	1		Burgesses,*	1000
Flint,	1		Inhabitants paying scot and lot,	4
Haverford West,	1	Sir R. B. Phillips.	Freeholders, Burgesses, and Inhabitants, paying scot and lot,	500
Montgomery,	1	Earl Powle.	Burgesses,	80
New Radnor,	1		Burgesses,*	1150
Pembroke,	1		Burgesses,*	500
Number of members from Welch Boroughs,				12

* In conjunction with the Burgesses of some other Welch Boroughs, as in the case of the Scotch District Burghs.

IRISH BOROUGHS.

Place.	No. of Mem.	Prevailing Influence.	Nature of Suffrage.	No. of Elec.
Armagh,	1	Primate of Ireland.	Burgesses,	13
Athlone,	1	Lord Castlemaine.	Burgesses,	71
Bandonbridge,	1	Earl of Bandon.	Burgesses,	13
Belfast,	1	Marq. of Donegal.	Burgesses,	13
Carlow,	1	Earl of Charleville.	Burgesses,	13
Carrickfergus,	1	Marq. of Downshire.	Freemen,	860
Cashel,	1	Himself.	Burgesses,	26
Clonmel,	1	The Bagwells.	Corporation,	105
Coleraine,	1	The Beresfords.	Corporation,	36
Cork,	2	Money.	Corporation and Freeholders,	2800
Downpatrick,	1		Inhabitants,	2200
Drogheda,	1		Freeholders and Freemen,	1150
Dublin,	2	Corporation.	Corporation and Inhabitants,	
Dublin University,	1		Provost, Fellows, and Scholars,	92
Dundalk,	1	Lord Roden.	Corporation,	36
Dungannon,	1	Lord Northland.	Burgesses,	12
Dungarvon,	1	Duke of Devonshire.	Freeholders,	1708
Ennis,	1	Sir. E. O'Brien.	Burgesses,	13
Enniskillen,	1	Lord Enniskillen.	Burgesses,	15
Galway,	1	Mr. J. Daly.	Corporation,	
Kilkenny,	1		Freemen,	350
Kinsale,	1	Lord de Clifford.	Burgesses,	64
Limerick,	1		Inhabitants,	3200
Lisburne,	1	Marq. of Hertford.	Corporation,	56
Londonderry,	1		Freemen,	650
Mallow,	1	Himself.	Freeholders,	560
Mewry,	1	Earl of Kilmorey.	Inhabitants,	2500
New Ross,	1		Burgesses,	32
Portarlington,	1	Earl of Portarlington.	Burgesses,	15
Sligo,	1	Himself.	Burgesses,	13
Tralee,	1	The Denny Family.	Burgesses,	13
Waterford,	1		Corporation and Freeholders,	1300
Wexford,	1	Marquis of Ely.	Burgesses,	
Youghall,	1	Duke of Devonshire.	Corporation and Inhabitants,	242
Number of members from Irish Boroughs,				36

ENGLISH COUNTIES.

Place.	Mem.	Place.	Mem.	Place.	Mem.	Place.	Mem.
Bedfordshire,	2	Durham,	2	Lincolnshire,	2	Somersetshire,	2
Berkshire,	2	Essex,	2	Middlesex,	2	Staffordshire,	2
Buckinghamsh.,	2	Gloucestershire,	2	Monmouthshire,	2	Suffolk,	2
Cambridgeshire,	2	Hampshire,	2	Norfolk,	2	Surrey,	2
Cheshire,	2	Herefordshire,	2	Northamptonsh.,	2	Sussex,	2
Cornwall,	2	Hertfordshire,	2	Northumberland,	2	Warwickshire,	2
Cumberland,	2	Huntingdonsh.,	2	Nottinghamshire,	2	Westmoreland,	2
Derbyshire,	2	Kent,	2	Oxfordshire,	2	Wiltshire,	2
Devonshire,	2	Lancashire,	2	Rutlandshire,	2	Worcestershire,	2
Dorsetshire,	2	Leicestershire,	2	Shropshire,	2	Yorkshire,	4
Number of members from English Counties,							82

WELCH COUNTIES.

Angleseashire,	1	Carmarthenshire,	1	Flintshire,	1	Montgomerysh.,	1
Brecknockshire,	1	Carnarvonshire,	1	Glamorganshire,	1	Pembrokeshire,	1
Cardiganshire,	1	Denbigshire,	1	Merionethshire,	1	Radnorshire,	1
Number of members from Welch Counties,							12

IRISH COUNTIES.

Place.	Mem.	Place.	Mem.	Place.	Mem.	Place.	Mem.
Antrim,	2	Dublin,	2	Limerick,	2	Roscommon,	2
Armagh,	2	Galway,	2	Londonderry,	2	Sligo,	2
Carlow,	2	Fermanagh,	2	Longford,	2	Tipperary,	2
Cavan,	2	Kerry,	2	Louth,	2	Tyrone,	2
Clare,	2	Kildare,	2	Mayo,	2	Waterford,	2
Cork,	2	Kilkenny,	2	Meathshire,	2	Westmeath,	2
Donegal,	2	King's	2	Monaghan,	2	Wexford,	2
Down,	2	Leitrim,	2	Queen's	2	Wicklow,	2

Number of members from Irish Counties,

64

SCOTCH COUNTIES.

Aberdeen,	1	Cromarty and	1	Inverness,	1	Perth,	1
Argyle,	1	Nairnshire,	1	Kincardine,	1	Renfrew,	1
Ayr,	1	Dunbarton,	1	Kirkcudbright,	1	Ross,	1
Banff,	1	Dumfries,	1	Lanark,	1	Roxburgh,	1
Berwick,	1	Edinburgh,	1	Linlithgow,	1	Selkirk,	1
Bute & Caithness,	1	Elgin,	1	Orkney & Shet-	1	Stirling,	1
Clackmannan &	1	Fife,	1	land,	1	Sutherland,	1
Kinross,	1	Forfar,	1	Peebles,	1	Wigton,	1
		Haddington,	1				

Number of members from Scotch Counties,

30

SCOTCH BURGHS.

Aberdeen,	1	Dysart,	1	Jedburgh,	1	Perth,	1
Anstruther,	1	Edinburgh,	1	Inverness,	1	Stirling,	1
Ayr, Irvine	1	Elgin,	1	Kirkwall,	1	Wigton,	1
Dumfries,	1	Glasgow,	1	Peebles,	1		

Number of members from Scotch Burghs,

15

ENGLISH BOROUGHS.

TABLE II.

Fifty Boroughs in Schedule A—i. e. having less than 2000 population, by the census of 1831; including Wilton, and Downton and St. Germain's.

Boroughs.	Popula- tion. 1831.	Houses, 1821.	Ass'd Tax's 1830.	Elect's Uni. Suff.	Ilchester,	975	165	145	195
					Looe, West	593	107	53	118
Aldeburgh,	1538	268	297	307	Looe, East	865	142	92	173
Appleby,	1359	145	487	271	Lostwithiel,	1074	206	344	214
Beeralston,			3	375	Ludgershall,	535	116	122	107
Bishop's Castle,	1729	344	311	345	Midhurst,	1478	234	802	295
Bletchingley,	1203	85	390	240	Minehead,	1494	265	316	298
Boroughbridge,	950	158	358	190	Newport, C.	1084	180	116	216
Bossiney,	1006	52	46	201	Newton, I. W.	68	14	—	13
Bramber,	97	35	16	19	Orford,	1302	217	144	260
Callington,	1388	232	221	277	Petersfield,	1423	262	513	284
Camelford,	1359	110	127	271	Plympton,	804	123	314	160
Castle Rising,	888	111	127	177	Queenborough,	786	175	82	157
Corfe Castle,	960	156	104	192	Romney, New	378	165	352	75
Dunwich,	232	38	75	46	St. Mawes,	459	101	31	91
Fowey,	1767	310	273	353	St. Michael,	97	24	34	19
Gatton,	145	23	206	29	Sarum,	12	2	12	3
Hasiemere,	849	124	379	169	Seaford,	1098	217	315	219
Hedon,	1080	182	270	216	Steyning,	1436	127	369	287
Heytesbury,	1413	26	306	282	Stockbridge,	851	134	252	170
Higham Ferrers,	965	154	168	193	Tregony,	1127	188	110	222
Hindon,	921	163	100	184	Weobley,	819	118	231	165

Whitchurch,	1673	268	343	334	Yarmouth, W.	586	97	172	117
Winchelsea,	772	187	217	154	Downton,	3961	582	361	799
Woodstock,	1320	258	487	264	St. Germain's,	2586	99	341	512
Wootton Bassett,	1896	379	321	379	Wilton, (B)	1997	299	492	397

TABLE III.

Forty Boroughs in Schedule B having less than 4000, and more than 2000 of population, by the census of 1831.

Boroughs.	Popula- tion, 1831.	Houses, 1821.	Ass'd Tax's 1830.	Elect's Uni. Suff.	Maldon,	3831	606	1114	763
					Malmesbury,	2785	275	338	557
					Marlborough,	3426	488	1276	685
Aldborough,	2475	258	474	495	Marlow,	2863	494	1741	572
Amersham,	2816	494	880	563	Okehampton,	2055	315	383	411
Arundel,	2803	472	877	560	Reigate,	3397	217	662	679
Bodmin,	3375	467	984	675	Richmond,	3900	748	1399	780
Buckingham,	3610	287	842	722	Rye,	3715	574	815	743
Chippenham,	3629	174	1057	725	Saltash,	3092	234	126	618
Dorchester,	3033	405	2103	606	Shaftesbury,	3061	546	528	612
Droitwich,	2487	474	519	497	Thetford,	3462	602	887	692
Evesham,	3976	746	1297	795	Thirsk,	2835	591	606	567
Grinstead, E.	3364	444	855	672	Totness,	3442	356	1088	688
Guildford,	3813	565	1630	762	Wallingford,	2545	386	1073	509
Helston,	3293	466	883	658	Bedwin, G:	2191	125	627	438
Honiton,	3509	697	1125	701	Brackley,	2107	354	302	421
Huntingdon,	3267	538	1773	657	Eye,	2313	340	411	462
Hythe,	2287	437	640	454	Milbourne Port,	2072	302	210	414
Launcesnto,	2231	253	537	446	Newton, L.	2137	275	151	427
Liskeard,	2353	414	542	479	Wareham,	2325	417	560	465
Lyme Regis	2621	401	852	522	Wendover,	2008	148	272	401
Lymington,	3361	417	1077	620					

TABLE IV.

Boroughs not included in Schedules A or B, together with such as were formerly included in the latter, but have now a population exceeding 4000.

Boroughs.	Popula- tion, 1831.	Houses, 1821.	Ass'd Tax's 1830.	Electors Uni. Suff.	Cockermouth	4536	766	609	907
					Colchester,	16167	2768	5713	3233
					Coventry,	27298	4470	6658	5439
Abingdon,	5622	355	1124		Cricklade,	11661	2266	—	2565
Andover,	4748	810	1704	949	Dartmouth,	4597	607	656	227
Ashburton,	4165	341	413	833	Derby,	23627	3516	5488	3412
Aylesbury,	4450	886	1220	890	Devizes,	4562	488	1746	529
Banbury,	1118	101	511	111	Dover,	14381	2347	3340	2875
Barnstaple,	6840	805	1455	1368	Durham,	9262	1175	3783	1886
Bath,	38063	5494	15885	7812	Exeter,	28242	3432	22497	5642
Bedford,	6959	1104	2047	1391	Gloucester,	11373	1794	4765	2271
Berwick,	8920	1061	2130	1784	Grantham,	7427	766	2196	1485
Beverley,	7422	1513	3000	1486	Grimsby,	4225	734	461	849
Bewdley,	4003	918	925	800	Harwich,	4297	699	906	859
Boston,	11240	2231	2953	2248	Hastings,	10097	1068	5144	2010
Bridgenorth,	5298	1021	1363	1059	Hereford,	10351	1929	4155	2075
Bridgewater,	7807	1110	2711	1561	Hertford,	4028	656	2394	801
Bridport,	4242	604	762	848	Hersham,	5105	288	1209	1021
Bristol,	59034	8451	33641	11806	Hull,	32958	5350	16182	6590
Bury St. Ed's	11436	1960	4994	2287	Ipswich,	20454	3412	5025	4090
Caine,	4795	461	1581	959	Kings Lynn,	13370	2323	2596	2674
Cambridge,	20917	2682	7751	4183	Knaresboro'	5226	976	1148	1045
Canterbury,	12190	2621	4585	2438	Lancaster,	10144	1803	4100	2028
Carlisle,	19069	1014	3798	3813	Leicester,	40512	6627	5278	8102
Chester,	21331	4076	37732	4266	Leominster,	4300	854	1051	8600
Chippenham,	4333	541	1057	866	Lewes,	6353	808	2475	1270
Chichester,	8270	1328	3785	1654	Lincoln,	13102	2145	3048	2620
Christchurch,	1599	936	557	319	Lichfield,	6281	1151	2476	1254
Cirencester,	4520	900	2731	904	Liverpool,	165175	27792	59086	33036
Clitheroe,	5213	550	406	1042	London,	121344	17534	198101	24263

Ludlow,	5253	1006	1995	1058	Carnaervon,	18106	1148	2498	3621
Maidstone,	15387	2276	4784	3070	Cardiff,	32777	671	4053	6555
Malton,	4173	774	952	783	Cardigan,	8120	448	1478	1624
Monmouth,	13815	—	7383	2763	Carmarthen,	15552	1128	2192	3110
Morpeth,	5156	478	946	1031	Denbigh,	11697	1400	2668	2339
Newark,	9557	1691	2856	1911	Flint,	28338	—	1427	5667
N. Castle u.l.	8192	1510	1764	1638	Haverfordwest,	10882	806	2703	2176
N. Castle u.t.	42760	4317	14961	8552	Montgomery,	16283	227	2090	3256
Newport I. W.	4398	731	1841	879	Pembroke,	10208	869	2422	2041
Northal'ton,	5118	567	1128	1023	Radnor,	7245	422	830	1449
N'hampton,	15351	2086	4127	3070					
Norwich,	61096	11031	15550	12219					
Nottingham,	50216	7676	9359	10043					
Oxford,	18460	2520	2735	3692					
Penryn,	4490	498	521	899					
Peterboro'	6511	983	2379	1363					
Plymouth,	31080	2384	8753	6216					
Pontefract,	9349	960	1811	1669					
Poole,	6459	1180	1702	1291					
Portsmouth,	50389	8506	—	10077					
Preston,	33112	4229	7394	6622					
Reading,	15595	2585	8661	3119					
Retford,	—	6724	924	—					
Ripon,	5080	178	3076	1016					
Rochester,	9891	1646	2356	1978					
St. Albans,	4772	744	1964	954					
Sandwich,	3084	578	785	661					
Salisbury,	9338	1684	5365	1867					
Scarboro',	8752	1883	2503	1750					
Shoreham,	—	210	196	—					
Shrewsbury,	16055	3155	8695	3211					
S'hampton,	19324	2249	11378	3864					
Southwark,	77799	13187	26271	15559					
Stafford,	6956	1013	1331	1391					
Stamford,	5837	919	3224	1167					
Sudbury,	4677	843	1131	935					
Tamworth,	7118	747	914	1423					
Tavistock,	5602	560	1282	1120					
Taunton,	—	800	2699	—					
Tewkesb'ry,	5780	1132	1575	1156					
Tiverton,	9566	1357	1651	1913					
Truro,	8644	464	1278	1728					
Warwick,	9109	1590	3227	1821					
Wells,	4048	505	1355	809					
Wenlock,	17435	3667	2723	3487					
Westbury,	7324	—	995	1464					
Westm'er,	202050	19275	303421	40410					
Weymouth M.	7655	1213	3747	1531					
Wigan,	20774	3288	2686	4154					
Winchester,	5280	769	2805	1056					
Windsor,	8661	811	3538	1732					
Worcester,	18590	2926	6900	3718					
Wycombe,	6299	519	1737	1219					
Yarm'th, N.	22028	4403	3192	4405					
York,	26260	3326	11514	5254					

WELSH BOROUGHS.

Boroughs.	Popula- tion, 1831.	Houses, 1821.	Ass'd Elec. Tax's 1830.	Uni. Suff.
Beaumaris,	13697	462	1404	2739
Brecon,	4193	977	1259	838

NEW BOROUGHS, TABLE V.

Names.	Popula- tion, 1831.	Assessed Taxes, 1830.	Elect's Uni. Suff.
Birmingham,	142251	28350	28450
Devenport,	44454	9678	8890
Finsbury,	244077	206848	48815
Greenwich, &c.	62009	21341	12401
Lambeth,	203229	108814	40645
Leeds,	123393	18800	24678
Manchester,	187022	40628	37404
Marylebone,	240294	290376	48058
Sheffield,	90657	12605	18131
Sunderland,	43078	4682	8615
Tower Hamlets	359821	118546	71964
Wolverhampton,	67514	6229	13502

NEW BOROUGHS, TABLE VI.

Names.	Popula- tion, 1831.	Assessed Taxes, 1830.	Elect's Uni. Suff.
Ashton U. L.	33597	1434	6719
Blackburn,	27091	2325	5418
Bolton,	41195	4215	8239
Bradford,	23233	2444	4646
Brighton,	40634	31800	8126
Bury,	15086	2161	3017
Cheltenham,	22942	21184	4588
Dudley,	23043	2536	4608
Frome,	12240	1960	2448
Gateshead,	15177	2036	3035
Halifax,	15382	3186	3076
Huddersfield,	31041	3941	6208
Kendall,	11265	3027	2253
Kidderminster,	14981	1920	2998
Macclesfield,	23129	2416	4625
Oldham,	50513	2436	10102
Rochdale,	35764	3143	7152
Salford,	50810	8970	10162
South Shields,	18756	1627	3751
Stockport,	25469	2652	5093
Stoke-upon-Trent,	52946	4950	10589
Stroud,	13721	2274	2744
Swansea,	19093	3644	3818
Tynemouth,	16926	2467	3385
Walsall,	15066	1735	3013
Wakefield,	12232	5530	2446
Warrington,	16018	2914	3203
Whitby,	10399	2035	2079
Whitehaven,	17808	2842	3561

CHAPTER XIV.

FRANCE.

Impeachment of the Ex-Ministers.—Riots of October.—Change of Ministers.—Trial of the Ex-Ministers.—State of Paris.—The Students.—La Fayette.—Riots of February.—New Ministry.—Finances.—Prorogation of the Chambers.—The Heroes of July.—King's Tour.—Dissolution of the Chambers.—Election.—New Chambers.—Celebration of the Three Days.—Resignation of Ministers.—Belgian Expedition.—State of Parties.

It is not our purpose, the present year, to enter so minutely into the affairs of France as we did in giving an account of the year 1830, including the great events of the revolution of the Three Days. A brief notice of the popular riots and ministerial differences, and of the few important acts of the government, which together constituted the incidents of the general period, will suffice on the present occasion.

The autumn of 1830 was chiefly occupied with the trial of the late ministers, and the various public movements to which the questions of their fate gave rise. After the successful issue of the Three Days, the new government of Louis Philippe took no measures for apprehending the ministers, being willing in fact that they should make their escape out of France. M. d'Haussez, Capelle, and de Montbel continued to avoid arrest, and took refuge

in other countries; but M. de Peyronnet, Guernon de Ranville, and Chantelauze were apprehended by the local authorities at Tours, and M. de Polignac in the same way at Granville in Normandy. Of course, the government had no remedy but to submit to the disagreeable necessity of bringing to punishment the responsible authors of the criminal occurrences of July.

Indeed, on the 13th of August, M. Salverte, one of the members of the Chamber of Deputies for Paris, moved for and obtained the appointment of a committee to draw up an act of impeachment against the ex-ministers for high treason. On the 29th, the examinations were had of the four ex-ministers under arrest. On the 23d of September, M. de Berenger delivered a report in behalf of the Committee, impeaching of high treason MM. de Polignac, de Peyronnet, Chantelauze, Guer-

non de Ranville, Capelle, and de Montbel, the subscribers of the ordinances of July,

‘For having abused their power, in order to falsify the elections and to deprive the citizens of the free exercise of their civil rights ;

‘In having arbitrarily and violently changed the insitutions of the kingdom, and being guilty of a conspiracy against the national safety of the state ;

‘In having excited civil war, and armed one class of citizens against another, and carried devastation and massacre through the capital, as well as through several of the communes.’

The report consisted, as is usual in French criminal proceedings, of an argumentative history of the offences of the accused. In the present case, it comprised a long history of the libercide schemes of the Bourbons ever since the restoration, from the laws of censorship in the time of Louis XVIII, down to the violent attempts on the constitution in the reign of Charles X. The report was accepted on the 28th of September, and on the 29th, M. de Berenger, Persil, and Madiez de Montjau were chosen commissioners, to prosecute the impeachment before the Peers in behalf of the Chamber of the Deputies. After various preliminary proceedings, the Chamber of Peers appointed the trial to take place before them on the 15th of December.

Meantime, the progress of the proceedings had produced a very serious effect on the tranquillity of the country and the composition of the government. The

popular voice claimed the capital punishment of the ex-ministers, as high criminals, guilty of an atrocious offence, and meriting a proportionate visitation of public justice. On the other hand, the King and his advisers, and indeed the prominent statesmen generally, were anxious to shun the repetition of those scenes of judicial bloodshed, which had dishonoured the first revolution, and yet were afraid to oppose directly the wishes of the people. The leading politicians hit upon a plan for attaining their object of a very singular nature. A project of law was introduced into the Chambers, for the abolition of capital punishments ; and an address to the King was voted, praying him to make use of his initiative, in order to force forward the passage of the law. Louis Philippe gladly responded to this call, and thus the nation saw the executive and legislative authorities conspiring together, as it were, to prevent the punishment of death from being inflicted on the ex-ministers in any event, thus forestalling the sentence of the Peers.

However well intended all this may have been, the effect of it was decidedly bad. The people were calling for vengeance on their late oppressors ; the popular agitators knew this ; and they took care to represent the proposed law as a plot to defraud the people of their rightful victims. In consequence of all this, mobs of the most dangerous description assembled before the Palais Royal on the 17th and 18th days of October ; and the national guard,

together with troops of the line, were put in requisition to maintain the very existence of the government. The King was obliged to temporise with the factious of his subjects. M. Odillon Barrot, the Prefect of the Seine, was directed or permitted to assure the people that justice would be done, notwithstanding the 'unseasonable' agitation of the question concerning capital punishments.

This address of Odillon Barrot produced a breach in the ministry; for the Chamber of Deputies took up the matter with great heat, as an attack on them; M. Guizot, the Minister of the Interior, was not less offended. On the other hand, M. Dupont de l'Eure, the Keeper of the Seals, supported the Prefect, as did General La Fayette. Hereupon M. Guizot, and his friend the Duc de Broglie, resigned their offices. A contest ensued between the *juste milieu* party—who maintained that the true policy of France was to obtain quiet and consolidate her present institutions—and the *mouvement* party, who were for carrying forward the principles of the revolution into fuller development. For this time, the latter party prevailed, and the ministry was re-organized on the 2d of November, with M. Lafitte as President of the Council and Minister of Finance, Marshal Maison, of Foreign Affairs, Marshal Gerard of War, M. Montalivet of the Interior, M. Dupont de l'Eure of Justice, and M. Merilhou of Public Instruction.

The trial of M. de Polignac and his associates commenced on

the 15th of December, the day assigned for that purpose. In anticipation of the most extreme popular excitement on this occasion, the Luxemburg was converted into a fortress, the most imposing array of military defence being employed to protect the court and the prisoners from the violence of the mobs of Paris. The public authorities had been justly alarmed by the disturbances of October, and had ample cause to expect a renewal of them at the present time. But all the intelligent actors in government affairs felt the necessity of guarding against any act of lawless violence being committed on the persons of the prisoners; because it would not fail to be considered by all Europe as conclusive proof that the new monarchy was destitute of vigor, and France subject to an irresponsible mob, as in the days of the *sans culottes* and *Septembrisers*. In fact, conspirators and agitators of all kinds were at work in Paris, eager to rouse the elements of anarchy into a storm, and ready to take advantage of the hour of confusion.

This important trial lasted only a week from the 15th to the 21st of December, inclusive. M. de Martignac, the head of the cabinet which Polignac displaced, did himself great credit by undertaking and ably conducting the defence of M. de Polignac; and each of the other ex-ministers had his counsel. The facts, on which the accusation was founded, were of course abundantly proved, although considerable difference appeared in the de-

gree of guilt of the parties, so far as regarded their disposition to violate the Charter. M. de Polignac's intentions and conduct proved to be much the worst, while M. de Peyronnet and Chautelauze reluctantly assented to what they did not originate or approve. And it appeared after all, that Charles and the Duke of Angouleme, the immediate victims of the Three Days, were the blind and deluded authors of the attack on the Charter, or at least the tools in this respect of some secret cabal behind the throne, which impelled the King and the Dauphin to act upon their ministers with all the influence of royalty.

But what crime had the ex-ministers committed? In England, so long familiar with bills of attainder and impeachments, and having an inexhaustible store of precedents for the prosecution of treasons, and state misdemeanors of every degree and variety, there would have been no difficulty in the course of proceeding in this case. But in France, which had always been without any form of ministerial responsibility previous to the revolution, it was no easy matter to find a law under which the accused could be convicted, guilty as they clearly were of the most flagrant offence against their country in levying war against the Charter, and thus overturning the monarchy itself, besides filling the capital with bloodshed. The 56th article of the Charter of 1814, provided that the ministers of the Crown might be tried for treason or embezzlement, and that laws should be

passed defining the offences and prescribing the punishment. But this had never been done. The committee of the Chamber of Peers, in reporting on this subject, took the ground that it was an inherent right of the government to punish individuals convicted of high offences, and even although no specific law existed to that effect. The commissioners for conducting the impeachment placed the prosecution on grounds a little more technical and professional. They discovered a pertinent clause in one of the ephemeral constitutions of the first revolution, the constitution of the year VIII, as it was called, which clause they contended was yet in force, inasmuch as no provision *in pari materia* had since been created.

M. de Martignac's defence was extremely ingenious, elaborate, and eloquent. He maintained, among other things, that the banishment of Charles X, and the disfranchisement of his family, had stripped the offence of the ex-ministers of object or legal cause. Their crime, he argued, being against a dynasty, which had ceased to rule, was not punishable under the government of Louis Philippe. The defence set up by M. Sauzet, the counsel of M. Chantelauze, was that the Bourbons came in upon France as enemies; that they and the country had been in a state of war ever since; and that the ex-ministers, belonging to the defeated party, were to be considered as prisoners of war, and of course not liable as for treason. It was easy, of course, to refute

these, and all the other arguments in defence of the accused, whose crime was too clearly proved, and too flagrant in itself, to pass unpunished. They were severally convicted and sentenced to imprisonment for life, the additional penalty of civil death being imposed on M. de Polignac for his greater share of guilt. The prisoners were immediately removed to the castle of Vincennes, to protect them against the possibility of violence, when the comparative mildness of their punishment should become known at Paris.

During the whole course of the trial, the situation of Paris was perilous in the extreme, and especially so in the last two days. Vast multitudes of workmen assembled around the Odeon and in front of the Luxemburg, and filled the other great squares in the regions of the Hotel de Ville and the Tuileries. Their chief aim seemed to be to procure the death of the state prisoners, and perhaps engage in plunder, if they should succeed in breaking down the public authority. They were unarmed, but among them were seen individuals of better appearance, who seemed to instigate and abet the violence of the rabble. Nothing but the loyalty of the National Guard preserved the government in this fearful crisis. Not less than 70,000 men were under arms on the last day of the trial; and during the whole course of it, Paris exhibited the spectacle of a city filled with hostile troops. Infantry lined the streets and squares, supported by powerful bodies of ar-

tillery and cavalry. The soldiers bivouacked in the public squares during the long winter nights, and the light of their watch fires added to the solemn gloom and anxious feelings of the time. La Fayette and the King himself spared no effort, by constant personal exertion among the soldiers and the populace, to sustain the loyalty of the former, and to check the violence of the latter. By these means, the threatened convulsions were averted, and on the 23d, when the prisoners were no longer in Paris, the people ceased to assemble, and the capital resumed its accustomed tranquillity.

During the disturbance, the mob had labored hard to persuade the students to place themselves at the head of the movement; and had they done so, and thus united their science and enthusiasm with the physical force of the artizans of the faubourgs, it is impossible to say what might have been the consequence. They refused to do this, and they afterwards made a great merit of their refusal. These young men, being some ten or twelve thousand in number, tendered their services to the King to assist in the preservation of order; and they subsequently alleged that he gave them, on this occasion, certain assurances of making concessions to the cause of liberty, which they accepted as the condition of their refusal to co-operate with the populace. And the Chamber of Deputies went so far as to associate the students with the National Guards, in a vote of thanks which they

passed in view of the preservation of the public peace. These ill-judged compliments, to mere spontaneous combinations of the students, had a very pernicious effect in rendering measures of rigor necessary to cure the presumption of these beardless politicians.

The Chambers were employed at this time in the permanent organization of the National Guards, and were disposed to abolish the office of commander-in-chief of that body, which had been created at the epoch of the Three Days, and bestowed on La Fayette. It was one of the first fruits of the counter-revolutionary re-action, which followed the successful conclusion of the late trials, and the suppression of the riots of December, to diminish the power of the republican patriot, honorably as he had used it in behalf of the new King. La Fayette perceiving, undoubtedly, the tendency of the government to disappoint the expectation of himself and his friends, and unwilling to lend the popularity of his name to a cause which he could no longer heartily approve, resigned the command of the great civic army, feeling this post, as he said, to be inconsistent with the theory of a constitutional monarchy. The Count de Lobau succeeded him as commander of the National Guards of Paris only. The retirement of La Fayette was followed by that of M. Dupont de l'Eure, and not long afterwards M. Odillon Barrot was dismissed, the great party, of which they were the most honorable and trusted

members, being thus placed in direct opposition to Louis Philippe.

The revolutionary spirit manifested by the students of Paris on several occasions induced the government to take measures to prevent their assembling in organized bodies, as they had been accustomed to do. This measure was, of course, the topic of much angry remark, and the occasion of much excitement among a class of persons, who felt themselves inseparably associated with the events of July, and who took great merit to themselves on that account, as well as for the *countenance*, so to speak, which they afforded the King during the trial of the ex-ministers. But all subjects of minor interest were for a time absorbed in the contemplation of the violences committed by the people in February, 1831, which were provoked by the extravagance of the Carlists.

It appears that, on the 14th of February, the Carlists availed themselves of the opportunity afforded them by the celebration of religious services in memory of the Duke of Berri, to undertake to pay some fantastic honors to the bust of the Duke of Bordeaux. This act of folly and infatuation was to be performed in the church of Saint Germain l'Auxerrois. It served to draw the popular vengeance upon the clergy, and occasioned a general burst of indignation in Paris, threatening the most fatal consequences. The mob attacked the Archbishop's palace, raised anew the ominous cry of 'à la lanterne,'

and made havoc of the *fleurs de lis* and of the crosses on the public edifices and monuments. Indeed, to prevent the public monuments from being needlessly injured in the attempt to deface the obnoxious symbols, the government saw itself compelled to interpose, and to remove them itself. Many arrests were made among the members of the Carlist party, who had thus wantonly outraged the public sense, by their ill timed manifestation of attachment to the dethroned dynasty. And a law was soon after passed, banishing forever the descendants of Charles X, rendering them incapable of acquiring property or enjoying salaries in France, and obliging them, within six months, to sell all their property in the kingdom, on pain of confiscation.

On the 13th of March, another change took place in the ministry, less favorable to the republican party, and the principles of the Three Days, than any of its predecessors since that period. M. Casimir Perier became President of the Council and Minister of the Interior, Baron Louis of Finance, M. Barthe of Justice, the Count de Montalivet of Public Instruction, the Count d'Argunt of Commerce, Admiral de Rigny of the Marine. The insolvency of M. Lafitte, occasioned in part by the events of the late revolution, rendered his withdrawal from the ministry necessary and proper. He was succeeded, however, by another banker, a class of persons who seem to possess a very decided, not to say undue, share of influence in the public affairs of France.

From this time, M. Perier, as the representative of the stationary party, is to be considered as the effective head of the government.

A great effort was made in April to aid the national finances, by subscriptions to be made at par, to a loan bearing five per cent. interest. This project had a favorable influence on the state of the funds, by contributing to confirm the confidence of all men in the stability of Louis Philippe's authority. On the 20th of the same month the Chambers were prorogued by the King after a session of eight months' duration, beginning with the establishment of the present dynasty on the throne. The acts of the legislature during this period had been of incalculable importance; but, in the opinion of a numerous party in the nation, it deserved as much censure for what it had left undone, as praise for what it had done. Parties had become very decidedly pronounced, upon the great questions of public policy, in the existing Chamber of Deputies; but the nation called for a dissolution of the body in order that a new one might be elected, under the amended Charter and laws of the present time. This dissolution speedily took place, and the new Chambers were summoned to meet for despatch of business on the 23d of July.

Vigorous efforts were made, in all quarters, by each of the great parties, which divided France, to return deputies conformable to its own views of the public good. The King made a tour of some of the departments, and was well

received wherever he went, so as to come back after a very triumphant and gratifying progress among his subjects. The result of the elections proved quite as favorable to the ministers as had been expected, and more so than it had been feared it would be. Odillon Barrot was chosen for five *arrondissemens*, Lafitte for four, and Casimir Perier himself for three; thus showing that popularity was not exclusively confined to the *mouvement* party. It very frequently happened, however, that the Carlist party united with the government party, so that both together proved an overmatch for the republican party, although neither would have been so alone. Of domestic questions, bearing upon the elections, the most exciting was that in regard to the peerage. It was the wish to a vast majority of the nation of take away from the peerage the quality of being hereditary, and the elections often turned upon this point.

Much anxiety had been felt at Paris in anticipation of the anniversary of the Three Days, which, considering the inflammable state of the people, and the readiness they had so frequently exhibited to engage in riots, it was feared would be rendered a scene of outrage and disorder. It passed off, however, in universal joy and harmony, and without any movements of a revolutionary nature, or any attempts at disturbance. The first day was devoted to mourning for the dead. Funeral masses were celebrated in all the churches of the metropolis, and in front of them were suspended

large black cloths, inscribed 'Aux victimes de juillet, 1830.' The second was a day of civic festivity. The third was celebrated as a grand military fête, and was closed with a review of the troops of the line, and the National Guards, to the number of 120,000 men. In short, although the popular voice was not with the King at this time, yet the people allowed no open manifestations of discontent or disloyalty to mar this festive commemoration of the great triumph of the principles of liberty.

When the Chambers assembled, their early proceedings were looked to with much anxiety, as indicative of the party opinions of the members. Casimir Perier had always declared that, if a majority of the Chamber of Deputies were against him, or their conduct was such as to betray want of confidence in him, he should retire from the ministry. The election of the President of the Chamber was understood by all to be the test, by which the temper of the body was to be determined, M. Lafitte being the candidate of the opposition, and M. Girod de l'Ain of the ministerial party. At the first ballot, it appeared that Lafitte had 168 votes, and Girod de l'Ain 171, but neither of them a majority of the members present, which was necessary to constitute a choice. On the second ballot, there being 359 members present, Girod de l'Ain had 181 votes, Lafitte 176, and Dupont de l'Eure 1; so that Girod de l'Ain having one vote more than was absolutely necessary, was declared to be elected.

Although the Ministers had thus gained the victory, yet it was by so small a majority that they considered it equivalent to a defeat, and M. Perier accordingly resigned, with several of his associates. But on receiving intelligence of the invasion of Belgium by Holland, he was induced, in view of the urgent necessities of the government, to resume his office, and await the demonstrations of the Chamber on the subject of the customary address of the King. The result was that the direction of the government remained in the hands of Perier.

And here, for the present, we close our account of the affairs of France. We have abstained from any circumstantial analysis of the debates in the Chambers upon domestic or foreign affairs, because it would require more space, to enter into them satisfactorily, than would be consistent with due attention to the important events in other parts of Europe. It will be sufficient to remark briefly on the great distinction of parties, and on some of the subjects, which gave occasion to the development of their differences. In the discussions of the press and in the votes and speeches of the deputies, it was easy to discriminate four parties, all clearly defined. The friends of the reigning dynasty, of the present order of things, and of peace with foreign nations even at some hazard to the national honor, constituted, it would seem, the majority of the deputies, and therefore gave the tone to the acts of the government. The Carlists were powerful from their united-

ness, their talents, and their standing in the community, although less numerous than the Orleanists, if we may so call the zealous adherents of Louis Philippe and the *juste milieu* system. The republicans, including those friends of monarchy who were for limiting the royal authority still more than at present, by giving additional vigor to the liberal elements of the constitution, were in high repute with the people, and were next in visible influence to the administration party. Finally came the Bonapartists, who were far from being a small or powerless party. In the elections, and perhaps we may say in ordinary proceedings of a public nature, the two latter parties often acted together, against the two former. But in times of confusion, whenever there was the least prospect of endangering or embarrassing the authority of Louis Philippe, the Bonapartist and Carlist parties appear to have lent their aid and exerted their influence, wherever they thought they could accomplish the most mischief; and thus it is, in political matters, that extremes act together in the promotion of the most opposite and irreconcilable purposes.

Independently of the affairs of Belgium, there were two great topics of foreign policy, which gave frequent occasion for disquisition in the Chambers, and excited the deepest interest among all the intelligent classes in France. These were the affairs of Poland and of Italy.

In regard to Italy, it is undeniable that the patriots in Lombardy and the Roman State not

only were invited to take up arms against their rulers by the example of France, but received some encouragement in their undertaking from responsible sources in that country. When, therefore, Austria marched her troops into the disturbed cities and districts, in violation of the principle of non-intervention, and thus suppressed, or enabled the local authorities to suppress, popular movements, which, otherwise, would have ended in revolutionising Italy, the revolutionary party in France demanded of their government that the proceedings of Austria ought to be taken as a ground of war, and in fact as a declaration of war against the revolution of the Three Days. But the French ministers adhered unchangeably to their pacific policy, and contented themselves with remonstrances against the conduct of Austria, and with insisting that her troops should evacuate the Papal territory and other parts of Italy, which they had invaded. Austria, of course, made the fairest promises in the world, and withdrew her troops, after the short period which was necessary to effect the object of apprehending the leading patriots, and re-establishing the *legitimate* rulers in their ill-used authority.

In regard to Poland, the question of inter-national law presented was a very different one from that of Italy, and the conduct of the French ministers was dictated by somewhat different principles. Austria interfered, in Italy, between the subjects and the rulers of countries over which she had no right of control. They were

independent states, however small they might be, and however dangerous their example to the Italian subjects of Austria. Of course, the conduct of the Emperor was clearly an act of intervention. Nicholas, on the other hand, marched his armies into Poland, in order to reclaim his subjects to their allegiance; and if France had engaged in war in behalf of the Poles, here would have been the intervention,—an intervention, necessarily implying the invasion of Prussia and the Germanic Empire, and, of course, involving France in war with Prussia and Austria, as well as Russia. Admitting, therefore, that the Russians had contemplated the invasion of Belgium, and perhaps of France, in a war against liberal principles,—and that the Polish insurrection was all that saved the French from this contest,—yet for France to have commenced hostilities in behalf of Poland, would have been to kindle the flames of war throughout Europe, and might have been disastrous to France herself, in the same proportion that it was beneficial to the Poles.

While, therefore, it is impossible to applaud the conduct of Louis Philippe's cabinet as to Italy, it seems equally impossible to condemn very pointedly their conduct in the case of Poland, in so far as regards their abstinence from war in her behalf. If, as the Poles allege, they were indirectly sacrificed by means of the negotiations and secret proceedings between France and England on the one side, and Russia on the other, then indeed

have the French ministers much to answer for to the world and to posterity. At the same time it should be avowed, that their procedure in regard to Belgium was prompt, decided, and honorable. And we should bear in mind, also, in considering the foreign policy of Louis Philippe,

his rigor in punishing the outrages of Don Miguel, and his liberality in discharging the claim of the United States, as illustrating, in contrasted force, the sense of honor, and the sense of justice, which should ever direct the councils of a magnanimous prince.

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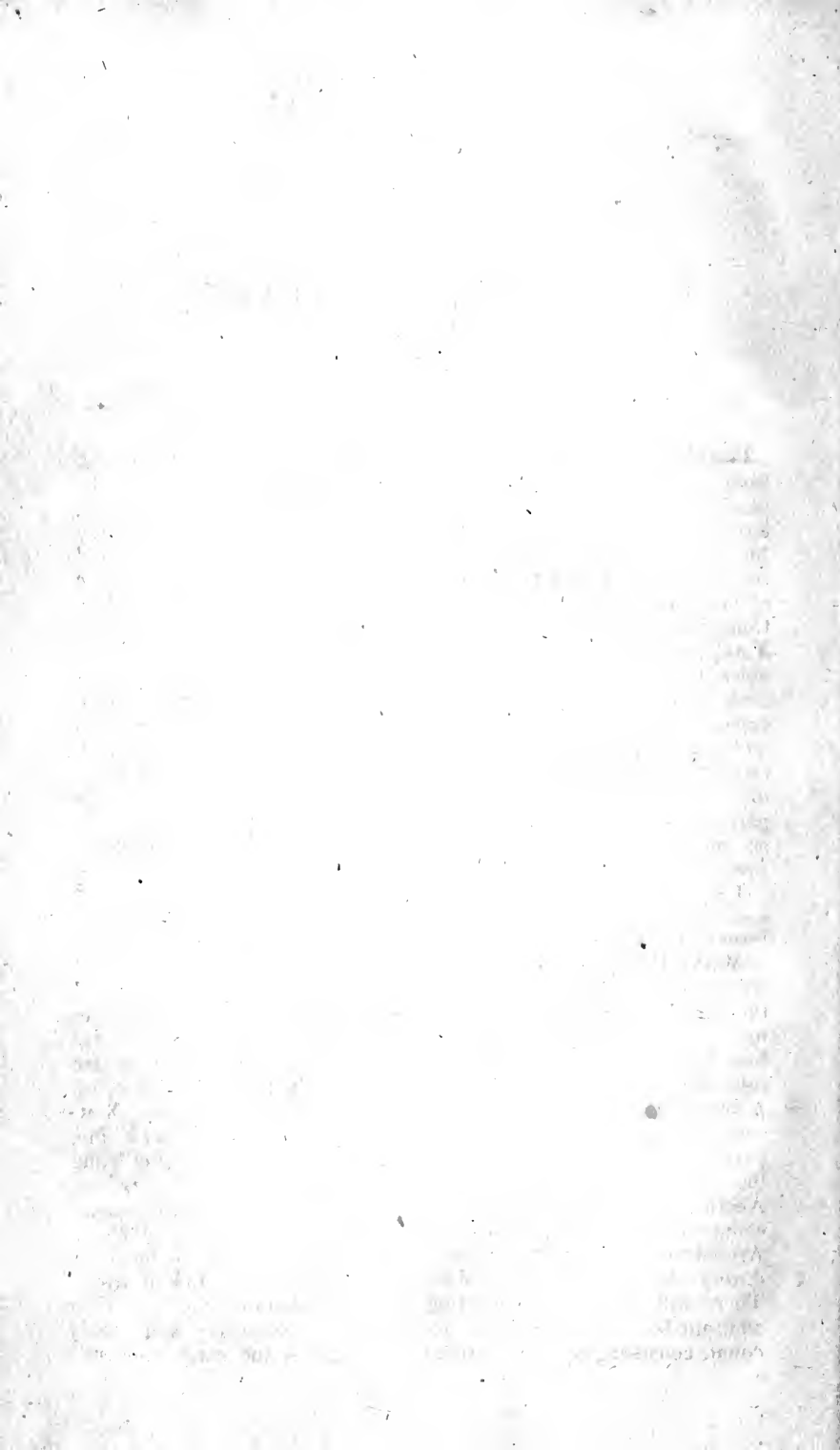
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LOCAL HISTORY

AND

DOMESTIC OCCURRENCES,

FOR THE YEARS 1830—31.



DOMESTIC OCCURRENCES.

MAINE.

THE election in this State, which, from the equality of the two parties, was regarded with some interest, took place on the second Monday of September, 1830, and resulted in the complete triumph of the administration party, in the Congressional districts of Oxford, York, Cumberland, Somerset, Penobscot, Washington, and Hancock. In Kennebeck district, an opposition member was elected, and no choice was made in Lincoln district. At the second election, however, the administration party prevailed, and thus obtained six members in Congress out of seven.

For Governor, the vote stood,
Samuel G. Smith, (Jackson,) 30,151
Jonathan G. Hunton, (opposition,) 23,552

MAINE HISTORICAL SOCIETY.—

The Penobscot Journal states, that the Historical Society of Maine has in press, and will shortly publish, a volume of papers relating to the objects of the association. About half of it will be taken up with a History of Portland, and that part of its vicinity comprised in the ancient town of Falmouth. Another interesting paper, is an account of the expedition of Gen. Arnold through Maine to Canada, during the Revolutionary War. There will also be an interesting and valuable illustration of this account, consisting of letters written

by Arnold on the march, giving an account of his progress, and the Journal of a British officer, who passed up the Chaudie, after the conquest of Quebec, by Wolf, and penetrated some distance into the State. This Journal, falling into the hands of Arnold, probably suggested to him the idea of the route he adopted. These documents were obtained for the society, through the agency of Col. Aaron Burr, who accompanied Arnold, and was by the side of Montgomery when he fell, under the walls of Quebec. This Society has an extensive and almost unexplored field for its labors. The early history of the State, presents many topics, which require elucidation, and to which the researches of the Society will doubtless be directed. The original grants, and varied forms and extents of government, in the western part of the State, the different provinces into which that quarter was divided; under the names of Laconia, New-Somersetshire, Lygonia and Maine, with the numerous and conflicting relations arising from the divisions, are topics of great, though perhaps not of general interest. More attractive subjects will be found, in accounts of various Indian tribes, formerly inhabiting the state, their predatory excursions, and bloody wars against the early colonists ;

of the incursions and settlements, conquests and defeats of the French with their alliances, at different times with the savages, particularly with the Norridgewocks and Penobscots, by the aid of the Jesuit, Ralle, in the one case, and the Baron Castine, in the other; of the ancient settlements on the coast, at Mount Desert, Penaquid, and Piscataqua, and others at different points; and of more recent interesting events, such as the occupancy of the soil, by the British, in the Revolution, and again in the late war; and in notices of men, who have been distinguished, from various causes, in the annals of the State.

NORTH EASTERN BOUNDARY.—This subject, by the extraordinary decision of the King of Holland, has become so important in a national point of view, that no apology is necessary for the insertion of the origin of the settlements now in dispute, extracted from a report, as we understand, prepared by Mr. Deane.

In 1782, Pierre Lizotte, then a boy of fourteen years of age, strayed from his home, in Canada, and found his way to the Indian settlement at the mouth of the Madawasca river, where he continued during the following winter. On his return to his friends, his representations were such as induced his half brother Pierre Duperre, to accompany him to the same place, for the purpose of trade with the Indians, the year following. They commenced their business on the south side of the St. John, from two to three miles below the mouth of Madawasca river. They were the first persons who commenced their residence at Madawasca.

Two or three years afterwards, say in 1786, the Acadian or neutral French, whose ancestors had

been settled at the head of the Bay of Fundy, or in the country which is now called Nova Scotia, and had been driven from thence, and had established themselves at St. Anns, (now Fredericton) and in that neighborhood, being disturbed by the introduction of the refugees, and the acts of the Government of New Brunswick, which dispossessed them of their farms, fled up the St. John in search of places of residence, out of the reach of British laws and oppression. Twenty or more families moved and settled themselves on the St. John, below the trading establishment, which Pierre Duperre had made a few years previous. Here they continued in the unmolested enjoyment of their property for some years.

Pierre Duperre being a man of some learning, had great influence with his neighbors; and the British authorities of the province of New Brunswick, seeing his consequence in the settlement, began early to caress and flatter him, and some time in the year 1790 induced him to receive from them a grant of the land he occupied. Influenced as well by Pierre Duperre, as with the hope of not being again disturbed and driven from their possessions, as they and their ancestors, more than once had been by the British, this large body of Frenchmen were also induced to receive grants from New Brunswick, of the lands they possessed, for which some were required to pay ten shillings, and others nothing.

About this period, 1790, another body of the descendants of the Acadian or neutral French, who had sought a refuge on the Kennebeckasis, were there disturbed in their possessions by the refugees, and the acts of the government of

New Brunswick; they also quit their possessions, and sought in like manner a refuge from oppression, with their countrymen at Madawasca. After having resided at Madawasca some years, they were induced, as their countrymen had been, to receive grants of the land which they had taken into possession from the Government of New Brunswick.

Single families afterwards added themselves to the settlement. A few families established themselves in 1807, a few miles above the mouth of Madawasca river. They all lived in mutual good fellowship, recognizing and practising the duties of morality and religion, and governed solely by the laws of honor and common sense. They continued to live in this manner to as late a period as 1818. The British had made no grant higher up the St. John than Pierre Duperre's, and had exercised no other acts of jurisdiction than those already mentioned, unless the transportation of the mail through Canada, and the granting a commission to Pierre Duperre in 1793, as a captain of militia, there being no militia or military organization there until 28 years afterwards, may be called acts of jurisdiction.

In 1798, the river St. Croix was determined, and its source ascertained, under the treaty called Jay's treaty. At this period, terminated all acts, and pretence of acts, of jurisdiction in the Madawasca settlement, by the British—and for a period of twenty years, and until it was discovered by them, that Mars Hill was the northwest angle of Nova Scotia—there is not even an attempt to exercise jurisdiction. The course of circumstances now became such, as again to excite the spirit of encroachment, and they issued two pro-

cesses against citizens of the United States who had settled in the wilderness, many miles beyond where the British had ever exercised any jurisdiction before, but these were not prosecuted.

In 1824, Sir Howard Douglas arrived and took upon himself the government of the province of New Brunswick as its Lieutenant Governor. In December of that year, he appointed four militia captains, and a competent number of subalterns, at Madawasca—but the persons appointed, did not accept their commissions until July, 1826; and subsequent to that time the militia were fully organized. Licenses to cut timber were also granted by New Brunswick.

In May, 1825, Lieutenant Governor Douglas granted a tract of land to Simon Hebert, at the mouth of Madawasca river. In May, 1825, he made another grant to Francis Violette, of a tract at the mouth of Grand river. He also appointed and commissioned many other military officers. In 1827, several processes were issued against citizens of the United States only one of which, that against John Baker, was ever prosecuted; but many of our citizens were driven away by them.

In 1829 or 1830, for the first time, a civil magistrate was appointed in the Madawasca settlement, and commenced acting as such. In a word, from the period that Lieutenant Governor Douglas entered upon the duties of his office, they have been constantly multiplying and extending their acts of jurisdiction.

The French inhabitants of Madawasca say, they are satisfied that their settlement is within the limits of the United States, and that they should like to live under its laws, but the British come and enforce

their laws upon them, and they have been obliged to submit to their jurisdiction.

In 1820 or 1821, three or four persons went up and established themselves on the banks of the Arostock. Several from the province of New Brunswick, and the State of Maine, the following year joined them. After the commencement of Sir Howard Douglas' administration, licenses were granted to cut timber in this region also, and civil processes were served upon the inhabitants. On this river, they had not, prior to his administration, exercised any act of jurisdiction whatever, that region adjoining the line, having in fact been surveyed and granted by Massachusetts, seventeen years before, to the town of Plymouth and Gen. Eaton.

In 1782, the government of Massachusetts contracted to sell the tract of land between the waters of the Schoodiac and Penobscot, extending back to the highland of the treaty. This tract was surveyed under the orders of the Government. The surveyor running and marking his lines, to highlands north of the river St. John, supposed at the time to be those described in the treaty of 1783.

In 1801, she granted the township of Mars Hill to the soldiers of the revolution. In 1806, she granted the township adjoining Mars Hill on the west, to Deerfield and Westfield Academies. In 1807, she granted a township of land to the town of Plymouth, lying on both sides of the Arostock, and bounded east by the line due north from the source of the river St. Croix, to the highlands. In 1803, she conveyed ten thousand acres to Gen. Eaton, bounded east by the

last aforesaid grant. All the aforesaid grants were made pursuant to actual surveys, which had been previously made under her authority. In 1808, or before, the line from the source of the St. Croix, due north, was run, under the authority of Massachusetts, as far as the river St. John.

In 1820, an examination and reconnoissance was made, under the authority of Maine, of the whole country on the Alligash river, and on the St. John from the mouth of the Alligash to the place where the line due north from the source of the St. Croix intersects it. The same year, the census was taken in Madawasca, under the laws and the authority of the United States.

In 1824, the Land Agents of Maine seized the timber which had been cut by trespassers on the Arostock. In 1825, the Land Agents of Maine and Massachusetts conveyed two lots, one to John Baker, and the other to James Bacon, lying on the St. John, about twelve miles above the Madawasca.

In 1825, the surveyors of Maine and Massachusetts, completed the survey of two ranges of townships, extending north from the Monument, at the source of the river St. Croix, to within less than half a mile of the river St. John, and the States divided between them, according to the act of separation of Maine from Massachusetts, the townships in those ranges which had not been previously granted.

In 1826, Maine and Massachusetts surveyed and divided five additional ranges of townships, lying west of the two ranges aforesaid, and extending nearly to the river St. John. And there never has been a moment, during which, Massachusetts, prior to 1820, and

Maine, since that period, have ceased to assert their jurisdiction over the whole territory.

The decision of the arbiter, advising a compromise of the matter, produced a great excitement in Maine. The legislature which was sitting, when the decision was promulgated, went into secret session on the subject, and strong resolutions were passed, expressing the unwillingness of the State to acquiesce in the decision.

An act was also passed, authorising the inhabitants of Madawasca, (a small settlement within the disputed territory,) to organize a town government, and to send a member to the State Legislature. In pursuance of that act, a meeting was held on the 20th of August, at the house of Peter Lizotte, on the west side of the St. John's, and within the line as laid down by the award, to organize a town government. Several officers of the province of New Brunswick were present, who forbade the proceedings. The meeting then adjourned to the open field, where the act of incorporation was read by Walter Powers, and the town meeting formally opened. Barnabas Hunnewell was chosen Moderator; John Harford, Daniel Savage, and Amos Matlocks, Selectmen; Jesse Wheelock, Town Clerk; Randall Harford, and Barnabas Hunnewell, Constables; and the officers chosen were sworn in. Shortly after, the British authorities with a military force, repaired to the settlement, seized Hunnewell, Wheelock, and Savage, carried them to Fredericton, where they were indicted and tried on the 15th of September, 1831, for sedition in conspiring to subvert his majesty's authority, and to set up and establish a for-

eign power and dominion in place thereof.

Previous to the commencement of the trial, the Attorney General intimated to the defendants, that they were at liberty to have the trial postponed until the next term, by giving bail for their appearance, themselves in £100 each, and two sureties in £50 each; but after some consultation among themselves, they stated that they did not think it would be in their power to procure bail; and were desirous that the trial should proceed.—The defendants conducted their own defence without the aid of counsel.

After a short deliberation the jury found a verdict of guilty, against all the defendants. On the 18th of October, they were brought into court to receive sentence, and being asked, whether they had anything to offer to the court, answered in the negative.

His honor, Mr. Justice Chipman, addressed them, and observed—

That it was sufficient merely to state the charge of which they had been found guilty, to show its aggravated character, without adding a word of comment. It was no less than a direct attempt to subvert the authority of the government, and to introduce the jurisdiction of a foreign State. That the defendants had to say, in their extenuation, that they were not the original authors of these proceedings; they appeared certainly to be instruments in the hands of others. They also set up in their defence a color of justification, which, they pretended, was given to their proceedings, by the acts and declarations of a person in the character of a British officer. These acts and declarations, however, went

no further than to abstain from preventing by force, proceedings not amounting to acts of sovereignty, of certain American Agents on the western side of the river St. John. The defendants appeared to be persons not wanting in understanding and discretion, and must have perceived the difference between the proceedings of the American Agents alluded to, and their own doings, which, although they took place on the western side of the river, were, nevertheless, expressly founded on an act of the legislature of Maine, which excluded the whole territory on both sides of the river, the extreme line, which, it was notorious, the Americans claimed as their boundary, and which would, doubtless, have been taken advantage of, as being acts of jurisdiction to the whole extent of such claim. The learned Judge here repeated what he had stated to the jury on the trial, that no such proceedings as those he had alluded to, either on the part of the British or American authorities, could be admitted to change the sovereignty and national character of the place. That it had now, for the second time, been most satisfactorily proved in this court, (once before in the case of John Baker) that this province had exercised an uninterrupted jurisdiction, ever since its first erection, over the Madawasca settlement. That if the time should arrive when this territory, or any part of it, was to be given up to the United States, or any foreign country, this circumstance must, and would be announced, by some public act of the British government, which would make known to the inhabitants, the transfer of the country, and the change of their allegiance. That until such public

act came, this court must, and would maintain the jurisdiction it had been accustomed to exercise. The learned Judge further stated, that there was another consideration which should have been well weighed by the defendants as cause of reflection. The defendants, although professing to be American citizens, and, therefore, not supposed to feel the same attachment to the British crown, even while living within the limits of its jurisdiction, as to the country of their birth, yet should have abstained from bringing into jeopardy the numerous French inhabitants of the Madawasca settlement, by seducing them from their natural allegiance. These inhabitants were natural born British subjects, and so far as the duty of allegiance were concerned, stood in the same relation to the crown, as the judges on this bench, or any other person in this court.

He further said, that the doctrine which the Court now asserted with respect to the maintaining the actual jurisdiction of the Provincial authorities, was the same which it had acted upon in the case of John Baker. The correctness of it he conceived was unquestionable, and to his knowledge had never been denied by any authority, British or American. The defendants in the face of that case, had proceeded to attempt a further subversion of that jurisdiction; and, although the Court was not disposed to inflict upon them unnecessary pains and inconvenience, yet they must be prepared to bear the final consequences of their own acts. The court in awarding their punishment, aimed at an effectual, but at the same time, a temperate assertion of the authority of the laws, such as it appeared to them the case, un-

der all its circumstances, required; and concluded by pronouncing the sentence of the court, as follows:

That each of the defendants do pay a fine to the King of fifty pounds, and be imprisoned in the common jail of the county for three calendar months, and stand committed until the said fines are paid.

These proceedings added to the excitement prevailing in Maine, and some of the public journals, advocated immediate action so far as to liberate the prisoners. The Governor called the council together, by which body, the following report was made, and ordered to be published:

The Committee of the whole Council, to which was referred the subject of the recent transactions at Madawasca, ask leave to report:—That in common with their fellow-citizens, they view with feelings of just indignation, the unwarrantable and oppressive acts of the authorities of the British Province of New Brunswick, in invading the territory of this State with a military force, and arresting a number of our peaceable citizens, compelling others to conceal themselves in the wilderness, and abandon their homes, in order to escape the violence with which they were threatened.

In this violation of the sovereignty of the State, we perceive the continuation of that system of encroachment, which, by our forbearance, the Provincial Government have long been enabled to practise for the purpose of extending their possession, and afterwards relying on that possession, as the only foundation of the extraordinary claim they still persevere in making to a considerable portion of the State.

In virtue of a warrant from a magistrate of the county of Penobscot, the inhabitants of Madawasca, on the 20th day of August last, assembled at a place southward of the St. John's river, on this side of the line designated by the Arbitrator as, in his opinion, a suitable boundary between the two governments, and proceeded peaceably to organize themselves, in pursuance of an Act of the Legislature of Maine, incorporating the town of Madawasca.

On the 12th day of September last, they held a town meeting for the purpose of electing a Representative, as required by the laws and constitution of this State.

For these acts, four of our citizens have been arrested by the authorities of New Brunswick, carried out of the State, and three of them, Barnabas Hunnewell, Daniel Savage and Jesse Wheelock, are now confined in jail at Fredericton, in execution of a sentence pronounced against them, after the form of a trial in a court of that Province.

As these citizens were arrested by a foreign power, at a place which is claimed and known to be within the limits of this State, and for the exercise of a privilege guaranteed to every citizen, we have no hesitation in coming to the conclusion, that the State is bound to adopt all proper and constitutional means within its power, to procure their release.

It appears by documents in the office of the Secretary of State, of this State, that immediately on receiving information of these transactions, the facts were communicated by the Governor to Mr. Livingston, the Secretary of State of the United States, with an urgent request that the proper measures might be adopted by the

general government to procure the release of our citizens and to protect our territory from invasion.

To this application, an answer was duly received from Mr. Livingston, under the date of 21st of October last, stating the extreme desire of the Executive of the United States to conform with scrupulous good faith to the arrangement made with the Minister of Great Britain, for preserving the state of things as it then existed on both sides, until a final disposition could be made of the question, and it was distinctly understood, that no exertion of the State authority, in the parts of the disputed territory which were actually held by the British, should interfere with this arrangement. It further appears by the documents communicated, that although the proceedings of the inhabitants of Madawasca were supposed to be a violation of that agreement, yet prompt measures were adopted by the President through the interposition of the Representative of the British Government at Washington, to procure the release of the persons who had taken part in these transactions.

We have caused an examination to be made, but no copy of the arrangement referred to, can be found among the archives of the State. And though allusion is made to such an arrangement in the correspondence between Mr. Clay, former Secretary of State of the United States, and the late Governor Lincoln, it was at that time asserted to have been violated by the British authorities, and we are satisfied that in numerous instances, it has been totally disregarded by them.

In order to show the views of the general government, with regard to the measures to be adopted

by this State, which are now the subject of our consideration, we refer to the following extracts from Mr. Livingston's letter before referred to. 'The President desires me to reiterate to you, his anxious desire that you would use your authority and influence to prevent any further collision with the British authorities, in the firm persuasion that the wisdom of Congress will direct such ultimate measures, as will bring the controversy to a close, consistent with the interest and dignity of the United States, and particularly of the States interested in the question. He receives the strongest assurances from the Representative of the British government, that no innovation will be countenanced on the part of its provincial functionaries; and on our part, good faith as well as the protection of the frontier, from unauthorized mutual inroads, require the same course of conduct.

In a previous letter to the Governor, dated October 5th, Mr. Livingston observes, 'the President directs me to say, that he relies on your Excellency's prudence to avoid any unnecessary exertions of authority over the contested ground, and to repress, as far as lies in your power, all such acts as may endanger the quiet of the bordering territory. Congress will meet in the course of a few weeks, and it will be a source of deep regret if the moderation and forbearance, which have hitherto characterized the government and people of Maine, should cease to guide them, when its further continuance for so short a period is of such consequence to the nation.

'After a full consideration of all the facts and circumstances within our knowledge in relation to the

subject submitted to us, we are of opinion that every proper and constitutional measure, at present, in the power of the Executive of this State, to procure the release of our citizens confined at Fredericton, has been adopted. And if the Committee have forborne to recommend more efficacious means for their immediate release, it is because they believe the State is not in possession of the constitutional power to exert them, without the concurrence of the general government.

'Believing that Congress, which is soon to meet, will adopt the necessary measures to bring this controversy to a close, consistently with justice, the peace of the nation, and constitutional rights of the State, which we believe will

never be voluntarily surrendered, and from a desire to conform to the wishes of the general government, we do not deem it expedient at this time, to recommend measures which might lead to collision with the British authorities.

'But from the exposed situation of our frontier settlements, and the dangers to which they are subjected by encroachments from the neighboring province, we recommend that the Governor be advised to issue a General Order, requiring the Militia of the State to hold themselves in readiness, to meet such requisitions as the President may deem necessary, to protect our territory from invasion, and our citizens from capture.

ISAAC LANE, PER ORDER.

In Council, November 7, 1831.'

NEW HAMPSHIRE.

ELECTIONS. At the gubernatorial election in this State, which took place on the 2nd Tuesday of March, 1831, the votes stood for Samuel Dinsmore, (Jackson,) 23,503 Ichabod Bartlett, (opposition,) 18,681 Scattering, 110

LEGISLATION. Forty-nine public and private acts, and nine resolutions were passed at the June Session, 1830. Among the acts was one authorising Commissioners to be appointed, in any of the other States, to take acknowledgments of deeds. \$45,000 was ordered to be raised by general assessment, and the poll tax was fixed at \$1.10. The other taxes were as follows:

on Stud horses,	\$10.00
Horses 5 years old,	.50
" 4 "	.35
" 3 "	.20
" 2 "	.10

Jacks, \$5.	Jills, 50cts.	do 2
years old,	30cts.	mules, 50cts.
do 4	years, 35cts.	do 3
years,	20cts.	do 2
do 2	years, 10cts.	Oxen, 30cts.
do.		do.

4 years,	20cts.
Cows 4 years old,	15cts.
Neat cattle 3 years old,	8cts.
do. 2 years,	5cts.
Sheep, 1	cent.
Orchard land yielding 10	barrels of cider or perry,
20 cents;	arable land producing 25 bushels
of corn,	20cts.
Mowing land producing	one ton of hay,
20cts.	pasture land sustaining one cow,
20cts.	Mills, carding machines,
wharves,	ferries, and toll bridges,
one twelfth	of income; other lands,
one half	per cent. of their value; bank
stock, stock in trade,	pleasure carriages,
one half per cent.;	funded property, and money loaned,
three	fourths per cent.

Commissioners were appointed to make a report, in relation to the existing laws on imprisonment for debt.

GREAT FALLS—SOMERSWORTH. Seven years since, this village contained but a single farm house, and was entirely a swamp. It now contains about two thousand in-

habitants, one hundred frame dwelling houses, ten large blocks of brick buildings, three churches, stores, &c. There are four cotton mills, and one woollen. The cotton mills contain, it is said, more spindles than are run by any other establishment in the United States, viz. thirty one thousand! with preparations sufficient to supply nine hundred looms, which produce six millions of yards of cotton cloth per annum. These mills consume annually above 3,000 bales of cotton, weighing 1,250,000 lbs. The largest mill is 400 feet long and six stories high, and contains 22,000 spindles and 650 looms. The cotton mills alone give employment to 90 men, over 100 boys and 600 females. They use from 7 to 8,000 gallons of oil, 200 tons of anthracite coal, 500 barrels of flour for sizing, and 300 sides of leather.

The mills, which are of brick, handsomely ornamented with hammered granite sills and window

caps, are arranged along a fine canal, 30 feet wide and from 6 to 7 feet deep, extending from the dam at the north of the village to the southern extremity of it.

The woollen mill is a six story brick building, 220 feet in length, containing all the machinery necessary for the manufacture of from 120 to 130,000 yards of fine broadcloth yearly. This is also said to be the largest woollen manufactory in America. Upwards of 200,000 pounds of wool, 5,000 gallons of oil, 150 tons anthracite coal, are consumed, besides indigo, madder, copperas, together with numerous kinds of drugs necessary in the manufacture of woollen cloth, annually giving employment within the establishment to 300 individuals. Connected with the woollen, is a carpet manufactory, where the best description of ingrain carpeting is made. The factory is capable of producing 150,000 yards annually.

MASSACHUSETTS.

MILITIA CLAIMS.—An act was passed at the 1st session of the 21st Congress, authorizing the adjustment of this claim upon certain principles.

The Secretary of War, however, was not disposed to facilitate the settlement, and the Governor of Massachusetts published the correspondence between himself and the War Department, with the view of bringing the subject under the notice of the public. The claim was finally adjusted, and the Governor, in a message to the House of Representatives, acknowledged the receipt of \$419,748 26 from the Secretary of the Treasury, under the act of Congress which provided for the settlement of the Massachusetts claims.

The terms of the act by which Maine was separated from Massachusetts proper, give one third of this money to that State. For some reason, the accounting officer cut short the appropriation *allowed* by Congress—which was \$430,748 26. The original claim was \$843,601 34.

ELECTIONS.—In Boston, the votes for members of Congress stood for

Nathan Appleton	3,341
Henry Lee	2,477

In Essex South, for	
Rufus Choate	1,750
Benj. Crowninshield	767
Mr. Cabot, (Jackson).	352

Without much opposition
 In Worcester North, J.G. Kendall;
 " Worcester South, John Davis;

In Middlesex, Edward Everett ;
 " Hampden, Isaac C. Bates ;
 " Barnstable, John Reed ;
 " Franklin, Geo. Grennell, jr. ;
 " Berkshire, Geo. N. Briggs ;
 " Norfolk, H. A. S. Dearborn ;
 " Plymouth, John Q. Adams.

In Essex North and in Bristol districts there was no choice.

The determination of the late President of the United States, to yield to the wishes of his neighbors and to represent them in Congress, excited much surprise among those who were unacquainted with the plain, unassuming republican principles, which had always characterised Mr. Adams's conduct, both in public and private. Great efforts were made to divert him from his purpose ; but, sustained by a consciousness of rectitude, he resolved to accept of the station offered to him, and to illustrate, in his own person, one of the fundamental principles of our political institutions.

Some efforts were made to excite an opposition, but he was elected by the almost unanimous suffrages of his district.

BANKS.

Abstract shewing the state of the banks on the first Saturday of June, 1830.

Due from the banks.

Capital stock paid in of 63 banks	\$19,295,000 00
Bills in circulation	5,124,090 00
Net profits on hand	544,496 62
Balance due to other banks	2,128,576 35
Cash deposited, and not bearing interest	3,574,957 04
Cash deposited, bearing interest	2,804,868 29
Total amount due from the banks	33,323,793 44

Resources of the banks.

Gold, silver, &c. in banks	\$1,258,444 05
Real estate	621,152 34
Bills of banks in this state	914,096 60
Bills of banks elsewhere	479,759 08
Balances due from other banks	2,191,087 62
Due to the banks, excepting balances	27,987,234 09
Total resources of the banks	33,366,142 61

Remarks.

Amount of last dividend, (6 months)	500,925 00
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Amount of reserved profits	398,763 74
Debts secured by pledge of stock	901,823 53
Debts due, and considered doubtful	462,045 06
Rate of dividend on amount of capital of all the banks, as existing when dividend was made 2 52-100 pr. cent.	
Average of 61 banks, making dividends 2 46-100 pr. cent.	

Several banks, whose capital has been reduced, return the rate and amount of dividend on their former capitals.

NORTH EAST BOUNDARY.—The Governor, in his speech to the Legislature, expressed an opinion against the validity of the award, and observed, that the King of the Netherlands palpably departed from the plain terms of the submission, and substituted a proposition to a compromise of difficulties, for an award of the matter directly in issue between the parties. As an arbiter, his office strictly was 'to apply a descriptive line of boundary, to corresponding appearances on the face of nature.' Rejecting these, he has attempted to establish a new course of division, denoted by monuments totally dissimilar, and, through a tract of country distant and widely different. By no rule of municipal or international law can such a decision be made of binding obligation. There is no occasion to inquire into the extraordinary influences, which may be supposed to have produced it. A preference by any portion of the subjects of his Majesty's province to a popular government, would have been as valid a reason for transferring Nova Scotia to the United States, as the convenience to the British Government of a road through the State of Maine to Canada ; for assigning the lands between the waters of the St. John's and the Highlands, intended by the treaty of 1783, to the British province. Confidently believing

that the award, *as an adjudication*, is altogether void, I can see no constitutional power in the nation, to require an acquiescence in it, on the part of the States, which would be prejudiced by its adoption. This must be left to their own volition. Massachusetts, it is true, can suffer directly, only in the loss of property; but her sympathies are not the less due to the State of Maine, in the greater stake of physical and political strength which is there at hazard. Were it not for the *Act* of separation, *her* condition had been *our own*. The consent of the parent State to the erection of territory to which she claimed an absolute title, of which, from time immemorial, she had been in the actual and exclusive possession, and over which she exercised undisputed jurisdiction, into an independent government, was, at least, an implied warranty against its subsequent liability to foreign dismemberment.

The inefficiency and inequality of the present system of militia laws, are then pointed out; and it is strongly recommended that the several States concur in laying the subject before the Congress of the United States.

The *fiscal* concerns of the commonwealth, are not, it appears, in a thriving condition. The expenditures exceeded the receipts from the ordinary sources of revenue; the disbursements for the past year having been \$681,481 68; while the receipts amounted only to \$625,059 23, leaving a deficiency of \$56,422 45.

FEDERAL JUDICIARY.—The determination expressed by the government of Georgia, to disregard the mandates of the Supreme Court of the United States, had now become so prominent a subject in the general politics of the

country, and so directly aimed at a dissolution of the bonds of the Union, as to command universal attention; and a Committee was created in the Massachusetts legislature, to take the subject into consideration. The following resolutions were reported by that Committee, and passed by the legislature.

Commonwealth of Massachusetts.

In the year of our Lord, one thousand eight hundred and thirty one.

Resolved, by the Senate and House of Representatives, that the Federal Constitution, the laws of the United States, made in pursuance thereof, and all treaties made under the authority of the United States, are the supreme law of the land; and that the Judges in every State are bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Resolved, That the Judicial power of the United States extends to all cases in law and equity, arising under the Constitution, the laws of the United States, and the treaties made under their authority; and that no State can rightly enjoin upon its executive officers to disregard or resist by force, any process or mandate which may be served upon them, in such cases, in due form of law, by authority of the Courts of the United States.

Resolved, That it is the duty of the President of the United States, to take care that the constitution, the laws of the United States, and the treaties made under the authority, are faithfully executed, anything in the constitution, laws or acts of any State to the contrary notwithstanding.

Resolved, That the Senators and Representatives of the State of Massachusetts, in the present and next Congress, be, and they here-

by are requested and instructed to use all the means in their power, to preserve inviolate the public faith of the country, and to sustain the rightful authority of the Government of the United States, in all its departments.

Resolved, That his Excellency the Governor be, and he hereby is, requested, to transmit a copy of these resolutions, and of the report proceeding them, to the Governors of all the other States; to the end, that they may be submitted to the Legislatures of the same, for their consideration; and also to the Senators and Representatives of the State, in this, and the next Congress. All which is respectfully submitted.

A. H. EVERETT,

Chairman of the Committee.

The House of Representatives determined at the June Session, 1831, by a vote of 291 to 108, in favor of an amendment of the constitution, reducing the number of representatives in the State legislature.

BERKSHIRE COUNTY.—But a few years since, says a correspondent of a Salem paper, this was a famous dairying county; but the diminished price of butter and cheese, from the immense quantities produced in the Western States, and the greatly enhanced value of wool, have caused an almost entire change of herds for flocks. In many towns, there are now more than twenty sheep for each inhabitant. In one little town, of about 800 inhabitants only, there are more than 15,000 sheep, mostly of fine fleeces, affording an income to the town of 20 or 25,000 dollars. The neighboring towns consume most of the wool raised upon the Mountains, as this region is very descriptively called. Lee has several paper

mills; Lanesborough, Pittsfield, Adams, and Lenox, and particularly West Stockbridge, quarry immense quantities of white and gray marble; and make a great deal of lime for the Southern market. In Adams, there is a statuary marble of a good quality; and in Lenox, very profitable bog iron ore, which is made into various castings.

TROY, or FALL RIVER, is situated on Taunton River, not far from the head of Mount Hope bay, and is accessible to vessels drawing four feet of water, at any stage of the tide. The population exceeds 4,000. The fall is about 128 feet in height, and extends 2,500 feet; it is divided by nine dams, which give to each an average fall of 14 feet. Here are eight cotton factories, which employ 1,276 hands, three fourths of whom are females; run 31,458 spindles, and 1,041 looms, and consume annually 6,108 bales, or 2,289,000 pounds of cotton. There are also here, a satinet factory, employing 160 hands, and producing 5,000 yards a week, which is equal to about \$195,000 per year; bleaching and printing works, where 260 hands are employed, and 16,800 yards are bleached and printed daily; at this establishment, 100 pounds of bleaching salts, and 100 pounds of oil of vitriol, are used daily; and 120 tons of madder, 1,000 tons of anthracite, and 400 tons of bituminous coal, are consumed annually.

There are also iron works, where a thousand tons of iron are manufactured yearly, and about 25 hands are employed.

NEW BEDFORD, situated on Buzard's Bay, contains about 8,000 inhabitants, and probably employs more shipping, than any town of its size in the United States, if not in the world. It is estimated, that there

are 40,000 tons, employed in the whale fishery, 10,000 in other foreign fisheries, 1200 in cod and mackerel fishing, and 8,000 in the coast-wise trade. The ship *Maria*, of this town, which was in port in August 1831, and ready for another whaling voyage, was bought on the stocks, by *William Roach*, in 1792. She was the first ship that ever hoisted the American flag in London, has been almost in constant employ, and was then able to perform three or four more voyages without repair. There are in New Bedford, three banks, three insurance offices, ten places of public worship, and seven large manufactories of sperm candles.

There are upwards of two hundred ships employed in the whaling business from that port, and the number is rapidly increasing. The benefits derived by that town, from this productive business, are immense. The tonnage of the port is considerably greater than that of Salem; and next in New England, to Boston. Its population has nearly doubled, in the last ten years; and it bids fair in a short time to outstrip the other New England commercial towns, in population, as it has already done in commerce. Its present population is 8,000. A great many new buildings are annually erected, and numerous other improvements are actively and constantly going forward. This prosperity is the result alone of the successful pursuit of the whale fishery.

The tenth sale of the New England Society (says the Boston Patriot,) was well attended, and the goods went off at high prices, and with great spirit. The sales will amount to upwards of \$400,000. We observed many southern purchasers present, more than at any previous sale. We understand that a very large lot of prints was offered for sale, amounting to nearly 220,000 dollars.

Speaking of the town of **LOWELL**, the Salem Mercury says—Speculations in land, in this flourishing town, have been carried within a few weeks, beyond all former example.—Numbers who but recently, were in moderate pecuniary circumstances, have amassed independent fortunes by this means. Real estate has risen within the last eighteen months, nearly *one hundred per cent.* Some lots of land well situated for business, which were sold within six months for two shillings per foot, have been sold within a few weeks for 75 cents a foot! Last Wednesday, a lot of land was purchased by two gentlemen for twenty-five thousand dollars, and on the same day they sold one half of it at *an advance of forty thousand dollars.* Buildings, it is said, rent for a greater profit in Lowell, than in any other town in New England, averaging fifteen or twenty per cent. per annum, on the capital invested.

RHODE ISLAND.

ELECTION.—*April*, 1831. At the gubernatorial election, the votes stood for Samuel H. Arnold (opposition,) 3778
James Fenner (Jackson,) 2877

THE HOME MARKET.—The consumption of cotton at Providence, R. I. and its vicinity, for the year ending 30th Sept. 1830, was 43,000 bales, worth \$1,700,000.

This cotton has been manufactured into about 70,500,000 yards of cloth, which has sold at about nine cents per yard, averaging the different qualities and prices, thus producing a gross sale of \$6,450,000.

PUBLIC WORKS IN NARRAGANSETT BAY.—An extensive plan for the defence of the waters of Narragansett Bay was projected, and carried on to some extent, under the last administration of the General Government. The plan embraced the erection of a formidable battery at Fort Adams, on the southerly part of Rhode Island, another at the Promontory of Canonicut Island, called the Dumplings, one at Tiverton Heights, on the Main, and a Dyke across the West Bay, between Canonicut and the Narragansett shore. The estimated expense of these works, which when completed would render the bay inaccessible to a hostile fleet, was \$3,000,000. Of this amount about 780,000 dollars was assigned to Fort Adams, the only part of the plan which is now in actual execution. This work is situated on a point which projects in a northerly direction from the south-west point of Rhode Island, called Brenton's Neck. Between this point and the Promontory of Canonicut Island is the main entrance from the ocean to Narragansett East Bay, and Newport Harbor. The principal battery encloses an area of twenty-seven acres, and is intended to mount three hundred and sixty pieces of ordnance. The wall is of hammered granite, surrounded by a glacis, or sloped bank of earth, and is, in most places, already carried to its intended height. It is adapted to two tiers of guns, and it is believed that a continuous mass of gra-

nite building of equal extent is not to be found in America. The whole rear is to be fitted for quarters for the officers and soldiers, on a scale for the accommodation of 6,000 troops.

Some idea of the formidable obstruction which this work will offer to an invading fleet may be gathered from the fact, that, at the north front, ninety-five guns, mounted in a wall absolutely impregnable, can be brought to bear at once upon a ship, during her passage along a line of view sufficiently extensive to allow of repeated discharges at different angles, and within range.

A GIANT.—*July, 1831.* The Pawtucket Journal of a late date says—We yesterday witnessed the disinterment of the Hon. *Joseph Jenks*, one of the first Governors of the colony of Rhode Island, who died on the 15th June, 1740, ninety-one years ago. The skeleton was nearly entire, and in a better state of preservation than could have been expected. Governor Jenks was probably the tallest man that ever lived in the State, standing, when living, seven feet and two inches, without his shoes. His thigh bones, when taken up, measured eighteen inches.

BANKS.—The following is the aggregate of the returns, from the fifty-one banks in this State, made to the General Assembly at the October session, 1831:—

Capital Stock	\$6,732,296 53
Deposits	1,290,603 17
Profits on hand	179,552 97
Due from Banks	112,261 49
Bills in circulation	1,342,326 50
Debts due from directors	853,298 69
“ other stockholders	697,921 13
“ from all others	6,695,505 74
Specie	425,692 38
Bills of other Banks	257,792 95
Deposited in other Banks	323,035 66
Bank and other Stocks	245,775 60
U. S. Stock	28,025 59
Real Estate	252,163 14
Personal Estate	8,453 68

From the above aggregate it appears that the increase of Bank Capital in this State, since the report of October, 1830, is \$743,485—and since June, 1831, of \$32,625.

CONNECTICUT.

Finances from April, 1830, to April, 1831.

Statistics.—The following is an abstract of the rateable estate and polls in Connecticut, as returned for the year 1830.

No.		Value.
42,251	Houses	\$21,043,727
2,623,266	Acres of Land	51,664,789
1,598	Mills	389,127
1,718	Stores	1,461,506
335	Distilleries	55,919
1,466	Manufactories	1,561,062
	Fisheries	108,149
34,527	Horses, Asses, Mules, &c.	1,200,132
243,542	Neat Cattle	325,587
268,239	Sheep	293,646
	Silver Plate and Plated Ware	10,541
5,187	Riding Carriages and Wagons	238,309
22,479	Clocks and Watches	174,710
	Insurance Stock	26,602
	Turnpike Stock	152,133
	Money on interest	2,078,675
	Resident Bank Stock	2,727,824
	Non Resident do	395,281
	do. Insurance Stock	5,904
		<u>\$87,404,621</u>
33,745	Polls a 20 Dolls.	674,500
	Assessments	141,902
		816,402
		<u>\$88,221,023</u>

The State tax levied on the above list, will produce, including the abatement of one tenth of the polls, and expenses of collection, \$37,340. From the interest of the Public Stock—Duties on Licenses—State Prison, &c. the other portion of the revenue is derived as follows :

Interest on U. S. Stock	\$1,659.08
Dividends on Bank Stock	21,842.56
Cash from States Prison	6,117.75
Duties on Licenses	4,779.58
Tax on list of 1829	37,453.70
Tax on non-resident Bank Stock	1,340.62
Forfeited Bonds, &c.	1,760.42
Balance in Treasury	13,773.31
	<u>\$89,527.02</u>

Expenditures.

Expenses of General Assembly	\$15,678.71
Salaries	8,484
Contingent expenses	5,635.09
Judicial expenses	24,106.20
Expense of State Paupers	2,000.00
State Prison	300.00
Quarter Master General	680.00
Public Buildings and Institutions	24,642.00
	<u>\$81,526.00</u>
Abatement of State tax and expenses of collecting	6,154.00
	<u>\$87,680.00</u>

Public Debt.

Permanent funds of State, exclusive of the school funds, Bank Stock	\$379,800.00
U. S. three per cents	55,302.66
	<u>\$435,102.66</u>

The population of Connecticut is 298,449. The average proportion of the expense of government, annually, is twenty-five cents for each person ; but the average proportion of the State tax is only twelve and a half cents.

The fund for the support of the common schools amounts to \$1,902,57. The amount of interest distributed to the schools in 1830, was \$77,333, being a dividend of more than 25 cents to each inhabitant of the State. A sum double to the amount of the taxes imposed to pay all the expenses of the State government.

STATE PRISON.—From the Report of the Directors that institution appears to be advancing in prosperity. The old prison began to be used as a place of confinement for British captives and tories, from 1775 to 1780, but it did not assume the denomination and character of the real *New-Gate* until the year 1790.

Early in the last century, as appears from the Colony Records, the mines in Granby were wrought in pursuits of copper ore, and it is ascertained from undoubted authority, that they were wrought with more or less success until the commencement of the revolutionary war. The State, soon after that event, purchased the principal cavern, and converted it into a prison. A resolution exists among our State records respecting the prisoners working the mines, and this affords some evidence, to say the least, that the government were induced to purchase, under the expectation, that the prisoners might be profitably employed in mining. But this idea, if it ever existed, was soon abandoned, and the prisoners were put to other employments. That prison was always an incubus upon the State, and often drew as much from the treasury, as all the outsets of the present establishment, and that at a time when the prisoners were only two fifths as numerous as at present. Public sentiment, which at first began to set slowly against the old prison, became a strong current in 1825 and 1826, and in the latter year the resolution was passed establishing the present prison. In December 1829, New-Gate was sold under the hammer for about \$1,200, and was subsequently purchased by the Phoenix Mining Company, who are proceeding with a due share of circumspection in working the mines.

From the statement of the Warden, it appears that the income of the Prison for the year ending March 31, 1831, consisted as follows, viz.

Smiths' Shop	\$818 96
Coopers' do.	852 19
Shoe do.	4,003 23
Nail do.	527 84

Carpenters' do.	3,403 52
Tailors' do.	19 03
Chair do.	4,247 94
Female Department	43 47
Received for interest	13 84
Received and charged for laborers	594 16
Received from visitors to the Prison	634 97

Whole amount of income \$15,166 18

Expenditures.

For Provisions	\$3,190 69
Clothing and Bedding	719 89
Wages, subsistence, fuel, &c.	3,137 89
Hospital	293 78

Total amount of expenditures \$7,342 16
Balance, gain to the Institution 7,824 02

\$15,166 18

This balance in favor of the Institution consists of debts due now, more than last year 2,639 43
Increased balance of cash 4,590 76
Increased amount of property on hand 593 33

\$7,824 02

Property on hand March 31, 1831, inventoried at 8,940 69
Debts due do. 5,618 62
Cash on hand 1,234 31

Whole amount of personal property March 31, 1831 \$15,793 02

Whole amount of appropriations from first to last about \$40,000 00

Whole number of prisoners, March 31, 1830 167
Received since, to March 31, 1831, inclusive 54

Discharged during the same period by expiration of sentence 32
Pardoned 2
Died 5

36

Total in confinement March 31, 1831 182
Males 147—Females 35 182

ELECTIONS—April, 1831.—The whole delegation to Congress (opposition) was re-elected.

The lowest on that ticket 10,038
The highest on the administration 5,260

BRISTOL.—In this town, which contains a population less than two thousand, *thirty thousand clocks*, of different kinds, have been made within the past year, averaging at least eight dollars each; at which rate, the manufacture of clocks in that small town, brings in an annual income of

\$240,000. Bristol contains two large factories for making brass clocks, in which about 800 hands are constantly employed.

LEGISLATION.—At the May Session, 1830, the General Assembly passed thirty-nine acts of a public nature.

Among them was one entirely remodelling the criminal law of the State. By it, capital offences were reduced to three—treason, murder, and arson causing death. Other offences are directed to be punished by confinement in the State Prison, either for life, or for a term of years, varying from two to ten years.

An act was also passed, declaring all persons believing in the existence of a Supreme Being, to be competent witnesses in courts of justice.

A tax of one third per cent. was imposed on the non-resident stockholders of Insurance Companies.

All debtors who had been discharged from imprisonment, or who were not liable to it, were to be considered as absconding debtors, and the creditors in that suit were authorized to proceed against their property in the hands of an attorney or agent.

VERMONT.

ELECTION.—In 1830, the votes stood, for Governor,

Samuel C. Crafts (opposition,)	13,476
William A. Palmer (anti-mas.,)	10,923
Ezra Meech (Jackson,)	6,285

No one having a majority, it became necessary for the Legislature, at the October Session, to choose a Governor, and on the 32d ballot, Mr. Crafts was elected.

Samuel Prentiss (opposition,) was also chosen to represent the State in the Senate of the U. States.

LEGISLATION.—The most important act passed at that session of the Legislature, was one allowing the defendants in judgments on contracts, to appear before the court during the term in which judgment is given, to be examined touching his property, and authorizing the court, after administering the oath of insolvency, to enter a record thereof,—and no execution was to be afterwards issued on that judgment, against the person of the defendant.

A law was also passed, by which the property of absent

debtors was subject to attachment in the same manner as the property of absconding debtors.

Persons imprisoned for torts, were to be allowed to take the benefit of the act for the relief of poor debtors, after having been imprisoned a *reasonable* time.

Resolutions were also passed, non-concurring in the amendment proposed by the Legislature of Georgia to the Federal Constitution, by which the present mode of choosing the President was altered, so as to deprive the House of Representatives of the power of electing, in any event: and in an amendment proposed by the Legislature of Louisiana, extending the term of the President to six years, and to render him ineligible after the first term.

At the election in 1831, the votes stood, for

William A. Palmer (anti-mas.,)	15,258
Heman Allen (nat. repub.,)	12,990
Ezra Meech (Jackson,)	6,158
Scattering	270

The anti-masonic ticket for

counsellors was elected; and the Legislature, upon the 9th ballot, elected Wm. A. Palmer Governor.

FINANCES.—The Report of the Treasury Department for the year ending September 30, 1831, was as follows :

Receipts.

Taxes	\$59,391
Court fees	1,569
Interest on arrears	1,443
Commissioners of Deaf and Dumb	199
Agents of foreign Insurance Co.	269
Law reports and revised Statutes	393
Bank Dividends	3,463
Pedlars licenses	639
State bank debts	3,137
School fund	2,569
Balance in Treasury	4,408

\$72,072

Expenditures.

Expenses of General Assembly	\$12,443
Salaries of Judges	4,138
do. of States Attornies	1,494
Court orders	17,337
Auditor's orders	4,236
Wolf certificates.	240
Deaf & Dumb	2,550
State prison	5,936
Special acts	2,404
School fund	9,586
Salaries of Executive officers	2,475

62,879

School fund	
Amount on bond & mortgage } at last report	27,723
Amount loaned since	9,586
	37,309
Amount paid to Commissioners	1,041

Amount now on loan 36,268

[A tax of three cents on the dollar, on the polls and rateable estate, was assessed on the list of

1831, for the expenses of the government; and a tax of five per cent. on all stock owned by the inhabitants of Vermont in foreign banks. A law was also passed at the November session, 1831, to provide a safety fund for the State banks. By that law a tax of three fourths per cent. on the capital stock of the banks was to be levied annually, until four and a half per cent. should be paid into the treasury, to provide a fund for the redemption of the notes and debts of insolvent banks. Whenever the bank fund should be reduced, by the demands upon it, below four and a half per cent. on the capital stock of the contributing banks, the annual tax of three fourths per cent. was to be levied, until the deficiency should be made up. Three bank commissioners were to be appointed to examine the condition of the banks, with power to apply to the Court of Chancery to close the concerns of any bank, whose condition is suspected. The general features of the system resemble those of the New-York bank fund system; for an account of which, vide Vol. III. p. 26.]

May 10, 1831.—A steamboat, laden with merchandize, arrived at Windsor, on the Connecticut river.

NEW YORK.

ELECTION.—*November, 1830.*—

The votes for Governor stood, for	
Enos T. Throop (Jackson,)	128,842
Francis Granger (Anti-mason,)	120,361
Williams	2,332

Finances.—For the year ending September, 1831.

Receipts.

Canals, tolls, revenue, &c.	\$1,202,531,31
Principal and interest on bonds for lands of the general fund	72,047 80
Principal and int. on do. of common school fund	35,263 09

Principal and int. on do. of literature fund	18,528 86
Principal and int. on loans to individuals	29,322 90
First payment on sales of lands of the general, school, literature, and canal funds	47,892 18
Fees from state offices	1,658 78
Bank fund	27,084 70
Bank dividends	18,103 80
Principal and int. of the loan of 1792	39,604 35
Ditto of the loan of 1808	49,616 35
Arrears of county taxes and interest	30,279 87

Tax on foreign insurance companies	2,567 16
Balance due from individuals	4,158 95
Sale of Revised Statutes	6,006 07
Military fines	1,147 26
Redemption of lands sold for county taxes	10,705 72
Sales of bank stock	42,093 24
Interest on canal stock, belonging to school fund	15,262 50
In full of the bond of the Corporation of Albany	51,508 22
From N. Y. health comm'r for mariner's fund	12,197 68
Various miscellaneous sources	22,947 95
	<u>\$1,740,531 16</u>

The nominal capital of the general fund is \$1,131,026 05
 By a law of the last sessions, the Comptroller was directed to ascertain the actual value of the capital of this fund. The report exhibits the real value to be

803,291 62

Leaving a difference between the nominal and real value of the capital of the fund, of \$327,734 43

Payments.

For salaries, governor, judicial, and state officers, &c.	\$23,413 77
Clerk hire in all public offices, Legislature, including contingent expenses	7,676 49
Court of Errors	75,006 80
State Prison at Sing Sing	3,987 80
Transportation of convicts	35,090 10
Common school dividends	9,602 09
Indian annuities to tribes	100,000 19
Courts martial	17,263 95
County treasurers	2,244 70
Regents of the University	46,023 43
Hospital in New York	5,653 56
Deaf and Dumb do.	16,875 00
Central Asylum	5,153 02
Foreign poor in N. York	1,440 90
State Library	5,000 00
Postage	1,062 38
Apprehension of criminals	1,997 51
Revising and publishing laws	2,000 00
Printing	5,614 46
Commissioners of the Canal Fund	13,714 46
Albany Basin Company, for tolls	1,276,965 44
Bounty on salt	2,822 37
Redemption of lands for county taxes, refunded	3,798 71
Bank fund, for purchase of stocks, salaries of commissioners, &c.	11,114 91
Special Council in the Morgan affair	14,966 33
	<u>2,722 30</u>

Witnesses in the Spalding case	3,363 12
Investigation, N. Y. Hospital	1,515 09
Trustees Seamen's fund	12,197 68
Various items of expenditure.	30,691 97

\$1,747,987 45

The bal. in the Treasury on the 1st of December 1830, was \$69,893 84.

The capital of the school fund including \$50,000 Middle District bank stock, is \$1,754,159
 Capital of literature fund, 263,508
 do. of bank fund, 26,499

Amount due from the general fund to the common school, literature, and bank funds, as follows, viz.

To the common school fund, capital \$61,887 64
 Revenue 80,662 33
\$142,549 97

To the literature fund, capital \$16,083 75
 Revenue 10,905 67

26,989 42

To the bank fund, capital 12,118 37

\$181,657 76

From which deduct the balance in the treasury on the 30th Sept. 1831, as above, 62,437 55

And there will remain a deficit of means in the treasury to meet the debt to the specific funds, of \$119,220 21 which sum constitutes the existing debt against the treasury, separate from the canal debt.

The canal debt is stated in the report as follows:—

Loaned at 6 per cent. \$2,943,500 00

“ 5 “ 5,112,145 86

Making a total of \$8,055,645 86

The estimated ordinary expenses of the government for the current year, as exhibited in the report, are \$269,967 36

The estimated income from the general fund, composed both of capital and revenue, and applicable to these expenses, is only 112,100 00

Leaving a deficiency in the income, from the fund applicable to it, to meet the ordinary expenses, of \$157,867 36

Erie and Champlain canals.

Total amount of expenditures, agreeable to report of

1821 . . .	\$2,004,523	52
1822 . . .	1,184,468	73
1823 . . .	1,941,962	37
1824 . . .	1,785,447	84
1825 . . .	1,356,720	18
1826 . . .	813,146	97
1827 . . .	368,103	51
1828 . . .	162,130	10
1829 . . .	91,902	72
1830 . . .	49,107	55
1831 . . .	21,340	69
	<hr/>	
	9,798,854	20

Oswego canal, from 1826 to date of the report (22d Feb. 1831)	538,241	02
Cayuga and Seneca canal—the same	172,594	51
Chemung canal—total	96,324	75
	<hr/>	

Total expenditures in making the canals \$10,606,514 48

The repairs of the Erie and Champlain canals, have cost, from 1826 to 1830, inclusive of both, \$1,076,380 90; the Oswego canal for 1828, 1829, 1830, and to Feb. 22, 1831—\$34,230 85; the Cayuga and Seneca, 1828 and 1830—\$13,947 00. Total cost of repairs \$1,124,558 84.

Aggregate statement of twenty-nine banks, reporting to bank commissioners, Jan. 1, 1831.

Discounted notes	\$11,155,025	88
Bonds and mortgages	272,940	20
Real estate	11,579	62
Stock owned	63,471	00
Expenses, &c.	48,159	87
Due from individuals on account	120,699	88
Specie	443,383	55
Notes of other banks	1,028,831	45
Other items counted as cash	169,497	77
Due from private bankers in New-York	1,049,323	38
Due from banks in New-York	1,663,896	29
Due from other banks and incorporations	1,246,447	23
Suspense account, &c.	8,309	20
Due from branches to parent banks	404,126	47
	<hr/>	
	\$18,115,031	04
	<hr/>	
Capital	\$6,294,600	00
Bank notes in circulation	5,870,935	39
Profit and loss	678,729	46

Deposits on account of debts	93,938	10
Dividends unpaid	30,841	89
State of New York deposits	129,763	58
Canal Fund deposits	1,484,873	14
Due to banks in New York	115,459	32
Due to other banks	1,394,025	62
Due private bankers in New York	69	99
Individual deposits	1,608,095	91
Due from branch to parent banks	404,688	64
	<hr/>	
	\$18,115,031	04

Of the banks subject to the Safety Fund law, the total capital employed, is \$6,294,600 00

Stock owned by non-residents of the state	891,964	00
Bank notes in circulation	5,870,934	00
Specie on hand	443,383	55
Director's liabilities to the bank	1,288,783	33
Stock owned by directors	1,696,160	00
The capital employed of the banks not subject to the safety fund, is	21,323,460	00
Revenue of the canals for the year 1830	\$1,556,799	00

Salt.—Amount inspected during the year 1830,—1,430,000 bushels.

Education.—Colleges, 4; medical colleges, 2; academies, 55; students in the colleges 506; in the medical colleges 276; in the academies 3,835. Common school districts, 9,062. Scholars taught in common schools, 499,424. Expended annually for the support of the common schools, \$1,061,699; of this amount, about one tenth is derived from the revenue of the school fund, another tenth is raised by a tax upon the property of the towns respectively; something less than two tenths is raised by a tax upon the property of the district, in pursuance of a vote of the inhabitants thereof; and the residue, nearly six tenths, \$617,820, is paid by the parents and guardians of the scholars, for books, and for the balance of their school bills, after the public money has been applied.

The average number of those attending school, compared with the whole number of inhabitants of the state, is as 1 to 4, very nearly. In Russia, there is one child at school for every 7 inhabitants; in Bavaria 1 to 8; in England 1 to 15.

Clergy in the state	1,332
Attorneys and counsellors at law	1,741
Physicians and surgeons	2,549

Military Establishment.

Horse artillery	1,716
Cavalry	5,814
Artillery	12,803
Infantry, including riflemen	166,514
27 companies of artillery and cavalry, attached to infantry for inspection	1,679

Total rank and file 183,526

Agriculture.

Acres of land in the state	29,495,720
Acres of improved land	7,160,967; value 179,024,175
Value of neat cattle, horses, sheep, and hogs	42,264,137
	\$221,288,312

Population, 1,934,496. Yards of woollen, cotton, and linen cloths manufactured in 1830, 14,466,226. Number of grist mills, 2,264. Saw mills, 5,195. Oil mills, 121. Fulling mills, 1,222. Carding machines, 1,584. Iron works, 170. Trip hammers, 164. Distilleries, 1,129. Asheries, 2,105.

There are 237 newspapers—publishing annually, as is estimated, 14,536,000 printed sheets.

Manufactures. There are 88 cotton manufactories, 208 woollen, 200 iron.

Cotton. The cotton manufactories employ about 132,000 spindles. About 22,000 bales of raw cotton are used, and the annual value of cotton goods manufactured, exceeds \$3,000,000.

Wool. Value of woollen goods annually manufactured (exclusive

of those made in families,) considerably upwards of \$3,000,000.

Iron. Value of annual manufacture, \$4,000,000.

Paper. About 50 paper mills. Value of annual manufacture, \$500,000.

Hats. Value of annual manufacture, \$3,000,000.

Boots and shoes, do. do. \$5,000,000.

Leather, do. do. \$2,905,750.

Window glass, do. \$200,000.

Manufactured in families as per state census returns.

Fulled cloths, 2,918,233 yards, value \$2,918,323.

Flannels and other woollens, not fulled, 3,468,001 yards, value \$693,600.

Linen, cotton, and other cloths, 8,079,992 yards, value \$1,211,998.

LEGISLATION.—At the session of 1831, an act was passed abolishing imprisonment for debt, in suits upon contracts, except in case of fraud, and then authorising close confinement. It, however, allows the prisoner to be discharged, upon his assigning his property for the benefit of his creditors.

A joint resolution was passed, declaring it to be the sentiment of the legislature, that the charter of the bank of the United States ought not to be renewed. On the passage of the resolution, the votes stood in the Assembly,

Ayes	73
Nays	35

In the Senate,	
Ayes	17
Nays	13

An amendment to the state constitution was proposed and sanctioned by the legislature, vesting the choice of the Mayor of the city of New York, in the electors of that city; and another amendment to reduce the tax on manu-

factured salt, to six cents per bushel.

A resolution was also proposed in the Assembly by Mr. Selden, and passed without opposition, declaring, if the Senate concur, that the surplus revenues of the United States, beyond what shall be deemed by Congress necessary for the expenses of the general government, and a proper provision for public defence and safety, ought to be annually distributed among the several States, according to their population, to be estimated in the manner pointed out by the second section of the first article of the constitution, for the apportionment of representatives and direct taxes.

In the Senate, the resolution was referred to a Committee, which reported in favor of its passage, but opposition being manifested to it, it was never acted upon.

CONTROVERSY BETWEEN NEW YORK AND NEW JERSEY.—By certain documents which were laid before the legislature, relative to the controversy between that State and the State of New Jersey, as to territory and jurisdictional limits, it appears, that New Jersey commenced a suit in the Supreme Court of the United States, in which she sets forth that she is justly entitled to the exclusive jurisdiction and property of, and over the waters of the Hudson river, from the 41st degree of latitude, to the bay of New York, or midway of the said river, and to the midway of the channel of the said bay of New York, and the whole of Staten Island Sound, together with the land covered by water of the said river, bay, and sound, in the like extent. To bring the matter to an issue, she filed her bill, and procured a subpoena to be served

on the governor and attorney general, to appear on behalf of the people of the state of New York, and answer thereto, under the penalty of five hundred dollars. The governor informed the legislature, that unless otherwise directed, he should instruct the attorney general to protest against any waiver of right by appearing, but to appear to contest the suit in its progress.

In the first instance, the governor, upon the advice of the attorney general, determined not to appear, nor to acknowledge the jurisdiction of the federal court; but the public opinion of the state, was so decidedly expressed against that course that he was compelled to forego his purpose, and offer the decision of the supreme court in January Term, 1831, ordering the State of New York, to appear at the next term, or in case of default, the Court would proceed to hear the cause, the governor transmitted the following message to the legislature, setting forth his reasons for refusing to appear upon the first citation.

Gentlemen,—I consider it my duty to lay before you, the accompanying communication from the attorney general, concerning our controversy with New Jersey. The matter to which it relates, derives much of its importance from the grounds assumed by the judges of the supreme court of the United States with regard to their powers; and I feel bound to present to you my views of the subject, as well as the course which I feel impelled, by a regard to the interests and honor of the state, to pursue, unless you shall think proper to give it a different direction.

You are apprised, by the accompanying papers, and those which have preceded them, from the same

source, of the several steps taken by the State of New Jersey, to compel our appearance before the national judiciary, to contest with her the question of sovereignty over a portion of the waters of Hudson river. It seems to be a mere sovereignty over the waters, inasmuch as New Jersey admits in her bill of complaint, that, whatever right she may have had to the islands, those rights have been lost by adverse possession and the lapse of time.

‘The attorney general, with my sanction, has hitherto declined to appear in court, and respond to the complaint, without intending any disrespect to that high tribunal, and in a manner, which I trust, precludes the imputation of such a motive. His refusal to appear, was grounded upon the belief, that the court has not been invested with the power to take cognizance of original suits where a state is made a defendant party. The reasons for this opinion, is more fully detailed by the attorney general, but may be succinctly stated as follows:—

‘1. It was not designed, by the constitution, to confer that power on the court, until congress had legislated upon it, and declared *what* controversies between states were proper to be entertained by the court, and what should be the mode of proceeding. The constitution is silent in regard to both of these matters. A strong argument in favor of this construction, is afforded by that clause in the constitution, which, after enumerating the powers of congress, adds, “To make all laws which shall be necessary and proper for carrying into execution, the foregoing powers, and *all other powers* vested by the constitution in the government

of the United States, *or in any department or officer thereof.*”

‘2. That congress had passed no laws for those purposes,

‘In 1789, a judiciary act was passed, giving writs and other proceedings in all cases, other than those where a state was defendant. This was a practical construction of the constitution, and showed their opinion, that legislation was necessary to enable the court to proceed. And by neglecting to provide specifically for proceeding in controversies between states, they indicated their opinion, that the time had not arrived, when it would be proper for the court to entertain such suits. The meaning of congress is most distinctly marked by the wording of the judiciary act. It grants to the court the power to issue certain writs; and further, “all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and *agreeable to the principles and usages of law.*” Now, as no mode as proceeding against a sovereign state, is known to the common law, it would seem to be a fair conclusion, that congress designed, by precise and unequivocal language, to exclude an implication that the power to proceed against a state was granted by the act.

‘3. Although the court has frequently attempted to exercise this power, by entering suits against states, and summoning them to appear and answer, no state had ever obeyed their summons; thereby virtually denying the power of the court.

‘4. Several attempts have been made by states, to prevail upon congress to pass laws for this object; but they have uniformly refused to

vest this power in the court. Two of these attempts made in 1822 and 1828, are detailed in the several reports of the attorney general.

'5. The state of New Jersey has impliedly admitted the want of power in the court, by her attempt to obtain the passage of a law in 1822, and by a proposition made through her commissioners to the commissioners on the part of this state in 1827, to submit this controversy to the supreme court, as an impartial tribunal, to arbitrate between the parties.

'Taking the foregoing view of the subject, I did not consider myself justified in permitting the state to be represented as a party defendant before a tribunal which had no right to exercise authority over us, and which I confidently hoped would, on a review of its own powers, come to that conclusion.

'But the matter has now assumed a new aspect. The opinion of that court, shows that they view that subject differently, or at least, are disposed to assume the jurisdiction on an *ex parte* case.

'The grounds upon which it is supposed that the court claims cognizance of the controversy, are,

'1. That ample power is given to them by that clause of the constitution, which ordains that "The judicial power shall extend to controversies between two or more states." That having the power, the means of exercising it are incidental; and that they may, by rules of court, prescribe the forms of proceeding.

'That the proceedings in suits before that court, prescribed by statute, are applicable to cases where a state is defendant, and that, therefore, congress has legislated on the subject: and

'3. That the decisions of that court have been uniform, in all

cases which have come before it, and support the authority of the court.

'We have now reached a point in the progress of this litigation, where the future action of the state should be determined upon with deliberation, and governed by a due sense of all the high responsibilities resting upon us, as citizens of the United States, and members of a corporate state sovereignty. This state can never forget that she is a member of the union, and has a large stake in its perpetuity. While she will permit no encroachments on the part of the general government, she will put forth her strong arm, in time of need, to support it in the exercise of its acknowledged powers. If, on this occasion, she is compelled to differ with the national judiciary, I have no doubt, that she will do so firmly and dispassionately, and afford a becoming example of respect towards the tribunal deemed worthy by the founders of our government, to be the depository of the power for preserving the peace of the Union.

'It was undoubtedly a part of the design of our government, to have a judicial tribunal to decide on all questions of conflicting rights, growing out of the limitations of the sovereignty of the states, and the specific delegations of power to the general government. And one of its special objects was to adjust amicably, all such differences as might arise between the states. The want of such a power, with sufficient energy to enforce its decisions, was one of the leading motives for proposing a constitution.

'Every worthy American must be penetrated with feelings of gratitude, when he contemplates the beautiful structure of our govern-

ment, and the wonderful harmony and adaptation of its parts. The people, although divided into several communities, are, nevertheless, by their compact, bound together in fraternal relations, under a common head, with all the same social interests, duties, and feelings, which belong to a consolidated nation. In its great outlines, human wisdom could not devise anything more perfect, to secure to those who live under its protection, in the possession of their rights, and to defend them from calamities attendant upon civil dissensions. It would have been essentially defective in its arrangements, if provision for the adjustment of disputes between the members of the confederacy had been omitted. An appeal to arms, which is the only means of redress by one nation for the wrong committed upon it by another, is ill suited to the condition of the members of the same political family.

‘But in this part of the system, an inherent difficulty reminds us of the imperfections of all human works. Our government is based upon a written constitution, which is the rule of conduct for all the constituted authorities. Legislative discretion finds its limits there. Who shall decide when its boundaries are transgressed? If this power had been placed in congress, then not the constitution, but the will of that body, would be the fundamental law of the empire. It is in the nature of things, that there must be an irresponsible power somewhere; and in the adjustment of the parts of our government, it was deemed essential to the uniformity of its action, to place it beyond the influence of those commotions arising from popular errors, which indiscriminately destroy, and soon pass away. This

power was, therefore, intended to be placed in judicial officers, rendered immovable save for misconduct.

‘This body, being the ultimate tribunal, from which no appeal lies, must necessarily decide, among other things, upon its own constitutional powers. The only relief from its errors, rests in a resort to amendments of the constitution, to an impeachment of the judges, and in cases of flagrant usurpations, to a refusal by the officers to execute its decrees, or a forcible resistance on the part of the state which is sought to be subjected to its power.

‘While we deny to the supreme court the right to bring us before its judgment seat, we have no reason to believe that it designs to usurp authority over us, or that it will persist in enforcing a jurisdiction, when it is convinced of its error. Indeed the court seem to invite us to a discussion of their power, in the closing part of their opinion, where they say, that “the question of proceeding to a final decree will be considered as not conclusively settled, until the cause shall come on to be heard in chief.”

‘However clear we may consider the question to be, that the court has no power, yet the only peaceful tribunal which has cognizance of the question has decided it, provisionally against us, and it becomes a question of magnitude, whether we shall now assume an attitude of resistance, or whether we shall embrace the opportunity still presented to us, to debate the question.

‘It will be proper to inquire in the first place, if any and what rights of the state, will be compromised, by any appearance in court to contest the jurisdiction, and ultimately to try the merits of

the dispute between the states. A resort to forcible resistance would be both unwise and unbecoming in the state, except on undisputed ground, and at the last point of forbearance.

‘It has been feared by some, that if we should appear in court, we should thereby waive our right to object to the jurisdiction in the subsequent progress of the cause. If a law of congress be necessary to give effect to the constitution, and the court takes no jurisdiction without it, then appearance by the court waives nothing. Jurisdiction cannot be conferred by an act which does not extend it over all of the states. The constitution or the law, or both conjointly, may confer such a jurisdiction, but no state can bestow it either by implication or express consent. It is a rule of law, that the consent of a party does not give jurisdiction; a court takes no more power by virtue of it, than an unofficial person. The authority of a tribunal erected by the consent of the parties, is derived from the submission, and cannot be extended beyond its term. Contending, as we do, that the clause of the constitution which declares that the judicial power shall extend to controversies between states, is a dormant power, and does not attach to any tribunal until it is vivified by an act of congress, our appearance, in compliance with a summons from the court, under a protest against its proceedings, will admit nothing.

‘But supposing that this position is untenable, and that the constitution should be interpreted to mean to invest the court with a jurisdiction, which is unable to execute, for want of process to bring the parties into court; yet we have a right to contend, and I think we will be sustained by the court, and

the enlightened sense of the American people, that the technical rules of law, so proper and expedient in ordinary causes between private parties, ought not to apply to a case so peculiar and momentous. This case is entirely anomalous, involving a great and fundamental question of right; it is to determine the limits of power between a state sovereignty and an arm of the national government, beyond which, there is no appeal, except to that which severs the bonds of the Union, and involves us in all the horrors of a civil war. Such rights as we contend for, are not to be controlled by technicalities, and cannot be waived by an implication. We have too much regard to the public peace, too much respect for the constituted authorities, too much interest in sustaining the national, as well as, state governments in their proper spheres, to put at defiance any branch of authority created by the constitution, until argument and remonstrance are exhausted.

‘We have great confidence, that when the merits of the controversy between this state and New Jersey shall be examined, they will be found to rest with us. If this should be the result of an investigation before the court, it would quiet this hitherto vexatious dispute, which has so long disturbed our harmony with a sister state. If, however, judgment should pass contrary to our expectations, and justice should not demand of us to cede the disputed territory, and we should still deny the authority of the tribunal, we should then be in as good a condition to resist the execution of the judgment, as if it had passed against us by default of appearance.

‘As the court has seen fit to select the executive and attorney

general, as the proper persons to bring into their court, as the representatives of the State, I shall, unless otherwise directed by the legislature, instruct the attorney general, to protest against any waiver of right by appearance, and to appear and contest the suit in its progress to its final determination.

E. T. THROOP.

Albany, March 10, 1831.

An effort was made to sustain the doctrines of this Message in the legislature; and, with that view, the subject was referred to a committee, which brought in a report in favor of the views of the government, and a counter report, exposing their futility, in so powerful a manner, that his friends were unwilling to agitate the subject further.

NEW JERSEY.

ELECTIONS.—*October, 1830.*—Peter D. Vroom was re-elected Governor by the Legislature.

1831.—*January.*—The national republican ticket succeeded at the congressional election in this State. The votes for the various candidates were as follows:—

<i>Jackson.</i>		<i>Clay.</i>	
Travers	13,910	S. Condit	15,197
Fowler	13,916	L. Condit	15,265
Parker	14,356	Randolph	14,510
Wurtz	14,254	Southard	15,083
Mickle	14,209	Cooper	15,159
Jeffers	13,087	Hughes	15,014

1831.—*November.*—Gov. Vroom was re-elected.

From the message of the Governor to the Legislature it appears, that the balance in the State treasury, after paying the ordinary expenses, is \$15,000.—The operations of the school fund have paid the annual appropriation of \$20,000 to the common schools, and leave a small surplus to be added to the principal. The amount of the fund is \$225,758.—There are 2,350 stand of arms, fit for use, in the armory in the State House, besides 4,300 supplied by the United States, subject to the order of the State.—The financial condition of the State Prison is favorable, its earnings having exceeded its expenses by \$2,515. The number of convicts at present is 130, of

which 9 are females. For the accommodation of these, there are but 40 cells, a number so inadequate as to be of very injurious effect on discipline, and the morals of prisoners. The increase of convicts, in the last three years, has been fifty per cent. The two great works of internal improvement, the Delaware and Raritan canal, and the Camden and Amboy rail-road, are advancing steadily to their completion. The latter will be put in operation from Amboy to Bordentown, in 1832. The canal is upon an adequate scale. The rail-road from Paterson to Hudson has been commenced under favorable circumstances, and promises great advantages. The route of the contemplated rail-road from Elizabethtown to Somerville, was surveyed in 1831. Its extension is recommended to the Delaware.

CAMDEN AND AMBOY RAIL-ROAD.—Camden is a small village on the Delaware, opposite the city of Philadelphia, where the river is about one mile in breadth. South Amboy is seated at the head of the Raritan Bay, sixty-one miles and ten chains from Camden, as measured by the course of the rail-road; and is about twenty-four miles from the city of New York, (by

water,) making the whole distance from Camden to New-York rather less than eighty-six miles. The charter for the rail-road from Camden to South Amboy was granted by the Legislature of New Jersey, early in 1830. Surveys for the designation of the line of the road, were begun in June, 1830. By pursuing a course near the Delaware river, a favorable route has been discovered, in a direct line, so that in many places there is not for miles, any deviation from a straight line. The estimate of the engineer, for *grading* the whole extent of the road, sixty-one miles, ten chains, including bridges, &c. was \$235,935 39. Contracts for this purpose were soon after made, \$19,000 within this sum.

South Amboy, where the road terminates at the eastern end, is one of the finest harbors in the United States, accessible, at all seasons, for the largest vessels from the sea, and from New York; so that the communication with Philadelphia and foreign countries, by this route, will be uninterrupted.

Locomotive engines are to be used. These may safely be estimated to move at the rate of 15 miles per hour; this, allowing four hours for the trip from Camden to Amboy, and allowing two hours to reach New York from Amboy, gives six hours for the trip from Philadelphia to New York. South Amboy, possessing the advantages it does, for a port of entry and departure, during the winter months, and having added to it, the facilities for transportation of the cargoes of merchant traders by the rail-road, must become an important point for the mercantile operations of Philadelphia, independently of the advantages of its

nearer connexion with New York. The tolls and freights for these cargoes must treble the profits now derived from this source, and the passage of persons across the State of New Jersey. The sum now received for light freight, and the passage of persons, by the present conveyances, is estimated to exceed \$500,000. The completion of the whole of this great work, has been calculated as not likely to exceed \$1,200,000.

BELLEVILLE, Essex county, on the Passaic, about nine miles from New York, has a population of 1,000, and is a considerable manufacturing town. The copper works here make 1,800,000 pounds of copper sheets and bars, annually; giving employment to 70 hands, and consuming 1,300 tons of coal.

At one of the establishments there is a set of rollers weighing 14,000 pounds. The 'Eagle Printing Works' at Belleville, employ 400 hands, and make 4,500 pieces of calico, of 28 yards each, per week, and the annual amount of goods manufactured and sold, is between 900,000 and 1,000,000 of dollars.

Attached to the establishment are smithies for doing their own iron-work; and the designing and engraving on copper, for printing, are done by artists belonging to the works. There is consumed, in the various works, 2,500 tons of coal per year. Near this stands an establishment for the rolling of brass and silver into sheets. Twenty-five hands are employed in its operations, which are extensive, and the proprietors are about to commence the manufacture of gilt and fancy buttons, on a large scale. There is also here a manufactory of store and church lamps, and a brass-founding establishment, &c. which employs ten hands, and makes of those articles

to the amount of \$10,000 a year ; and an establishment for the manufacture of white and red lead and litharge, which employs 45 hands, and carries on very extensive operations. On the opposite side of the Passaic, is the 'Lodi Copper Mine,' which was worked by the British during the revolutionary war ; it has lately fallen into new hands ; and the works are carried

on with great success. An original vein has been reached, both vertically and horizontally, of 12 feet long, and from 7 to 8 inches in thickness between the levels, at the depth of 80 feet below the surface, from which numerous masses of ore have been taken, which by smelting produce 78 per cent. of the pure metal. The ore also contains small quantities of silver.

PENNSYLVANIA.

ELECTIONS.—The Harrisburg Intelligencer gives the following statement of the comparative strength of parties in that State, as exhibited at the elections in 1828 and 1830 :—

	1828.		1830.	
	Jackson.	Adams.	Jackson.	Anti-Jackson.
1st, 2d, 3d Dis.	12017	6200	8719	7828
4th Dis.	9974	8418	7266	8894
5th Dis.	3341	2311	2414	1891
6th Dis.	3413	1737	2777	2332
7th Dis.	7446	1620	4642	3537
8th Dis.	8005	4708	2927	6011
9th Dis.	12054	4974	9815	4559
10th Dis.	3645	1864	2953	2079
11th Dis.	6901	4515	4944	3353
12th Dis.	6249	2314	3888.	4766
13th Dis.	3921	1112	2845	2751
14th Dis.	4443	1682	2812	3345
15th Dis.	3823	1687	1922	2087
16th Dis.	7120	3737	4744	6296.
17th Dis.	4843	874	3895	2141
18th Dis.	4602	3010	4982	3747
	101,652	50,848	71,555	65,597

Finances.

RECEIPTS.—Receipts at the state treasury, for the years commencing with December 1st, 1829, to November 30th, 1830, and from December 1st., 1830, to November 30th, 1831.

	Year 1829 to 1830.	Year 1830 to 1831.
Land and land office fees	\$120,078 16.	\$103,329
Auction commissions	19,500 00.	12,100
Auction duties	132,247 19.	126,505
Dividends on bank stock	121,716 00.	106,498
Dividends on bridge, canal and turnpike stock	29,715 00.	34,393

Tax on bank dividends	20,112 83.	30,573
Tax on officers	9,923 56.	7,465
Tax on writs, &c.	2,979 32.	18,980
Fees, secretary of state's office	2,265 19.	4,449
Tavern licenses	44,275 62.	40,147
Duties on dealers in foreign merchandise	51,582 13.	51,445
State maps	632 56.	446
Collateral inheritances	18,686 00.	19,063
Pamphlet laws	68 45.	82
Militia and exempt fines.	2,328 16.	1,331
Tin and clock pedlars' licenses	469 56.	2,029
Hawkers' and pedlars' licenses	246 30.	1,593
Escheats	1,171 93.	—20
Canal tolls	25,748 63.	38,241
Military fines per act 1823	5,518 97.	
Loans	5,487,034 46.	2,199,948
Premiums on loans per act of 13th Mar. 1820	220,000 00.	103,197
Old debts and miscellaneous Commissioners of the Internal improvement fund	15,142 91.	11,088
Balance in treasury on 1st Dec. 1829	175,375 98.	149,431
	\$6,506,825 20.	\$3,183,400

<i>Expenditures.</i>	1830—31	1830—31
Internal im- provements	\$5,495,550 26.	\$2,335,374
Expenses of government	210,501 05.	193,307
Militia ex- pense	20,513 56.	20,516
Members of court mar- tial	1,576 68.	2,343
Pensions and gratuities	24,501 45.	22,227
Education	13,827 73.	11,185
Interest on loans	91,625 00.	91,525
Internal im- provement fund	474,997 75.	362,682
State maps	395 00.	330
Penitentiary at Philadel- phia	7,734 50.	3,747
Penitentiary near Pitts- burg	6,995 08.	2,624
Conveying convicts	1,159 11.	1,178
Conveying fugitives	517 95.	596
Pennsylvania claimants	696 18.	57
Defence of the state	10 00.	107
Miscellaneous	6,743 20.	9,129
	<u>\$6,357,394 50.</u>	<u>\$3,058,927</u>
Balance in treasury on 1st Dec. 1830,	149,430 79.	124,482
	<u>\$6,506,825 29.</u>	<u>\$3,183,409</u>

By the Auditor General's Report, it appears that the Commonwealth owns,

In Bank Stock	\$2,108,700 00
Turnpike Stock	1,911,243 39
Bridge Stock	410,000 00
Canal Stock	200,000 00
	<u>\$4,629,943 39</u>

1831, Dec.—*Salt water* has been discovered in McKean Co. Pennsylvania, and arrangements made for a large manufacture of salt. The spring is situated upon the stream known by the name of the 'Portage Branch of the Sinemahoning creek' near the dividing ride between the Alleghany and the Susquehannah.

A well has been sunk to the depth of only 17 feet, through a hard pan, and not extending to the rock, which produces at the rate of 24 barrels per hour, or 4 per cent water.

INTERNAL IMPROVEMENT.—A law was passed at the session of 1830—31, appropriating from the state treasury \$600,000 to the railroad from Philadelphia to Columbia; \$116,170 to the canal from Columbia to Middleton; \$125,000 to the western turnpikes; \$700,000 to the canal or slackwater navigation between Huntington and Hollidaysburg, and the railroad across the Alleghany mountains; \$200,000 to the extension on the West Branch; \$100,000 to the North Branch; \$25,000 to the Lewiston cross cut, to be paid out of the West Branch appropriation; \$100,000 to the Big Beaver; and \$60,000 to the French creek.

1831, Jan.—The canal commissioners stated in their annual report, that the water has been admitted into 406 miles of canal. *Twenty* miles more, nearly finished, will complete the whole extent authorized.

Forty miles of railing bed have been graduated, bridged, and excepting only a small amount of work on two sections, is ready for the reception of rails.

The Pennsylvania canal broke ground July 4th, 1826. Since then 426 miles have been nearly completed.

The length of the central line of railway and canal from Philadelphia to Pittsburgh, is 397 miles. The water has been introduced into 210 miles of this line, and soon will be into 20 more. The railroad section from Vine and Broad streets, Philadelphia, to Columbia, is 81 3/4 miles. Of this, 40 1/2 miles of the bed road have been prepared for the rails.

The canal division, from Columbia to Duncan's Island, is 42 85-100 miles, 24 of which are navigable, and 10 nearly finished.

The Susquehanna division (across the river to Duncan's Island,) is 58-100 miles, and is navigable.

The Juniata division, from Duncan's Island to 1-4 mile above Huntington, is 89 5-100 miles,—80 miles navigable, the remainder nearly completed.

The Western division of the same line of canal from Johnstown to Pittsburg, is 104 33-100 miles—all navigable, together with its branch running into Alleghany river, which is 3-4 of a miles.

The Northern route canal commences at Duncan's Island, and runs to Northumberland—39 miles navigable.

The Western Branch division runs from Northumberland to Muney Kipples, and is 14 1-2 miles—all navigable,

The North Branch division extends from near Northumberland to Nanticoke Falls, 55 1-2 miles—not all navigable, but containing water. The slackwater reaches to within 2 1-2 miles of Wilkesbarre.

The Delaware division runs from Bristol to Easton, 59 3-4 miles contains water, and is navigable 24 miles. Part of this canal is defective, and requires extensive repairs.

French Creek Feeder, runs from Bemus' mills to Muddy run—length 19 1-2 miles, and contains water.

The whole monies appropriated for the Pennsylvania canals and rail roads, and placed at the disposal of the canal commissioners up to 10th December, 1830, has been ten millions, two hundred and eighty-eight thousand, three hundred and nine dollars, and fifty-nine cents.

There has been drawn from the treasury for the same, ten million, two hundred and eighty thousand, seven hundred and sixty-eight dollars, and eighty-nine cents. These sums have been drawn for the

Western Division	\$2,609,096 94
Juniata do.	2,256,990 63
Delaware do.	1,178,385 61
Eastern do.	1,214,063 75
North Branch do.	1,006,483 03
West Branch do.	354,604 87½
French Creek Feeder	292,103 72
Rail road	287,584 56½
Susquehannah Division	1,048,456 76
Board of Canal Commissioners	29,000 00.
Board of Appraisers	54,00.
Board of Internal Improvement	5,990 00
Balance in the Treasury	4,540 70
	\$10,288,309 59

Coal.—Aggregate of Lehigh and Schuylkill coal received at Philadelphia, and of Lackawana at Roundout, on the North River, from 1830, to October 22d, 1831.

Year.	Received Tons.	Shipped.	
		Vessels.	Tons.
1820	356	"	"
1821	1,073	"	"
1822	2,440	"	73
1823	5,823	"	723
1824	9,541	"	3,255
1825	33,393	"	18,520
1826	48,047	"	24,365
1827	61,661	"	34,004
1828	77,395	"	46,105
1829	105,083	"	53,482
1830	174,925	1,172	100,966
1831	140,948	1,125	93,761

FEDERAL CONSTITUTION.—The subjoined resolutions were offered by Mr. C. J. Ingersoll, in the assembly of the State, on the 24th of February, 1831.

‘WHEREAS, the Constitution of these United States, and some of their principal institutions, have been assailed of late, by the local passions which interfere with great national measures, and a solemn declaration of the sense of the

members of this house, may tend to preserve unimpaired, that Union, which is the rock of our safety and prosperity. Therefore,

'1. *Resolved*, As the sense of the House of Representatives of this commonwealth, that the Constitution of these United States having proved itself, by near half a century's experience, a government beyond all others capable of promoting rational liberty and general welfare—a Union of sovereign states, constructed by one and the same sovereign people—it must be preserved inviolate against all attempts to nullify, impair, or reduce it to a mere confederation.

'2. *Resolved*, As the sense of this House, that the Constitution of the United States authorises, and near half a century's experience sanctions, acts of congress to protect manufactures, and that the actual prosperity of the country attests the wisdom of such acts.

'3. *Resolved*, As the sense of this House, that as all manufactures, arts, and civilization, flourish most wherever iron is cheapest and best, any diminution of the protection now afforded to that primary and universal article, would be a deplorable act.

'4. *Resolved*, As the sense of this House, that the Constitution of the United States authorises, and near half a century's experience sanctions, the twenty-fifth section of the act of congress of September, 1789, and all others empowering the federal judiciary to maintain the supreme laws.

'5. *Resolved*, As the sense of this House, that the Constitution of the United States authorises, and near half a century's experience, sanctions a Bank of the United States, as necessary and proper to regulate the value of money, and

prevent paper currency of unequal and depreciated value.

'6. *Resolved*, As the sense of this House, that the Constitution of the United States authorises the establishment of inland improvements by acts of congress, for the construction of post routes and military roads, and roads for facilitating commerce among the several states, and by appropriations of money for such purposes.'

Mr. Laporte moved their postponement until next day, which was agreed to. On the 25th, the resolutions again came up, and on the question, will the house proceed to their consideration? the yeas were 45, nays 43. Mr. Goodman then moved to make them joint resolutions; which was agreed to, yeas 53, nays 36.

The first resolution passed, yeas 87, nays 3.

The second being under consideration, Mr. Brown offered the following amendment, to come in after the word manufactures, '*by a tariff that will protect the industry of the country against foreign policy and legislation.*' This amendment caused a spirited debate, and was finally negatived, yeas 11, nays 77. The resolution was then agreed to, yeas 87, nays 2.

The third resolution was passed, yeas 83, nays 5; and the fourth, yeas 79, nays 7.

The fifth resolution, relative to a Bank of the United States, next came up. Mr. Ingersoll made some remarks in its favor, when the House adjourned. On the 26th, Mr. Rankin moved to postpone the further consideration of the resolution indefinitely, but afterwards consented to modify it into postponement for the present. This motion elicited an animated debate,

which continued until the hour of adjournment.

On the 23th, the motion to *postpone, was agreed to,* yeas 43, nays 41.

The sixth resolution was then read, when Mr. Oliver offered the following amendment:

Resolved, As the sense of the Senate and House of Representatives that the best interests of the United States authorises the establishment of inland improvements, by acts of congress, providing for the annual distribution among the several states, the surplus revenue that may remain in the treasury of the United States, after the national debt is paid, in proportion to their representation in the House of Representatives of the United States, to be applied by the several States to such purposes of internal improvements, as they in their wisdom shall direct.'

After a few remarks by Mr. Oliver, the amendment was negatived.

Mr. Brown then offered the following amendment:—

Resolved, As the sense of the Senate and House of Representatives, that the Constitution of the United States does not authorise the construction of roads or inland improvements by acts of congress, through any of the states of the Union, unless they are clearly for national purposes, and done with the consent of the state in which they are made, and that no authority is given to congress to appropriate any moneys in the treasury of the United States, for any road or other inland communication not required for national purposes.'

Mr. Petrikin moved to postpone the resolution and amendment indefinitely, which was agreed to. At the suggestion of Mr. Ingersoll,

the preamble was also postponed indefinitely.

The four resolutions which had passed, were sent to the Senate, for concurrence.

In the Senate, on the 15th March, the resolutions were under consideration, when the following resolution, offered by Mr. Burden as an amendment, (having undergone considerable discussion on the previous day) was adopted without a division:—

'That whereas the Bank of the United State has tended, in a great degree, to maintain a sound and uniform currency; to facilitate the operations of the government; to regulate foreign and domestic exchange, and has been conducive to commercial prosperity, that the legislature of Pennsylvania recommend a renewal of its charter under such regulations and restrictions, as to the power of the respective states, as congress may deem right and proper.'

Mr. Miller offered the following additional amendment:—

'Recommending a distribution of the surplus revenue of the United States, after paying the expenses of government, among the several states, in proportion to their representation.'

Also 'approving of the veto of the President, on the Maysville road bill.'

Mr. Anthony moved an indefinite postponement, which was also negatived, yeas 10, nays 22.

The question then recurring on the first division of Mr. Miller's amendment, relative to the distribution of the surplus revenue, was agreed to, yeas 20, nays 11.

The second division relative to the veto of the President on the Maysville road bill, was also agreed to, yeas 20, nays 12.

The resolutions were then ordered to be transcribed for a third reading, yeas 19, nays 12.

On the 16th inst. resolutions came up on third reading. Mr. Sullivan moved to go into committee of the whole for the purpose of striking out the fifth resolution, relative to the distribution of the surplus revenue, and the veto of the President, on the Maysville road bill. Mr. Morris moved to commit them to the committee on the judiciary system. Mr. Burden was in favor of the commitment, for the purpose of making some change in the phraseology. The motion prevailed, and the resolutions were committed accordingly.

On the 15th of March, Mr. Burden offered the following resolution to the senate:—

‘That whereas the Bank of the United States has tended in a great degree to maintain a sound and uniform currency; to facilitate the financial operations of the government; to regulate foreign and domestic exchange, and has been conducive to commercial prosperity, that the legislature of Pennsylvania recommend a renewal of its charter under such regulations and restrictions as to the power of the respective states, as congress may deem right and proper.’

The Senate having unanimously assented to that resolution, it was sent to the Assembly, where it passed, yeas 75, nays 11.

1831,—July, 16.—The inhabitants of Philadelphia were this day, somewhat astonished by the refusal on the part of the butchers, to furnish, any longer, fresh meat to their tables. At first, it was supposed, that they had been converted by a celebrated Bramin, to the doctrine of transmigration; but it was finally ascertained, that the

cause of this singular state of things—which made the market house a desolate place,—was the complaint of the regular butchers, that the farmers and other persons whom they call ‘shiners,’ were allowed to *cut-up* and *retail* meat in the street, (in parcels less than a quarter,) free of charge, while they paid heavy rents to the city for their stalls. The difficulty was finally adjusted, and the inhabitants of Philadelphia were again permitted to participate in the luxury of a well-furnished market.

Valuation of real and personal property in the several counties of the state, and county taxes, for the year 1831.

	<i>Valuation.</i>	<i>Tax.</i>
Adams	\$4,999,885	\$4,999
Alleghany	8,022,220	8,022
Armstrong	1,101,785	1,101
Beaver	1,770,764	1,770
Bedford	1,164,167	1,164
Berks	7,316,118	7,316
Bradford	1,716,591	1,716
Bucks	14,422,564	14,422
Butler	1,107,734	1,107
Chester	14,451,750	14,451
Cumberland	9,014,941	9,014
Cambria	407,752	407
Columbia	2,300,900	2,800
Centre	2,711,543	2,711
Clearfield	715,138	715
Dauphin	4,470,799	4,470
Delaware		
Erie	2,222,852	2,222
Fayette	4,568,853	4,568
Franklin	6,668,495	6,668
Greene	1,203,647	1,202
Huntingdon	3,597,615	3,597
Indiana	975,248	975
Jefferson	524,573	524
Lancaster	24,350,818	24,350
Lebanon	5,185,853	5,185
Lehigh	4,805,645	4,805
Luzerne	1,029,617	1,029
Lycoming	1,351,455	1,351
McKean	562,787	562
Mercer	1,531,699	1,531
Mifflin		
Montgomery	8,965,982	8,965
Northampton	6,560,969	6,560
Northumberland	2,449,849	2,449
Perry		
Philadelphia	40,751,737	40,751

Pike	683,787	683	Union	2,891,851	2,891
Potter	476,670	476	Venango	730,000	730
Schuylkill	1,900,451	1,900	Warren	518,201	518
Somerset	1,194,868	1,194	Washington	4,700,203	4,700
Susquehannah	1,004,465	1,004	Westmoreland	3,475,004	3,475
Tioga	765,701	765	York	8,243,343	8,243

DELAWARE.

1830.—*October Election.*—The following was given as a correct statement of the result of the election in Delaware:—Majority for Mr. Milligan (national republican) in Kent 72; in Sussex county 365—437; majority for Mr. Ridgely (Jackson) in Newcastle county 3,—total majority for Milligan 434.

The political character of the Legislature, it was said, stood thus—In the Senate, national republicans 7, Jackson men 2—majority to the national republicans of 18, on joint ballot.

The State decided to call a Convention by a large majority.

AMENDED CONSTITUTION. The Convention which was elected pursuant to this decision, met on the 7th of November, 1831, and after an arduous session of 25 days, adjourned, having proposed the following amendments to the State Constitution, which were adopted by the unanimous vote of the Convention:—

1. The Representatives are to be chosen for two years; the property qualification abolished.

2. The Senators ought to be chosen for four years.

3. The Legislature is to meet biennially; the first Tuesday in January, 1833, is to be the commencement of biennial sessions.

4. The State Treasurer is to be elected by the Legislature biennially. In case of his death, resignation, &c. the Governor is to fill the office until the next session of the Legislature. He is to settle annually with the Legislature, or a

committee thereof, which is to be appointed every biennial session.

5. No acts of incorporation are hereafter to be passed, without the concurrence of two thirds of each branch of the Legislature, except for the renewal of existing corporations—all acts are to contain a power of revocation by the Legislature. No act hereafter passed, shall be for a longer period than twenty years, without a re-enactment by the Legislature, except incorporations for public improvement.

6. The Governor is to be chosen for four years, and to be ever after ineligible. New provisions are made for contested elections of Governor; and to fill vacancies. He is to set forth in writing, fully, the grounds of all reprieves, pardons, and remissions to be entered in the register of his official acts, and laid before the Legislature at its next session.

7. All elections are to be on the second Tuesday of November. Every free white male citizen, who has resided one year in the State, the last month in the county, and, if he be of the age of 22 years, is entitled to vote. All free white male citizens, between the ages of 21 and 22 years, having resided as aforesaid, may vote, without payment of tax. No person in the military, naval, or marine service of the United States can gain such residence as will entitle him to vote, in consequence of being stationed in any military or naval station in the State; no idiot, insane

person, pauper, or person convicted of a felony can vote; and the Legislature is authorised to impose the forfeiture of the right of suffrage as a punishment of crime.

'8. The judicial power of the State is to be exercised by four Common Law Judges, and a Chancellor. Of the four Law Judges, one is Chief Justice, and three Associates. The Chief Justice and Chancellor may be appointed in any part of the State—of the Associates, one must reside in each county. [The court of civil jurisdiction is styled the Supreme Court; and is composed of the Chief Justice and two Associates—no Associate Judge sits in his own county—the Chief Justice presides in every county. Two Judges constitute a quorum.]

'The Court of General Sessions of the Peace and Gaol Delivery is composed of the same Judges, and in the same manner, as the Superior Court.

'The Court of Oyer and Terminer is composed of the four Law Judges. Three to constitute a quorum.

'The Chancellor exercises the powers of the Court of Chancery. The Orphans' Court is composed of the Chancellor and the Associate Judge residing in the county. Either may hold the court, in the absence of the other. When they concur in opinion, there shall be no appeal, except in matters of real estate. When their opinions are opposed, or when a decision is made by one sitting alone, and in all matters involving a right to real estate, there is an appeal to the Supreme Court of the county, whose decision shall be final.

'The Court of Errors and Appeals, upon a writ of Error to the Superior Court, is composed of the Chancellor, who presides, and two of the Associate Judges, to wit, the

one, who, on account of his residence, did not sit in the case below; and one, who did sit. Upon appeal from the Court of Chancery, the Chief Justice and three Associates compose the Court of Errors and Appeals; three of them constitute a quorum. If the Superior Court deem that a question of law ought to be heard before all the Judges, they may, upon the application of either party, direct it to be heard in the Court of Errors and Appeals, which shall then be composed of the Chancellor, (who presides,) and all the Judges.

'When the Chancellor is interested in a chancery case, the Chief Justice, sitting alone in the Superior Court, shall have jurisdiction, with an appeal to the three Associate Judges, sitting as a Court of Errors and Appeals.

'When there is an exception to the Chancellor, or any Judge, so that a quorum cannot be constituted in court, in consequence of said exception, the Governor shall have power to appoint a Judge for that special cause, whose commission shall expire with the determination of the case.

'The Judges are to receive salaries, which shall not be less than the following sums, to wit—the Chief Justice \$1,200; Chancellor \$1,100; the Associates, each \$1,000. They are to receive no other fees or perquisites for business done by them.

'The General Assembly may establish inferior courts, or give to one or more justices of the peace, jurisdiction in cases of assaults and batteries, unlicensed public houses retailing liquors contrary to law; disturbing camp-meetings, or other meetings for public worship; nuisances; horse-racing, cock fighting; and shooting-matches; larcenies committed by negroes or mulattoes, knowingly concealing,

buying, or receiving, stolen goods from negroes or mulattoes, &c. This jurisdiction may be granted either with or without the intervention of a grand or petit jury, and either with or without appeal, as the Legislature shall deem proper.

The Clerk of the Supreme Court is to be styled the Prothonotary. The office of Clerk of the Supreme Court is abolished.

9. But one person is to be voted for as Sheriff, and one person as Coroner in each county. The term of office in each case is two years. In Newcastle and Kent counties, at the expiration of the term of office of the present sheriff and coroner, respectively, in 1833, the Governor is authorized to fill up the offices for any year, in consequence of there being no election in that year under the biennial system.

10. Elections for Conventions

to revise the Constitution are hereafter to be held on the third Tuesday of May, in any year. The majority of all the citizens of the State, having right to vote, is to be ascertained by reference to the highest number of votes given at any one of the three general elections next preceding, unless the number of votes given on the occasion shall exceed the number given in any of the three preceding elections, in which case the majority shall be ascertained by reference to the election itself.

11. No offices are vacated except the Chancellor and judges of the existing courts, and the clerks, whose offices will be abolished on the third Tuesday of January next; on which day the new judicial system goes into effect. The offices of Registers for Wills, and Justices of the Peace, are not affected.

MARYLAND.

ELECTIONS.—The house of delegates chosen at the election in October, 1830, stood in its political character, thus:

National Republican	68
Jackson	27

Finances of the State.—Affairs of the State Treasury during the last year, ending December 1st, 1832.

The actual income of the State from both shores during that year, was \$239,895 19

The receipts of the Western Shore, were \$238,625 93
 Eastern Shore 14,480 81
 \$253,106 74

From which are to be subtracted:
 The sum received into

the Western Shore Treasury from the East'n Shore Treasury	4,738 72	
Balance in the East'n Shore Treasury last year charged among the receipts of this Shore for this year	8,472 83	13,211 55

Showing as above	\$239,895 19
To which add the balance in the Western Shore Treasury on Dec. 15th, 1830	24,106 88

Total \$294,002 07

The total disbursements of the State for the same year

were for the West'n Shore Treasury	215,555 17	
Eastern Shore do.	1,209 00	
	<hr/>	216,824 43

That amount deducted from this aggregate shows the balance in the West'n Shore Treasury 1st Dec. 1831, (the unexpended balance of the entire income of the State from both Shores, for the year,) 77,177 64

This sum, however, was subject to appropriations to that day, then uncalled for— amounting to 41,810 42

And the clear, unappropriated balance in the Treasury 1st Dec. 1831, was \$35,367 22

STATE RIGHTS.—A controversy between this State and Pennsylvania, on account of the Susquehannah, gave rise to negotiations which strikingly served the necessity of resting the power of making internal improvements in the federal government. Under the authority of the government of Pennsylvania, certain dams were erected in the Susquehannah, above the Maryland line. As these dams obstructed the navigation of that river, prevented the easy transmission of produce to Baltimore, petitions were sent to the legislature of Maryland, complaining of the obstructions. A joint committee was created to inquire into the subject, which made the following report:

‘Whereas it has been represented to this General Assembly, by the memorial of divers citizens of this state, interested in the navigation

of the river Susquehannah, that the state of Pennsylvania has caused to be erected in and across the bed of said river, certain dams, which greatly increase the peril, and impede the navigation thereof; and in consequence of said dams, the descending trade of said river has been greatly diminished, and must, eventually, be lost to the citizens of this state: And whereas in support of the representations so made, it appears by a printed copy of the annual report of the canal commissioners of the state of Pennsylvania, made to the legislature of the said state, and other evidence, that three dams have been erected across the said river, the one at a place called Duncan’s island, another at a place called the Shamokin, and the third at or near a place called Nanticoke, which dams are not less than eight feet above the natural bed of the river, and constructed of timber and masses of solid masonry, and effectually prevent the descent of boats and arks down said river, except by the passing through the chute or sluice made in one side of each of said dams, which chute or sluice is at all times dangerous, and has already occasioned great losses to those who have attempted the passage of them, and by said dams the ascending navigation is wholly destroyed: And, whereas the river Susquehannah, from the earliest settlement of the country, has been used by the inhabitants of its borders, for the convenient transportation to market of the products of their industry, and for the transportation from the sea-board to the interior, of such articles as the situation of its people rendered convenient and necessary: And whereas, the inhabitants of the soil bordering on navigable rivers, have a right to the free and unob-

structed use of such rivers, for the purposes aforesaid, and such principle has been sanctioned by the enlightened judgment of mankind, and has been strengthened by the union under one government of these states: And whereas, the maintenance of this principle is necessary to the convenient commercial intercourse between the different states—is calculated to develop the resources, and increase the wealth and the power of said states, and to promote the happiness of their respective citizens, and to bind those states indissolubly together, under our present happy form of government:— And whereas, the constitution of the United States has secured to the citizens of each state, all the privileges and immunities of citizens in the several states, and hath expressly prohibited the passage of any law, by the legislature of a state, impairing the obligations of contracts: And whereas, by an act of the legislature of Maryland, passed at November session, 1799, to incorporate a company, to make a canal from the river Delaware to the Chesapeake bay, it was declared that the said act should be of no force or effect, until a law should be passed by the state of Pennsylvania, declaring the river Susquehannah a public highway, and authorising individuals, or bodies corporate, to remove any obstructions therein, at a period not exceeding three years, from the first day of March, in the year eighteen hundred. And whereas, the state of Pennsylvania, in the year 1801, did also pass an act to incorporate the said company, and in compliance with the condition precedent contained in the law of Maryland, expressly enact and declare, “*that the river Susquehannah, down to the Maryland line, shall be, and the same is hereby*

declared to be, a public highway, any act or law of this commonwealth to the contrary notwithstanding; and it shall and may be lawful for the Chesapeake and Delaware canal company, or any other body corporate, or individuals, to remove all natural and artificial obstructions therefrom:” And whereas, in consequence of the act passed by the legislature of Pennsylvania as aforesaid, the legislature of Maryland pursuing the same friendly and liberal course, that has at all times characterised the conduct of this state, towards her sister states, did by an act passed at December session, 1813, provide that in consideration of the said act of the legislature of Pennsylvania as aforesaid, the bed of the river Susquehannah, from the Maryland line to the bay of Chesapeake, is hereby declared, and shall forever hereafter be, a public highway, and that individuals, or bodies corporate, may at all times remove obstructions to its navigation; for which several enactments of the two states it is manifest that by a solemn compact, the river Susquehannah is a free and public highway, and that neither of the contracting states, without the consent of the other, has a right in any manner or by any means to impede the natural navigation thereof:—And whereas, confiding in such compact, and the faithful performance of its conditions, this state has at various times and on different occasions, as have also divers corporations of the state, by authority thereof, appropriated and applied large sums of money to clear out the bed of said river, and to preserve the navigation thereof free and unobstructed, to the use of the citizens of the several states forming the said compact: And whereas, the erection of the said dams, by the authority and direction of the state of Penn-

sylvania, is a manifest infraction of the said compact and agreement, and greatly injurious to the interests of this state, and to the citizens thereof—Wherefore,

'Resolved, That the Governor of this state, be and he is hereby requested, to communicate a copy of this preamble, and the accompanying resolutions, to the Governor of Pennsylvania, with a request that they may be laid before the legislature of the state, in order that measures may be taken by the state of Pennsylvania, to remove the just cause of complaint of the state of Maryland, in relation to the artificial obstructions in the river Susquehannah.

'Resolved, That the Governor be and he is hereby requested, to communicate copies of this preamble, and the accompanying resolutions, to the Governors of the state of New York and Delaware, with a request that they will communicate them to the legislatures of their respective states, and ask their co-operation in obtaining the removal of all artificial obstructions to the navigation of said river.

'Resolved, That the Governor and council be, and they are hereby authorised and requested, to appoint three commissioners to repair to Harrisburgh to remonstrate against the conduct of the state of Pennsylvania, in erecting artificial obstructions to the navigation of the river Susquehannah, and endeavor to procure the removal of all such obstructions—and to report, if practicable, their proceedings during the present session, or

if otherwise, to the next general assembly of this state.'

Messrs. Robert H. Goldsborough, Samuel Sterrett, and John Mercer, were accordingly appointed commissioners, and proceeded to Harrisburgh, to confer with the legislature of Pennsylvania, on the subject of the obstructions in the Susquehannah, and contended that their erection was contrary to the compact between the states. The committee denied that the law of 1801, declaring the river 'down to the Maryland line to be a public highway' was a compact with Maryland—but if so, that it must be shown that Pennsylvania had placed the navigation in a worse state than it was before the act was passed, 'and Maryland would have to show that the construction of a dam in her own territory was not an example for Pennsylvania to follow.' It also added that, the canal commissioners—'not as arbiters, but as agents, of the state,' had been directed to examine the dams and report the result, for the future action of the legislature, if necessary. In reply, the commissioners complained that the matter had been referred to the 'wrongdoers themselves'—and said, that the 'notoriety of the losses sustained' placed the subject beyond all doubt; they insisted on the compact, and protested in the name of the state of Maryland, against the proceedings, as calculated to produce delay, and submitting the arbitration 'to an exparte tribunal, itself implicated as authors of the inflicted injury.'

VIRGINIA.

FINANCES.—By the report of the joint Committee appointed to examine the Treasurer's accounts,

it appeared that of the ordinary revenue, since the 30th September, 1831, there was paid into the

Treasury the sum of \$328,378 92, and that warrants were drawn on the Treasurer, by the Auditor of Public Accounts, within the same period, to the amount of \$127,801 74: that on account of the Literary Fund, there were paid in \$7,423 15, and warrants issued by the Second Auditor to the amount of \$6,061 83: that on account of the fund of Internal Improvement, there were paid \$15,924, and warrants issued to the amount of \$5,028 26: and that on account of the James River Company, there were paid in \$18,631 69, and warrants issued to the amount of \$28,030 08.

Hence it results, that there has been paid into the Treasury since the 1st of October 1831 (that day inclusive,) to the present time, the sum of \$390,357 76, and that within the same period, warrants have been issued on the Treasurer, from the Auditor and Second Auditor, to the amount of \$166,921 91.

The balance on hand the 1st of October, 1831, on account of the ordinary revenue, was	\$103,595 71
Literary Fund	59,527 80
Fund of Internal Improvement	58,021 62
James River Company	67,969 26

Aggregate	202,114 39
To which add the difference between receipts and disbursements to this day	203,435 85

There should now be actually in the treasury the sum of	495,550 24
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The letters from the Presidents of the Bank of Virginia, and the Farmer's Bank of Virginia, exhibit the money now in bank to the credit of the Treasurer, to be	496,342 42
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LEGISLATION.—At the session of the Legislature, 1830—31, there

were 118 public acts passed, many of them remodelling the different branches of the government under the amended constitution. Among them are the following provisions:

The Court of Appeals is hereafter to consist of a President and four Judges, three to constitute a quorum.

Concurrent Jurisdiction is given to the Courts of the respective Counties bounded on rivers, water courses, or bays, between the opposite shores or banks.

The power of the several Courts to issue attachments, and inflict summary punishments for contempt, is to extend only to cases of misbehavior in presence of the court, or so near thereto as to interrupt or obstruct the administration of justice, or cases of threats of violence to the Judges, jurors, officers, or witnesses; or misbehavior of officers of the courts, or resistance by any officer, juror, party witness, or other person, to any writ, process, order, rule, or decree of the court. The fine, without the intervention of the jury, for obstructing the administration of justice, is not to exceed \$50, or the term of imprisonment ten days; but in some aggravated cases may be tried by a jury, and the punishment determined by their verdict. The offence of resisting process, &c. is to be tried by jury, and the punishment determined by their verdict.

Admiralty Jurisdiction, not transferred to the United States, is given to the Circuit Superior Courts.

Any person who shall wilfully or maliciously fight a duel with any weapon or instrument, the probable consequence of which might be death, and shall kill his antagonist or any other person, or inflict a wound of which the person wounded shall die within three

months, is declared to be guilty of murder, and, together with his aiders, and abettors, is to be subjected to capital punishment. Persons having been concerned in a duel are incapacitated for offices of trust or emolument, civil, military, legislative, executive, or judicial. And persons entering upon such offices are required to take an oath that they have not been, and will not be, concerned in a duel.

FREE NEGROES AND MULATTOES.—Free Negroes or Mulattoes remaining in the state contrary to law, are made liable to be sold by the sheriff. Meetings of free Negroes or Mulattoes to learn reading or writing, are declared to be unlawful, and are to be dispersed, and the offenders subjected to corporeal punishment.

White persons assembling with them for the purpose of instructing them, are liable to a fine not exceeding \$50, and imprisonment not exceeding two months. Any white person, who, for pay, shall assemble with slaves, to teach them to read or write, shall be liable to a fine of not less than \$10, or more than \$100.

Persons not resident in Virginia, are prohibited from taking oysters in the waters within the state; under a penalty of \$100 for each offence, and a lien is given on the vessel or tackle used, to satisfy the judgment rendered for the penalty.

BY A LAW TO PROVIDE A STATE REVENUE.—Lands are taxed eight cents on the value of \$100; houses and lots in town \$2 on every \$100 yearly rent; if improved, but not 'rented or occupied,' eight cents on the value of \$100, and the same if not 'improved;' the tax on every slave above twelve years old, and not exempted for age or infirmity, is twenty-five cents; on

every stallion or jackass, twice the price at which he serves a mare by the season; other horses and mules, six cents; a license for a public house or ordinary, \$18, and also seven per cent. on the excess of the rent, or annual value of the premises occupied, over \$200; a pleasure carriage, stage coach, jersey waggon, carryall, with the harnesses, one per cent. on the value, not to exceed \$2 on a four-wheeled pleasure carriage, or to be less than \$1 on each stage coach, jersey waggon, or carryall, nor less than 50 cents on a two-wheeled pleasure carriage; each writ of ejectment 75 cents; each subpoena in the superior court of chancery 75 cents; on each supersedeas, habeas corpus cum causa filing appeal, &c., to superior courts, and on each certiorari from the general court to the superior court \$1,50 on each declaration in ejectment in a county or corporation court, 50 cents; for each certificate under the seal of a court of chancery \$1; a certificate of a notary public \$1,25; each certificate under the seal of the commonwealth \$2; for licenses to sell by wholesale and retail \$60; to sell lottery tickets \$500; on monies authorised to be raised by lotteries in the state, one per cent., to be paid before the tickets are sold; for license to hawk and peddle goods \$20; for a license to exhibit a show in any county \$30; for a license to a broker \$60; to sell silver or plated ware \$20; the tax on retail traders is reduced in case of small sales; for a license to a pedlar of clocks in any county \$20.

APPROPRIATIONS.—For the General Assembly \$115,000; salaries and allowances to civil officers \$80,000; commissioners of the revenue and clerks \$28,500; crimi-

nal prosecutions and jails, \$40,000; interest on the state debt and literary fund \$24,000; sinking fund \$500; contingent expenses of courts including allowances to clerks, attornies, sheriffs and jailors, \$30,000; pensions, \$3,500; contingent funds \$10,000; militia \$12,000; internal expenses of the penitentiary \$4,000; salaries of officers of the penitentiary \$6,650; public guard in Richmond \$15,500; slaves executed and transported \$8,500; representation to Congress, to state Senate \$1,500; public warehouses \$1000; civil prosecutions, including clerks' sheriffs', and marshals' fees, \$300; guard to the Lexington Arsenal \$4,500; western Lunatic Hospital, \$8,500; that at Williamsburgh, \$9,000; reports of cases in the Courts of appeal \$4,000; Governor's house and furniture, \$5,374; and some other appropriations, amounting in the whole to \$478,454.

INTERNAL IMPROVEMENT. The Governor is authorised to employ a skilful engineer, whose duty it shall be, together with the principal engineer of this state, to examine James River from Richmond to Covington, and make an estimate of the probable cost of continuing the canal from Maiden's Adventure to Lynchburg; the probable cost of improving the river between those points by locks and dams; the probable cost of a rail road from Richmond to Lynchburg; to make a similar examination and estimate for the distance between Lynchburg and Covington; to examine the country between James and Jackson's rivers, Roanoke and New rivers, for the purpose of ascertaining the best route for a canal or rail road, between such points on those rivers as they may

determine, and to make an estimate of the probable cost thereof, and to examine New River from its point of union, a view to its improvement by each of the above modes, and to make an estimate of the probable cost thereof.

The ex-officio members of the board of public works are hereby authorised and required to direct the civil engineer of the state, or one of his assistants, during the present year, to examine and convey the Shenandoah river from its mouth, to the highest point of navigation, and also the Shenandoah valley on each side of the Massanutten mountain, with a view of ascertaining the practicability of the improvement of said river by locks and dams, or by a canal, or of a rail road through the said valley; and to estimate the cost of each method of improvement, and report the result to the said ex-officio members of said board. The said engineer is also directed to survey the south branch of the Potomac, and report upon the practicability of its improvement by canal locks and dams, or otherwise.

The board of public works shall direct the civil engineer of the state, or such other as they may see fit to employ, to examine and survey Blackwater river, from South Quay to its head, to ascertain the practicability of opening that river, and cutting a canal from Pagan Creek near Smithfield, in Isle of Wight county, to some navigable point of said Blackwater river, and from the head of said river, to the Appomattux river, at or near the town of Petersburg; and to report the advantages and disadvantages thereof, to the said board.

The ex-officio members of the board of public works shall direct

the public engineer, to examine and survey the country between the town of Suffolk in the county of Nansemond, and Roanoke river opposite the town of Waldon, in the state of North Carolina; and to report an estimate of the probable cost of constructing a rail road from Suffolk to Roanoke, together with all the information he may obtain relative thereto.

Resolution.—The committee to whom was referred the resolution of the general assembly of Maryland, communicated by the Governor, relative to the opening of a safe and direct navigation through the sounds which run parallel with the sea coast, by the construction of such canals as may be requisite for the purpose, between the Chesapeake bay at or near Cape Charles, and Lewistown Creek on the bay of Delaware, and inviting the co-operation of this State, and that of Delaware, in the improvement, respectfully report, that they have considered the resolution with the attention which it deserves, and duly appreciating the object proposed by it, beg leave to recommend the adoption of the following resolutions:—

‘Whereas the General Assembly of Maryland have adopted a resolution, communicated by the Governor, relative to the opening of a safe and direct navigation through the sounds which run parallel with the sea coast, and by the construction of such canals as may be requisite, for the purpose, between the Chesapeake bay at or near Cape Charles, and Lewistown Creek on the bay of Delaware, and inviting the co-operation of this state, and the state of Delaware in the improvement. Therefore,

‘Resolved by the General Assembly of Virginia, That the Governor of the commonwealth be

and he is hereby authorised to appoint a commissioner, or to direct the engineer, to meet any commissioner or engineer, who may be appointed by the state of Maryland and Delaware, to make a survey of the said sounds, and an estimate of the probable expense of opening the navigation proposed, to be submitted to the General Assembly, for its consideration hereafter.

Resolution.—‘That the boards of public works be requested to cause the principal engineer to ascertain by surveys, the most eligible route for a rail road from Lynchburg to New River, and for a turnpike road from the last point by Wythe court house and Abingdon, to the Tennessee line, and the probable cost of each; or, if other public duties engage the attention of the principal engineer, that they cause said survey, and estimates to be made by the assistant engineer authorised to be employed for the survey of the most eligible route of connecting the eastern and western waters.’ Besides these surveys, provision is also made for examinations and surveys for various public roads.

A serious insurrection of the negroes took place on Monday morning, the 22d of August, in Southampton county, in the southeastern part of Virginia, which, happily, was confined to a small body of desperadoes. The ring-leader was one Nat Turner, a slave belonging to Joseph Travis, artful, impudent, vindictive, and a great enthusiast. He pretended to be a Baptist preacher, and declared to his comrades, that he was commissioned by Jesus Christ, and proceeding under his inspired directions, and that the singular appearance of the sun, during the months of July and August, was a sign of his mission. A large as-

semblage of the negroes at a camp meeting, afforded him an opportunity to excite them to violence, and after a night spent in a state bordering on frenzy, they commenced an indiscriminate attack upon all the whites in the vicinity. After murdering about seventy whites, most of whom were unprotected women, they were dispersed by the neighboring militia, who promptly repaired to the scene of their outrages, from all quarters. Great alarm prevailed in all the adjoining

states, as the insurrection was supposed to be only part of a more extensive plan; but in a few days the commander reported that there was no danger of a renewal of disturbances, that the insurgents had all been killed or taken, with the exception of four or five, among whom was the leader; and that there was no reason to suppose that there was any concert among the slaves in the neighboring counties.

NORTH CAROLINA.

BANKS.—The Governor's message, November, 1831, stated that the stock held by the State in the State Bank of North Carolina, has for some time past only yielded an interest of four per cent. per annum; the stock held by the state in the bank of Cape Fear has for the last two years, yielded an interest of only three per cent. per annum; whilst the stock held by the state in the Newbern bank has not, for nearly three years, yielded any interest. The funds vested by the state in these banks, amount to \$712,700, and by a report made to the senate of North Carolina, by a committee appointed to inquire into the subject, it appears that the amount of dividends and bonus' declared by the several banks of that state, from 1810 to 1830, is as follows:—

By the State Bank	\$2,183,670 50
By the Bank of Newbern	967,950 00
By the Bank of Cape Fear	873,714 54
	<hr/>
	\$4,025,335 04

The charters are shortly to expire, and probably will not be renewed. The legislature was recommended to apply to Congress for aid, to improve the navigation between the Atlantic and Albermarle Sound.

On the subject of Nullification, the Governor observed that 'it is to

me a source of much gratification to have observed, and to have it in my power to state, that the excitement which seems to pervade a sister state, upon the subject of the tariff, has effected little change in the opinions of the citizens of North Carolina. With regard to the policy of that measure, there is, so far as my information extends, a perfect union of sentiment. All deprecate it as unequal in its operation, and destructive of the interests of the southern planter. The period, however, has not yet arrived, which, in the judgment of this community, authorises the adoption of doctrines subversive in their nature, of all order, and manifestly tending to weaken, if not destroy our whole system of government. This state is justly proud of having given the first legislative sanction to the spirit of the revolution. The same love of rational liberty which prompted this high example, induced our revolutionary statesmen to consider attentively and anxiously the form of government proposed for their adoption. Satisfied, after full investigation by successive conventions, that no powers were delegated but such as were essential to the existence and preservation of the Union, it is no matter of sur-

prise that they and their children should support and defend the compact, and neither seek nor desire a remedy beyond it.'

These remarks were fully justified, by the state of public feeling on that question in North Carolina. At the previous session of the legislature, the subject came under consideration, and on the 31st of December, 1830, on motion of Mr. Henry, the House resolved itself into a committee of the whole upon the following resolutions, heretofore submitted by Mr. Worth, viz :

'*Resolved*, by the General Assembly of North Carolina, That, although the tariff laws, as they now exist, are unwise, unequal in their operation, and oppressive to the southern states, yet this legislature cannot concur with the extreme, violent, and dangerous remedy, to which the South Carolina doctrines of nullification manifestly tend.

'*Resolved*, That in the sentiment, "this Union must be preserved," we recognise principles which challenge the approbation of every republican, and which promise to save the republic from disunion and anarchy.'

Mr. Fisher moved to amend the resolution by inserting the words, 'in the opinion of this legislature,' after the word *are* ; and Mr. Barringer moved to strike out all the said resolution after the word *legislature*, and insert, 'does not recognise as constitutional, the right of an individual state of this union to nullify a law of the U. States.'

On these propositions to amend, and on the general merit of the subject, an animated and protracted debate ensued. The amendments were finally adopted, and the resolutions, as amended, were reported to the House, the first to read as follows :—

'*Resolved*, by the General Assembly of North Carolina, That although the tariff laws, as they now exist, are, in the opinion of this legislature, unwise, unequal in their operation, and oppressive to the southern states, yet, this legislature does not recognise as constitutional, the right of an individual state of this union to nullify a law of the United States.'

The second resolution was reported in its original shape.

Mr. Blair moved that the resolutions be postponed indefinitely, and supported his motion in a brief but spirited speech. The motion was negatived 88 to 26.

Mr. Bynum moved to strike out of the first resolution, all after the words southern states, and insert, 'yet this legislature would deprecate any doctrine, the tendency of which would have the effect to dissolve the union of these states.'

On this proposition some debate arose, in which Mr. Bynum supported, and Messrs. Edmondston and Cooper opposed it. It was decided in the negative, 79 to 37.

Mr. Speight moved to amend the first resolution, by striking out the whole thereof, after the words *southern states*, and insert, 'yet this legislature is too warmly attached to the union of these states to hazard a resort to the extreme remedy of nullification.' Mr. Barringer, cautioned the House against swallowing the gilded pill offered by Mr. Speight.

The question was decided in the negative.

Mr. Speight moved then to strike out the whole of the first resolution, and demanded the yeas and nays.

The question was decided in the negative, 90 to 24.

Mr. Stedman moved that the resolutions lie on the table, which was negatived—93 to 19.

The amendments proposed by the committee of the whole, were concurred in by the House, and the question being upon the adoption of the resolutions, Mr. Speight moved that the question be put on the resolutions separately, and the House so ordered.

The first resolution was adopted by the following vote—ayes 87; nays 27.

The second resolution was read, and adopted *unanimously*—yeas 112.

A resolution which had passed the General Assembly denying the right of the General Government, to execute works of internal improvement, was laid on the table in the Senate, 48 to 10.

Fire at Fayetteville, May 29, 1831.
—About noon on Sunday, an out-house belonging to Mr. Kyle was discovered on fire, and soon after the flames communicated themselves to a brick building and a number of wooden houses adjacent—then the town house, extending with irresistible and terrific violence. The people exerted themselves to the utmost, but in vain—the slaves, and other colored persons behaved manfully, and earned a high reputation for disinterested intrepidity and strict honesty—but the anxiety of each person to save his own property, materially diverted the people from the common enemy of all of them. The fire raged about six hours, and then stopped for the lack of food to supply it!—Only two stores remained standing.

The public buildings destroyed were—the Town house, the Cape Fear bank, the Catholic chapel, the Presbyterian and Episcopal churches, the Academy, the Fayette and Mansion House hotels, with the house in which the agency of the bank of the United States

did business, and all the printing offices—the private buildings destroyed were estimated at about *six hundred*, with nearly all the goods, furniture, &c. which they contained—much money and many valuable books and papers—some of which were moved several times to places of supposed safety, but were at last consumed. The money and papers of the banks were saved—the vaults preserving what there was not time to carry away. The *whole* business part of the town was destroyed—persons that were rich, were at once reduced to poverty.—The aggregate loss was estimated at a million and an half of dollars. So extensive a calamity and complete destruction, was never before witnessed in the United States. Not one life was lost! Happily, the calamity came in the middle of the day, and was not in the 'winter season'—though the heat of the weather was hard to bear, unsheltered. As there was no wind, the fire spread in all directions. The property of only two individuals was insured.

Fayetteville was a compact town, doing much mercantile business, and having about 4,000 inhabitants.

Contributions were immediately taken up for the relief of the sufferers in the principal towns of the United States.

The whole amount received from all parts of the Union, was \$91,992 38, from the following states and territories:—

Massachusetts	\$14,518 69
Pennsylvania	12,731 00
North Carolina	11,406 34
New York	10,648 54
South Carolina	9,100 37
Virginia	8,040 88
Maryland	6,820 79
Louisiana	5,050 00
Georgia	4,102 72
Connecticut	3,002 40

Rhode Island	2,067 64	New Jersey	805 49
Ohio	1,158 02	New Hampshire	290 00
Mississippi	1,119 40	Maine	125 00
District of Columbia	870 00	Tennessee	45 00

SOUTH CAROLINA.

NULLIFICATION.—The excitement in this state on the subject of the tariff had now become so great, that the public mind was entirely absorbed in determining upon the propriety of nullifying the law, as the only effectual and constitutional remedy. Within the state, the contest was most vehement, but out of the limits of South Carolina, the remedy proposed was deemed inapplicable, and by the great mass of the American people was regarded as treasonable.

Notwithstanding this settled opinion as to the character of the measure, no steps on the part of the Federal Government were taken to prevent or to defer the nullifiers from carrying their designs into effect. The defence of the constitution, and the jurisdiction of the government, were entrusted solely to public opinion and to the affection of the citizens; and the disaffected spirit of South Carolina was thus confined to the state. In Georgia some symptoms were evinced of a disposition to make common cause with South Carolina; but in North Carolina the principle was most pointedly repudiated; and in Virginia, after having sanctioned the principle of nullification by legislative resolutions, successively passed in 1827—1829, the leading politicians of the state began to shrink from the open avowal of doctrines, which could only end in the subversion of the federal government.

In South Carolina, however, the nullifiers continued to urge their projects with unabated vigor. In

the legislature which met on the 22d of Nov. 1830, they carried their candidate for speaker, (Henry L. Pinkney), 63 to 58, which were divided between two other candidates. A bill was subsequently introduced to authorise a convention of the state, with the view of nullifying such laws of Congress as it might deem unconstitutional. This proposition requiring two thirds of the legislature, was lost in both Houses—the votes being in the Senate, 23 in favor, 12 against; and in the House, 60 in favor, and 56 against a convention.

The following resolutions were passed on the subject. The first three resolutions passed unanimously.

‘Resolved, That the Legislature of the State of South Carolina doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States and the Constitution of this state against every aggression, either foreign or domestic, and that they will support the Government of the United States in all the measures warranted by the former.—*Madison*.

‘Resolved, That this Legislature most solemnly declares a warm attachment to the Union of these states, to maintain which it pledges all its powers; and that for this end it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union; because a faithful observance of them can alone secure its existence and the public happiness.—*Madison*.

‘Resolved, That this Legislature

doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact; and in case of a deliberate and palpable and dangerous exercise of other powers not granted by the said compact, the states who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties, appertaining to them.—*Madison.*

‘Resolved, That the several states, comprising the United States of America, are not united on the principle of unlimited submission to their General Government; but by compact, under the style and title of a Constitution of the United States, and of amendments thereto, they constituted a Government for special purposes—delegated to that Government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that, whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force. That to this compact each state acceded as a state, and as an integral party. That the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.—*Jefferson.*’

This resolution passed in the house by a majority of 83 to 31.

‘5. *Resolved*, That this Legislature doth also express its deep regret that a spirit has in sundry instances been manifested by the Federal Government to enlarge its powers, by forced constructions of the constitutional charter which define them; and that indications have appeared of a design to expand certain general phrases, (which have been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued,) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and to pervert certain specified grants of power from their true and obvious meaning, to purposes never contemplated by the authors of the Constitution, or the states, when they adopted it; and so to consolidate by degrees, into one sovereignty; the obvious tendency and inevitable result of which, would be to transform the present republican system of the United States into an absolute government, without any limitation of power.’

This resolution was agreed to by a vote of 103 to 9.

‘6. *Resolved*, That the several acts of the Congress of the United States, now of force, imposing duties upon imposts for the protection of domestic manufactures, have been, and are deliberate and highly dangerous and oppressive violations of the constitutional compact, and that whenever any state, which is suffering under this aggression, shall lose all reasonable hope of redress from the wisdom and justice of the Federal Government, it will be its right and duty to interpose in its sovereign capac-

ity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts.

This resolution was agreed to by a vote of 90 to 24.

'7. *Resolved*, That this state having long submitted to the evil, in the hope of redress from the wisdom and justice of the federal government, doth no longer perceive any ground to entertain such hope, and therefore that it is necessary and expedient that a convention of the people of this state be assembled, to meet after the adjournment of the ensuing session of the Congress of the United States, for the purpose of taking into consideration the said violations of the constitutional compact.'

This resolution, after being modified by striking out all the words down to 'it is necessary,' was agreed to by a vote of 60 to 56; but as the Constitution of South Carolina requires the consent of two thirds of the Legislature to call a Convention, this proposition, though supported by a majority of both branches of the Legislature, has failed.

In the progress of the discussion, Mr. D. E. Huger offered the following among other resolutions, as an amendment, viz :

'*Resolved*, That this legislature does not recognize as constitutional, the right of an individual state to nullify or arrest a law passed by the United States, in Congress assembled.'

A motion was then made by Mr. Glover to strike out all after the word 'resolved,' and to insert the following :

'That the legislature doth recognize the right of a state to arrest an unconstitutional law of Congress;'

Which was agreed to by a vote of 60 to 57. The whole amend-

ment was then rejected almost unanimously.

In the Senate, all of the above resolutions were agreed to, either unanimously, or by overwhelming majorities. That which proposed the call of a Convention, after the adjournment of the present session of Congress, passed by a majority of 26 to 12. On the bill providing for the immediate call of a Convention, the vote in the Senate stood, ayes 23, noes 18.

Thus terminated, for the present, the proceedings of the Legislature of South Carolina, on these interesting subjects.

The failure of the Convention bill did not discourage the advocates of nullification, but they renewed their exertions to stimulate the people of the state to resist the tariff at all hazards. A state rights and free trade association was formed, and every effort was made to keep up the public feelings to that point which threatens loudly as to seem on the point of acting.

LEGISLATION.—Among the acts passed at the session of 1830, were the following of general interest.

The Act to raise supplies impose a tax of 2 per cent. on all dividends received by citizens of this state, on shares in any bank not incorporated by the authority of the state, whether the shares be held in the state or not; and a tax of \$2000 instead of \$5000, on lottery offices.

The Act to regulate the practice of the Courts of law in certain cases, is declaratory of the right of a Defendant, in a suit upon a Bond, under the plea of *non est factum*, to give in evidence any matter which goes to show that the bond was void in its creation. This act was intended to remove the doubts resulting from

an adverse decision of Judge Lee, on the Custom House bond of Messrs. Holmes and Mazyck.

The Act concerning free persons of color, inhibits this class of population from distilling or vending ardent spirits.

The Act concerning hawkers and pedlars, increases the license for this class of traders to \$100 for a district, requires them to enter into recognizance with good securities, to be of good behavior, and especially not to distribute seditious pamphlets, &c. ; and subjects their goods, &c. to seizure in case they refuse to produce their licenses upon demand.

The Act to amend the Acts regulating Elections gives the Managers power to commit persons to gaol for disorderly conduct at the polls—requires a person, whose vote is challenged, to take an oath setting forth specifically his qualifications, makes the false swearing of the voter liable to punishment,

as perjury—gives the Managers power to reject a vote, notwithstanding the oath of the voter, if they shall be otherwise satisfied that the voter is not qualified, and requires the Managers in the parishes of St. Philips and St. Michaels to set down in writing the particular place of residence of every voter. A resolution was also adopted by the Legislature declaratory of the provisions of the Constitution with respect to the qualifications of voters—declaring that the residence required by the Constitution, is residence immediately preceding the election; but if any person have his home in the State or District, as the case may be, temporary absence with the intention of returning, does not affect his residence, but if he have a home or family in another State, his residence, although continued for two years in the State, gives no right to vote.

GEORGIA.

CHEROKEES.—An Indian by the name of Tassels having been guilty of homicide, was arrested and tried under the laws of Georgia in the autumn of 1830.

Having been convicted, a writ of error was sued out in his name from the Supreme Court of the United States for the purpose of contesting the constitutionality of the law under which he was tried. Governor Gilmer thereupon transmitted to the Legislature the following message :

Executive department, December 22, 1830.

‘ I submit to the Legislature, for its consideration, the copy of a communication received this day, purporting to be signed by the chief justice of the United States, and to be a citation of the State of

Georgia to appear before the Supreme Court, on the second Monday in January next, to answer to that tribunal for having caused a person who had committed murder within the limits of the state, to be tried and convicted therefor.

‘ The object of this mandate is to control the State in the exercise of its ordinary jurisdiction, which, in criminal cases, has been vested by the Constitution exclusively in its superior Courts.

‘ So far as concerns the exercise of the power which belongs to the Executive department, orders received from the Supreme Court, for the purpose of staying, or in any manner interfering with the decisions of the Courts of the state, in the exercise of their con-

stitutional jurisdiction, will be disregarded; and any attempt to enforce such orders will be resisted with whatever force the laws have placed at my command.

'If the judicial powers thus attempted to be exercised by the Courts of the United States, is submitted to, or sustained, it must eventuate in the utter annihilation of the State Governments, or in other consequences not less fatal to the peace and prosperity of our present highly favored country.'

(Signed)

GEORGE R. GILMER.

This message being referred to a Committee, the following report and resolutions were brought in and passed by the house, and concurred in by the senate:

Whereas, it appears by a communication made by his excellency the Governor to this general assembly, that the chief justice of the Supreme Court of the United States has sanctioned a writ of error, and cited the state of Georgia, through her chief magistrate, to appear before the Supreme Court of the United States, to defend this State against said writ of error, at the instance of one George Tassels, recently convicted in Hall superior court, of the crime of murder.

And whereas, the right to punish crimes against the peace and good order of this state, in accordance with the existing laws is an original and a necessary part of sovereignty which the state of Georgia has never parted with.

'Be it therefore resolved by the Senate and House of Representatives, &c. That they view with feelings of the deepest regret, the interference by the chief justice of the supreme court of the United States, in the administration of the criminal laws of this State, and that

such an interference is a flagrant violation of her rights.

'Resolved further, That his excellency the Governor be, and he and every other officer of this state is hereby requested and enjoined, to disregard any and every mandate and process that has been or shall be served upon him or them, purporting to proceed from the chief justice or any associate justice of the Supreme Court of the United States, for the purpose of arresting the execution of any of the criminal laws of this State.

'And be it further resolved, That his excellency the Governor be and he is hereby authorised and required, with all the force and means placed at his command, by the constitution and laws of this State, to resist and repel any and every invasion from whatever quarter, upon the administration of the criminal laws of this state.

'Resolved, That the State of Georgia will never so far compromise her sovereignty, as an independent State, as to become a party to the case sought to be made before the Supreme Court of the United States, by the writ in question.

'Resolved, That his excellency the Governor be, and he is hereby authorised, to communicate to the sheriff of Hall county, by express, so much of the foregoing resolutions, and such orders as are necessary to ensure the full execution of the laws, in the case of George Tassels, convicted of murder in Hall county.'

The Governor accordingly took the course recommended by the resolutions, and on the day assigned for his execution, the unfortunate Indian was hanged pursuant to his sentence.

Other difficulties, however, now began to appear. The laws passed by Georgia extending the juris-

diction of the State over the Cherokee territory, had made it a misdemeanor for white persons to remain in the Indian country without taking an oath of allegiance to the State.

A mission had been established among the Cherokees many years anterior to the accession of Gen. Jackson to the Presidency, with the approbation of the Federal Government, and had acted as the agent of the Government in distributing the fund appropriated for the civilization of the Indians, and generally in carrying into effect the benevolent views which characterized its policy.

As these missionaries were considered advisers of the Cherokees, the Government of Georgia deemed it necessary to remove them from the territory.

A state guard was accordingly ordered into the territory, and Samuel Worcester and five other white persons were arrested in the month of March, 1831, brought before Judge Clayton for violating the laws of Georgia. Mr. Worcester and Mr. Thompson, however, were discharged from imprisonment, on the ground that being agents of the United States they did not come under the operation of the statute.

Complaints were then made to the President, who dismissed them from their employment, and Gov. Gilmer addressed letters informing them of it and requiring their departure from the Cherokee country. The following was addressed to Mr. Worcester:

Executive department, Milledgeville, 16th May, 1831.

'Sir—It is a part of my official duty to cause all white persons residing within the territory of the State occupied by the Cherokees to be removed therefrom, who

refuse to take the oath to support the constitution and laws of the State. Information has been received of your continued residence within that territory, without complying with the requisites of the law, and of your claim to be exempted from its operation, on account of your holding the office of postmaster at New Echota.

'You have no doubt been informed of your dismissal from that office. That you may be under no mistake as to this matter, you are also informed that the government of the United States does not recognize as its agents the missionaries acting under the direction of the American board of foreign missions. Whatever may have been your conduct in opposing the humane policy of the general government, or exciting the Indians to oppose the jurisdiction of the state, I am still desirous of giving you, and all others similarly situated, an opportunity of avoiding the punishment which will certainly follow your further residence within the state, contrary to its laws. You are therefore advised to remove from the territory of Georgia, occupied by the Cherokees. Col. Sanford, the commander of the guard, will be requested to have this letter delivered to you, and to delay your arrest until you shall have had an opportunity of leaving the state. Very respectfully, yours, &c. GEORGE R. GILMER.

Rev. Samuel Worcester.'

This requisition not having been complied with, Messrs. Worcester and Butler were arrested, and one of them (Mr. Butler) dragged with a chain round his neck to prison. After a short confinement, they were tried, convicted, and sentenced, with 9 others, to 4 years imprisonment at hard labor in the Penitentiary of Georgia. Measures

were taken to bring the question as to the legality of their confinement and the constitutionality of the State laws before the Supreme Court of the United States for decision, and in the mean time the missionaries remained in prison among convicts and felons.

Among other measures adopted by the Legislature at the session of 1830—31, on this subject, was a law declaring all Cherokees not to be bound or liable to be sued on contracts made with white persons.

A bill was passed to authorise the immediate survey and distribution of the Cherokee territory, but postponing the division into lots until the Indian title was extinguished, or until the meeting of the next legislature.

A new system for the militia was also reported, by which all parades were abolished except one for annual inspection, and all persons not serving in volunteer corps were to be taxed 50 cents a year, for the encouragement and support of volunteer corps. The members of volunteer corps were to be exempted from Jury duty; and were to have 4 annual parades, exclusive of those required by their by-laws.

FEDERAL GOVERNMENT.—The following resolution was also passed by a vote of 76 to 45. After reciting the protest against the tariff passed in 1828 (Vide Ann. Register for that year [141]) the resolution proceeds.

And whereas the foregoing protest was, on the 12th day of January, 1829, laid before the Senate of the United States, with due solemnity.

'Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and acting for the people thereof, That the

State of Georgia, influenced by a sense of forbearance, and respect for the opinions of the other States, and by community of attachment to the Union, so far as the same may be consistent with self-preservation and a determined purpose to preserve the purity of our republican institutions, having, in her sovereign character, *protested* against the Tariff, and, by inference, against its dependent measure—Internal Improvements, as being an infraction of the sacred bond of our Union—*demand*ed its repeal, and in perpetual testimony thereof, deposited that *protest* and *demand* in the archives of the Senate of the United States, cannot now, adhering firmly and unalterably, as she does, to the declarations contained in that instrument, descend, without committing her honor and dignity as a sovereign and independent State, to the measures of memorial and remonstrance, which, having been patiently resorted to for years, were utterly disregarded, thus compelling her, in justification of her character to the present generation, and to posterity, reluctantly to adopt the measure herein before recited.

'Resolved, nevertheless, by the General Assembly of the State of Georgia, acting for and in the behalf of the people thereof, That this State looks with the deepest solicitude to the re-election of General Jackson to the Presidency of the United States, because in that event, we will have a certain guarantee, that he will fearlessly go, as far as his official powers will warrant, "in arresting the profligate expenditure of the public money, extinguishing the public debt as speedily as possible—and in restraining the Government to its original simplicity in the exercise of all its functions."'

ALABAMA.

LEGISLATION—At the session of the Legislature, commencing November 15th, 1830, twelve public acts were passed, and seven joint resolutions. Among the acts, was one providing a reporter for the decisions of the Supreme Court of the State.

It was enacted that no juror should be deemed incompetent in capital cases, because he had formed and expressed an opinion solely upon rumor, without any knowledge of the facts in the case.

In capital cases, the defendant is to have sixteen, and the state four peremptory challenges, and in

other felonies, the defendant is to have twelve, and the state four challenges.

Memorials to Congress were adopted by the legislature, praying further relief to occupants and purchasers of the public lands, and a joint resolution declaring that the transportation of the mail on Sunday, is of vital importance to the welfare and prosperity of the Union, and that its suspension on that day, would be a violation of the spirit of the constitution, and repugnant to the principles of a free government.

MISSISSIPPI.

ELECTIONS.—*August, 1830.*—

The following is the return of the election for a member of congress in this state:—

Mr. Plummer	4148
Dickson	2713
Wilkins	2078
Norton	1398
Sharkey	1372
Webber	155

From the official returns of the election for governor of this state, it appears that the following was the vote:

Scott	3,950
Runnels	3,711
Lynch	2,905
Harris	1,439
Gordon	494

For a convention, to amend the constitution, 7,034; against a convention, 2,020.

1831.—**THE MISSISSIPPI.**—The length of passage from New Orleans to Louisville has been shortened about forty-two miles, by cutting off two bends in the Mississippi river. The first at the bend into which Red river empties itself.

The distance round that bend was eighteen miles. On the 14th of January, 1831, Capt. Shreve, the superintendent for improving the navigation of the Mississippi and Ohio rivers, commenced making an excavation across the neck of land, at the narrowest point. The object was effected by cutting a canal seventeen feet wide, and twenty-two feet deep, after felling all the timber in the vicinity. The water was let through the canal about the 28th of January, fourteen days after the commencement of the work. In two days the water had excavated a channel to such an extent, that the steamer Belvidere passed up through it. On the same day, the United States steamer Heliopolis passed up the same channel. Since that time, the steamboats have all passed through the same cut off, up and down. In five days, it was the main channel of the river, being about half a mile in width, and of equal

depth with the other parts of the river. The excavation was made by the steam snag-boat Heliopolis, in an unexampled and expeditious manner. By taying the boat head on the shore, two scrapers of large size were worked by lines from four windlasses on the main shafts of the boat. Two lines to each scraper, one a six inch line, to haul the scraper into the bow of the boat, the other, a three and a half inch line, passed through a leading block on the shore, as far out as was necessary, and fastened to the back end of the scraper to draw it out. In this manner, the scrapers were kept in continual operation; loaded and unloaded by their own motion, attended by two men each, moving the earth out, and throwing it into the river, where it was washed away at the rate of at least a ton weight per minute.

The other bend, 200 miles above Natchez, which has been cut off, is not yet so perfect a navigation. The distance round it is 24 miles. That channel was formed by cutting a small ditch through two years ago. Six or eight steamboats have passed up through it. It is believed that it will wash to such an extent, that it will be the main channel of the river in 1831. The saving to the navigation will be equally as great as that at Red river. From examinations made by Capt. H. M. Shreve, he is of opinion, that the distance may be

shortened 97 miles in the same manner, at a comparatively small expense, by cutting through five other bends. The superintendent has been instructed by the department not to execute this work, as the act of congress providing for the improvement of the navigation of that river, does not authorise that description of improvement.

UNITED STATES BANK.—The following resolution was passed at the session of 1830—31.

‘Whereas, the introduction of a Branch bank of the National bank, within our state, would increase the circulating medium, facilitate internal and external negotiations, and promote our agricultural and commercial interests—Therefore, be it

‘Resolved, by the Senate and House of Representatives of the State of Mississippi, in general assembly convened, and it is hereby resolved, that the president and directors of the bank of the United States be, and they are hereby requested to locate a branch of said bank within the limits of our State. And be it further

‘Resolved, by the authority aforesaid, that the Governor be, and he is hereby requested, forthwith, to transmit a copy of this resolution, addressed to the president and directors of said bank, and that the same be certified under the seal of the state, and with his signature affixed thereto.’

LOUISIANA.

<i>Exports from New Orleans.</i>			1827—8	35,111	39,063	504,848
Hhds. of Tobacco.	Hhds. Sugar.	Bales of Cotton.	1828—9	25,491	57,611	267,949
			1829—30	28,028	22,951	351,890
1821—2	21,995	156,030				
1822—3	29,361	171,431				
1823—4	25,910	143,943				
1824—5	16,849	204,557				
1825—6	18,480	251,924				
1826—7	26,570	329,682				

1830.—BANK.—By the annual report of the Bank of Louisiana, it had only \$576,332 in circulation, but \$420,880 in specie on

hand—besides the cash in the different offices and other available means, making the grand aggregate of \$876,038. The bills and notes discounted, or mortgages on interest, amounted to about 3,500,000—capital paid in yearly 4,000,000—deposits to credit of individuals, 392,355.

1831.—A rail road was this year completed between New Orleans and Lake Pontchartrain—it is 4 1-2 miles long, perfectly straight, and its ascent and descent is only 16 inches. The avenue on which the road runs is 150 feet in width, and, being perfectly straight, the eye easily traverses its whole length. Standing on the bank of the Mississippi, you readily see the vessels sailing across the opening at the end of the avenue of trees.—At the extremity of the road, the company are constructing an artificial harbor and breakwater.

The New Orleans Bee of May 21, says, 'The sale of the Milneburg lots was closed yesterday; twenty-six squares were sold for 8,425 dollars, which, to the amount already published, makes in all \$259,247. It is the establishment of the port of Pontchartrain and the rail road, which gave so much value to these lots. It is said that the whole of that property, extending about three leagues towards lake Borgne, was bought of the Spanish government for 105 dollars.

1830—31.—LEGISLATION.—The principal provisions of the act recently passed by the Legislature of Louisiana, in relation to the introduction of slaves, are as follows:

Sec. 2. Persons emigrating and actually in the State, may introduce slaves which are *bona fide* their property, and citizens may introduce slaves for their own use: Pro-

vided they were not purchased in Mississippi, Alabama, Arkansas or Florida.

Sec. 3. Persons within five days after arrival of slaves, to file entry on oath, of the number, sex, description, &c., and to make oath not to sell, hire, exchange, mortgage, or in any manner dispose of them during five years. Penalty from 500 to \$1000, and slaves to be free. Oath may be taken in any other State.

Sec. 4. No person mentioned in second section permitted to sell, mortgage, hire, &c., under same penalties.

Sec. 6. No slaves introduced under this law liable to be sold under execution for five years.

Sec. 8. Allows slaves to be removed out of State and sold, but to return only under provisions of this act.

Sec. 12. Act not to apply to slaves coming and departing with travellers, or those absent on passage of act.

LOUISIANA AND THE MISSISSIPPI.—The following resolutions were also passed:

'Whereas it is of vital importance to the commercial interest, not only of Louisiana, but of the United States, that the obstructions at the entrance of the Mississippi be removed; and whereas the difficulties of entering the river are daily increasing, and immense losses have lately been sustained in consequence thereof:

'Be it resolved by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That the senators of this State be instructed, and the representatives be requested, to represent to the general government the necessity of deepening the mouth of the Mississippi, and

urge that a suitable appropriation for that purpose be made without delay.

The finances of the state are set forth in the annual message of the governor as follows :

'Our debt, which amounted, according to the last report made to you, to \$130,109 3 cents, has been reduced during the year 1831 to \$77,435 50-100. The dispos-

able fund now in the Treasury, amounts to \$67,947 34-100—to which we may add \$70,372 93-100 in notes of which the payment is secured, and which make a total sum of \$138,320 27-100. Our receipts during the year 1832 will exceed our expenditures by a sum of probably \$45,000, and this surplus must necessarily augment every year.'

TENNESSEE.

LEGISLATION.—At the session of the General Assembly in 1829-30, four hundred and fourteen acts, public and private, were passed, and thirty-two resolutions adopted. Among the public acts were the following :

An act establishing the rate of damages and interest upon protested bills of exchange. The holder of such bill is entitled to recover for damages over and above the principal sum for which the bill was drawn, and the charges of protest, together with interest on the principal sum, damages and charges of protest, from the time at which notice of the protest was given, and payment demanded at the following rate :—If the bill is drawn upon any person in the United States, three per cent. on the principal sum ; if upon any person in any other State or place in North America bordering on the Gulf of Mexico, or in the West Indies, 15 per cent ; if upon a person in any other part of the world, 20 per cent ; these damages are in lieu of interest and all other charges except the charges of protest, to the time of notice of the protest and demand of payment.

In the trial of indictment for offences under the grade of petit larceny, where no peremptory challenges of jurors are allowed by the

existing laws, the State and the defendant are each to be entitled to challenge peremptorily five jurors.

SLAVES.—If a negro slave sell any spirituous liquors, without the permission of his master, he is liable to receive not less than five, or more than ten lashes. If any slave have in his possession spirituous liquors at any other place than his own house, which liquor is owned by such slave, or some other slave, he is also liable to be whipped. If any merchant, tavern keeper, or other person, sell any spirituous liquor to a slave without a permit in writing from the master, he is subject to a fine of not less than five or more than fifty dollars.

INTERNAL IMPROVEMENT.—By this act a board of Internal Improvement is established, of which the Governor is to be ex officio President, and \$150,000 are appropriated to this object.

Among the private acts is the following: An act providing that a 'free woman of color in the third degree,' and who has been emancipated, shall be 'entitled to all the privileges of a free born white citizen of her sex;' but then 'she shall not, by virtue of the act, be a legal witness against any white person, in any court whatever.'

Among the resolutions are the

following: A resolution that the President of the United States be requested to cause to be detailed from the engineer department, an officer to examine into the most practicable mode of removing the obstructions to navigation at the Harpeth Shoals, and that the senators and representatives of the state be instructed and requested, to use all proper means to procure an appropriation sufficient to secure an object so important to the future military operations of the country, and so desirable to the western states.

A resolution relating to the opening of a communication by a canal or rail-road, between the waters of the Tennessee river and those falling into Mobile bay.

In a memorial to Congress prefixed to this resolution, it is stated that the legislature believe that it should be the policy of congress to appropriate such portion of the unappropriated funds of the nation, from time to time, as can be conveniently spared from the treasury, upon roads and canals, of a purely national character, where the same can be done without an infraction of the constitution.

A resolution relating to the U. States Bank.—‘The senators in Congress are instructed, and the representatives requested to vote against re-chartering the bank, if any attempt is made for that purpose before the next session of the General Assembly.’

A resolution relative to the state Turnpike road. ‘The state of Tennessee has it in contemplation to make a state road on the McAdam plan, from the Virginia line to the Mississippi river, provided she can obtain the adequate funds. The General Assembly believe that if the United States will take stock or make a donation

to Turnpike companies formed by the states, a national road can be made. They believe that this is the only manner by which a national road can be made, where aid is to be given by the general government, consistent with the sovereignty of the states and the legitimate power of the United States.’ The senators and representatives in congress are therefore ‘requested to obtain half a million of dollars, to be vested in the state turnpike company, from the United States.’

BOUNDARY.—Governor Carroll, in his message to the legislature (Sept. 19, 1831,) stated that, ‘By the third article of the convention of eighteen hundred and twenty, regulating the boundary between the States of Kentucky and Tennessee, it is provided, that whenever the Governor of either State shall deem it expedient to have the line between the two States run and plainly marked, he shall cause a notification thereof to be communicated to the Governor of the other state, and thereupon two surveyors shall be appointed—one by the Governor of each State, to ascertain, survey, and plainly mark what is known by the name of Walker’s line. The Governor of Kentucky, in accordance with this stipulation, notified me early in September last, that he was desirous to have the line run and marked, adjoining the counties of Trigg, Simpson, and Allen, and solicited the co-operation of this State. Mr. James Bright was accordingly appointed the surveyor in behalf of Tennessee, and he and Dr. Munsell, of Kentucky, commenced the duty assigned them early in November. On tracing and marking the line, it was discovered that a certain beach tree, near Drake’s creek, the reputed line, took an

off-set south sixty-two degrees west to a black-jack, on the road leading from Nashville to Lexington, and thence it took another off-set northwardly, to a gum tree, standing in Walker's original line. The surveyors continued the line, and found no other, difficulty, till within a mile of Cumberland river, where it terminated; but they extended it according to its course at its termination across the Tennessee river. On running a line due north from where they struck the Tennessee, they intersected a line said to have been run by Walker. The citizens west of Cumberland river, between those two lines, have been considered as belonging to Tennessee, and have always been subjected to the jurisdiction of her laws. The Legislature of Kentucky, in acting upon the subject, admit the north line, between the rivers Cumberland and Tennessee, as the permanent division line between the two States at this point; and claim their right to the triangular territory on the road leading from Nashville to Lexington. As this arrangement is in perfect accordance with what has been hitherto known and acted upon as Walker's line by the border settlers of each State, I recommend that the line as run by Munsell and Bright, and ratified by the State of Kentucky, be recognized by you, as the true and permanent line of boundary between the two States.'

He also stated that from the inquiries made into the affairs of the Nashville Bank it appeared

that many of its officers and agents had used the public funds for their own benefit. Nearly two hundred thousand dollars have been obtained from the cashier and clerk, but it is to be feared that there is still a considerable sum in default.— When it shall be accurately known, a hope is entertained, that the securities of the cashier will be disposed to settle, in a manner satisfactory to the State. Although there is every reason to apprehend that a loss will be sustained at the principal bank in Nashville, yet it is believed that a much greater proportionable deficiency will be found to exist at the agencies. The report of General Smith of the examination which he has made of the agencies in West Tennessee, is now before me, and it exhibits extensive insolvencies on the part of the debtors, and great inaccuracies in the transaction of the public business by most of the agents. The amount due at the agencies in West Tennessee is about two hundred and fifty thousand dollars, and of this sum at least sixty thousand dollars, and probably more, will be certainly lost. The gentleman appointed to examine the East Tennessee agencies, has not reported; but it cannot be otherwise, than that some loss will also have to be sustained in that end of the State. From this view of the subject, it is palpable, that the State has already incurred a heavy injury, and that most of its funds are in great jeopardy.

KENTUCKY.

The Legislature which met December 6, 1830, made 15 unsuccessful attempts to elect a senator of the United States. Mr. Critten-

den had 68 throughout, one ballot excepted. On the first ballot, Mr. Rowan had 20, on the 7th, 49, his highest vote; on the first ballot,

Col. R. M. Johnson had 48, and on the 4th and 5th, 64, his highest vote; on the first ballot, Mr. Wickliffe had one vote, on the 9th, 50, his highest vote; on the 15th and last ballot, Mr. Crittenden had 68 and Mr. Breathit, (a new candidate), 65 votes. Sixty-nine votes would have elected Mr. Crittenden. This gentleman, (the speaker of the House of Representatives), did not vote on any occasion.

The election was postponed until the next session, 575 Acts were passed, most of them upon subjects of local interest, among them were the following:

Soldiers of the Revolution

—Clerks of the several Courts are forbidden to charge any fees for affixing the seal of office to the testimonials of soldiers of the war of the Revolution, respecting services performed by them during that war.

Billiard Tables—The law authorizing the licensing of billiard tables is repealed. All persons are forbid to set up billiard tables, and after the licenses already granted shall expire, those heretofore set up are to be suppressed. The penalty for violating the law is \$100, and imprisonment until the fine is paid. Justices of the peace are authorized to issue warrants to search places where there is any suspicion of a billiard table being kept.

Improvements—Seaters, or persons who have settled upon and improved lands belonging to the State, are entitled to pre-emption, if they choose to purchase on notice given.

Guardians—Upon information that a guardian is mismanaging the estate of his ward, the county court shall summon such guardian to appear and settle the accounts of his ward, and they may, in the

discretion of the said court, continue or remove such guardian.

An executor is authorised by an act of the legislature, to convey lands in pursuance of an agreement of his testators.

1831.—The corner stone of a rail road, to run from the town of Lexington to the Ohio river at Louisville, was laid at Lexington on the 22d of October. An address was delivered on the occasion, by Dr. C. Caldwell of Transylvania University.

The amount of taxable property in Kentucky is \$103,543,638, paying a tax of 6 1-4 on \$100, and yielding	\$67,843 72
There is also a tax on studs, 1492 in number, amounting to	4,454 55
And a tax of \$10 each on 334 taverns, amounting to	3,440 00

Total tax	\$257,38 27
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October.—Ebenezer N. Robertson was killed by Dr. Pierce in such an extraordinary manner that we have extracted the following account from a Kentucky paper:

‘The chief incident in this tragedy was awfully sudden and striking. The county court was sitting in the village where the parties resided. Some business called Pierce into court. The first object which fixed his eye, was Robertson, who by agreement had left the county, never to return, now there, writing at the clerk’s table. Pierce gazed at him for a moment, in astonishment, then suddenly turned; and retiring by the door, re-appeared presently at the window, beneath which Robertson sat, in presence of his victim, Pierce fired, and lodged the contents in his brain—a fatal shot!

The cause of this act, was a violation of his wife’s honor by Robertson. The fact was notorious; not even denied by the offender himself. ‘Satisfaction,’ in the way

called 'honorable,' had been demanded, but not rendered.

Dr. Pierce was required, by the judgment of two magistrates, to give bail for his appearance at the next Circuit court in that county, to answer what might then be presented against him in relation to this matter. That court was in session last week, and Pierce was in attendance. One indictment against him for murder, and another for manslaughter, were laid before the grand jury. Having made such investigations, as they, under

their oaths, deemed proper, they returned both indictments into court, with their finding endorsed upon each—'*not a true bill;*' '*not a true bill;*' and whatever opinion, made upon views merely technical might be, upon the sheer justice of the case, and upon the diligent inquiry of the grand inquest of his county, the accused stands justified—acquitted. He appeared in the assembly yesterday, and was qualified as the representative of his county.

OHIO.

BOUNDARY.—Gov. McArthur, in his message to the Legislature of Dec. 18, 1830, observes that 'The establishment of the proper northern boundary line of the State, is a subject which ought to be urged upon the consideration of Congress. By the 5th Article of the Ordinance of Congress, for the Government of the Territory of the United States, Northwest of the river Ohio, passed July 13th, 1787, it will be seen that said Territory was to be formed into not less than three, nor more than five States. Each of the three first States to extend from the Ohio river to the Canada line.' After which it is provided 'That the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an East and West line, drawn through the southerly bend or extreme of Lake Michigan.' By this it would seem that Congress had no express power to continue a Territorial Government, after the organization of the first three States, which were to include

the whole of the Northwestern Territory. But although the power has been reserved to Congress, of altering the boundaries of the first three States, so as to form one or two States north of an east and west line, drawn through the southern extreme of Lake Michigan; it does not appear to me that it is either expressed or implied by the language of the Ordinance, that Congress in laying off the fourth and fifth States, should be bound to extend them south, to the east and west line above mentioned. On the 30th of April, 1802, Congress passed an act to enable the people of the eastern division of the Territory to form a Constitution and State Government. The boundaries of the *proposed new State* were designated therein: but the power is reserved of attaching thereto all the territory north of its proposed northern boundary, or to dispose of it otherwise, agreeably to the Ordinance of 1787; which is, that they may form one or two new States, in *some part* of the Territory north of the east and west line before referred to. Full power is given to the people to form a Constitution and State

Government, under no other restriction than that it shall not be repugnant to the Ordinance of 1787. On the 29th of Nov. 1802, the people did form a Constitution, and therein designated the boundaries of the State, so as to include the mouth of the Maumee river and bay, which they knew would be essential to the commerce of the State. The Constitution was submitted to Congress, and the State admitted into the Union accordingly; but without any express recognition of the alteration made by our Convention in the northern boundary thereof.

A line has been run, under the direction of the Surveyor General, as I am informed, purporting to be an east line from the southerly extreme of Lake Michigan; which excludes from the State of Ohio the mouth of the Maumee river and bay; and if continued, would exclude a part of the counties of Cuyahoga and Geauga, and almost the whole of Ashtabula, from this State, and attach the same as effectually to the Territory of Michigan, as it is now contended that it does the mouth of the Maumee river. I have no confidence in the accuracy of the line run under the directions of the Surveyor General. An east or west line cannot be run correctly by the compass. In high latitudes, besides the usual variation of the needle, the bearing of the compass towards the Equator, is very great. If the bearing of the compass, either east or west from a given point, or station, could be correctly pursued, it would intersect the Equator at ninety degrees from the said point, or station, instead of running parallel with the Equator, as some might suppose. But I do not think that the northern boundary of our State ought to be

made to depend upon an easterly line from the southerly extreme of Lake Michigan. It is believed that there is nothing in the Ordinance of 1787, which requires that it should be so bounded. It was not the understanding of the people of the eastern division of the Northwestern Territory, when they entered into a State Government, that their State was to be so bounded; nor could such have been the opinion of Congress when the States of Indiana and Illinois were admitted into the Union. It would operate as a great grievance, if the whole commerce of the Maumee river, and of the northwest quarter of the State, had to pass for a few miles at the mouth of that river, through another State, and be subject to detention and inspection duties, before it could pass into Lake Erie; and more especially, if the contemplated Indiana and Ohio Canal should be constructed, or the Miami Canal be extended to the Maumee Bay. If we cannot claim as a right, the northern boundary designated in the Constitution of our State, we have a right to expect it from the liberality of Congress. It never could have been contemplated by any, to extend the northern line of the State, east to the Pennsylvania line, and exclude a part of the Connecticut Western Reserve, as would be the case, should an east line from the southerly extreme of Lake Michigan be established as the northern boundary of Ohio. A few miles of the mouth of the Maumee river, and about as many sections of land, mostly flat and swampy, can be of but little consequence to the State, which may hereafter be organized north of this State; but to Ohio it will be of much importance. I cannot but believe, that a respectful memo-

rial to Congress, representing the true state of the case, would meet with that attention and success which it would so justly merit.'

He also observes that, 'Our Common Schools have gradually increased, under the law for their regulation and support. From calculation founded upon the enumeration of children between the ages of four and sixteen, in the Virginia Military District, it is believed that not less than 350,000 children within the State receive, or are entitled to receive, instruction in these Primary Schools. Our numerous Academies and Colleges are in a flourishing condition, and are all receiving a gradual accession of students. Our Female Academies are increasing; and a deeper interest is felt throughout the State, for the instruction of this most interesting part of our population.'

FINANCES OF OHIO.

The annual report of the auditor of state, shows the condition of the finances.

GENERAL REVENUE.

Receipts.

Balance in treasury, November, 1829	\$15,623 22 7
State and canal tax	180,080 69 2
Delinquent lands	11,636 17 1
Tax on attorneys, physicians, &c.	2,700 07 0
Banks	4,979 99 6
Other sources	968 40 9
	<hr/>
	\$215,988 56 5

Expenditures.

Audited bills redeemed	\$92,353 37 0
Appropriated to canal	113,956 97 6
Interest of school funds	2,897 77 4
Deaf and dumb asylum	500 00 0
Balance in treasury, November 15.	6,280 44 5
	<hr/>
	\$215,988 56 5

Expenses of government.

The expenses of government, for which bills were issued upon the treasury, were as follows:	
Legislative	\$29,085 71
Executive	17,626 83
Ohio penitentiary	10,405 50

Printing	4,300 00
County and township taxes	10,246 22
Paper	3,111 60
Wolf scalps	2,928 50
Distributing arms	1,637 89
Brigade inspectors, &c.	1,784 00
Refunding taxes	1,495 88
Contingent fund for governor	1,338 23
do. auditor	1,783 37
do. treasurer	51 80
Distributing laws and journals	451 86
Folding and stitching do.	237 25
County treasurers	1,085 11
Registers and receivers of Ohio lands	1,125 30
Deaf and dumb asylum	500 00
Redemption of land	338 15
New entries from land offices	285 87
Librarian's salary	300 00
Courts martial	280 25
Books for library	350 00
Canal fund commissioners	150 00
Reporter of supreme court	300 00
Reports of supreme court	247 00
Interest on college fund	82 83
Sundries	759 27
	<hr/>
Total expenditures of 1830	\$92,485 46

Tax list for 1831.

16,199,682 acres of land	\$41,564,494
Other property	23,016,161
	<hr/>
	\$64,580,655

Estimated receipts 1831.

Balance in treasury, 1830	\$6,130 33
Tax on property	89,154 56
Banks	4,000 00
Attornies, physicians, &c.	1,500 00
Debts to be collected	1,000 00
Arrears of tax	1,000 00
	<hr/>
	\$102,784 89

Estimated expenditures.

Support of government	\$80,000 00
Penitentiary	10,000 00
Balance	12,784 89
	<hr/>
	\$102,784 89

CANAL FUND.

Receipts, 1830.

Balance in treasury, 1829	\$5,705 87
Appropriation and taxes	110,040 34
Sale of lands	79,780 67
Tolls on Miami canal	49,230 12
do. Ohio canal	24,336 35
Sale of lots donated	1,338
School funds borrowed	169,460 68
	<hr/>
	\$439,892 05

Paid to canal commissioners	\$435,603 13
Balance of loans of 1823, and interest	19,877 75

Interest on deposits in Manhattan	40,709 48
Loan of 1830	705,420
Interest on loan	524 99
Balance in bonds of canal commissioners, 1829	709,289 06
	<u>\$1,911,424 41</u>

Disbursed by canal commissioners.

Interest on loans	\$224,306 12
To contractors	940,711 76
Damages	3,056 50
Sundries	530,07
Deposited in Manhattan	687,815 05
In western banks	54,971 91
	<u>\$1,911,424 41</u>

*Estimates of canal fund for 1831.**Receipts.*

Tax of 2 mills on the dollar	120,000
Tolls and donations	100,000
Ohio lands	50,000
School funds	70,000
	<u>\$340,000</u>

Expenditures.

Interest on loan of 1825	\$20,000
do. loans of '26, '27, '28, and '30	240,000
Interest on school funds	10,167
Balance	69,833
	<u>\$340,000</u>

Canal debt of Ohio.

	Am't borrowed.	Interest.
Loan of 1825	\$400,000	5 \$20,000
1826	1,000,000	6 60,000
1827	1,200,000	6 72,000
1828	1,200,000	6 72,000
1830	600,000	6 36,000
Foreign debt	\$4,400,000	\$260,000
School fund	169,460	10,167
	<u>\$4,569,460</u>	<u>\$270,167</u>

The school funds borrowed for the use of the canals, amounted, on the 15th November last, to \$169,460 68—as follows :

Common school fund	\$82,626 31
Virginia military do.	47,014 32
U. S. military do.	27,895 50
Sales of salt reserves	11,004 20
Ohio university fund	920 35

To meet the interest due for 1831, on the canal loans the following are the sources relied on.

Direct tax of 2 mills on a dollar	\$121,516
Canal tolls	80,000

Sales of land granted by congress	50,000
Donations, interest on deposits, &c.	20,000

Amounting to \$271,156

Taxes for 1830.

The gross amount of tax collected in Ohio during 1830, is stated as follows :

For canal purposes	\$129,551 93
For state purposes	97,163 95
For county school, and town-ship and road purposes	350,860 33
Sundry items	7,500 00
	<u>\$565,076 21</u>

Averaging about 62 cents to every inhabitant of the state.

The amount of tolls collected upon the Miami Canal, from the 1st day of November, 1830, to the 1st day of November, 1831, is \$36,177 78.

The amount of tolls collected upon the Ohio Canal, from the 1st day of November, 1830, to the 1st day of November, 1831, is \$63,934 27 1; making together the sum of \$100,112 05 1; which, after deducting the expenses of collection, leaves \$94,619 15 1.—

The navigation of the Erie and Ohio Canal was opened during the year 1831 as far south as Chilicothe, a distance of 259 miles. This, with the Miami Canal, and the number of navigable feeders connected with the main line, make an amount of finished Canal, of about 344 miles.

It is believed by the Acting Canal Commissioners, that that portion of the Ohio Canal between Chilicothe and Portsmouth, a distance of about 50 miles, together with the Granville feeder of 6 miles, will be completed in July, 1832, when Ohio will have of navigable Canals, *four hundred miles.*

1831, *New Indian Treaty.*—Messrs. J. B. Gardiner, special commissioner, and John M'Elvain,

Indian Agent for this state, signed a treaty with the chiefs and warriors of the Seneca and Shawnee band of Indians on the Lewiston Reserve, in the county of Logan, on Wednesday the 20th of July. Forty thousand acres of land are acquired to the United States Government by this treaty, and the county of Logan is cleared of Indian title. The Indians receive a tract of land of some greater extent west of the Missouri and Arkansas, together with some other presents, and the expense of their removal, which, it is expected, the government will perform for them the next summer.

In regard to internal improvements, the cry of the people of this state is 'onward.' The project of a Rail Road from Sandusky to Dayton is strongly urged, and a meeting was held at Sandusky on the 23d June, 1831, to take measures to advance the undertaking. Every facility is afforded for the construction of this work by the natural make of the country, the

whole distance presenting but a few and slight inequalities in the surface. The people have just begun to realize the benefits of their canal system. Between the 5th of March and the 26th of May, the amount of property conveyed through the Miami canal to Cincinnati, was 778,342 dollars, consisting of the varied products of the rich valley of the Miami. Amount of tolls, 19,037 dollars. During the month of June, there arrived at Cleaveland, by the way of the Ohio canal, 8,109,952 pounds of property, embracing 65,634 bushels of wheat, 12,675 bbls. of flour, 7,117 of butter, 3,175 bbls. of cheese, besides a great variety of other articles. During the same month there passed up the canal 2,365,560 bls. consisting of 302 tons of merchandise, salt, fish, &c. Since the opening of the navigation, 90,510 bushels of wheat, 37,231 bbls. of flour, and 4,072 bbls. of pork, arrived at Cleaveland, for an eastern market.

INDIANA.

ELECTIONS.—The legislature of this state, elected in August, 1830, consisted 51 opposition, and 33 in favor of the administration.

At the meeting of the legislature in the following December, some opposition was made to the re-election of William Hendricks to the United States senate, on account of his uncertain and vacillating course in that body. Ratliff Boon was supported by the friends of the administration, and the vote stood for

	1st.	2d.	3d.	4th.
Wm. Hendricks	31	34	40	44
Ratliff Boon	26	28	24	26
John Law	12	11	13	9
Charles Dewey	9	7	3	3
Scattering	4	3	2	0

William Hendricks, having obtained a majority on the fourth ballot, was elected.

The vote for governor was for

Noble	(opposition)	22,620
Stopp	(do.)	6,756
Reed	(administration)	19,383

At the session of the legislature in 1830, a general revision of the statute laws was made, and is now published. The statute laws are comprised in 111 chapters, on the following subjects:

Mills.—The owner of land on a stream desirous of building a dam thereon, shall apply to the circuit court to have the land viewed and the damages appraised; and summonses shall be issued to the sever-

al owners or tenants on the land, to show cause why the dam shall not be built. If it appear that the land of any tenant will be overflowed, or the health of the neighborhood injured, the court must refuse permission to build the dam. On leave being granted, the person building, on paying the sum assessed, becomes seized in fee simple of the acre of ground; but failing to begin to build the mills within a year, or to finish it within three years, or to keep it in repair for public use, the land reverts to its former owner.

Agricultural Societies.—Any twenty or more citizens of any county, may form themselves into a society with corporate powers. Society cannot hold a greater amount than \$500 worth of real estate longer than six months. Money can alone be appropriated for payment of prizes that relate to agricultural and domestic manufactures, for publications on the same subject, and contingent expenses.

Aliens, whose governments are at peace with the United States,

and who shall have made declaration of their intention to become citizens according to the laws of the United States, may purchase, and hold real estate.

Arbitrations.—All controversies for which there shall be no remedy but by personal action, or suits in equity, may be arbitrated, and the submission made a rule of any court of record in the state. Bonds are to be entered into, conditioned for complying with award. The award is to be entered of record, and filed by the clerk, and proof made of the execution of the bond, and service of a copy of the award, and a rule taken on the party refusing to show cause at the next term, why judgment should not be entered thereon. On ten days' notice of this rule, no sufficient cause being shown, judgment is rendered. Opposing party may show that award was obtained by mistake, in matter of law and fact, or by corrupt and other undue means. Arbitrator is allowed one dollar per day, and an award on mutual accounts has the same effect as a verdict.

ILLINOIS.

GREEN COUNTY.—The first settlement was made in this county in 1817—the first sale of land took place in 1821, and under the cash system, so that the people avoided all the vexation of speculation which has embarrassed those of many parts of the western country. This county now contains 7,874 inhabitants, and has 1,207 militia on the muster-roll. Large quantities of flour, whiskey, &c. are manufactured in it, and shipped down the Illinois river. Carrolton, the seat of justice, has from 5 to 600 inhabitants, and contains a number of excellent

brick buildings. This is a specimen, though not a very remarkable one, of the progress of population and improvement in the west.

INDIAN DISTURBANCES.—1831.—The latter part of May, Governor Reynolds of this state informed the Indian agent that he considered it necessary to call out 700 of the state militia, to remove the Sac tribe from the state. This tribe had determined, for some years past, to remain, at all hazards, on certain lands, which had been purchased by the United States, and afterwards some of them sold to private individuals by the gen-

eral government. They also determined to drive off the citizens from this disputed territory. In order to effect their object, they committed various outrages on the persons and property of the citizens of this state. That they might the more effectually resist all the force that would be employed against them, they treated with many other tribes to combine together for the purpose of aiding them to continue in possession of the country in question. These facts and circumstances being known to the frontier inhabitants, they became much alarmed, and many of them abandoned their homes and habitations.

Gen. Gaines at first declined the aid of the militia offered by Governor Reynolds; but directed the United States troops in that part of the country to march for the protection of the country, and also to enforce the removal of the Indians, pursuant to the treaty. Subsequently ascertaining that other tribes had joined the Sacs, a requisition was made for the mounted volunteers, and on the 25th of June, the commanding officer entered the Sac village.

The appearance of the mounted volunteers on the one side, and the regular troops with two pieces of artillery on the other, aided by a steam-boat, armed with a piece of artillery and some musketry and riflemen, induced these Indians to abandon the village previous to our arrival, and without firing a gun. Deserted by their allies, this disorderly band was left alone to seek security in a speedy flight to the right bank of the Mississippi, where they were found next day, under the protection of a white flag. They immediately sued for peace, whereupon articles of agreement and capitulation were

entered into and signed, and the Indians agreed to go over the Mississippi.

LEGISLATION.—At the session of the General Assembly in 1830—31, 137 acts were passed, of which 119 are public acts. They are published in a volume containing 117 pages. The treasurer's report which is attached to the volume, states the receipts into the treasury for the two years ending November 30th, 1830, to be \$84,440 55.

An act was passed directing that the estates of male convicts, confined in the penitentiary, shall be managed by trustees, during the term of confinement.

Guardians are required, by an act of this session, to cause their wards to be educated; and if there are no friends, or the guardians neglect to educate them, the probate court is to put them out to other persons for that purpose.

A general act was passed authorising the inhabitants of any town, containing not less than 150 white male residents, to become incorporated by a vote of two thirds of the number present at a town meeting, to be called for the purpose, of which ten days notice shall have been previously given. Six months residence entitles a person to vote. In case of dissolution, the funds, if any, go into the county treasury.

The number of the members of the legislature was increased from 54 to 83, and apportioned among the counties, according to the ratio of population.

PENITENTIARY.—At a previous session, the building of a penitentiary had been authorised, and the building being now in progress, an act was passed for the regulation and government of this institution. The criminal code was modified so

as to substitute confinement in the penitentiary, in place of punishments heretofore inflicted. On conviction, the measure of punishment heretofore fixed by the court, is to be prescribed by the jury. A warden is to be elected biennially by the legislature, who is to give bond for the faithful performance of his duties, and receive an annual salary of \$600. The Governor and Senate appoint four inspectors every two years, who, together with the warden, constitute a board of inspectors, to whom the general supervision of the penitentiary is entrusted. Persons under eighteen years of age are not to be confined in the penitentiary.

The Governor is authorised to

subscribe for 150 copies of the Reports of the Supreme Court of Illinois, which are about to be published.

The compensation to the members and officers of the legislature for this session was as follows :—

To the speakers of the Senate and House of Representatives, each \$5 00 per day ; to the member of the Senate and House of Representatives, each \$3 00 per day, for each day of the session, and \$3 00 for every twenty miles travel in going to and returning from the seat of government. To the secretary of the Senate, and principal clerk of the House, \$5 00 per day ; to the enrolling clerks, \$4 00 per day.

MISSOURI.

INTERNAL IMPROVEMENT.—The Legislature of this state, at the session of 1830, sanctioned a memorial, declaring it to be the duty of the Federal Government to construct works of internal improvement, and praying for an appropriation for the removal of the obstructions in the Mississippi and Missouri rivers, and for the continuation of the Cumberland road.

May, 1831.—**OUR RIVERS.**—The following paragraph, from the St. Louis Beacon, is highly indicative of that spirit of enterprise and hardihood for which our fellow citizens of the west are justly renowned :

‘ A new and handsome steam-boat, belonging to the American fur company, arrived in this port on Sunday last, and proceeds to-day, it is understood, for the mouth

of the Yellow Stone, where is situated the highest trading establishment on the Missouri. This point is about nineteen hundred miles above St. Louis ; not more than six hundred miles by water, and a much less distance by land from the base of the Rocky mountains. No steam-boat, we believe, has yet passed Council Bluffs, situated one third of the way between St. Louis and the mouth of the Yellow Stone. Should the company succeed in reaching this point with their boat, we have good reasons for believing that success will repay them, and we shall have the pleasure of beholding what, it was thought the other day, was reserved for the next generation.’

St. Louis, the starting place, is about 1,168 miles from the sea.

CENSUS OF 1830.

Returns, showing the aggregate population of each County in each State of the United States.

STATE OF MAINE.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
York, - - - - -	51,722	-	51,722
Cumberland, - - - - -	60,102	-	60,102
Lincoln, - - - - -	57,183	-	57,183
Kennebec, - - - - -	52,484	*2	52,482
Oxford, - - - - -	35,211	*4	35,207
Waldo, - - - - -	29,788	-	29,788
Somerset, - - - - -	35,787	-	35,787
Penobscot, - - - - -	31,530	-	31,530
Hancock, - - - - -	24,336	-	24,336
Washington, - - - - -	21,294	-	21,294
Total of Maine, - - - - -	399,437	6	399,431

STATE OF NEW HAMPSHIRE.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Rockingham, - - - - -	44,325	*3	44,322
Strafford, - - - - -	58,910	-	58,910
Merrimack, - - - - -	34,614	-	34,614
Hillsborough, - - - - -	37,724	*2	37,722
Cheshire, - - - - -	27,016	-	27,016
Sullivan, - - - - -	19,669	-	19,669
Grafton, - - - - -	38,682	-	38,682
Coos, - - - - -	8,388	-	8,388
Total of New Hampshire,	269,328	5	269,323

* This is an error in the Marshal's return. There are no slaves in Maine, or New-Hampshire.

STATE OF MASSACHUSETTS.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Suffolk, - - - -	62,163	-	62,163
Nantucket, - - - -	7,202	-	7,202
Plymouth, - - - -	43,044	-	43,044
Hampshire, - - - -	30,254	* 2	30,252
Bristol, - - - -	49,592	-	49,592
Middlesex, - - - -	77,961	-	77,961
Norfolk, - - - -	41,972	-	41,972
Barnstable, - - - -	23,514	-	23,514
Worcester, - - - -	84,355	* 1	84,354
Hampden, - - - -	31,639	-	31,639
Franklin, - - - -	29,501	-	29,501
Dukes, - - - -	3,517	-	3,517
Berkshire, - - - -	37,835	-	37,835
Essex, - - - -	82,859	* 1	82,858
Total of Massachusetts,	610,408	4	610,404

STATE OF RHODE ISLAND.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Providence, - - - -	47,018	4	47,014
Newport, - - - -	16,535	6	16,529
Washington, - - - -	15,411	3	15,408
Kent, - - - -	12,789	-	12,789
Bristol, - - - -	5,446	1	5,445
Total of Rhode Island,	97,199	14	97,185

STATE OF CONNECTICUT.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Hartford, - - - -	51,131	1	51,130
New Haven, - - - -	43,847	9	43,838
New London, - - - -	42,201	2	42,199
Fairfield, - - - -	47,010	8	47,002
Windham, - - - -	27,082	-	27,082
Litchfield, - - - -	42,858	2	42,856
Middlesex, - - - -	24,844	2	24,842
Tolland, - - - -	18,702	1	18,701
Total of Connecticut,	297,675	25	297,650

* Error in return. There are no slaves in Massachusetts.

STATE OF VERMONT.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Franklin, - - - - -	24,525	-	24,525
Orleans, - - - - -	13,980	-	13,980
Washington, - - - - -	21,378	-	21,378
Orange, - - - - -	27,285	-	27,285
Essex, - - - - -	3,981	-	3,981
Rutland, - - - - -	31,294	-	31,294
Windham, - - - - -	28,746	-	28,748
Cheltenham, - - - - -	21,765	-	21,765
Grand Isle, - - - - -	3,696	-	3,696
Bennington, - - - - -	17,468	-	17,468
Addison, - - - - -	24,940	-	24,940
Windsor, - - - - -	40,625	-	40,625
Caledonia, - - - - -	20,967	-	20,967
Total of Vermont, - - -	280,657	-	280,657

STATE OF NEW YORK.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
New York city and county,	202,589	17	202,572
Putnam, - - - - -	12,623	4	12,624
Rockland, - - - - -	9,388	-	9,388
Suffolk, - - - - -	26,780	-	26,780
Sullivan, - - - - -	12,364	-	12,364
Green, - - - - -	29,523	-	29,525
Westchester, - - - - -	36,456	-	36,456
Kings, - - - - -	20,535	-	20,535
Richmond, - - - - -	7,082	-	7,082
Ulster, (inclusive of poor house at New Paltz,) - - - - -	36,550	-	36,550
Columbia, - - - - -	39,907	-	39,907
Orange, - - - - -	45,366	-	45,366
Queens, - - - - -	22,460	-	22,460
Dutches, - - - - -	50,926	-	50,926
Alleghany, - - - - -	26,276	-	26,276
Albany, - - - - -	53,520	*2	53,518
Broome, - - - - -	17,579	-	17,579
Cattaraugus, - - - - -	16,724	-	16,724
Clinton, - - - - -	16,344	-	19,344
Courtlandt, - - - - -	23,791	-	23,791
Cayuga, - - - - -	47,948	-	47,948
Chenango, - - - - -	37,238	*3	37,235
Chautauque, - - - - -	34,671	-	34,671
Delaware, - - - - -	33,024	-	33,024
Essex, - - - - -	19,287	-	19,287
Erie, - - - - -	35,719	-	35,719
Franklin, - - - - -	11,312	-	11,312
Genesee, - - - - -	52,147	-	52,147
Herkimer, - - - - -	35,870	-	35,870
Hamilton, - - - - -	1,325	-	1,325

STATE OF NEW YORK—CONTINUED.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Jefferson, - - - - -	48,493	-	48,493
Lewis, - - - - -	15,239	-	15,239
Livingston, - - - - -	27,729	-	27,729
Madison, - - - - -	39,038	-	39,038
Monroe, - - - - -	49,855	-	49,855
Montgomery, - - - - -	43,715	26	43,689
Niagara, - - - - -	18,482	-	18,482
Orleans, - - - - -	17,732	-	17,732
Ontario, - - - - -	40,288	-	40,288
Oswego, - - - - -	27,119	-	28,119
Otsego, - - - - -	51,372	-	51,372
Oneida, - - - - -	71,326	15	71,311
Onondaga, - - - - -	58,973	-	58,973
Rensselaer, - - - - -	49,424	-	49,424
Schoharie, - - - - -	27,902	-	27,902
Schenectady, - - - - -	12,347	-	12,347
Saratoga, - - - - -	38,679	-	38,679
St. Lawrence, - - - - -	36,354	-	36,354
Steuben, - - - - -	33,851	-	33,851
Seneca, - - - - -	21,041	-	21,041
Tioga, - - - - -	27,690	-	27,690
Tompkins, - - - - -	30,545	-	30,545
Wayne, - - - - -	33,643	-	33,643
Washington, - - - - -	42,635	8	42,627
Warren, - - - - -	11,796	-	11,796
Yates, - - - - -	19,009	-	19,009
Total of New York, - - -	1,918,608	76	1,918,532

STATE OF NEW JERSEY.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Bergen, - - - - -	22,412	584	21,828
Essex, - - - - -	41,911	218	41,693
Morris, - - - - -	23,666	164	23,502
Sussex, - - - - -	20,346	51	20,295
Warren, - - - - -	18,627	47	18,580
Somerset, - - - - -	17,689	448	17,241
Middlesex, - - - - -	23,157	309	22,848
Hunterdon, - - - - -	31,060	172	30,888
Burlington, - - - - -	31,107	23	31,084
Monmouth, - - - - -	29,233	227	29,006
Gloucester, - - - - -	28,430	4	28,427
Cape May, - - - - -	4,936	3	4,933
Salem, - - - - -	14,155	1	14,154
Cumberland, - - - - -	14,093	2	14,091
Total of New Jersey,	320,823	2,254	318,569

STATE OF PENNSYLVANIA.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Adams, - - - - -	21,379	45	21,334
Berks, - - - - -	53,152	7	53,145
Bucks, - - - - -	45,745	6	45,739
Chester, - - - - -	50,910	6	50,904
Cumberland, - - - - -	29,226	7	29,219
Dauphin, - - - - -	25,243	18	25,225
Delaware, - - - - -	17,323	3	17,320
Franklin, - - - - -	35,037	11	35,026
Lancaster, - - - - -	76,631	55	76,576
Lehigh, - - - - -	22,256	2	22,254
Lebanon, - - - - -	20,557	5	20,552
Montgomery, - - - - -	39,406	1	39,405
Northampton, - - - - -	39,482	-	39,482
Perry, - - - - -	14,261	4	14,257
Philadelphia city and county,	188,797	20	188,777
Pike, - - - - -	4,843	1	4,842
Schuylkill, - - - - -	20,744	-	20,744
Wayne, - - - - -	7,663	-	7,663
York, - - - - -	42,859	28	42,831
Alleghany and city of Pittsburg,	50,552	27	50,525
Somerset, - - - - -	17,762	2	17,760
M'Kean, - - - - -	1,439	-	1,439
Potter, - - - - -	1,265	-	1,265
Jefferson, - - - - -	2,025	1	2,024
Cambria, - - - - -	7,076	-	7,076
Clearfield, - - - - -	4,803	-	4,803
Grawford, - - - - -	16,030	-	16,030
Mercer, - - - - -	19,729	6	19,723
Union, - - - - -	20,795	2	20,793
Venango, - - - - -	8,470	3	9,467
Westmoreland, - - - - -	38,400	1	38,399
Warren, - - - - -	4,697	-	4,697
Columbia, - - - - -	20,059	-	20,059
Beaver, - - - - -	24,183	-	24,183
Centre, - - - - -	18,879	-	18,879
Susquehannah, - - - - -	16,787	-	16,787
Fayette, - - - - -	29,172	99	29,073
Green, - - - - -	18,028	2	18,026
Butler, - - - - -	14,581	4	14,577
Northumberland, - - - - -	18,133	-	18,133
Erie, - - - - -	17,041	1	17,040
Mifflin, - - - - -	21,690	-	21,690
Tioga, - - - - -	8,978	-	8,978
Washington, - - - - -	42,784	1	42,783
Bradford, - - - - -	19,746	13	19,733
Armstrong, - - - - -	17,701	-	17,701
Luzern, - - - - -	27,379	-	27,379
Indiana, - - - - -	14,252	11	14,241
Huntingdon, - - - - -	27,145	8	27,137
Bedford, - - - - -	24,502	1	24,501
Lycoming, - - - - -	17,636	-	17,636
Total of Pennsylvania, -	1,348,233	403	1,347,830

STATE OF DELAWARE.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
New Castle, - - - -	29,720	786	28,934
Kent, - - - - -	19,913	588	19,325
Sussex, - - - - -	27,115	1,918	25,197
Total of Delaware, - -	76,748	3,292	73,456

STATE OF MARYLAND.

COUNTY.	AGGREGATE.	SLAVES.	FREE.
Alleghany, - - - -	10,609	818	9,791
Anne Arundel, - - - -	28,295	10,347	17,948
Baltimore, and city - - - -	120,870	10,653	110,227
Calvert, - - - - -	8,900	3,899	5,001
Caroline, - - - - -	9,070	1,177	7,893
Cecil, - - - - -	15,432	1,705	13,727
Charles, - - - - -	17,769	10,129	7,640
Dorchester, - - - - -	18,686	5,001	13,685
Frederick, - - - - -	45,789	6,370	39,419
Harford, - - - - -	16,319	2,947	13,372
Kent, - - - - -	10,501	3,191	7,310
Montgomery, - - - - -	19,816	6,447	13,369
Prince George's, - - - - -	20,474	11,584	8,890
Queen Anne's, - - - - -	14,397	4,872	9,525
Saint Mary's, - - - - -	13,459	6,183	7,276
Somerset, - - - - -	20,166	6,547	13,619
Talbot, - - - - -	12,947	4,173	8,774
Washington, - - - - -	25,268	2,909	22,359
Worcester, - - - - -	18,273	4,032	14,241
Total of Maryland, - - -	447,040	102,994	344,046

STATE OF VIRGINIA.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Madison, - - - - -	9,236	4,360	4,876
Greensville, - - - - -	7,117	2,436	4,681
Prince William, - - - - -	9,330	5,488	3,842
Nelson, - - - - -	11,254	5,308	5,946
Matthews, - - - - -	7,664	4,183	3,481
Middlesex, - - - - -	4,122	1,984	2,138
Elizabeth city, - - - - -	5,053	2,835	2,218
Charlotte, - - - - -	15,252	5,829	9,433
Southampton, - - - - -	16,074	8,318	7,756
Orange, - - - - -	14,637	6,654	7,983
Dinwiddie, including town of Petersburg, - - - - -	21,901	11,545	10,356
Chesterfield, - - - - -	18,637	8,300	10,337
Lunenburg, - - - - -	11,957	4,724	7,233
Stafford, - - - - -	9,362	5,198	4,164
Spottsylvania, including town of Fredericksburg, - - - - -	15,134	7,081	8,053
Northampton, - - - - -	8,641	4,907	3,734
Patrick, - - - - -	7,395	5,613	1,782
Henry, - - - - -	7,100	4,232	2,868
Nottaway, - - - - -	10,130	3,188	6,942
Brunswick, - - - - -	15,767	6,011	9,758
Henrico, including city of Rich- mond, - - - - -	28,797	16,518	12,279
Fluvanna, - - - - -	8,221	4,426	3,795
Sussex, - - - - -	12,720	4,984	7,736
Prince George, - - - - -	8,367	3,769	4,598
King William, - - - - -	9,812	3,502	6,310
Prince Edward, - - - - -	14,107	5,514	8,593
Amelia, - - - - -	11,036	3,513	7,523
Surry, - - - - -	7,109	3,831	3,376
Northumberland, - - - - -	7,953	4,596	3,357
Fairfax, - - - - -	9,204	5,203	4,001
King and Queen, - - - - -	11,644	5,130	6,514
Pittsylvania, - - - - -	26,034	15,035	10,999
York, - - - - -	5,354	2,756	2,598
Louisa, - - - - -	16,151	6,760	9,382
King George, - - - - -	6,397	2,762	3,635
Richmond, - - - - -	6,055	3,425	2,630
Charles city, - - - - -	5,500	2,543	2,957
Bedford, - - - - -	20,246	11,464	8,782
Hanover, - - - - -	16,253	6,975	9,278
Princess Ann, - - - - -	9,102	5,368	3,734
Lancaster, - - - - -	4,801	2,169	2,632
Campbell, including town of Lynchburg, - - - - -	20,350	10,854	9,496
Fauquier, - - - - -	26,086	13,563	12,523
Amherst, - - - - -	12,071	6,146	5,925
James city, - - - - -	3,838	1,855	1,983
New Kent, - - - - -	6,458	2,928	3,530
Norfolk borough, - - - - -	9,814	5,058	3,756
Franklin, - - - - -	14,911	9,923	4,988
Westmoreland, - - - - -	8,396	4,547	4,839
Goochland, - - - - -	10,369	4,653	3,716
Cumberland, - - - - -	11,690	4,381	7,309
Isle of White, - - - - -	10,517	6,245	4,272
Accomack, - - - - -	16,656	12,002	4,654
Halifax, - - - - -	28,034	13,506	14,528

STATE OF VIRGINIA.—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
London, - - - - -	21,939	16,576	5,363
Essex, - - - - -	10,521	4,114	6,407
Gloucester, - - - - -	10,608	4,917	5,691
Nasmond, - - - - -	11,784	6,841	4,943
Powhatan, - - - - -	8,517	3,045	5,472
Buckingham, - - - - -	18,351	7,421	10,929
Mecklenburg, - - - - -	20,477	8,360	12,117
Culpepper, - - - - -	24,027	12,610	11,417
Warwick, - - - - -	1,570	660	910
Caroline, - - - - -	17,760	7,019	10,741
Albemarle, - - - - -	22,618	9,939	11,679
Norfolk, - - - - -	14,992	9,154	5,838
North Augusta, - - - - -	9,143	7,466	1,677
South Augusta, - - - - -	10,783	8,195	2,588
Alleghany, - - - - -	2,816	2,245	571
Brooke, - - - - -	7,041	6,813	228
Bath, - - - - -	4,002	2,862	1,140
Berkely, - - - - -	10,518	8,599	1,919
Botetourt, - - - - -	16,354	12,184	4,170
Cabell, - - - - -	5,884	5,323	561
East Frederick, - - - - -	14,100	8,768	5,332
West Frederick, - - - - -	11,946	9,858	2,088
Greenbriar, - - - - -	9,006	7,847	1,159
Giles, - - - - -	5,274	4,809	465
Grayson, - - - - -	7,675	7,213	462
East Harrison, - - - - -	10,133	9,507	626
West Harrison, - - - - -	4,589	4,444	145
Hampshire, - - - - -	11,279	9,949	1,330
Hardy, - - - - -	6,798	5,631	1,167
Jefferson, - - - - -	12,927	8,928	3,999
Kenawha, - - - - -	9,326	7,609	1,717
Lewis, - - - - -	6,241	6,079	162
Logan, - - - - -	3,680	3,517	163
Lee, - - - - -	6,461	5,849	612
East Monongalia, - - - - -	6,688	6,455	233
West Monongalia, - - - - -	7,368	7,239	129
Monroe, - - - - -	7,798	7,116	682
Montgomery, - - - - -	12,306	10,230	2,026
Morgan, - - - - -	2,694	2,541	153
Mason, - - - - -	6,534	5,821	713
Nicholas, - - - - -	3,346	3,225	121
Ohio, - - - - -	15,584	15,224	360
Preston, - - - - -	5,144	5,015	129
Pendleton, - - - - -	6,271	5,775	496
Pocahontas, - - - - -	2,542	2,315	227
Randolph, - - - - -	5,000	4,741	259
Russell, - - - - -	6,714	6,035	679
Rockingham, - - - - -	20,683	18,362	2,321
Rockbridge, - - - - -	14,244	10,846	3,398
Scott, - - - - -	5,724	5,394	330
East Shenandoah, - - - - -	8,327	7,335	992
West Shenandoah, - - - - -	11,423	9,992	1,431
Tyler, - - - - -	4,104	3,996	108
Tazewell, - - - - -	5,749	4,929	820
Washington, - - - - -	15,614	13,046	2,568
Wythe, - - - - -	12,163	10,069	2,094
Wood, - - - - -	6,429	5,552	877
Total of Virginia, - - - - -	1,211,405	741,648	469,757

STATE OF NORTH CAROLINA.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Ashe, - - - - -	6,987	6,495	492
Anson, - - - - -	14,095	9,317	4,778
Burke, - - - - -	17,888	14,262	3,626
Bumcombe, - - - - -	16,281	14,615	1,666
Brunswick, - - - - -	6,516	3,409	3,107
Bertie, - - - - -	12,262	5,465	6,797
Beaufort, - - - - -	10,969	6,804	4,165
Bladen, - - - - -	7,811	4,689	3,122
Craven, - - - - -	13,734	7,605	6,129
Cabarras, - - - - -	8,810	6,552	2,258
Currituck, - - - - -	7,655	5,467	2,188
Caswell, - - - - -	15,185	8,751	6,434
Chowan, - - - - -	6,697	2,929	3,768
Camden, - - - - -	6,733	4,708	2,025
Chatham, - - - - -	15,405	10,349	5,056
Columbus, - - - - -	4,141	3,062	1,079
Cumberland, - - - - -	14,834	9,777	5,057
Carteret, - - - - -	6,597	5,004	1,593
Duplin, - - - - -	11,291	6,857	4,434
Davidson, - - - - -	13,389	11,471	1,918
Edgecombe, - - - - -	14,935	7,860	7,075
Franklin, - - - - -	10,665	5,705	4,960
Granville, - - - - -	19,355	10,189	9,166
Gates, - - - - -	7,866	5,218	3,648
Guilford, - - - - -	18,737	16,143	2,594
Greene, - - - - -	6,413	3,541	2,872
Hyde, - - - - -	6,184	4,241	1,943
Halifax, - - - - -	17,739	7,949	9,790
Haywood, - - - - -	4,578	4,287	291
Hertford, - - - - -	8,537	4,827	3,710
Iredell, - - - - -	14,918	11,236	3,682
Johnston, - - - - -	10,938	7,299	3,639
Jones, - - - - -	5,608	2,533	3,075
Lincoln, - - - - -	22,455	17,573	4,882
Lenoir, - - - - -	7,723	3,804	3,919
Mecklenburg, - - - - -	20,073	12,927	7,146
Martin, - - - - -	8,539	5,260	3,279
Moore, - - - - -	7,745	6,072	1,673
Macon, - - - - -	5,333	4,875	458
Montgomery, - - - - -	10,919	8,624	2,295
Northampton, - - - - -	13,391	6,149	7,242
New Hanover, - - - - -	10,959	5,343	5,616
Nash, - - - - -	8,490	4,784	3,706
Onslow, - - - - -	7,814	4,670	3,144
Orange, - - - - -	23,908	16,535	7,373
Person, - - - - -	10,027	5,592	4,432
Pitt, - - - - -	12,093	6,728	5,365
Perquimons, - - - - -	7,419	4,670	2,749
Pasquotank, - - - - -	8,641	6,020	2,621
Richmond, - - - - -	9,396	5,884	3,512
Robeson, - - - - -	9,433	6,934	2,499
Rockingham, - - - - -	12,935	8,639	4,296
Rowan, - - - - -	20,786	14,597	6,189
Rutherford, - - - - -	17,557	14,169	3,388
Randolph, - - - - -	12,406	10,944	1,462
Surry, - - - - -	14,504	12,559	1,945
Sampson, - - - - -	11,634	7,750	3,884

STATE OF NORTH CAROLINA.—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Stokes, - - - - -	16,196	13,355	2,841
Tyrrell, - - - - -	4,732	3,341	1,391
Wilkes, - - - - -	11,968	10,476	1,492
Wake, - - - - -	20,398	12,289	8,109
Wayne, - - - - -	10,331	6,814	3,517
Washington, - - - - -	4,552	2,840	1,712
Warren, - - - - -	11,877	4,550	7,327
Total of North Carolina,	737,987	492,386	245,601

STATE OF SOUTH CAROLINA.

COUNTY OR DISTRICT.	AGGREGATE.	FREE.	SLAVES.
Charleston City, - - -	30,289	14,935	15,534
Charleston Neck, - - -	10,054	4,135	5,919
St. Andrew's Parish, - - -	3,727	292	3,435
St. John's, Colleton, - - -	10,045	665	9,380
St. James', Goose Creek, - - -	8,632	1,849	6,783
St. John's, Berkeley, - - -	10,965	896	10,069
St. Stephen's, - - - - -	2,416	602	1,814
Christ Church, - - - - -	3,412	529	2,883
St. James, Santee, - - - - -	3,743	315	3,428
St. Thomas and St. Dennis,	3,055	218	2,837
Georgetown District, - - -	19,943	2,145	17,798
Williamsburg District, - - -	9,018	2,855	6,163
Horry District, - - - - -	5,245	3,531	1,714
St. Peter's Parish, - - - - -	9,783	2,317	7,466
St. Helena, - - - - -	8,788	1,098	7,690
St. Luke's, - - - - -	9,422	1,124	8,298
Prince William's, - - - - -	9,039	1,632	7,407
Abbeville District, - - - - -	28,149	15,043	13,106
Barnwell do - - - - -	19,236	10,739	8,497
Laurens do - - - - -	20,263	13,620	7,243
Chester do - - - - -	17,182	10,040	7,142
Fairfield do - - - - -	21,546	9,800	11,746
Marion do - - - - -	11,008	7,382	3,826
Sumpter do - - - - -	28,277	9,556	18,721
Edgefield do - - - - -	30,509	15,160	15,349
Chesterfield do - - - - -	8,472	5,480	2,992
Greenville do - - - - -	16,476	11,412	5,064
Orangeburg do - - - - -	18,453	7,522	10,931
Lancaster do - - - - -	10,361	6,238	4,123
Anderson do - - - - -	17,169	12,742	4,427
Darlington do - - - - -	13,728	6,815	6,913
Pickens do - - - - -	14,473	11,607	2,866
York do - - - - -	17,790	11,157	6,633
Kershaw do - - - - -	13,545	5,212	8,333
Marlboro' do - - - - -	8,582	4,249	4,333
Newberry do - - - - -	17,441	9,125	8,316
Union do - - - - -	17,906	10,741	7,165

STATE OF SOUTH CAROLINA—CONTINUED.

COUNTY OR DISTRICT.	AGGREGATE.	FREE.	SLAVES.
Spartanburg do - - -	21,150	16,223	4,927
Lexington do - - -	9,065	5,275	3,790
Town of Columbia, - - -	3,310	1,807	1,503
Richland District, - - -	11,462	3,929	7,533
Colleton do - - -	27,256	5,772	21,484
Total of South Carolina,	581,185	265,784	315,401

STATE OF GEORGIA.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Appling - - - - -	1,468	1,289	179
Baker - - - - -	1,253	978	275
Baldwin - - - - -	7,295	2,753	4,542
Bibb - - - - -	7,154	4,166	2,988
Bryan - - - - -	3,139	737	2,402
Bullock - - - - -	2,587	1,937	650
Burke - - - - -	11,833	5,191	6,642
Butts - - - - -	4,944	3,261	1,683
Camden - - - - -	4,578	1,492	3,086
Campbell - - - - -	3,323	2,705	618
Carroll - - - - -	3,419	2,932	487
Chatham - - - - -	14,127	4,649	9,478
Clarke - - - - -	10,176	5,467	4,709
Columbia - - - - -	12,606	4,574	8,032
Coweta - - - - -	5,003	3,631	1,372
Crawford - - - - -	5,313	3,595	1,718
Decatur - - - - -	3,854	2,546	1,308
De Calb - - - - -	10,042	8,394	1,648
Dooly - - - - -	2,135	1,799	236
Early - - - - -	2,051	1,511	540
Effingham - - - - -	2,924	1,712	1,212
Elbert - - - - -	12,354	6,589	5,765
Emanuel - - - - -	2,673	2,208	465
Fayette - - - - -	5,504	4,317	1,187
Franklin - - - - -	10,107	7,737	2,370
Glynn - - - - -	4,567	599	3,968
Greene - - - - -	12,549	5,079	7,470
Gwinnett - - - - -	13,289	10,957	2,332
Habersham - - - - -	10,671	9,762	909
Hall - - - - -	11,748	10,567	1,181
Hancock - - - - -	11,820	4,640	7,180
Harris - - - - -	5,105	2,836	2,269
Henry - - - - -	10,566	7,995	2,571
Houston - - - - -	7,369	5,175	2,194
Irwin - - - - -	1,180	1,071	109
Jackson - - - - -	9,004	6,221	2,783
Jasper - - - - -	13,131	6,809	6,322
Jefferson - - - - -	7,309	3,662	3,647
Jones - - - - -	13,345	6,516	6,829
Laurens - - - - -	5,589	3,214	2,375
Lee - - - - -	1,680	1,369	311

STATE OF GEORGIA—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Liberty	7,233	1,609	5,624
Lincoln	6,145	2,869	3,276
Lowndes	2,453	2,118	335
Madison	4,646	3,387	1,259
McIntosh	4,998	1,204	3,794
Marion	1,436	1,327	109
Merriwether	4,422	3,028	1,394
Monroe	16,202	8,849	7,353
Montgomery	1,269	934	335
Morgan	12,046	5,226	6,820
Muscagee	3,508	2,268	1,240
Newton	11,155	8,152	3,003
Oglethorpe	13,618	5,670	7,940
Pike	6,149	4,376	1,773
Pulaski	4,906	3,141	1,765
Putnam	13,261	5,554	7,707
Rabun	2,176	2,117	59
Randolph	2,191	1,509	682
Richmond	11,644	5,398	6,246
Scriven	4,776	2,410	2,366
Talbot	5,940	3,841	2,099
Taliaferro	4,934	2,199	2,735
Tatnall	2,040	1,534	506
Telfair	2,136	1,571	565
Thomas	3,299	2,131	1,168
Troup	5,799	3,611	2,188
Twiggs	8,031	4,524	3,507
Upson	7,013	4,456	2,557
Walton	10,929	7,766	3,163
Ware	1,205	1,144	61
Warren	10,946	6,253	4,693
Washington	9,820	5,911	3,909
Wayne	963	687	276
Wilkes	14,237	5,277	8,960
Wilkinson	6,513	5,591	1,922
Total of Georgia	516,823	299,292	217,531

STATE OF KENTUCKY.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Adair	8,217	6,481	1,736
Allen	6,485	5,529	956
Anderson	4,520	3,539	981
Barren	15,079	11,344	3,735
Bath	8,799	7,217	1,582
Boone	9,075	7,255	1,820
Bourbon	18,436	11,568	6,868
Bracken	6,518	5,685	833
Breckenridge	7,345	5,865	1,480

STATE OF KENTUCKY—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Butler	3,058	2,605	453
Bullitt	5,652	4,509	1,143
Caldwell	8,324	6,550	1,774
Callaway	5,164	4,737	427
Campbell	9,883	8,850	1,033
Casey	4,342	3,879	463
Christian	12,684	8,349	4,335
Clarke	13,051	8,565	4,486
Clay	3,548	3,184	364
Cumberland	8,624	6,932	1,692
Daviess	5,209	3,885	1,324
Edmondson	2,642	2,364	278
Estill	4,618	4,177	441
Fayette	25,098	14,165	10,933
Fleming	13,499	11,735	1,764
Floyd	4,347	4,208	139
Franklin	9,254	6,162	3,092
Gallatin	6,674	5,490	1,184
Garrard	11,871	8,320	3,551
Grant	2,986	2,720	266
Graves	2,504	2,225	279
Grayson	3,880	3,642	238
Green	13,138	9,677	3,461
Greenup	5,852	4,860	992
Hancock	1,515	1,168	347
Hardin	12,849	10,780	2,069
Harlan	2,929	2,793	136
Harrison	13,234	10,446	2,788
Hart	5,191	4,399	792
Henderson	6,659	4,100	2,559
Henry	11,387	8,925	2,463
Hickman	5,198	4,328	870
Hopkins	6,763	5,458	1,305
Jefferson	23,979	17,055	6,934
Jessamine	9,960	6,576	3,384
Knox	4,315	3,838	477
Laurel	2,206	2,080	126
Lawrence	3,900	3,821	79
Lewis	5,229	4,765	464
Lincoln	11,002	7,364	3,638
Livingston	5,971	4,835	1,136
Logan	13,012	8,388	4,624
Madison	18,751	12,712	6,039
Mason	16,199	11,808	4,391
McCracken	1,297	1,167	130
Meade	4,131	3,186	945
Mercer	17,694	12,870	4,824
Monroe	5,340	4,695	645
Montgomery	10,240	7,660	2,580
Morgan	2,857	2,811	46
Muhlenburg	5,340	4,342	998
Nelson	14,932	10,304	4,628
Nicholas	8,834	7,597	1,237
Ohio	4,715	4,132	583
Oldham	9,588	6,983	2,605
Owen	5,786	4,996	790
Pendleton	3,863	3,435	428
Perry	3,330	3,175	155

STATE OF KENTUCKY—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Pike	2,677	2,599	78
Pulaski	9,500	8,493	1,007
Rockcastle	2,865	2,584	281
Russell	3,879	3,421	458
Scott	14,677	9,225	5,452
Shelby	19,030	13,110	5,920
Simpson	5,815	4,583	1,232
Spencer	6,812	5,299	1,513
Todd	8,680	5,512	3,168
Trigg	5,916	4,499	1,417
Union	4,764	3,409	1,355
Warren	10,949	8,086	2,863
Washington	19,017	14,303	4,714
Wayne	8,685	8,052	633
Whitley	3,806	3,667	139
Woodford	12,273	6,640	5,633
Total of Kentucky	687,917	522,704	165,213

STATE OF TENNESSEE.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Roane	11,341	10,223	1,118
Hamilton	2,276	2,161	115
Morgan	2,582	2,522	60
Claiborne	8,470	7,855	615
Greene	14,410	13,340	1,070
Cocke	6,017	5,409	608
Jefferson	11,801	10,579	1,222
Grainger	10,066	9,157	909
Hawkins	13,683	12,024	1,659
Sevier	5,717	5,335	382
McMinn	14,460	13,178	1,282
Campbell	5,110	4,865	245
Blount	11,028	10,004	1,024
Knox	14,498	12,465	2,033
Carter	6,414	5,954	460
Marion	5,508	5,240	268
Monroe	13,708	12,655	1,053
Anderson	5,310	4,839	471
Washington	10,994	9,954	1,040
Bledsoe	4,648	4,220	419
Sullivan	10,073	8,886	1,187
Rhea	8,186	7,539	647
Bedford	30,396	24,748	5,648
Carroll	9,397	7,725	1,672
Davidson	28,122	16,460	11,662
Dickson	7,265	5,606	1,659
Dyer	1,904	1,303	601
Fentress	2,748	2,629	119

STATE OF TENNESSEE—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Fayette	8,652	5,474	3,178
Franklin	15,620	12,073	3,547
Giles	18,703	12,745	5,958
Gibson	5,801	4,520	1,281
Hickman	8,119	6,907	1,212
Humphreys	6,187	5,462	725
Hardeman	11,655	7,993	3,662
Hardin	4,868	4,452	416
Haywood	5,334	3,505	1,829
Henry	12,249	9,289	2,960
Henderson	8,748	7,315	1,433
Jackson	9,698	8,679	1,019
Lincoln	22,075	17,984	4,091
Lawrence	5,411	4,859	552
Mauzy	27,665	18,231	9,434
Montgomery	14,349	8,548	5,801
Madison	11,594	7,427	4,167
McNairy	5,697	5,320	377
Obion	2,099	1,762	337
Overton	8,242	7,400	842
Perry	7,094	6,686	408
Rutherford	26,134	17,485	8,649
Robertson	13,272	9,671	3,601
Shelby	5,648	3,499	2,149
Smith	19,906	15,522	4,384
Sumner	20,569	13,312	7,257
Stuart	6,968	5,568	1,400
Tipton	5,317	3,585	1,732
Warren	15,210	13,634	1,556
White	9,967	9,045	922
Wilson	25,472	19,528	5,944
Williamson	26,638	16,133	10,505
Wayne	6,013	5,734	279
Weakly	4,797	3,949	848
Total of Tennessee	681,903	540,300	141,603

STATE OF ILLINOIS.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Alexander	1,390	1,384	6
Pope	3,316	3,291	25
Union	3,239	3,235	4
Johnston	1,596	1,585	11
Jackson	1,828	1,807	21
Franklin	4,083	4,074	9
Perry	1,215	1,211	4
Randolph	4,429	4,218	211
Monroe	2,000	1,962	38
Washington	1,675	1,662	13
Marion	2,125	2,124	1
Jefferson	2,555	2,555	0
Hamilton	2,616	2,614	2
Gallatin	7,405	7,221	184
White	6,091	6,091	0
Edwards	1,649	1,649	0
Wabash	2,710	2,710	0
Wayne	2,553	2,550	3
Clay	755	753	2
Clinton	2,330	2,325	5
St. Clair	7,078	6,982	96
Madison	6,221	6,197	24
Bond	3,124	3,123	1
Fayette	2,704	2,680	24
Lawrence	3,668	3,668	0
Crawford	3,117	3,117	0
Edgar	4,071	4,071	0
Clark	3,940	3,940	0
Vermillion	5,836	5,836	0
Macon	1,122	1,122	0
Shelby	2,972	2,970	2
Tazewell	4,716	4,712	4
Montgomery	2,953	2,949	4
Macoupin	1,990	1,900	90
Green	7,674	7,665	9
Morgan	12,714	12,714	0
Sangamon	12,960	12,947	13
Calhoun	1,092	1,090	2
Pike	2,396	2,396	0
Fulton	1,841	1,841	0
Knox	274	274	0
Henry	41	41	0
Adams	2,186	2,186	0
Hancock	483	483	0
Mercer	26	26	0
Warren	308	308	0
Peoria	1,310	1,310	
Putnam			
Schuyler	2,959	2,959	
McDonough			
Joe Daviess	2,111	2,080	31
Total of Illinois,	157,445	156,698	747

STATE OF OHIO.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Adams	12,281	12,281	-
Ashtabula	14,584	14,584	-
Athens	9,787	9,787	-
Allen	578	578	-
Belmont	28,627	28,627	-
Brown	17,867	17,867	-
Butler	27,142	27,141	1
Champaign	12,131	12,131	-
Clark	13,114	13,113	1
Clermont	20,466	20,466	-
Columbiana	35,592	35,508	-
Coshocton	11,161	11,162	-
Cayahoga	10,373	10,373	-
Crawford	4,791	4,791	-
Clinton	11,436	11,436	-
Dark	6,204	6,204	-
Delaware	11,504	11,504	-
Fairfield	24,786	24,786	-
Fayette	8,182	8,182	-
Franklin	14,741	14,741	-
Gallia	9,733	9,733	-
Geauga	15,813	15,813	-
Green	14,801	14,801	-
Guernsey	18,036	18,036	-
Hocking	4,008	4,008	-
Highland	16,345	16,345	-
Harrison	20,916	20,916	-
Hamilton, including Cincinnati	52,317	52,315	2
Harden	210	210	-
Hancock	813	813	-
Henry	262	262	-
Holmes	9,135	9,135	-
Huron	13,341	13,341	-
Jefferson	22,489	22,489	-
Jackson	5,941	5,941	-
Knox	17,085	17,085	-
Lawrence	5,367	5,367	-
Licking	20,714	20,714	-
Lorain	5,696	5,696	-
Logan	6,440	6,440	-
Madison	6,190	6,189	1
Marion	6,551	6,551	-
Medina	7,560	7,560	-
Meigs	6,158	6,158	-
Mercer	1,110	1,110	-
Miami	12,807	12,807	-
Monroe	8,768	8,768	-
Montgomery	24,362	24,361	1
Morgan	11,799	11,799	-
Muskingum	29,334	29,334	-
Perry	13,970	13,970	-
Pickaway	16,001	16,001	-
Pike	6,024	6,024	-
Portage	16,963	16,963	-
Preble	16,291	16,291	-
Putnam	230	230	-
Paulding	161	161	-

STATE OF OHIO.—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Richland	24,006	24,006	-
Ross	24,068	24,068	-
Sandusky	2,851	2,851	-
Shelby	3,671	3,671	-
Scioto	8,740	8,740	-
Seneca	5,159	5,159	-
Stark	26,588	26,588	-
Tuscarawas	14,298	14,298	-
Trumbull	26,153	26,153	-
Union	3,192	3,192	-
Van Wert	49	49	-
Warren	21,468	21,468	-
Washington	11,731	11,731	-
Wayne	23,333	23,333	-
Williams	387	387	-
Wood	1,102	1,102	-
Total	935,884	935,878	6

STATE OF LOUISIANA.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Lafourche Interior	5,503	3,350	2,153
Ascension	5,426	1,859	3,567
St. Helena	4,023	2,669	1,359
St. Tammany	2,864	1,504	1,360
Washington	2,286	1,699	587
Assumption	5,669	3,788	1,881
Terre Bonne	2,121	1,088	1,033
Iberville	7,049	2,541	4,508
Concordia	4,662	1,045	3,617
Jefferson	6,846	1,939	4,907
Plaquimines	4,489	1,301	3,188
East Feliciana	8,247	3,595	4,652
West Feliciana	8,629	2,384	6,245
East Baton Rouge	6,698	3,350	3,348
West Baton Rouge	3,084	1,152	1,932
St. James	7,646	2,617	5,029
Point Coupee	5,936	1,726	4,210
St. John Baptiste	5,677	2,184	3,493
St. Bernard	3,356	837	2,519
St. Charles	5,147	1,029	4,118
Orleans, on the right bank of the river, and on the left bank, all below Mandeville-street	3,744	1,581	2,163
Lower suburbs of New Orleans	2,892	2,320	572
Northern suburbs of New Orleans	3,976	2,625	1,351
Fort Pike	83	76	7
Upper suburbs of New Orleans	9,437	6,353	3,084

STATE OF LOUISIANA.—CONTINUED.

COUNTY OR DISTRICT.	AGGREGATE.	FREE.	SLAVES.
Old square of the city of N. Orleans	29,694	20,232	9,462
St. Landry	12,591	7,621	4,970
Nachitoches	7,905	4,334	3,571
Rapides	7,575	2,246	5,329
St. Martin's	7,205	3,218	3,987
St. Mary's	6,442	2,138	4,304
Lafayette	5,653	3,286	2,367
Washita	5,140	2,995	2,145
Avoyelles	3,484	2,149	1,335
Cacahoula	2,581	1,661	920
Claiborne	1,764	1,549	215
Total of Louisiana	215,739	106,151	109,588

STATE OF INDIANA.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Orange	7,901	7,900	1
Henry	6,497	6,497	-
Tippecanoe	7,187	7,187	-
Green	4,242	4,242	-
Bartholomew	5,476	5,476	-
Carroll	1,611	1,611	-
Knox	6,525	6,525	-
Washington	13,064	13,064	-
Daviess	4,543	4,543	-
Fayette	9,112	9,112	-
Lawrence	9,234	9,234	-
Gibson	5,418	5,418	-
Sullivan	4,630	4,630	-
Boon	621	621	-
Vermillion	5,692	5,692	-
Hamilton	1,757	1,757	-
Rush	9,707	9,707	-
Martin	2,010	2,010	-
Madison	2,238	2,238	-
Allen	996	996	-
Pike	2,475	2,475	-
Decatur	5,887	5,886	1
St. Joseph's, and territory attached	287	287	-
Elkhart, and territory attached	935	935	-
Ripley	3,989	3,989	-
Switzerland	7,028	7,028	-
Park	7,535	7,535	-
Fountain	7,619	7,619	-
Warren, with territory attached	2,861	2,861	-
Vanderburg	2,611	2,611	-
Union	7,944	7,944	-

STATE OF INDIANA—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Clay	1,616	1,616	-
Montgomery	7,317	7,317	-
Clinton	1,423	1,423	-
Vigo	5,766	5,766	-
Hendricks	3,975	3,975	1
Monroe	6,577	6,577	-
Putnam	8,262	8,262	-
Morgan	5,593	5,593	-
Scott	3,092	3,092	-
Clark	10,686	10,686	-
Jefferson	11,465	11,465	-
Spencer	3,196	3,196	-
Marion	7,192	7,192	-
Crawford	3,238	3,238	-
Warrick	2,877	2,876	1
Delaware	2,374	2,374	-
Perry	3,369	3,369	-
Floyd	6,361	6,361	-
Shelby	6,295	6,295	-
Hancock	1,436	1,436	-
Randolph	3,912	3,912	-
Wayne	18,571	18,571	-
Posey	6,549	6,549	-
Jackson	4,870	4,870	-
Owen	4,017	4,017	-
Cass	1,162	1,162	-
Johnson	4,019	4,019	-
Dubois	3,778	3,778	-
Harrison	10,273	10,273	-
Jennings	3,974	1,974	-
Dearborn	13,974	13,974	-
Franklin	10,190	10,190	-
Total of Indiana	343,031	343,028	3

STATE OF MISSISSIPPI.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Adams	14,937	3,995	10,942
Wilkinson	11,686	3,825	7,861
Claiborne	9,787	3,622	6,165
Jefferson	9,755	3,045	6,710
Hinds	8,645	5,433	3,212
Amite	7,934	3,845	4,089
Warren	7,861	3,378	4,483
Copiate	7,001	5,247	1,754
Yazoo	6,550	4,080	2,470
Lawrence	5,293	3,486	1,807
Pike	5,402	3,800	1,602

STATE OF MISSISSIPPI—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Madison	4,973	2,806	2,167
Franklin	4,622	2,415	2,207
Monroe	3,861	2,918	943
Marion	3,691	1,976	1,715
Lowndes	3,173	2,109	1,064
Wayne	2,781	1,705	1,076
Simpson	2,680	2,040	640
Covington	2,551	1,851	700
Perry	2,300	1,480	820
Rankin	2,083	1,697	386
Washington	1,976	792	1,184
Hancock	1,962	1,409	553
Greene	1,854	1,316	538
Jackson	1,792	1,392	400
Jones	1,471	1,310	161
Total of Mississippi,	136,621	70,962	65,659

STATE OF ALABAMA.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Madison	27,990	14,063	13,627
Limestone	14,807	8,119	6,689
Jefferson	6,855	5,140	1,715
Walker	2,202	2,034	168
Marion	4,058	3,458	600
Morgan	9,062	6,168	2,894
Lawrence	14,984	8,428	6,556
St. Clair	5,975	4,821	1,154
Franklin	11,078	6,090	4,988
Lauderdale	11,781	7,986	3,795
Blount	4,233	3,903	330
Jackson	12,700	11,436	1,264
*Mobile	3,073	1,967	1,106
Baldwin	2,324	1,061	1,263
Monroe	8,782	5,241	3,541
Dallas	14,017	6,857	7,160
Pickens	6,622	4,991	1,631
Bibb	6,306	5,114	1,192
Montgomery	12,695	6,245	6,450
Clarke	7,595	3,923	3,672
Shelby	5,704	4,565	1,139
Butler	5,650	3,911	1,739
Henry	4,020	3,011	1,009
Marengo	7,700	4,562	3,138
Green	15,026	7,606	7,420
Pike	7,108	5,230	1,878
Perry	11,490	7,172	4,318
Conecuh	7,444	3,824	3,620
Autauga	11,874	5,884	5,990

STATE OF ALABAMA—CONTINUED.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Wilcox - - - - -	9,548	5,558	3,990
Fayette - - - - -	3,547	3,035	512
Dale - - - - -	2,031	1,762	269
Covington - - - - -	1,522	1,126	396
Washington - - - - -	3,474	1,942	1,532
Lowndes - - - - -	9,410	5,022	4,388
Tuscaloosa - - - - -	13,646	8,853	4,793
*Mobile city - - - - -	3,194	2,019	1,175
Total of Alabama -	309,527	191,978	117,549

STATE OF MISSOURI.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Lincoln - - - - -	4,059	3,309	750
Marion - - - - -	4,837	3,510	1,327
Chariton - - - - -	1,780	1,579	301
Washington - - - - -	6,784	5,616	1,168
Jefferson - - - - -	2,592	2,356	236
Franklin - - - - -	3,484	3,088	396
Gasconade - - - - -	1,545	1,408	137
Crawford - - - - -	1,721	1,657	64
Cole - - - - -	3,023	2,723	300
Montgomery - - - - -	3,902	3,297	605
Pike - - - - -	6,129	4,936	1,193
Saint Charles - - - - -	4,320	3,369	951
Saint Louis - - - - -	14,125	11,329	2,796
Saint Genevieve - - - - -	2,186	1,663	523
Perry - - - - -	3,349	2,813	536
Saint Francois - - - - -	2,366	1,943	423
Cape Girardeau - - - - -	7,445	6,419	1,026
Scott - - - - -	2,136	1,774	362
New Madrid - - - - -	2,350	1,879	471
Wayne - - - - -	3,264	2,892	372
Galloway - - - - -	6,159	4,703	1,456
Boon - - - - -	8,859	6,936	1,923
Howard - - - - -	10,854	8,208	2,646
Cooper - - - - -	6,904	5,883	1,021
Saline - - - - -	2,873	2,167	706
La Fayette - - - - -	2,912	2,483	429
Clay - - - - -	5,338	4,456	882
Jackson - - - - -	2,823	2,630	193
Randolph - - - - -	2,942	2,449	493
Madison - - - - -	2,371	1,961	410
Ralls - - - - -	4,375	3,536	839
Ray - - - - -	2,657	2,491	166
Total of Missouri -	140,455	115,364	25,091

TERRITORY OF MICHIGAN.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Wayne	6,781	6,781	-
Monroe	3,187	3,187	-
Oakland	4,911	4,911	1
Linerve	1,491	1,491	-
McComb	2,413	2,413	-
St. Clair	1,114	1,114	-
Washtenaw	4,042	4,042	-
St. Joseph	1,313	1,313	-
Cass	919	919	-
Berrien	325	325	-
Van Buren	5	5	-
Michilimackinaw	877	877	-
Brown	1,356	1,354	2
Crawford	692	686	6
Chippewa	626	626	-
Iowa	1,587	1,564	23
Total of Michigan	31,639	31,607	32

TERRITORY OF ARKANSAS.

COUNTY.	AGGREGATE.	FREE.	SLAVES.
Lawrence	2,806	2,481	325
Crittenden	1,272	1,107	165
St. Francis	1,505	1,369	136
Chicot	1,165	995	270
Crawford	2,440	2,098	352
Arkansas	1,426	1,057	369
Lafayette	748	408	340
Jackson	333	316	17
Monroe	461	386	75
Izard	1,266	1,209	57
Phillips	1,152	1,026	126
Hempstead	2,512	1,990	522
Union	640	466	174
Conway	982	895	87
Hotspring	458	406	52
Seiver	634	568	66
Pope	1,483	1,272	211
Washington	2,082	2,012	170
Clark	1,369	1,264	105
Jefferson	772	612	160
Miller	356	301	55
Independence	2,031	1,728	330
Pulaski	2,395	1,956	439
Total of Arkansas	30,388	25,812	4,576

TERRITORY OF FLORIDA.

	AGGREGATE.	FREE.	SLAVES.
Eastern - - - -	8,956	4,861	4,095
Western - - - -	9,478	5,725	3,753
Middle - - - -	15,779	8,192	7,587
Southern - - - -	517	451	66
Total of Florida -	34,730	19,229	15,501

DISTRICT OF COLUMBIA.

	AGGREGATE.	FREE.	SLAVES.
Washington city - - - -	18,826	16,496	2,330
Georgetown - - - -	8,441	7,265	1,176
Washington county, (country part)	2,994	1,995	999
Total of Washington county	30,261	25,756	4,505
Town of Alexandria - - - -	8,241	6,980	1,261
Alexandria county, (country part)	1,332	979	353
Total of Alexandria county -	9,573	7,959	1,614
Total District of Columbia -	39,834	33,715	6,119

ABSTRACT of the Population of the United States, according to the fifth census, by States; showing the aggregate, the free, the slave, and the federal number.

STATES, &c.	AGGREGATE OF EACH STATE.	FREE POPULATION OF EACH STATE.	SLAVES.	FEDERAL NUMBER OF EACH STATE.
Maine	399,437	399,431	6	399,434
New Hampshire	269,328	269,323	5	269,326
Massachusetts	610,408	610,404	4	610,406
Rhode Island	97,199	97,185	14	97,193
Connecticut	297,675	297,650	25	297,665
Vermont	280,657	280,657	-	280,657
New York	1,918,608	1,918,532	76	1,918,577
New Jersey	320,823	318,569	2,254	319,922
Pennsylvania	1,348,233	1,347,830	403	1,348,072
Delaware	76,748	73,456	3,292	75,431
Maryland	447,040	344,046	102,994	405,842
Virginia	1,211,405	741,648	469,757	1,023,502
North Carolina,	737,987	492,386	245,601	639,747
South Carolina	581,185	265,784	315,401	455,025
Georgia	516,823	299,292	217,531	429,810
Kentucky	687,917	522,704	165,213	621,832
Tennessee	681,903	540,300	141,603	625,263
Ohio	935,884	935,878	6	935,882
Louisiana	215,739	106,151	109,588	171,904
Indiana	343,031	343,028	3	343,030
Mississippi	136,621	70,962	65,659	110,358
Illinois	157,445	156,698	747	157,147
Alabama	309,527	191,978	117,549	262,508
Missouri	140,455	115,364	25,091	130,419
Territory of Michigan	31,639	31,607	32	31,625
Do Arkansas	30,388	25,812	4,576	28,557
Do Florida	34,730	19,229	15,501	28,529
District of Columbia	39,834	33,715	6,119	37,389
Total of United States & Territories	12,858,670	10,849,620	2,009,050	12,055,050

AGGREGATE OF EACH DESCRIPTION OF PERSONS WITHIN THE UNITED STATES IN 1830.

STATES, &c.	WHITE MALES.											WHITE FEMALES.											TOTAL.			
	Under 10 years of age.											Over 10 years of age.											Total Males.		Total Females.	
	Under 10 years of age.	10 to 20	20 to 30	30 to 40	40 to 50	50 to 60	60 to 70	70 to 80	Over 80 and upwards.	Under 10 years of age.	10 to 20	20 to 30	30 to 40	40 to 50	50 to 60	60 to 70	70 to 80	Over 80 and upwards.	Males.	Females.						
Maine	62,795	47,922	34,985	21,701	14,547	9,228	5,956	2,636	917	46,415	35,594	22,360	14,183	9,330	5,904	2,689	1,051	290,687	197,573							
N. Hampshire	36,949	31,584	21,191	14,696	10,772	7,218	5,059	2,786	929	30,348	24,564	16,690	11,896	8,448	5,868	3,110	1,265	131,184	137,537							
Massachusetts	76,632	67,480	58,621	35,433	25,683	15,008	10,319	5,575	1,934	67,765	60,495	38,163	26,694	18,456	12,989	7,173	2,879	294,685	308,674							
Rhode Island	12,519	10,754	8,495	5,379	3,512	2,157	1,444	854	284	7,977	9,903	5,756	4,024	2,896	1,939	1,058	420	45,333	48,288							
Connecticut	36,924	34,297	26,166	16,608	11,595	7,851	5,495	3,154	957	35,213	32,553	26,540	17,937	13,214	9,245	3,760	1,387	143,047	146,556							
Vermont	41,106	33,379	24,207	15,763	10,405	7,051	5,903	3,203	669	39,970	32,634	25,180	17,034	7,152	4,737	2,086	787	139,946	139,790							
New York	295,148	220,325	176,754	113,136	68,871	40,503	23,909	10,034	2,851	220,362	168,897	104,522	64,315	38,344	22,559	9,645	2,994	951,516	916,670							
New Jersey	46,375	36,868	27,001	17,231	11,043	7,053	4,438	2,021	579	35,051	25,817	16,623	11,007	7,307	4,705	2,160	651	132,529	147,377							
Pennsylvania	214,052	155,488	121,359	75,172	46,600	28,032	16,085	6,979	2,045	156,063	115,698	69,604	44,455	27,892	16,321	7,084	2,165	665,812	644,088							
Delaware	8,843	7,103	5,508	3,906	2,036	1,286	609	292	254	7,025	5,484	3,179	2,047	1,307	630	263	53	28,845	28,756							
Maryland	43,175	33,664	29,397	18,215	11,072	6,565	3,462	1,375	415	41,049	25,347	16,617	10,840	6,983	3,633	1,541	610	147,340	143,708							
Virginia	117,599	80,234	60,911	36,539	23,381	15,261	8,971	3,674	1,318	112,375	82,415	62,044	36,456	23,750	15,447	8,765	1,804	347,884	346,413							
N. Carolina	82,691	55,979	39,438	23,042	14,998	10,536	5,968	2,489	815	78,039	56,240	41,636	24,534	16,438	10,601	5,060	935	235,954	236,889							
S. Carolina	45,391	30,458	22,164	13,969	8,324	5,644	3,049	1,210	378	42,734	30,754	21,866	14,468	5,455	2,929	1,181	448	130,590	127,273							
Georgia	56,736	33,770	26,844	16,166	9,542	5,674	3,063	1,130	363	53,548	34,440	24,036	13,974	8,497	5,089	987	353	133,280	143,518							
Alabama	38,246	17,440	11,389	6,629	3,583	1,741	591	169	169	36,141	21,043	14,457	8,559	4,695	2,731	432	183	100,846	89,560							
Mississippi	13,490	8,214	7,237	4,632	2,419	1,595	632	189	58	12,484	7,822	5,330	3,090	1,739	983	436	43	38,466	31,977							
Louisiana	14,370	9,459	10,458	7,777	4,304	2,023	896	317	111	13,993	9,849	6,200	4,204	2,157	660	222	91	49,925	39,516							
Tennessee	104,942	65,291	44,982	25,111	15,108	11,188	5,543	2,017	794	64,172	42,970	23,545	15,364	9,279	4,541	1,855	686	275,065	250,680							
Kentucky	95,189	63,239	45,913	26,289	15,966	10,843	6,253	2,585	846	90,374	61,820	41,936	23,403	15,476	9,499	5,315	1,955	687,123	650,664							
Ohio	170,753	113,057	81,090	49,229	31,033	18,022	10,764	3,621	1,099	111,706	75,394	43,781	27,479	15,871	8,270	2,905	899	478,680	447,631							
Indiana	68,472	40,525	28,153	17,904	10,306	6,004	3,160	1,059	302	64,818	39,159	26,702	15,703	8,806	4,806	2,075	780	175,885	163,514							
Illinois	31,587	17,794	14,706	8,895	4,627	2,853	1,172	384	100	29,429	17,299	12,461	6,850	3,750	2,047	812	52	82,048	73,013							
Missouri	23,148	13,108	11,147	7,894	3,642	1,939	927	334	76	21,632	12,519	8,121	5,121	1,409	766	287	12	61,405	53,390							
Arkansas	5,041	2,898	2,855	1,820	876	434	207	69	13	4,679	2,719	1,687	928	301	107	31	12	14,195	11,476							
Michigan	5,349	3,489	2,739	1,933	658	264	64	25	1	4,809	3,124	2,540	1,534	726	390	140	45	18,168	13,178							
Florida	3,265	1,804	2,171	1,536	760	436	194	57	13	3,058	1,904	1,447	848	484	247	101	15	10,236	8,149							
D. of Columbia	4,013	3,008	2,805	1,817	1,068	593	245	71	27	3,828	3,491	2,856	1,759	603	272	98	36	13,647	13,916							
	1,753,707	1,242,698	856,296	592,401	367,761	229,216	135,063	57,766	18,144	1,234,886	918,929	555,419	365,979	223,477	131,284	58,327	20,192	5,357,102	5,172,942							

REGISTERED BY THE COMMISSIONER OF THE GENERAL LAND OFFICE

AGGREGATE OF EACH DESCRIPTION OF PERSONS WITHIN THE UNITED STATES IN 1830.

STATES, &c.	FREE COLORED PERSONS.												SLAVES.																	
	MALES.						FEMALES.						MALES.						FEMALES.											
	Under 10 years of age.	10 to 24.	24 and under 36.	36 to 55.	over 55.	Under 10 years of age.	10 to 24.	24 and under 36.	36 to 55.	over 55.	Under 10 years of age.	10 to 24.	24 and under 36.	36 to 55.	over 55.	Under 10 years of age.	10 to 24.	24 and under 36.	36 to 55.	over 55.	Total free col'd Males.	Total free col'd Fem.	Total Male Slaves.	Total Female Slaves.						
Maine	159	169	111	105	56	140	171	117	91	52	under 10	10 to 24	24 and under 36	36 to 55	over 55	under 10	10 to 24	24 and under 36	36 to 55	over 55	2	1	1	1	600	571	6	5		
N. Hampshire	67	78	54	44	36	66	95	54	61	47	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	279	323	5	4	
Massachusetts	794	889	725	626	326	809	963	816	661	434	1	2	2	2	1	1	2	2	2	2	2	1	2	2	2	3,300	3,685	11	11	
Rhode Island	334	500	317	239	154	358	598	449	350	269	1	2	2	2	1	1	2	2	2	2	2	1	2	2	2	1,544	2,030	3	3	
Connecticut	1,019	1,121	771	624	315	1,051	1,233	819	667	487	1	2	2	2	1	1	2	2	2	2	2	1	2	2	2	3,850	4,197	8	8	
Vermont	192	113	80	61	50	121	131	74	71	57	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	426	455	1	1	
New York	5,642	6,086	4,859	3,492	1,376	5,509	6,843	5,504	3,780	1,768	5	6	6	6	1	1	23	12	12	12	3	9	9	9	9	21,465	23,804	64	12	
New Jersey	3,053	3,234	1,458	1,196	580	9,811	9,890	1,428	1,113	560	6	12	395	383	264	8	32	106	22	25	451	292	451	451	9,501	8,862	1,059	1,195		
Pennsylvania	5,095	5,250	4,069	2,786	1,167	5,054	6,142	4,476	2,742	1,139	23	102	25	83	45	32	508	617	270	80	51	25	25	25	18,377	19,533	1,72	231		
Delaware	2,627	2,959	1,303	1,180	513	2,524	2,859	1,446	1,102	582	580	853	846	613	45	5	9,892	17,002	16,236	8,331	5,239	9,654	9,654	9,654	24,906	28,036	53,412	49,552		
Maryland	8,309	6,099	4,020	4,142	2,336	7,912	7,313	5,369	3,379	2,048	84,000	68,917	48,189	30,883	12,388	83,207	83,207	66,921	40,927	20,006	13,088	12,419	12,419	12,419	22,387	24,961	230,680	230,680		
Virginia	8,236	6,126	3,546	2,721	1,758	8,002	7,031	4,501	3,379	2,048	45,991	38,099	20,212	14,020	5,981	51,524	45,517	32,689	22,006	13,088	8,196	3,672	4,349	4,349	9,962	9,962	124,313	121,988		
N. Carolina	3,438	2,955	1,400	1,062	706	3,287	3,118	1,649	1,179	749	51,890	44,600	29,710	21,874	9,399	38,102	33,917	20,527	12,225	8,148	5,239	1,222	1,222	1,222	1,222	2,387	2,387	53,412	53,412	
S. Carolina	1,314	968	622	424	354	1,378	1,175	746	515	305	38,367	34,253	19,410	12,818	5,158	1,522	21,386	19,669	11,088	6,983	3,173	1,338	1,338	1,338	844	844	108,817	108,817		
Georgia	368	353	224	186	130	347	390	231	185	132	81,837	70,793	41,000	28,455	8,677	10,860	10,841	6,983	3,173	1,338	703	1,594	1,594	1,594	7,230	9,480	57,911	51,677		
Alabama	275	202	187	124	56	245	209	131	84	59	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	
Mississippi	81	82	59	43	33	72	51	45	49	14	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	
Louisiana	2,503	2,296	1,208	828	395	2,640	2,727	1,827	1,402	784	27,713	23,431	11,260	6,090	1,792	26,668	24,145	13,223	6,519	3,894	2,131	1,892	1,892	1,892	2,935	2,935	70,216	71,387		
Tennessee	842	583	361	410	223	772	616	359	255	163	31,500	27,449	13,520	7,499	2,341	30,973	27,346	13,854	8,107	4,779	2,692	2,692	2,692	2,692	2,692	2,692	2,692	2,692	2,692	
Kentucky	764	584	410	284	133	373	1,551	799	611	245	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Ohio	1,562	1,439	808	646	333	1,373	1,551	799	611	245	98	118	76	47	8	144	128	61	52	15	15	15	15	15	15	15	15	15	15	
Indiana	617	544	307	240	149	594	573	279	215	111	4,872	4,364	2,058	923	222	611	460	219	101	52	15	15	15	15	15	15	15	15	15	
Illinois	277	251	136	119	41	305	225	125	106	52	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
Iowa	77	76	43	37	21	77	62	46	63	37	845	814	395	192	47	803	836	399	193	3	3	3	3	3	3	3	3	3	3	3
Missouri	87	17	23	17	4	17	13	10	17	6	2	7	11	1	1	2	1,830	1,830	768	391	178	178	178	178	178	178	178	178	178	178
Arkansas	27	17	23	17	4	17	13	10	17	6	2	7	11	1	1	2	1,830	1,830	768	391	178	178	178	178	178	178	178	178	178	178
Michigan	31	31	43	48	29	8	20	36	26	16	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Florida	138	109	46	56	34	144	135	70	62	49	2,501	2,482	1,830	948	224	2,560	2,449	1,561	768	391	178	178	178	178	178	178	178	178	178	178
D. of Columbia	895	649	464	405	232	863	1,033	682	564	305	794	1,024	542	375	117	816	1,270	612	391	178	178	178	178	178	178	178	178	178	178	
TOTALS.	48,656	43,075	27,659	22,267	11,786	47,994	48,131	32,545	24,323	13,810	353,498	312,567	185,583	118,850	42,262	347,668	306,770	185,784	111,889	42,117	153,443	166,133	1,012,022	906,228						

APPENDIX.

EXECUTIVE OFFICERS

OF THE

UNITED STATES OF AMERICA.

	<i>Nativity.</i>	<i>Salary.</i>
Andrew Jackson, President,	S. C.	\$25,000
John C. Calhoun, Vice President,	S. C.	5,000
Martin Van Buren, Secretary of State, 'till April, 1831,	N. Y.	6,000
Samuel D. Ingham, Secretary of the Treasury, 'till April, 1831,	Penn.	6,000
John H. Eaton, Secretary of War,	do	Penn. 6,000
John Branch, Secretary of the Navy,	do	N. C. 6,000
John M. Berrian, Attorney General,	do	Geo. 3,500
Edward Livingston, Secretary of State,		N. Y. 6,000
Louis McLane, Secretary of the Treasury,		Del. 6,000
Lewis Cass, Secretary of War,		6,000
Levi Woodbury, Secretary of the Navy,		N. H. 6,000
Roger B. Taney, Attorney General,		Md. 6,000
William T. Barry, Post-Master-General,		Ken. 6,000

JUDICIARY.

John Marshall, Ch'f Justice, Va.	\$5,000	Smith Thompson, Ass. Just. N.Y.	\$4,500
William Johnson, Ass. Just. S. C.	4,500	John McLean, " N. J.	4,500
Gabriel Duvall, " Md.	4,500	Henry Baldwin, " Pa.	4,500
Joseph Story, " Mass.	4,500	William T. Carroll, Clerk, Fees, &c.	

DIPLOMATIC CORPS.

TO GREAT BRITAIN AND IRELAND.

	<i>Nativity.</i>	<i>Salary.</i>
Louis McLane, Envoy, &c.	Del.	\$9,000
Washington Irving, Secretary, &c.	N. Y.	2,000
Martin Van Buren, Envoy, &c., 1831,	N. Y.	9,000
Aaron Vail, Secretary, &c., 1831,		2,000
FRANCE.		
William C. Rives, Envoy, &c.	Va.	9,000
Nathaniel Miles, Secretary,	Vt.	2,000
RUSSIA.		
John Randolph, Envoy, &c.	Va.	9,000
John Randolph Clay, Secretary,	Pa.	2,000

SPAIN.		
	<i>Nativity.</i>	<i>Salary.</i>
Cornelius P. Van Ness, Envoy, &c.	Vt.	9,000
Charles S. Welsh, Secretary,	Md.	2,000
NETHERLANDS.		
William Pitt Preble, Envoy, &c.	Me.	9,000
Auguste Davezac, Secretary,	La.	2,000
COLOMBIA.		
Thomas P. Moore, Envoy, &c.	Ken.	9,000
J. C. Pickett, Secretary,	Ken.	2,000
MEXICO.		
Anthony Butler, Chargé, &c.		4,500
SWEDEN.		
Christopher Hughes, Chargé, &c.	Md.	4,500
DENMARK.		
Henry Wheaton, Chargé, &c.	R. I.	4,500
PORTUGAL.		
Thomas L. L. Brent, Chargé, &c.	Md.	4,500
BUENOS AYRES.		
John M. Forbes, Chargé, &c.	Florida,	4,500
BRAZIL.		
Ethan Brown, Chargé, &c.	Ohio,	4,500
CHILI.		
John Hamm, Chargé, &c.	Ohio,	4,500
PERU.		
Samuel Larned, Chargé, &c.	R. I.	4,500
TURKEY.		
David Porter, Chargé, &c.	Mass.	4,500

TWENTYFIRST CONGRESS.—SECOND SESSION.

SENATE.

President of the Senate, JOHN C. CALHOUN, OF SOUTH CAROLINA.

President pro tempore, SAMUEL SMITH, OF MARYLAND.

<i>From Maine</i> —John Holmes, Peleg Sprague.	<i>North Carolina</i> —James Iredell, Bedford Brown.
<i>New Hampshire</i> —Samuel Bell, Levi Woodbury.	<i>South Carolina</i> —William Smith, Robert Y. Hayne.
<i>Massachusetts</i> —Nathaniel Silsbee, Daniel Webster.	<i>Georgia</i> —George M. Troup, John Forsyth.
<i>Connecticut</i> —Samuel A. Foot, Calvin Willey.	<i>Kentucky</i> —John Rowan, George M. Bibb.
<i>Rhode Island</i> —Nehemiah R. Knight, Asher Robbins.	<i>Tennessee</i> —Hugh L. White, Felix Grundy.
<i>Vermont</i> —Dudley Chase, Horatio Seymour.	<i>Ohio</i> —Benjamin Ruggles, Jacob Burnett.
<i>New York</i> —Nathan Sanford, Charles E. Dudley.	<i>Louisiana</i> —Josiah S. Johnston, Edward Livingston.
<i>New Jersey</i> —Theodore Frelinghuysen, Mahlon Dickerson.	<i>Indiana</i> —William Hendricks, James Noble.
<i>Pennsylvania</i> —William Marks, Isaac D. Barnard.	<i>Mississippi</i> —Powhatan Ellis, George Poindexter.
<i>Delaware</i> —John M. Clayton, Arnold Naudain.	<i>Illinois</i> —Elias K. Kane, David J. Baker.
<i>Maryland</i> —Samuel Smith, Ezekiel Chambers.	<i>Alabama</i> —John M'Kinley, William R. King.
<i>Virginia</i> —Littleton W. Tazewell, John Tyler.	<i>Missouri</i> —David Barton, Thomas H. Benton.

HOUSE OF REPRESENTATIVES.

Speaker, ANDREW STEVENSON, VIRGINIA.*Maine.*

John Anderson,
Samuel Butman,
George Evans,
Rufus M'Intire,
Cornelius Holland,
Joseph F. Wingate,
Leonard Jarvis.

New Hampshire.

John Broadhead,
Thomas Chandler,
Joseph Hammons,
Jonathan Harvey,
Henry Hubbard,
John W. Weeks.

Massachusetts.

John Bailey,
Isaac C. Bates,
B. W. Crowninshield,
John Davis,
Henry W. Dwight,
Edward Everett,
Benjamin Gorham,
George Grennell, jr.
James L. Hodges,
Joseph G. Kendall,
John Reed,
Joseph Richardson,
John Varnum.

Rhode Island.

Tristram Burges,
Dutee J. Pearce.

Connecticut.

Noyes Barber,
William W. Elsworth,
J. W. Huntington,
Ralph J. Ingersoll,
W. L. Storrs,
Ebenezer Young.

Vermont.

William Cahoon,
Horace Everett,
Jonathan Hunt,
Rollin C. Mallary,
Benjamin Swift.

New York.

William G. Angell,
Benedict Arnold,
Thomas Beckman,
Abraham Bockee,
Peter I. Borst,
C. C. Cambreleng,
Jacob Crocheron,
Timothy Childs,
Henry B. Cowles,
S. W. Eager,
Charles G. Dewitt,
John D. Dickinson,
Jonas Earll, jr.

Isaac Finch,
Michael Hoffman,
Joseph Hawkins,
Jehiel H. Halsey,
Perkins King,
James W. Lent,
John Magee,
Henry C. Martindale,
Robert Monell,
Thomas Maxwell,
E. F. Norton,
Gershom Powers,
Robert S. Rose,
Jonah Sanford,
Henry R. Storrs,
James Strong,
Ambrose Spencer,
John W. Taylor,
Phineas L. Tracy,
Gulian C. Verplanck,
Campbell P. White.

New Jersey.

Lewis Condict,
Richard M. Cooper,
Thomas H. Hughes,
Isaac Pierson,
James F. Randolph,
Samuel Swann.

Pennsylvania.

James Buchanan,
Richard Coulter,
Thomas H. Crawford,
Harmer Denny,
Joshua Evans,
Chauncey Forward,
Joseph Fry, jr.
James Ford,
Innis Green,
John Gilmore,
Joseph Hemphill,
Peter Ihrie, jr.
Thomas Irwin,
Adam King,
George G. Leiper,
H. A. Muhlenburg,
Alem Marr,

Daniel H. Miller,
William M'Creery,
William Ramsay,
John Scott,
Philander Stephens,
John B. Sterigere,
Joel B. Sutherland,
Samuel A. Smith,
Thomas H. Sill.

Delaware.

Kensey Johns, jr.
Maryland.
Elias Brown,

Clement Dorsey,
Benjamin C. Howard,
George E. Mitchell,
Michael C. Sprigg,
Benedict I. Semmes,
Richard Spencer,
George C. Washington,
Ephraim K. Wilson.

Virginia.

Mark Alexander,
Robert Allen,
William S. Archer,
William Armstrong,
John S. Barbour,
John M. Patton,
J. T. Boulding,
Richard Coke, jr.
Nathaniel H. Claiborne,
Robert B. Craig,
Philip Doddridge,
Thomas Davenport,
William F. Gordon,
Lewis Maxwell,
Charles F. Mercer,
William M'Coy,
Thomas Newton,
John Roane,
Joshua Draper,
Andrew Stevenson,
John Talliaferro,
James Trezvant.

North Carolina.

Willis Alston,
Daniel L. Barringer,
Samuel P. Carson,
Henry W. Conner,
Edmund Deberry,
Edward B. Dudley,
Thomas H. Hall,
Robert Potter,
William B. Shepard,
Augustus H. Shepperd,
Jesse Speight,
Lewis Williams,
Abraham Rencher.

South Carolina.

Robert W. Barnwell,
James Blair,
John Campbell,
Warren R. Davis,
William Drayton,
William D. Martin,
George M'Duffie,
William T. Nuckolls,
Starling Tucker.

Georgia.

Thomas F. Foster,
Charles E. Haynes,
Wilson Lumpkin,

Henry G. Lamar,
 Wiley Thompson,
 Richard H. Wilde,
 James M. Wayne.
Kentucky.
 James Clark,
 Nicholas D. Coleman,
 Thomas Chilton,
 Henry Daniel,
 Nathan Gaither,
 Richard M. Johnson,
 John Kincaid,
 Joseph Lecompte,
 Chittenden Lyon,
 Robert P. Letcher,
 Charles A. Wickliffe,
 Joel Yancey.
Tennessee.
 John Blair,
 John Bell,
 David Crockett,
 Robert Desha,

Jacob C. Isaacks,
 Cave Johnson,
 Pryor Lea,
 James K. Polk,
 James Sandifer.
Ohio.
 Mordecai Bartley,
 Joseph H. Crane,
 William Creighton,
 James Findlay,
 William W. Irwin,
 William Kennon,
 Humphrey H. Leavitt,
 William Russell,
 William Stanberry,
 James Shields,
 John Thompson,
 Joseph Vance,
 Samuel F. Vinton,
 Elisha Whittlesey.
Louisiana.
 Henry H. Gurley,

W. H. Overton,
 Edward D. White.
Indiana.
 Ratliff Boon,
 Jonathan Jennings,
 John Test.
Alabama.
 R. E. B. Baylor,
 Clement C. Clay,
 Dixon H. Lewis.
Mississippi.
 Thomas Hinds.
Illinois.
 Joseph Ducan.
Missouri.
 Spencer Pettis.

 DELEGATES.
Michigan—John Biddle.
Arkansas—A. H. Sevier.
Florida—Joseph M. White.

 OFFICERS OF CONGRESS.

OFFICERS OF THE SENATE.		OFFICERS OF THE HOUSE.	
	<i>Secretary.</i>		<i>Clerk of the House.</i>
Walter Lowrie, Pa.	\$3,000	M. St Clair Clark, Pa.	\$3,000
	<i>Sergeant at arms.</i>	Samuel Burch, Chief Clerk, Va.	1,800
Mountjoy Bailey, Va.	1,500		<i>Sergeant at arms.</i>
	<i>Chaplain.</i>	I. Oswald Dunn,	1,500
Henry V. D. Johns.	500		<i>Chaplain.</i>
	<i>Librarian of Congress,</i>	Ralph R. Gurley,	500

GOVERNORS OF STATES.

		<i>Term begins.</i>	<i>Term expires.</i>
Maine,	Samuel E. Smith.	January, 1831.	January, 1832.
New Hampshire,	Samuel Dinsmoor.	June, 1831.	June, 1832.
Vermont,	Samuel C. Crafts.	October, 1830.	October, 1831.
Massachusetts,	Levi Lincoln.	May, 1831.	January, 1832.
Rhode Island,	Samuel H. Arnold.	May, 1831.	May, 1832.
Connecticut,	John S. Peters.	May, 1831.	May, 1832.
New York,	Enos J. Throop.	January, 1831.	January, 1833.
New Jersey,	Peter D. Vroom.	October, 1830.	October, 1831.
Pennsylvania,	George Wolf.	December, 1829.	December, 1832.
Delaware,	David Hazzard.	January, 1830.	January, 1833.
Maryland,	{ Daniel Martin.	January, 1831.	Died July, 1831.
	{ G. Hayward, <i>acting</i> .	July, 10th, 1831.	January, 1832.
Virginia,	John Floyd.	March, 1831.	March, 1834.
North Carolina,	Montford Stokes.	December, 1830.	December, 1831.
South Carolina,	James Hamilton, Jr.	December, 1830.	December, 1832.
Georgia,	George R. Gilmer.	November 1829.	November, 1831.
Alabama,	Gabriel Moore.	November 1829.	November, 1831.
Mississippi	Gerard C. Brandon.	January. 1830.	January, 1832.
Louisiana	A. B. Rowan.	January, 1831.	January, 1835.
Tennessee,	William Carrol.	September, 1829.	September, 1831.
Kentucky,	Thomas Metcalfe.	September 1828.	September, 1832.
Ohio,	Duncan M'Arthur.	December 1830.	December, 1832.
Indiana,	Joshua B. Ray.	December, 1828.	December, 1831.
Illinois,	John Reynolds.	December, 1830.	December, 1834.
Missouri,	John Miller.	November, 1828.	November, 1832.

TERRITORIES.

Michigan,	George B. Porter,	—	—	—	—
Florida,	William P. Durall,	April,	1831.	April,	1834.
Arkansas,	John Pope,	February,	1829.	February,	1832.

PUBLIC DEBT OF THE UNITED STATES.

A STATEMENT OF THE FUNDED DEBT OF THE UNITED STATES AS IT EXISTED ON THE 1st JAN. 1831.

STOCKS.	Date of acts constituting the several stocks.	When Redeemable.	A M O U N T S.
Three per cent. Stock, (Revolutionary debt),	August 4, 1790.	At the pleasure of the Government.	13,296,397 57
Five per cent. Stock (subscription to bank U. S.)	April 10, 1816.	Do.	4,000,000 00
" " "	May 15, 1820.	After 1 January 1832.	999,999 13
" " "	March 3, 1821.	After " " 1835.	4,735,296 30
" " "	April 20, 1822.	1/2 after 31 Dec. 1830.	56,704 77
exchanged,	}	1/2 after " " 1831.	
		1/2 after " " 1832.	
Four and a half per cent. Stock,	May 24, 1824.	after Jan. 1, 1832.	5,000,000 00
" " "	May 26, 1824.	after Dec. 31, 1831.	5,000,000 00
" " "	May 26, 1824.	1/2 after Dec. 31, 1832.	4,454,727 95
" " "	" " "	1/2 after " " 1833.	
" " "	March 3, 1825.	1/2 after " " 1828.	1,539,336 16
" " "	" " "	1/2 after " " 1829.	
Total Dollars,			15,994,064 11
Amount of funded debt 1st January 1830,			48,522,869 93
Add three per cent. Stock issued for interest on Revolutionary debt,			148 12
Deduct payments viz.			48,523,018 05
The residue of the six per cent. Stock,			6,440,556 17
Five per cent. Stock part of subscription to United States bank,			3,000,000 00
UNFUNDED DEBT.			39,082,461 88
Registered debt for claims, &c. during the Revolution,			28,547 71
Treasury notes,			7,177 00
Mississippi Stock not applied for,			5,005 09
			40,729 80

REVENUE OF UNITED STATES IN 1830.

A.

A STATEMENT exhibiting the duties accruing on merchandise, tonnage, passports, and clearances; of debentures on exportations; drawbacks on domestic refined sugar and distilled spirits exported; bounty on salted fish exported; allowances to vessels employed in the fisheries, and of expenses of collection during 1830.

Duties on merchandise	-	-	\$23,382,795	33
tonnage, and light money	-	-	130,471	28
passports and clearances	-	-	11,356	00
			<hr/>	
			\$28,524,622	61
Debentures issued	-	-	\$4,511,182	17
Drawback on sugar and spirits	-	-	85,266	40
Bounties and allowances	-	-	206,246	40
			<hr/>	
			4,802,694	97
Gross revenue	-	-	\$23,721,927	64
Expenses of collection	-	-	1,024,248	18
			<hr/>	
Nett revenue	-	-	\$22,697,679	46

A STATEMENT, exhibiting the values and quantities, respectively, of merchandise of which duties actually accrued during the year 1830, (consisting of the difference between articles paying duty imported, and those entitled to drawback re-exported;) and, also, of the nett revenue which accrued that year from duties on merchandise, tonnage, passports, and clearances.

Merchandise paying duties ad valorem.

7,513	dolls. at 12 per cent.	\$ 901	56
2,351,210	do 12½ do	293,901	25
3,132,676	do 15 do	469,901	40
7,127,463	do 20 do	1,425,492	60
23,168,079	do 25 do	5,792,019	75
2,314,961	do 30 do	844,488	30
556,945	do 33½ do	185,648	34
1,017,027	do 35 do	355,959	45
244,699	do 40 do	97,879	60
4,193,738	do 45 do	1,887,182	10
616,615	do 50 do	308,307	50
		<hr/>	
45,230,926	av. 25.78	\$11,661,681	85

Duties on specific articles.

1. Wines	2,666,594	galls.	av. 18.39	\$490,529	35
2. Spirits	1,079,163	do	57.47	620,280	90
Molasses	7,173,514	do	10	717,351	40
Do	2,692,864	do	5	134,643	20
3. Teas	6,141,808	lbs.	33.28	2,044,318	10
Coffee	37,121,910	do	5	1,856,095	50
Do	1,671,439	do	2	33,428	78
4. Sugar	96,387,358	do	3.07	2,960,417	18
5. Salt	3,256,010	bush.	20.00	651,202	00
All other articles as per statement VI.				2,392,432	31
				<hr/>	
				11,900,748	72
				<hr/>	
				23,562,430	57

Add duties which accrued on merchandise, the particulars of which could not be ascertained, after deducting therefrom duties refunded and difference of calculation		54,788 46
		<u>23,617,219 03</u>
Add interest on custom-house bonds	23,131 76	
Storage received	5,692 01	
Passports and clearances	11,356 00	
10 per cent. extra duty on foreign vessels	16,195 43	
Discount	3,128 53	
		<u>59,503 73</u>
		<u>23,676,722 76</u>
Deduct drawback on domestic spirits	\$ 1,035 95	
Do domestic refined sugar	84,230 48	
		<u>\$ 85,266 40</u>
		<u>23,591,456 36</u>
Add duties on tonnage	119,254 59	
Light money	11,216 69	
		<u>130,471 28</u>
		<u>23,721,927 64</u>
Gross revenue		1,024,248 18
Deduct Expenses on collection		
		<u>22,697,679 46</u>

VI. ALL OTHER ARTICLES.	Quantity.	Rate of Duty.	Duties.
Woollens, not above 33½ cts. per sq. yd.	1,082,811	14	151,593 54
Carpeting, Brussels, Wilton, &c. do	73,768	70	51,637 60
Venetian and ingrain do	154,312	40	61,724 80
flags, matting, &c. do	68,340	15	10,251 00
Floor cloths, patent painted, &c. do	16,450	50	8,225 00
all other do	3,537	25	884 25
Furniture oil cloth do	7,573	15	1,135 95
Sail duck do	26,093	9½	2,478 93
Do do	1,019,163	10	101,916 30
Bagging, cotton, do	271,362	5	13,568 10
Vinegar gallons. do	14,122	8	1,129 76
Beer, ale, and porter, in bottles do	51,684	20	10,336 80
Do do in casks do	2,376	15	356 40
Oil, spermaceti do	10	25	2 50
whale and other fish do	1,554	15	233 10
olive do	40,735	25	10,143 75
castor do	13	40	5 20
linseed do	6,902	25	1,725 50
Cocoa pounds. do	970,035	2	19,400 70
Do do	69,032	1	690 32
Chocolate do	5,340	4	213 60
Sugar, candy do	303	12	36 36
loaf do	218,879	12	26,265 48
other refined do	102	10	10 20
Fruits, almonds do	895,496	3	26,864 88
currants do	188,686	3	5,660 58
prunes and plums do	90,370	4	3,614 80
figs do	973,878	3	29,216 34
raisins, jar and muscatel do	4,239,724	4	169,588 96
other do	3,724,232	3	111,728 46

VI. ALL OTHER ARTICLES.		Quantity.	Rate of duty.	Duties.
Candles, wax	pounds	523	6	31 38
spermaceti	do	461	8	36 88
Cheese	do	41,472	9	3,732 48
Lard	do	7,287	3	218 61
Butter	do	1,968	5	98 40
Beef and pork	do	38,251	2	765 02
Hams and other bacon	do	8,073	3	242 19
Camphor, crude	do	50,043	8	4,003 44
Salts, Epsom	do	896	4	35 84
Glauber	do	1,261	2	25 22
Spices, Cayenne pepper	do	104	15	15 60
ginger	do	2,866	2	57 32
mace	do	51	100	51 00
nutmegs	do	55,875	60	33,525 00
cinnamon	do	4,244	25	1,061 00
cloves	do	16,597	25	4,149 25
pimento	do	509,362	6	30,561 72
cassia	do	132,122	6	7,927 32
Snuff	do	3,384	12	406 08
Indigo	do	210,116	20	42,023 20
Do	do	228,089	30	68,426 70
Cotton	do	74,479	3	2,234 37
Gunpowder	do	43,577	8	3,486 16
Bristles	do	98,162	3	2,944 86
Glue	do	43,076	5	2,153 80
Paints, ochre, in oil	do	1,112	1½	16 68
dry	do	889,004	1	8,890 04
white and red lead	do	15,539	5	776 95
whiting	do	272,073	1	2,720 73
litharge	do	233	5	11 65
sugar of lead	do	113,259	5	5,662 95
Lead, pig, bar, and sheet	do	121,354	3	3,640 62
shot	do	445	4	17 80
Cordage, cables	do	878	4	35 12
untarred	do	44,610	5	2,230 50
Twine and packthread	do	386,043	5	19,302 15
Corks	do	120,000	4	4,800 00
Copper, rods and bolts	do	15,000	4	632 00
Firearms, muskets	number	2,422	150	3,633 00
rifles	do	8	250	20 00
Iron wire not above No. 14	pounds	290,032	6	17,401 92
above No. 14	do	226,388	10	22,638 80
tacks, &c. not above 16 oz. per m.	M	13,818	5	690 90
above 16 oz.	pounds	2,058	5	102 90
nails	do	657,921	5	32,896 05
spikes	do	37,184	4	1,487 39
chain cables	do	680,320	3	20,409 60
mill cranks	do	2,829	4	113 16
mill saws	number	4,100	100	4,100 00
anchors	pounds	26,362	2	527 24
anvils	do	818,955	2	16,379 10
hammers	do	79,452	2½	1,986 30
castings, vessels of	do	805,209	1½	12,078 13
other	do	702,079	1	7,020 79
round and braziers' rods	do	354,314	3½	12,400 99
nail and spike rods	do	33,217	3½	1,162 60
sheet and hoop	do	2,229,849	3½	78,044 72
in pigs	cwt.	27,392	62½	17,120 00

VI. ALL OTHER ARTICLES.		Quantity.	Rate of duty.	Duties.
Iron, bar and bolt, hammered	pounds	45,927,240	1	459,272 40
rolled	cwt.	153,718	185	284,378 30
Steel	do	21,715	150	32,569 50
Hemp	do	2,242	250	5,605 00
Do	do	21,581	275	59,347 75
Flax	do	2,531	225	5,694 75
Wool	pounds	1,035,557	4	41,422 28
Wheat flour	cwt.	236	50	118 00
Coal	bushels	1,567,309	6	94,038 54
Wheat	do	470	25	117 50
Oats	do	2,081	10	208 10
Potatoes	do	21,463	10	2,146 30
Paper, folio and quarto post	pounds	27,176	20	5,425 20
printing	do	3,296	10	329 60
sheathing	do	10,648	3	319 44
Paper, all other	do	34,485	15	5,172 75
Books printed previous to 1775	vol.	279	4	11 16
in other languages than Latin, &c.	do	102,850	4	4,114 00
Latin and Greek, bound	pounds	4,243	15	786 45
boards	do	3,557	13	462 41
all other, bound	do	13,084	30	3,925 20
boards	do	75,903	26	19,734 78
Glass ware, cut and not specified	do	11,153	3	334 59
other articles of	do	708,958	2	14,179 16
vials, not above 6 oz.	gross	834	175	1,459 50
8	do	129	125	161 25
bottles, not above 1 quart	do	12,244	200	24,488 00
2 quarts	do	53	250	132 50
1 gallon	do	12	300	36 00
demijohns	No.	38,418	25	9,604 50
window, not above 8 by 10 inches				
100 sq. ft.		35	300	105 00
10 by 12	do	110	350	385 00
10 by 15	do	307	400	1,228 00
above 10 by 15	do	1,407	500	7,035 00
Slates,	cwt.	1,675	20	335 00
12 by 14	do	7,669	25	1,917 25
14 by 16	do	53,811	30	16,143 30
16 by 18	do	9,539	35	3,338 65
18 by 20	do	2,944	40	1,177 60
20 by 24	do	3,126	45	1,406 70
above 20 by 24	do	334	50	167 00
Fish, dried or smoked	quintals	801	100	801 00
salmon, pickled	barrels	1,616	200	3,232 00
mackerel	do	267	150	400 50
other	do	392	100	392 00
Shoes, silk	pairs	2,939	30	881 70
prunelle	do	745	25	186 25
leather	do	5,521	25	1,380 25
children's	do	539	15	80 85
Boots and bootees	do	360	150	540 00
Cigars	M	22,826	250	57,065 00
Playing cards	packs	272	30	81 60
Carried forward				2,511,405 43

REVENUE, 1830.

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					Duties.
Brought forward - -					\$2,511,405 43
<i>Deduct excess of exportation over importation.</i>					
Carpeting, flags, &c.	square yards	342	at 32 cts.		109 44
Candles, tallow	pounds	38,978	5		1,948 90
Soap	do	48,290	4		1,931 60
Tallow	do	79,529	1		795 29
Pepper	do	224,254	8		17,940 32
Tobacco	do	31	10		3 10
Cordage, tarred	do	1,047,242	4		41,889 68
Copper, nails and spikes	do	2,147	4		85 88
Flax	cwt.	864	175		1,512 00
Do	do	20	200		40 00
Paper, foolscap	pounds	107,421	17		18,261 57
<i>Exported at former rates.</i>					
Sail duck	square yards	59,712	9		5,374 08
Cotton bagging	do	24,908	4½		1,120 85
Indigo	pounds	63,219	15		9,482 85
White lead	do	148,597	4		5,943 88
Bar lead	do	487,904	2		5,758 08
Leaden pipes	do	13,842	5		692 10
Iron, sheet and hoop	cwt.	814	50		407 00
bar, rolled	do	470	150		705 00
hammered	do	100	90		90 00
Hemp	do	350	225		787 50
Vials not above 6 oz.	gross.	44	100		44 00
					118,923 12
					\$2,392,482 31

OPERATIONS OF THE LAND OFFICES.

EXHIBIT of the operations of the Land offices of the United States in the several States and Territories, during the year ending 31st December, 1830, and of the payments made into the Treasury on account of public lands during that period.

	Land sold.	Purchase money.	Amount received on account of lands sold prior to 1st July, 1820.	Amount received in cash.	AMOUNT RECEIVED IN SCRIP.		Aggregate receipts.	Amount paid into the Treasury.
					Forfeited land scrip.	Military land scrip.		
State of Ohio for 1830.	156,392 70	\$195,501 78	\$1,662 44	\$150,947 61	\$42,049 94	\$4,166 67	\$197,164 22	\$144,510 84
Indiana "	476,351 85	598,115 55	1,438 54	586,392 59	13,161 50		599,554 09	627,181 75
Illinois "	316,451 71	395,678 34	729 52	389,180 46	7,227 40		396,407 86	396,204 31
Missouri "	214,917 44	263,138 26	315 25	265,508 46	3,945 05		269,453 51	224,609 03
Alabama "	373,203 73	477,346 06	1,872 27	441,929 04	36,789 29	500 00	479,218 33	475,471 71
Mississippi "	108,439 67	135,689 06	614 06	128,210 18	8,092 94		136,303 12	148,254 07
Louisiana "	74,647 70	95,602 68	34 77	95,235 29	402 16		96,637 45	76,730 50
Territory of Michigan "	147,061 55	183,912 04	129 43	178,707 85	5,333 62		184,041 47	178,516 65
" Arkansas "	2,648 95	3,311 19		3,311 19			3,311 19	1,833 53
" Florida "	59,618 49	79,137 98		68,137 98	11,000 00		79,137 98	56,043 75
Total for 1830.	1,929,733 79	2,433,432 94	6,796 28	2,307,560 65	128,001 90	4,666 67	2,440,229 22	2,329,356 14

EXPENDITURES IN 1830.

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STATEMENT of moneys received into the Treasury from all sources other than Customs and Public Lands, during the year 1830.

From dividends on stock in the Bank of the United States,		\$490,070 00
Arrears of direct tax,	\$16,980 59	
Arrears of internal revenue,	12,160 62	
Fees on letters patent,	16,350 00	
Cents coined at the Mint,	13,605 26	
Fines, penalties, and forfeitures,	359 21	
Postage of letters,	55 13	
Surplus emoluments of officers of the customs,	11,096 18	
Interest on debts due by banks to the United States,	170 25	
Proceeds of the schooners Marino and Louisa, and their cargoes, condemned under the acts prohibiting the slave trade,	2,584 93	
An unknown person, stated to be due the United States,	2,000 00	
Moneys previously advanced on account of ascertaining land — titles in Louisiana,	700 00	
Moneys previously advanced on account of military pensions,	353 24	
Moneys previously advanced on account of the first article of the treaty of Ghent,	98 49	
Balances of advances made in the War Department, under the 3d section of the act of 1st May, 1820,	25,855 08	
		102,368 98
		\$592,368 98
From the customs		\$22,697,679 46
public lands		2,329,356 14
	Total	\$25,619,404 58

STATEMENT OF THE EXPENDITURES OF THE U. STATES FOR THE YEAR 1830.

CIVIL, MISCELLANEOUS, AND FOREIGN INTERCOURSE.	Mint establishment	32,430 00
Legislature	Extending the Mint establishment	57,000 00
Executive Departments	Unclaimed merchandise	266 47
Officers of the Mint	Lighthouse establishment	238,702 63
Surveyors and their clerks	Surveys of public lands	73,894 69
Commissioner of the Public Buildings	Registers and Receivers of land offices	1,625 00
Governments in the Territories of the United States	Preservation of the public archives in Florida	955 59
Judiciary	Land claims in Florida Territory	2,598 26
	Roads within the State of Ohio	12,371 21
Annuities and grants		

Barracks at Fort Trumbull, N. London, Conn.	6,600 00	Improving the navigation of Mill river, Conn.	2,156 00
Barracks at Fort Severn, Annapolis, Maryland	4,000 00	Improving the navigation of Genesee river, New York	13,335 00
Barracks at Fort Winnebago, Northwest Territory	817 91	Improving the navigation of Cape Fear river, North Carolina	32,500 00
Barracks at Fort Crawford, Praire du Chien, Northwest Territory	4,354 63	Improving the navigation of Conneaut creek, Ohio	7,045 65
Barracks at Fort Gratiot, Michigan	5,000 00	Improving the harbor of Hyannis, Massachusetts	6,517 82
Barracks at Fortress Monroe, Virginia	8,500 00	Improving the harbors of Newcastle, Marcus Hook, Chester, and Port Penn	6,600 00
Barracks at Key West, and for other purposes	7,000 00	Improving the harbor of Cleveland, Ohio	4,965 56
Jefferson barracks, Missouri	5,000 00	Removing obstructions Kennebec river, Maine	3,200 00
Erection of a storehouse at Baton Rouge	2,000 00	Removing obstructions Berwick branch of Piscataqua river, New Hampshire	1,930 00
Erection of a breakwater near the mouth of Delaware bay	269,222 00	Removing obstructions Merrinack river, Massachusetts	3,506 72
Building piers, Oswego river, New York	7,059 97	Removing obstructions Nantucket harbor, Massachusetts	10,347 00
Building piers, Buffalo creek, New York	15,488 00	Removing obstructions Big Sodus bay, New York	15,780 00
Building piers, Allen's rocks, Warren river, R. Island	30 18	Removing obstructions Grand river, Ohio	5,563 18
Building piers, La Plaisance bay, Michigan	118 05	Removing obstructions Huron river, Ohio	1,880 36
Building piers and other works at Stonnington, Connecticut	9,712 72	Removing obstructions Ash-tabula creek, Ohio	1,428 57
Building piers, Dunkirk, New York	1,342 75	Removing obstructions Black river, Ohio	8,559 77
Preservation of Island, Boston harbor, Mass.	20,268 68	Removing obstructions Ocracoke inlet, N. Carolina	16,800 00
Extending piers, Black Rock, New York	3,198 00	Removing obstructions Ap-palachicola river, Florida	2,000 00
Preservation of Provincetown harbor, Mass.	2,300 00	Removing obstructions river and harbor of St Mark's, Florida	7,000 00
Preservation of Plymouth beach, Mass.	1,850 00	Surveys and estimates roads and canals	29,952 60
Deepening the harbor of Sackett's harbor, New York	800 00	Cumberland road east of Zanesville	64,976 82
Deepening the harbor of Mobile, Alabama	6,900 00	Cumberland road in Ohio, west of Zanesville	115,000 00
Deepening the channel through the Pass au Heron, near Mobile bay	2,600 00	Cumberland road in Indiana	34,700 00
Deepening the channel mouth of Pascagoula river, Mississippi	1,600 00	Cumberland road in Illinois	12,155 00
Deepening the channel between St John's river and St Mary's harbor	2,098 75	Road from Mattanawcook to Mars hill, Maine	42,983 76
Improving the navigation of the Ohio and Mississippi rivers	59,023 65	Road from Detroit to Fort Gratiot	10,350 00
Improving the navigation of Red river, Arkansas	12,714 00	Road from Detroit to Sag-anaw bay	5,350 00
		Road from Detroit to Chicago	7,750 00
		Road from Pensacola to St Augustine	5,369 72
		Road between Alachua court house, Jacksonville, Flor.	1,000 00
		Florida canal	3,796 59

Payment to the State of Pennsylvania for military services in 1794	13,795 54	For effecting the treaty of Butte des Morts, per act 20th May, 1830	22,682 10
Relief of the mayor and city council of Baltimore	14,844 71	For expenses of holding certain Indian treaties, per act 7th April, 1830	12,939 75
Relief of the president and directors, &c., of the bank of Chillicothe	2,362 85	Annuities to Indians	205,995 75
Relief of the church-wardens of Elizabeth city parish, Va.	130 50		6,783,882 88
Payment for property lost, captured, or destroyed	18 86	<i>From which deduct the following repayments:</i>	
Ransom of American captives in the late war	97 33	Payment of Georgia militia claims	12,525 16
Relief of officers and others engaged in the Seminole war	6 00	Opening the old King's road in Florida	2,147 62
Relief of the representatives of James Davenport, deceased	368 71	Pay of the Illinois and other militia	1,886 47
Relief of the representatives of Benjamin Clarke	242 80	Fort Rigolets and Chef Menteur	88
Relief of sundry citizens of Arkansas	6,756 00	Fortifications	99 12
Relief of sundry individuals	45,131 11	Barracks at Michilimackinac	25 82
Civilization of Indians	8,865 50	Completion of sea-wall George's island, Boston harbor	49 86
Pay of Indian agents	26,546 97	Survey of the southern shore of lake Ontario, New York	9 47
Pay of Indian sub-agents	18,917 33	Survey of Genessee river and harbor, New York	143 95
Presents to Indians	14,762 05	Survey of the mouth of Sandy creek, New York	172 56
Contingencies of Indian department	80,089 42	Survey of the passes at the mouth of the Mississippi	88 60
Suppression of Indian aggressions on the frontiers of Georgia and Florida	1,544 45	Road from Fort Smith to Fort Towson	494 50
Choctaw schools	4,702 25	Expenses of a brigade of militia	10,601 34
To aid the emigration of Creek Indians	38,110 44	Running the Indian boundary line in Florida	135 49
Expenses of an exploring delegation of Indians	819 63	Purchase of Creek and Cherokee reservations of lands in Georgia	2,100 00
To extinguish the claims of Cherokee Indians to lands in Georgia	627 50	Expenses of treating with the Choctaws and Chickasaws	658 00
To extinguish the title of Peter Lynch to lands in Georgia	3,000 00	Treaties with the Indians beyond the Mississippi	55 38
To provide for an exchange of lands and the removal of Indians	17,625 00		31,194 22
For effecting certain Indian treaties, per act 20th May, 1826	108 26		6,752,688 66
For effecting a treaty with the Creek Indians, per act 22d May, 1826	33,178 87	NAVAL ESTABLISHMENT.	
For effecting certain Indian treaties, per act 24th May, 1828	13,256 60	Pay and subsistence of the navy afloat	1,126,477 63
For effecting certain Indian treaties, per act 2d March, 1829	39,025 50	Pay and subsistence of the navy store stations	50,425 50
For effecting certain Indian treaties, per act 25th Mar., 1830	82,413 88	Pay of superintendents, artificers, &c.	60,746 06
		Provisions	315,211, 89
		Medicines and hospital stores	33,175 35

STATEMENT of the amount of duties secured in 1829 and 1830, on wool, woollens, cottons, iron, hemp, cordage, and sugar.

ARTICLES.	In 1829.	In 1830.
On wool	\$39,701	41,668
On woollens:		
Not exceeding 33½ cents per square yard	160,096	159,300
Do 50 do	260,904	217,579
Do 100 do	598,012	478,016
Do 250 do	519,845	5 64,721
Do 400 do	40,602	28,128
Above 400 do	4,402	1,216
On blankets	172,245	227,308
hosiery	88,308	51,397
worsted stuff goods	434,713	383,495
carpeting, Brussels, Wilton, &c.	47,173	51,789
Venetian and ingrain	129,514	62,055
other manufactures of wool	242,260	105,206
	2,698,074	2,330,210
On cottons, printed and colored	1,015,549	933,727
white	537,563	559,215
other manufactures of	338,480	174,123
	1,891,592	1,667,065
On iron: on articles paying duty ad valorem	834,028	894,432
on pig	16,068	17,552
on bar, rolled	199,145	293,406
hammered	791,139	465,463
on other articles paying specific duties	224,944	253,264
	2,065,324	1,924,117
On hemp	199,702	65,453
On cordage, tarred	23,525	20,497
untarred	11,401	4,843
	34,926	25,340
On sugar, brown	1,434,961	2,923,929
white and clayed	129,298	409,426
	1,564,259	3,333,355
RECAPITULATION.		
On wool	39,701	41,668
woollens	2,698,074	2,330,210
cottons	1,891,592	1,667,065
iron	2,065,324	1,924,117
hemp	199,702	65,453
cordage	34,926	25,340
sugar	1,564,259	3,333,355
	8,493,578	9,387,208

STATEMENT of the COMMERCE of each State and Territory, commencing on the 1st day of October, 1829, and ending on the 30th day of September, 1830.

STATES AND TERRITORIES.	VALUE OF EXPORTS.					NAVIGATION.			
	Value of Imports.	Domestic produce.	Foreign produce.	Total value of domestic and foreign produce.	Quantity of American tonnage.		Quantity of Foreign tonnage.		
					Entered.	Departed.	Entered.	Departed.	
Maine	572,066	643,435	27,087	670,522	69,363	91,629	5,378	6,165	
New Hampshire	130,828	93,459	2,685	96,184	9,416	4,632			
Vermont	140,059	658,256		658,256	29,741	19,290			
Massachusetts	10,453,544	3,599,952	3,613,242	7,213,194	168,243	148,124	4,663	5,176	
Rhode Island	488,756	206,965	71,985	278,950	16,676	14,094			
Connecticut	269,385	385,610	3,901	389,511	16,171	18,285		77	
New York	35,624,070	13,618,278	6,079,705	19,697,983	298,434	229,341	35,344	36,574	
New Jersey	13,444	8,224	100	8,324	586	627			
Pennsylvania	8,702,122	2,924,452	1,367,341	4,291,793	72,009	63,022	5,007	4,870	
Delaware	26,574	52,258		52,258	1,691	962	141	141	
Maryland	4,523,866	3,075,985	715,497	3,791,482	55,317	55,020	6,315	3,836	
District of Columbia	168,550	746,591	7,382	753,973	10,458	13,803	2,833	4,305	
Virginia	405,739	4,788,804	2,480	4,791,644	25,997	43,715	1,770	1,772	
North Carolina	221,992	398,550	783	399,333	27,757	36,592	21,760	20,405	
South Carolina	1,054,619	7,580,821	46,210	7,627,031	50,859	52,464	8,103	9,485	
Georgia	282,436	5,336,626		5,336,626	19,249	50,394			
Alabama	144,823	2,201,825	3,129	2,294,594	10,490	22,277	4,826	4,059	
Mississippi	7,599,083	13,042,740	2,445,952	15,488,692	83,270	106,017	35,393	36,317	
Louisiana	162				56	56	49	49	
Ohio	21,315	1,588		1,588	50	50			
Michigan Territory	32,689	7,570		7,570	1,444	1,366	318	205	
Florida Territory									
Total, dollars,	70,876,920	59,462,029	14,387,479	73,849,508	967,227	971,760	131,900	133,436	

STATISTICAL VIEW of the Commerce of the United States, exhibiting the value of every description of Imports from, and the value of every description of Exports to, each Foreign Country; also, the Tonnage of American and Foreign vessels arriving from, and departing to, each Foreign Country, during the year ending on the 30th day of September, 1830.

COUNTRIES.	COMMERCE.			NAVIGATION.				
	VALUE OF IM- PORTS.	VALUE OF EXPORTS.		American Tonnage.		Foreign Tonnage.		
		Domestic Pro- duce.	Foreign Pro- duce.	Total.	Entered into the U. S.	Departed from U. S.	Entered into the U. S.	Departed from U. S.
		Dollars.		Tons.				
Russia	1,621,899	35,461	381,114	416,575	13,681	3,492	264	264
Prussia	16,605	16,501		16,501	372	232		
Sweden and Norway	1,168,110	181,353	180,949	371,302	15,144	3,502	2,935	2,023
Swedish West Indies	230,530	552,700	37,727	590,427	10,406	19,960	965	984
Denmark	5,384	76,292	29,048	105,340	877	1,923		
Danish West Indies	1,665,834	1,688,022	220,723	1,908,745	38,767	52,535	600	849
Netherlands	888,408	3,354,551	675,527	4,030,078	42,998	35,220	793	4,515
Dutch East Indies	181,848	63,273	107,293	170,566	662	1,501	220	
Dutch West Indies	286,509	319,495	42,298	361,793	12,047	11,043	248	124
England	22,755,040	23,773,020	826,946	24,599,966	199,972	192,714	61,355	58,589
Scotland	1,382,841	1,465,211	2,488	1,467,699	5,784	6,913	12,560	7,707
Ireland	381,333	261,687		261,687	5,494	4,594	6,949	2,570
Gibraltar	90,028	513,248		883,398	3,346	13,450		
British East Indies	1,373,297	93,731	533,126	646,857	4,806	4,029	275	
British West Indies	168,579	140	1,761	1,901	22,428	2,395		
Newfoundland					452	1,523		
British American Colonies	650,303	3,650,031	136,342	3,786,373	130,527	117,171	4,002	14,267
British African Ports	2,300					510		
Other British Colonies	1,263				396			
Hanse Towns	1,873,278	1,549,732	725,148	2,274,880	17,259	14,728	8,488	10,262
France on the Atlantic	6,831,015	9,183,894	661,925	9,845,819	79,459	82,521	4,061	6,014
France on the Mediterranean	891,183	717,252	430,888	1,148,140	15,406	18,967	205	1,074
French West Indies	518,687	792,241	13,528	806,769	28,928	47,129	5,945	4,335

COMMERCE.

French African Ports	591	579	6,510	106	11,356
Spain on the Atlantic	538,956	61,327	600,283	9,387	489
Spain on the Mediterranean	145,556		10,930	3,017	184
Teneriffe, and other Canaries	19,040	610	19,650	796	
Manilla & Philippine Islands	39,129	54,539	93,668	458	
Cuba	3,439,060	1,477,075	4,916,735	114,054	11,356
Other Spanish West Indies	245,636	27,523	273,159	8,734	12,954
Portugal	43,408	1,803	45,211	12,287	625
Madeira	155,719	12,358	168,077	6,080	114
Fayal, and other Azores	6,649	1,524	8,173	244	137
Cape de Verd Islands	50,560	7,778	58,338	2,038	418
Italy	326,239	414,121	740,360	6,626	
Sicily				1,697	135
Trieste & other Adriatic ports	300,859	293,261	594,120	4,332	282
Ragusa, & the Seven Islands				345	
Turkey, &c.	417,392	337,539	413,340	3,668	2,887
Hayi	1,597,140	108,387	823,178	18,513	1,748
Mexico	5,235,241	3,851,694	4,837,458	22,062	1,633
Central Republic	302,833	111,662	250,118	3,044	4,362
Colombia	1,120,095	180,258	496,990	4,560	62
Honduras	1,472	5,432	30,564	13,514	1,076
Brazil	2,491,460	242,239	1,843,238	68	601
Argentine Republic	1,431,883	204,667	629,887	38,005	248
Chilipine Republic				6,584	225
Chili	182,555	630,396	1,536,114	236	
Peru	972,884	39,402	71,802	304	155
South America, generally	40,269	170	9,360	732	
China	3,878,141	585,903	742,193	394	260
Asia, generally	98,451	229,290	285,608	8,598	
West Indies, generally	7,386	5,010	247,124	1,679	
East Indies, generally				2,288	
Europe, generally	394	22,653	38,743	424	141
Africa, generally	172,861	52,236	149,103	911	290
Cape of Good Hope				2,560	
South Seas	20,748	6,764	27,942	580	
Northwest coast of America		24,698	53,090	28,232	
Total,	70,876,920	14,387,479	73,849,508	967,227	133,436
				971,760	
				131,900	

STATEMENT exhibiting a condensed view of the Tonnage of the several Districts of the United States, on the last day of December, 1829

DISTRICTS.	Registered Tonnage.	Enrolled and licensed tonnage	Total Tonnage of each District
	Tons and 95ths.		
Passamaquoddy, Maine	11,816 76	3,238 58	15,055 39
Machias	359 29	4,233 89	4,593 23
Frenchman's Bay	3,233 60	5,303 67	8,537 32
Penobscot	4,160 46	14,085 60	18,246 11
Belfast	2,636 80	13,299 12	15,935 92
Waldoborough	3,356 85	21,277 90	24,634 80
Wiscasset	2,765 90	3,454 78	6,220 73
Bath	19,054 59	12,544 46	31,599 10.
Portland	29,608 58	15,013 71	44,622 34
Saco	1,674 83	2,322 77	3,997 65
Kennebunk	5,499 78	2,193 09	7,692 87
York	251 91	1,120 35	1,378 31
Portsmouth, New Hampshire	13,451 29	6,571 17	20,022 46
Newburyport, Massachusetts	11,215 78	7,398 83	18,614 66
Ipswich	160 84	2,215 54	2,376 43
Gloucester	1,981 35	10,601 87	12,583 27
Salem	28,518 71	6,260 88	34,779 64
Marblehead	1,698 36	6,137 05	7,835 41
Boston	107,440 35	37,082 66	144,523 06
Plymouth	11,492 49	9,078 16	20,570 65
Dighton	111 14	3,810 35	3,921 49
New Bedford	39,473 93	11,911 86	51,385 84
Barnstable	2,225 53	24,577 48	26,803 06
Edgartown	2,638 17	1,161 82	3,800 04
Nantucket	20,111 02	3,482 43	23,593 45
Providence, Rhode Island	12,057 58	5,522 35	17,579 93
Bristol	5,574 88	2,758 77	8,333 70
Newport	6,318 38	3,911 58	10,230 01
Middletown, Connecticut	2,982 58	8,989 44	11,972 07
New London	10,096 07	6,726 39	16,822 46
New Haven	3,316 77	5,188 25	8,505 07
Fairfield	520 90	8,368 07	8,889 02
Vermont	1,831 94	127 06	1,959 05
Champlain, New York	2,417 38		2,417 38
Sackett's Harbor	95 08	835 51	930 59
Oswego	122 50	576 15	698 65
Niagara	61 87	49 00	110 87
Genesee	163 89	345 68	509 62
Oswegatchie	53 20		53 20
Buffalo Creek		1,479 33	1,479 33
Sag Harbor	3,632 28	2,758 22	6,390 50
New York	110,993 21	150,711 12	261,704 33
Cape Vincent	45 45	156 17	201 62
Perth Amboy, New Jersey		7,510 52	7,510 52
Bridgetown	175 08	10,100 29	10,275 37
Burlington		2,385 03	2,385 03
Little Egg Harbor		2,783 34	2,783 34
Great Egg Harbor	117 42	9,393 84	9,511 31
Philadelphia, Pennsylvania	50,156 74	27,161 61	77,318 40
Presque Isle	78 20	332 12	410 32
Wilmington, Delaware		5,382 17	5,382 17
Baltimore, Maryland	30,578 02	14,931 20	45,509 22
Oxford		9,357 44	9,357 44
Vienna	536 56	10,620 22	11,156 78
Snow Hill	79 66	3,418 05	3,497 71

TONNAGE.

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STATEMENT—CONTINUED.

DISTRICTS.	Registered Ton- nage.	Enrolled and li- censed tonnage.	Total Tonnage of each District
	Tons and 95ths.		
Annapolis - - -		3,732 26	3,732 26
St Mary's - - -		1,555 71	1,555 71
Georgetown, Dist. of Columbia	1,551 09	1,677 88	3,229 02
Alexandria - - -	4,403 13	3,971 79	8,374 92
Norfolk, Virginia - - -	6,863 70	5,317 09	12,180 79
Petersburg - - -	2,517 80	1,469 75	3,987 60
Richmond - - -	2,264 29	1,119 75	3,384 09
Yorktown - - -		1,287 64	1,287 64
East River - - -	692 21	1,895 49	2,587 70
Tappahannock - - -	2,013 41	1,424 75	3,438 21
Folly Landing - - -	79 55	2,001 86	2,081 46
Cherrystone - - -	74 68	1,840 41	1,915 14
Wilmington, North Carolina	9,396 16	233 75	9,629 91
Newbern - - -	3,358 84	2,451 41	5,810 30
Washington - - -	1,914 47	1,822 62	3,737 14
Edenton - - -	2,912 48	2,495 92	5,408 45
Camden - - -	2,904 31	2,189 84	5,094 20
Beaufort - - -	611 03	552 48	1,163 51
Plymouth - - -	1,496 15	253 08	1,749 23
Ocracoke - - -	788 87	1,124 42	1,913 34
Charleston, South Carolina	7,842 03	5,232 55	13,074 58
Georgetown - - -		457 48	457 48
Beaufort - - -		145 94	145 94
Savannah, Georgia - - -	6,076 03	1,647 76	7,723 79
Sunbury - - -			
Brunswick - - -	1,418 04	252 04	1,670 08
St Mary's - - -		649 92	649 92
Miami, Ohio - - -			
Cuyahoga - - -	54 77	843 27	898 09
Sandusky - - -		497 65	497 65
Detroit, Michigan - - -		938 51	938 51
Michilimackinac - - -			
Mobile - - -	4,625 20	2,807 84	7,433 09
Blakely - - -			
Pearl River - - -		568 79	568 79
New Orleans - - -	18,737 25	26,013 74	44,751 04
Teche - - -	101 50	426 23	527 73
Pensacola, Florida - - -	124 29	339 55	463 84
St Augustine - - -		664 41	664 41
St Mark's - - -		132 65	132 65
Key West - - -	369 80	359 41	729 26
Total,	650,142 88	610,654 88	1,260,977-81-

A STATEMENT exhibiting the quantity of American and Foreign Tonnage entered into and departing from each District, during the year ending on the 30th day of September, 1830.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departed.	Entered.	Departed.
	Tons.			
Passamaquoddy	20,242	28,942	4,281	4,658
Machias	603	340	927	927
Frenchman's Bay	3,116	3,216		
Waldoborough	3,327	1,093		
Wiscasset	789	619		
Portland	26,642	38,560	170	170
Bath	9,880	12,065		410
Penobscot	2,667	1,765		
Kennebunk	1,080	2,172		
Saco	87	273		
Belfast	930	2,494		
York		90		
Portsmouth	9,416	4,632		
Vermont	23,741	19,290		
Newburyport	5,480	4,301		
Ipswich		82		
Gloucester	2,743	2,387		
Salem	17,603	19,622		
Marblehead	1,449	879		
Boston	108,665	88,232	4,663	5,176
Plymouth	4,670	2,237		
Nantucket	111			
Edgartown	5,756	4,803		
New Bedford	20,841	24,702		
Barnstable	1,447	873		
Dighton	78			
Newport	3,540	2,517		
Bristol	4,877	4,835		
Providence	8,259	6,742		
New London	6,494	8,747		77
Middletown	2,995	1,679		
New Haven	6,086	7,859		
Fairfield	596			
New York	273,790	210,535	31,391	32,620
Sag Harbor	3,150	3,957		
Champlain	14,994	8,211		
Oswego	2,865	3,137	2,826	2,826
Buffalo	553	553		
Sackett's Harbor	1,702	1,773	35	36
Genesee	1,374	1,175	1,092	1,092
Perth Amboy	537	627		
Bridgetown	49			
Philadelphia	72,009	62,959	5,007	4,870
Presque Isle		63		
Delaware	1,691	962	141	141
Baltimore	54,806	54,416	6,315	3,836
Snow Hill	367	368		
Vienna	144	144		
Oxford		92		
Georgetown	2,220	1,076		
Alexandria	8,238	12,727		
Norfolk	11,924	14,137	2,406	1,861
Petersburg	5,121	12,191		961
Richmond	6,757	13,939	427	1,483
East River	828	550		
Tappahannock	776	2,299		
Folly Landing	236	259		
Cherrystone	355	340		
Wilmington	15,059	21,336	1,770	1,772
Newbern	4,841	4,331		
Washington	1,683	1,936		
Edenton	1,726	2,985		
Camden	3,353	3,680		
Plymouth	776	2,324		
Beaufort	113			
Ocracoke	206			
Charleston	50,781	52,031	21,760	20,405
Georgetown	78	433		
Savannah	19,031	50,058	7,347	8,729
Brunswick	218	336	756	756
Pensacola	781	385		
St Augustine	143	316	186	93
Key West	520	665	132	112
Mobile	10,490	22,277	4,826	4,059
Teche	27			
Mississippi	83,243	106,017	35,393	36,317
Cuyahoga	56	56	49	49

STATEMENT of the number of Vessels, and the amount of Tonnage, which were built, registered, enrolled, and licensed, in each State and Territory of the United States, during the year ending on the 31st December, 1829.

STATE OR TERRITORY.	Registered Vessels.						Enrolled and Licensed Vessels.						Total tonnage registered, enrolled, and licensed.		
	Ships.	Brigs.	Schooners.	Sloops.	Steamboats.	Total number of vessels.	Ships.	Brigs.	Schooners.	Sloops.	Steamboats.	Total number of vessels.	Total Tonnage.	Tons. 95ths.	
															Total Tonnage.
Maine	9	8	8	1	-	26	-	5	107	2	-	114	9,280 91	140	14,658 62
New Hampshire	3	-	1	-	-	4	-	-	10	-	-	10	580 63	14	1,690 94
Vermont	19	11	2	-	-	32	-	11	127	12	1	151	8,905 29	183	17,322 43
Massachusetts	-	1	1	-	-	2	-	1	4	4	1	8	817 15	9	1,037 85
Rhode Island	2	2	1	2	-	7	-	1	12	21	6	34	2,279 28	41	3,418 18
Connecticut	5	5	9	1	1	21	-	-	12	21	39	60	4,141 50	60	7,799 36
New York	-	-	1	-	-	1	-	-	11	34	-	65	3,346 14	66	3,463 56
New Jersey	4	6	1	-	-	10	-	2	6	6	-	14	1,052 88	24	4,598 28
Pennsylvania	-	-	-	-	-	-	-	5	7	2	2	14	696 49	14	696 49
Delaware	-	12	13	-	-	25	-	1	90	10	3	104	6,810 77	129	11,044 26
Maryland	-	-	-	-	-	-	-	-	1	-	1	2	185 36	2	185 36
District of Columbia	-	-	-	-	-	-	-	1	40	3	1	45	2,484 35	47	2,984 68
Virginia	1	-	1	-	-	2	-	-	16	2	-	18	1,109 26	20	1,256 61
North Carolina	-	-	2	-	-	2	-	-	8	-	-	8	729 92	9	798 71
South Carolina	-	-	1	-	-	1	-	-	-	-	-	-	205 79	2	205 79
Georgia	-	-	-	-	-	-	-	-	-	1	1	2	83 62	2	83 62
Alabama	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mississippi	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Louisiana	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ohio	-	-	-	3	2	5	-	4	2	1	23	28	5,272 10	31	8,623 44
Michigan Territory	-	-	-	-	-	-	-	-	-	-	-	-	104 18	2	104 18
Florida, East & West	-	-	-	-	-	-	-	-	3	-	-	3	78 15	3	78 15
	-	-	-	-	-	-	-	1	1	-	-	2	227 03	2	227 03

STATEMENT of the total number of Vessels, and the Seamen usually employed in navigating the same, which belonged to each State or Territory of the United States on the 31st December, 1830.

STATE OR TERRITORY.	Registered Vessels.					Enrolled and Licensed Vessels.					Licensed Vessels under 20 tons.		Total Vessels.	Total Seamen.
	Ships.	Brigs.	Sch'r's.	Sloops	Steam-boats.	Ships.	Brigs.	Sch'r's.	Sloops	Steam-boats.	Number of			
											Sch'r's.	Sloops		
Maine	43	230	74	3	-	6	75	953	119	4	7	332	1,745	8,781
New Hampshire	25	14	6	-	-	-	1	116	10	-	-	4	174	1,196
Vermont	-	-	1	16	4	-	-	-	-	-	-	25	25	114
Massachusetts	314	643	117	2	-	-	52	1,444	433	3	21	50	2,880	19,305
Rhode Island	34	50	11	2	-	2	25	39	80	3	8	17	271	1,879
Connecticut	20	35	17	1	-	1	8	88	342	7	3	79	601	3,031
New York	157	189	110	19	2	34	14	309	972	54	12	98	1,970	11,720
New Jersey	-	1	1	-	-	-	-	205	452	4	9	69	741	1,780
Pennsylvania	64	89	52	-	-	4	20	137	313	14	7	16	716	4,069
Delaware	-	-	-	-	-	-	-	21	93	-	1	18	133	429
Maryland	40	59	44	-	-	-	4	482	59	15	18	18	730	2,961
District of Columbia	6	9	4	-	-	-	1	80	13	6	22	16	157	707
Virginia	11	3	11	-	-	-	6	339	52	5	85	20	532	1,453
North Carolina	-	10	57	1	-	-	-	182	9	-	114	15	378	1,306
South Carolina	4	6	9	-	-	-	1	53	4	-	1	-	78	262
Georgia	3	-	-	-	5	-	2	7	18	4	1	6	46	147
Alabama	1	1	2	-	-	-	-	18	7	12	12	7	60	143
Mississippi	-	-	-	-	-	-	-	12	1	1	12	-	26	66
Louisiana	6	10	31	10	1	-	2	44	7	123	33	64	334	2,068
Ohio	-	-	-	-	-	-	-	9	-	-	1	-	10	22
Michigan Territory	-	-	-	-	-	-	-	7	-	-	-	-	7	21
Florida	-	-	8	3	-	-	-	9	7	2	4	6	39	212

COMMERCE.

RECAPITULATION OF THE TONNAGE OF THE UNITED STATES FOR THE YEAR 1829.

	REGISTERED TONNAGE.	Tons.	95ths.
The registered vessels employed in the foreign trade at the close of the year 1829		650,142	88
ENROLLED AND LICENSED TONNAGE.			
The enrolled vessels employed in the coasting trade at the close of the year 1829	490,463 05		
The licensed vessels under 20 tons	16,330 05		
		508,858	10
FISHING VESSELS.			
The enrolled vessels employed in the whale fishery	-----		
Do do cod fishery	97,888 91		
The licensed vessels under 20 tons	3,007 82		
		101,796	78
	Tons	1,260,797	81
The registered tonnage employed other than in the whale fishery, during the year 1829		532,858	50
Employed in the whale fishery		57,284	38
	As above	650,142	88
The aggregate amount of the tonnage of the United States on the 31st of December, 1829		1,260,797	81
Whereof—			
Permanent registered tonnage	526,812 54		
Temporary do	123,330 34		
Total registered tonnage		650,142	88

RECAPITULATION,—CONTINUED.

Whereof—

Permanent enrolled and licensed tonnage	586,069 54
do	2,287 42
Total enrolled and licensed tonnage	588,357 01
Licensed vessels under 20 tons employed in the coasting trade	18,390 05
do	3,907 82
Total licensed tonnage under 20 tons	22,297 87
	<u>1,260,797 81</u>

Of the enrolled and licensed tonnage there were employed in the coasting trade

Do	490,468 05
do	whale fishery
do	cod fishery
do	97,888 91

As above

588,357 01

Of the enrolled tonnage employed in the coasting trade, amounting, as above stated, to 588,357 01 tons, there were employed in steam navigation 54,036 81 tons.

NOTE.—The decrease in the Enrolled Tonnage for the year 1829, is shown as follows :

	Enrolled Vessels.					Enrolled Tonnage.
	Ships.	Brigs.	Sch'rs.	Sloops.	Steam-boats.	Tons. 95ths.
There were sold to foreigners, for the year 1829						
There were lost at sea, for the year 1829		5	41	23		4,912 83
There were condemned as unseaworthy, for the year 1829		3	15	54		3,290 48
There were lost at sea, or condemned, in previous years, not heretofore credited						313,832 03
		8	56	77		322,035 39
There were built, during the year 1829	1	23	446	138	40	48,221 86
Diminution of enrolled tonnage						273,813 48
	1	23	446	138	40	322,035 39

NOTE.—The decrease in the Registered Tonnage for the year 1829, is shown as follows :

	Registered Vessels.					Registered Tonnage.
	Ships.	Brigs.	Sch'rs.	Sloops	Steam-boats.	Tons. 95ths.
There were sold to foreigners, for the year 1829	14	35	37	8		14,093 22
There were lost at sea, for the year 1829	01	36	29	4		12,780 00
There were condemned as unseaworthy, for the year 1829	14	23	3	1		8,164 22
There were sold to foreigners, lost at sea, or condemned, in previous years, not heretofore credited						156,315 74
	38	94	69	13		191,353 23
There were built, during the year 1829	43	45	39	7	3	23,876 74
Diminution of registered tonnage						162,476 44
	43	45	39	7	3	191,353 23
Amount of diminished registered tonnage, above, brought down						162,476 44
Do do enrolled tonnage, brought over						273,813 48
Do do licensed tonnage under 20 tons, above, bro't down						44,304 09
						480,594 06

SUMMARY STATEMENT of the quantity and value of Goods, Wares, and Merchandise, imported into the United States, in American and Foreign Vessels, commencing on the 1st day of October, 1829, and ending on the 30th day of September, 1830.

SPECIES OF MERCHANDISE.	In American vessels.	In foreign vessels.	Total.
VALUE OF MERCHANDISE FREE OF DUTY.			
Articles imported for the use of the U. States	430	-	430
<i>Articles specially imported for Philosophical Societies, &c.</i>			
Philosophical apparatus, instruments, &c.	9,830	-	9,830
Books, maps and charts	17,090	2,531	19,621
Paintings and drawings	322	-	322
Medals and collections of antiquity	95	-	95
Anatomical preparations	274	-	274
Antimony, regulus of	6,745	-	6,745
Lapis calaminaris, teutenegue, spelter, or zinc	2,560	-	2,560
Burr stones, unwrought	16,317	-	16,317
Brimstone and sulphur	17,240	-	17,240
Cork tree, bark of	2,538	-	2,538
Clay, unwrought	8,302	746	9,048
Rags of any kind of cloth	68,739	3,922	72,661
Furs of all kinds	303,151	2,631	305,782
Hides and skins, raw	2,369,051	40,799	2,409,850
Plaster of Paris	125,606	-	125,606
Specimens of botany, natural history, and mineralogy	5,828	290	6,118
Models of inventions and machinery	538	359	897
Barilla	64,397	1,825	66,222
Wood, dye	268,666	10,745	279,411
unmanufactured mahogany	236,027	50,798	286,825
Animals for breed	22,986	165	23,151
Pewter, old	815	-	815
Tin in pigs and bars	94,421	6,920	101,341
Brass in pigs and bars	29,615	-	29,615
old	3,344	-	3,344
Copper in pigs and bars	402,665	538	403,203
in plates, suited to the sheathing of ships for the use of the mint	271,155	12,630	283,785
old, fit only to be remanufactured	14,435	-	14,435
Bullion, gold	82,994	419	83,413
silver	115,077	190	115,267
Specie, gold	1,047,793	1,550	1,049,343
silver	692,617	13,262	705,879
All other free articles	5,992,853	292,622	6,285,475
	8,294	493	8,787
Total, dollars	12,302,810	443,435	12,746,245
VALUE OF MERCHANDISE SUBJECT TO DUTIES AD VALOREM.			
Manufactures of Wool, or of which wool is a component material—			
Not exceeding 50 cents per square yard	441,172	11,571	452,743
Exceeding 50 and not exceeding 100 cts. per do.	1,060,541	23,274	1,083,815
“ 100 “ “ 250 “	1,228,996	7,064	1,236,060
“ 250 “ “ 400 “	75,214	492	75,706
“ 400 “ “ “	6,015	-	6,015

IMPORTS.

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STATEMENT—CONTINUED.

Blankets	568,640	25,404	594,044
Hosiery, gloves, mits, &c.	130,577	2,876	133,453
Bombazines	33,887	-	33,887
Worsted stuff goods	1,371,436	26,109	1,397,545
All other manufactures of	306,210	13,096	319,306
Cotton—Printed or colored	3,896,179	460,496	4,356,675
White	2,212,900	274,904	2,487,804
Hosiery, gloves, mits, and bindings	305,433	82,021	387,454
Twist, yarn, and thread	142,589	30,196	172,785
Nankeens	219,363	8,870	228,233
All other manufactures of	217,121	12,254	229,375
Vestings and plaids—Of wool, or wool and cotton, or silk	53,916	-	53,916
Of cotton, or cotton and silk	1,200	1,092	2,292
Silk—From India, piece goods	1,366,886	206	1,367,092
" other manufactures	31,224	-	31,224
From other places, piece goods	2,812,119	12,799	2,824,918
" other manufactures	1,531,004	19,772	1,550,776
Lace—Of thread, silk, or cotton	811,534	13,463	824,997
Coach	3,026	-	3,026
Flax—Linen, bleached and unbleached	2,003,796	481,257	2,485,053
Checks and stripes	31,252	11,473	42,725
Other manufactures of	281,526	201,976	483,502
Hemp—Ticklenburgs, osnaburgs, and burlaps	109,175	454,490	563,665
Sheeting, brown	208,735	417	209,152
" white	41,085	-	41,085
All other manufactures of	39,546	93,557	133,103
Clothing, ready made	41,996	4,793	46,789
Hats, caps, and bonnets—Leghorn, straw, chip, &c.	326,167	626	326,793
Fur, wool, leather, or silk	44,493	4,511	49,004
Iron or iron and steel ware—			
Side arms and fire arms, other than muskets and rifles	170,076	9,077	179,153
Drawing knives, axes, adzes, and socket chisels	27,630	1,377	29,007
Bridle bits of every description	62,138	133	62,271
Steelyards, scale beams, and vices	27,361	3,538	30,899
Cutting knives, scythes, sickles, reaping hooks, spades, and shovels	85,521	9,483	95,004
Screws weighing 24 pounds or upwards	-	17	17
Wood screws	66,253	564	66,817
Other articles not specified	2,709,971	199,007	2,908,978
Copper—Vessels of	744	491	1,235
All other manufactures of	14,746	452	15,198
Gold and silver—lace	21,600	1,591	3,191
Watches and parts thereof	269,799	43,125	312,924
Articles composed of, &c.	59,864	5,162	65,026
Wares—Glass, not subject to specific duties	82,235	37,690	119,925
China, or porcelain	88,582	2,001	90,583
Earthen and stone	938,427	230,050	1,168,477
Japanned	36,233	-	36,233
Plated	95,203	22	95,225
Gilt	60,771	14	60,785
Brass	310,731	18,985	329,716
Tin	4,989	1,259	6,248
Pewter and lead, except shot	24,241	168	24,409
Wood, including cabinet wares	99,347	12,700	112,047
Leather, including saddles, bridles, and harness	496,471	3,452	499,923
Plated saddlery, coach and harness furniture	47,872	-	47,872
Marble and manufactures of	13,897	520	14,417
Square wire used for umbrella stretchers	5,550	-	5,550

STATEMENT—CONTINUED.

Cyphering slates - - - - -	10,193	1,333	11,526
Prepared quills - - - - -	13,838	2,043	15,881
Black lead pencils - - - - -	3,321	1,529	4,850
Paper hangings - - - - -	59,187	337	59,524
Brushes of all kinds - - - - -	8,973	389	9,362
Hair seating - - - - -	25,272	60	25,332
Bolting cloths - - - - -	39,158	-	39,158
Copper bottoms, cut round, raised to the edge	3,609	-	3,609
Quicksilver - - - - -	314,167	-	314,167
Brass, in plates - - - - -	10,608	-	10,608
Tin, in plates - - - - -	279,638	111,262	390,900
Crude saltpetre - - - - -	32,214	-	32,214
Opium - - - - -	139,596	-	139,596
Unmanufactured:			
Raw silk - - - - -	119,074	-	119,074
Articles not specially enumerated subject to a duty of - - - - - 12½ per cent.	876,020	7,665	883,685
do. do. 15 do.	2,399,465	159,393	2,558,858
do. do. 20 do.	102,409	3,201	105,610
do. do. 25 do.	73,742	27,360	101,102
do. do. 30 do.	356,428	33,393	389,821
do. do. 33½ do.	90	671	761
do. do. 35 do.	1,024	209	1,233
do. do. 40 do.	14	-	14
do. do. 45 do.	805	8	813
do. do. 50 do.	1,859	751	2,610
Total, dollars	32,625,909	3,209,541	35,835,450

SPECIES OF MERCHANDISE.	Quantity.	Value.
MERCHANDISE PAYING SPECIFIC DUTIES.		
Manufactures of wool not exceeding 33½ cts. per sq. yd.		
Carpeting—Brussels, Turkey, and Wilton - - - - - sq. yds.	1,034,789	266,060
Venetian and ingrain - - - - - " "	64,885	77,562
All other of wool, flax, or cotton - - - - - " "	182,870	123,950
Patent printed or stained floor cloths - - - - - " "	184	137
Oil cloth, other than patent floor cloth - - - - - " "	13,666	19,865
Furniture oil cloth - - - - - " "	2,710	762
Floor mattings of flags or other materials - - - - - " "	13,071	2,596
Sail duck - - - - - " "	77,464	9,486
Cotton bagging - - - - - " "	1,189,449	317,347
Wines—Madeira - - - - - gallons	688,015	69,126
Sherry - - - - - " "	179,349	330,423
Red, of France and Spain - - - - - " "	52,281	69,547
Of France, Spain, and Germany, not enumerated - - - - - " "	1,284,136	273,033
Of Sicily and other countries, and all wines not enumerated, in casks - - - - - " "	1,266,522	424,304
in bottles - - - - - " "	387,743	} 437,795
Foreign spirits—From grain - - - - - " "	111,662	
Other materials - - - - - " "	477,612	205,704
Molasses - - - - - "	1,214,732	453,286
	8,374,139	995,776

IMPORTS.

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STATEMENT—CONTINUED.

Beer, ale, and porter	gallons	65,260	60,420
Vinegar	"	24,058	4,241
Oil—Foreign fishing, spermaceti	"	11	
whale	"	96	
Olive, in casks	"	14,544	18,074
Castor	"	20	
Linseed	"	18,845	
Hempseed	"	27	
Teas—Bohea	pounds	152,990	
Souchong and other black	"	2,166,142	
Hyson skin and other green	"	1,942,616	2,425,018
Hyson and young hyson	"	3,694,631	
Imperial, gunpowder, and Gomel	"	653,036	
Coffee	"	51,488,248	4,227,021
Cocoa	"	2,632,467	137,453
Chocolate	"	2,895	899
Sugar—Brown, &c.	"	78,576,388	3,985,865
White, clayed, &c.	"	7,906,658	644,477
Candy and loaf	"	7,005	571
Other refined	"	62	9
Fruits—Almonds	"	1,168,495	
Currants	"	727,533	
Prunes and plums	"	86,905	520,275
Figs	"	1,620,477	
Raisins, in jars and boxes	"	3,551,869	
All other	"	2,682,390	
Spices—Ginger	"	2,050	
Cayenne pepper	"	15	
Mace	"	51	
Nutmegs	"	56,469	
Cinnamon	"	27,844	457,723
Cloves	"	81,822	
Black pepper	"	2,275,947	
Pimento	"	1,915,211	
Cassia	"	376,515	
Candles—Spermaceti and wax	"	963	519
Tallow	"	129,351	8,959
Cheese	"	81,440	8,898
Soap	"	58,761	3,310
Tallow	"	2,097	43
Lard	"	135	10
Beef and pork	"	659,099	23,220
Bacon	"	7,617	681
Butter	"	5,898	652
Saltpetre	"	1,344	80
Camphor, crude	"	106,944	26,374
Salts, epsom	"	2,026	111
Tobacco, manufactured, other than snuff and cigars	"	321	224
Snuff	"	2,599	834
Indigo	"	617,824	715,715
Cotton	"	415,307	34,737
Gunpowder	"	102,109	20,488
Bristles	"	115,551	26,518
Glue	"	40,344	3,110
Ochre—Dry	"	655,622	21,182
In oil	"	1,046	430
White and red lead	"	244,318	14,231
Whiting and Paris white	"	389,493	3,933
Sugar of lead	"	95,145	11,846
Lead—Bar, sheet, and pig	"	712,970	18,757
Shot	"	9,625	1,638

STATEMENT—CONTINUED.

Cordage—Tarred and cables	pounds	1,437,735	71,291
Untarred and yarn	"	152,826	8,114
Twine, packthread, and seine	"	494,875	75,006
Corks	"	137,222	30,730
Copper—Rods and bolts	"	1,241	262
Nails and spikes	"	10,613	2,141
Fire arms—Muskets	No. of	8,341	25,142
Rifles	"	8	85
Iron—Iron and steel wire	pounds	592,733	59,485
Tacks, brads, and sprigs, not exceeding 16 oz. per thousand	M.	13,177	} 2,799
exceeding 16 oz. per M.	pounds	1,322	
Nails	"	613,704	40,906
Spikes	"	37,873	1,391
Cables and chains or parts thereof	"	540,628	25,885
Mill cranks and mill irons of wrought iron	"	2,781	200
Mill saws	No. of	4,395	12,252
Anchors	pounds	22,672	1,121
Anvils	"	677,246	31,249
Hammers and sledges for blacksmiths	"	75,616	3,096
Castings, vessels, and all other	"	1,157,256	38,686
Brazier's rods or round iron, of 3-10 to 8-16 diameter, inclusive	"	218,428	5,945
Nail or spike rods, slit	"	32,848	784
Sheets and hoop	"	2,326,796	59,822
Slit or rolled, &c.	"	2,845	81
In pigs	cwt.	22,499	25,644
Bar and bolt, rolled	"	138,981	226,336
hammered	pounds	68,752,943	1,730,375
Steel	cwt.	24,472	291,957
Hemp	"	30,782	200,338
Flax, unmanufactured	"	5,850	39,055
Wheat flour	"	201	599
Wool, unmanufactured	pounds	669,883	96,853
Salt	bushels	5,374,046	671,979
Coal	"	1,640,295	204,773
Wheat	"	422	492
Oats	"	1,495	378
Potatoes	"	24,795	9,189
Paper—Folio and quarto post	pounds	46,617	} 110,408
Foolscap drawing and writing	"	490,536	
Printing, copperplate, and stainers'	"	2,335	
Sheathing, binders', wrapping, and box boards	"	26,664	
All other	"	45,315	
Books—Printed previous to 1775	volumes	817	} 130,632
in other languages than English, Latin, and Greek	"	89,217	
in Latin and Greek	"	7,891	
All other	pounds	82,440	
Glassware—Cut and not specified	"	10,958	6,192
All other articles of	"	911,919	129,632
Glass—Apothecaries' vials not above 6 oz. and less	groce	1,011	} 3,473
and above 6 oz. and not above 8	"	150	
Bottles not above 1 quart	"	12,136	} 52,991
exceeding 1 and not above 2 quarts	"	185	
exceeding 2 qts. and not exceeding 1 gallon	"	6	
Demijohus	No. of	50,614	15,624

EXPORTS.

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STATEMENT—CONTINUED.

Glass—Window, not above 8 by 10 inches	100 sq. ft.	94	} 25,597
10 by 12 inches	"	133	
above 10 by 12 and not above 10 by 15	"	296	
above 10 by 15 inches	"	1,458	} 27,624
Fish—Foreign, caught and dried	quintals	351	
Salmon, pickled	"	1,621	
Mackerel, do.	"	391	
All other, do.	"	715	} 5,362
Shoes and slippers—Silk	pairs	2,469	
Prunelle and other of stuff	"	972	
or nankeen, &c.	"	4,302	
Leather, morocco, kid, &c.	"	132	
for men and women	"	597	1,013
Children's	"	23,880	251,818
Boots and bootees	"	3,015	430
Cigars	M.	50	} 34,683
Playing cards	packs	451	
Roofing slates—Not exceeding 12 by 16 inches	tons	1,891	
12 by 14 do.	"	427	
14 by 16 do.	"	294	
16 by 18 do.	"	171	
18 by 20 do.	"	16	
20 by 24 do.	"		
Above 20 by 24 inches	"		
Value of merchandise paying specific duties	-	-	22,295,225
do. do. do. ad valorem do.	-	-	35,835,450
do. do. free of duty	-	-	12,746,245
Total value, dollars	-	-	70,876,920

SUMMARY STATEMENT of Goods, Wares, and Merchandise, of the growth, produce, and manufacture of Foreign Countries, exported; commencing on the 1st of October, 1829, and ending on the 30th September, 1830.

SPECIES OF MERCHANDISE.	EXPORTED.	
	Quantity.	Value.
Specimens of botany and natural history	.	695
Lapis calaminaris, &c.	.	11,173
Burrstones, unwrought	.	668
Brimstone and sulphur	.	3,316
Furs of all kinds	.	24,468
Hides and skins, raw	.	310,074
Plaster of Paris	.	27
Wood, dye	.	279,706
unmanufactured mahogany	.	51,995
Cork tree, bark of	.	3
Tin, in pigs and bars	.	2,991

STATEMENT.—CONTINUED.

Copper, in pigs and bars	307,641
in plates, suited to the sheathing of ships	49,252
old, fit only to be remanufactured	34,969
Bullion, gold	10,637
silver	24,154
Specie, gold	474,876
silver	731,955
Pewter, old	1,375
Total,	\$2,320,317
MANUFACTURES PAYING DUTIES AD VALOREM.	
Of wool—Not exceeding 50 cents per square yard	13,469
Exceeding 50 and not exceeding 100 cents per square yard	24,021
Not exceeding 250 cents	95,573
Not exceeding 400 cents	18,881
Exceeding 400 cents	3,803
Blankets	6,587
Vestings and plaids	3,662
Worsted stuff goods	32,838
All other manufactures	27,060
Of cotton—Printed or colored	995,028
White	475,171
Hosiery, gloves, mits, &c.	57,104
Twist, yarn, and thread	58,325
Nankeens	348,526
All other manufactures	55,310
Of silk—From India, piece goods	371,654
other manufactures	84,576
Other places, piece goods	256,559
other manufactures	239,290
Lace, thread and cotton, &c.	34,379
Of flax—Linen, bleached and unbleached	877,563
Checks and stripes	3,994
Other manufactures	41,989
Of hemp—Ticklenburgs, osnaburgs, and burlaps	54,269
Sheetings, brown	322,893
white	1,553
All other manufactures	11,536
Hats, caps, & bonnets—Of Leghorn, chip, straw, grass, &c.	12,859
Of fur, wool, leather, and silk	1,838
Clothing, ready made	5,778
Of iron and iron and steel—	
Side and fire arms, other than muskets and rifles	16,480
Cutting knives, scythes, &c.	82
Steelyards and scalebeams	489
Drawing knives, axes, adzes, and socket chisels	2,781
Bridle bits, of every description	200
Other articles not specified	146,788
Gold and silver, &c.—Watches and parts of	7,840
Articles composed wholly or chiefly of pearls, precious stones, &c.	5,221
Wares—Glass, not subject to specific duties	23,493
China or porcelain	2,742
Earthen and stone	42,210
Plated	3,074
Gilt	3,676
Of Brass	4,227
Tin	72

EXPORTS.

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STATEMENT—CONTINUED.

Of Pewter and lead, except shot		202
Wood, including cabinet wares		7,784
Leather, including saddles, bridles, and harness		3,160
Marble, and manufactures of		336
Cyphering slates		33
Prepared Quills		1,921
Paper hangings		1,121
Brushes, of all kinds		10
Hair seating		121
Quicksilver		335,987
Unmanufactured Articles :		
Copper bottoms, cut round, raised to the edge		401
Tin, in plates		33,809
Opium		102,785
Raw silk		108,975
Articles not specially enumerated—at 12½ per cent.		392,024
15 "		1,113,418
20 "		15,808
25 "		73,887
30 "		67,041
Total value, dollars		7,054,286

MERCHANDISE PAYING SPECIFIC DUTIES.

Manufactures of wool not exceeding 33½ cts. per square yard sq. yds.	1,844	911
Carpeting—Brussels, &c.	118	200
Venetian and ingrain	86	170
All other	18,120	2,592
Patent painted or stained floor cloths	402	200
Oil cloth, other than patent floor cloths	1,289	475
Furniture oil cloth	3,869	937
Floor mattings, &c.	2,820	1,160
Sail duck	270,345	73,261
Cotton bagging	33,490	4,443
Wines—Madeira gallons	14,276	21,567
Sherry	3,764	4,809
Red, of France and Spain	191,503	61,860
Other of France, Spain, Germany, &c.	79,707	35,704
All other, in casks	66,377	79,989
bottled	32,377	
Spirits—From grain	46,052	20,947
Other materials	660,246	384,705
Molasses	27,121	6,791
Beer, ale, and porter	3,866	3,925
Vinegar	4,908	1,137
Oil—Olive, in casks	7,345	
Castor	10	14,953
Linseed	14,362	
Teas—Bohea pounds	4,049	
Souchong	491,183	
Hyson skin and other green	260,456	892,897
Hyson and young hyson	608,240	
Imperial	372,396	
Coffee	13,124,561	1,046,542
Cocoa	1,857,847	148,294
Chocolate	722	66
Sugar—Brown, &c.	6,676,265	412,355
White, clayed, &c.	3,049,527	272,020

STATEMENT.—CONTINUED.

Fruits—Almonds	pounds	119,067	
Currants	“	300	
Prunes and plumbs	“	6,594	92,515
Figs	“	327,605	
Raisins, in jars, boxes, &c.	“	298,231	
All other	“	11,061	
Spices—Nutmegs	“	2,637	287,098
Cinnamon	“	24,266	
Cloves	“	45,063	
Black pepper	“	2,160,889	
Pimento	“	558,766	
Cassia	“	278,944	
Candles, tallow	“	189,553	15,245
Cheese	“	51,738	8,027
Soap	“	43,277	3,690
Tallow	“	136,412	8,742
Beef and pork	“	470,544	17,557
Butter	“	1,860	180
Saltpetre	“	1,000	100
Vitriol	“	112	10
Camphor, crude	“	886	723
refined	“	503	
Snuff	“	350	67
Indigo	“	334,624	440,863
Cotton	“	234,777	23,226
Gunpowder	“	44,327	8,220
Ochre, dry	“	16,263	300
White and red lead	“	486,679	31,682
Whiting and Paris white	“	1,602	108
Litharge	“	183,944	6,217
Lead—Bar, sheet, and pig	“	1,111,172	35,628
Shot	“	500	35
Pipes	“	66,547	2,688
Cordage—Tarred, and cables	“	1,667,850	117,282
Untarred, and yarn	“	35,517	2,599
Twine, packthread, and seines	“	21,417	3,416
Corks	“	11,314	2,201
Copper nuts and spikes	“	1,344	215
Fire arms—Muskets	No. of	5,856	21,883
Iron—Iron and steel wire, not above No. 14	pounds	16,574	3,083
above No. 14.	“	4,408	
Tacks, brads, and sprigs, not exceeding 16 oz. per thousand	M.	270	36
Nails	pounds	4,620	306
Cables and chains, or parts thereof	“	17,511	1,480
Mill saws	No. of	1	8
Anchors	pounds	1,569	66
Hammers and sledges for blacksmiths	“	2,650	150
Castings, vessels, and all other	“	9,060	593
Braziers' rods, &c.	“	185,628	3,469
Nails or spike rods, slit	“	1,669	125
Sheets and hoops	“	118,213	4,642
Slit or rolled, &c.	“	9,000	184
In pigs	cwt.	1,917	4,384
Bar and bolt, rolled	“	14,562	18,109
hammered	pounds	506,857	19,820
Steel	cwt.	3,537	20,585
Hemp	“	741	6,186
Flax, unmanufactured	“	1,673	16,844
Wool, unmanufactured	pounds	6,242	4,681
Alum	cwt.	16	120
Copperas	“	39	129

EXPORTS.

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STATEMENT—CONTINUED.

Salt	bushels	101,866	20,064
Coal	"	12,480	2,932
Paper—Foolscap, drawing, and writing	pounds	684,898	} 145,092
Sheathing, &c.	"	9,816	
Books—Printed in other languages than English, Latin, and Greek	volumes	2,562	} 4,639
All other	pounds	2,171	
Glassware—Cut and not specified	"	2,161	416
All other	"	72,898	8,718
Glass—Bottles, not above one quart	gross	249	1,269
Demijohns	No. of	17,632	9,275
Window, not above 8 by 10 inches	100 sq. ft.	64	} 1,071
not above 10 by 12 inches	"	15	
above 10 by 12 inches	"	26	
uncut, in plates	"	17	
Fish—Foreign caught and dried	quintals	30	} 3,774
Salmon	barrels	145	
All other	"	85	
Shoes and slippers, prunelle, &c.	pairs	60	60
Boots and bootees	"	104	208
Cigars	M.	7,335	86,121
Playing cards	packs	2,800	900
Total value of merchandise paying specific duties		} dollars	5,012,876
do.	do.	ad valorem duties	7,054,286
do.	do.	free of duty	2,320,317
Total, dollars		-	14,387,479

SUMMARY STATEMENT of the value of the Exports of the growth, produce, and manufacture of the United States, during the year commencing on the 1st of October, 1829, and ending on the 30th September, 1830.

	Dollars.	Dollars.	Dollars.
THE SEA.			
Fisheries—			
Dried fish or cod fisheries	-	530,690	
Pickled fish, or river fisheries, herring, shad, salmon, mackerel	-	225,987	
Whale and other fish oil	-	568,326	
Spermaceti oil	-	38,618	
Whalebone	-	112,357	
Spermaceti candles	-	249,292	
		1,725,270	
THE FOREST.			
Skins and furs	-	641,760	
Ginseng	-	67,852	

STATEMENT—CONTINUED.

Product of wood—			
Staves, shingles, boards, and hewn timber	1,501,658		
Other lumber	148,257		
Masts and spars	13,327		
Oak bark and other dye	220,275		
All manufactures of wood	172,772		
Naval stores, tar, pitch, rosin, and turpentine	321,019		
Ashes, pot and pearl	1,105,127	3,462,435	
			4,192,047
AGRICULTURE.			
Product of animals—			
Beef, tallow, hides, and horned cattle	717,683		
Butter and cheese	142,370		
Pork (pickled), bacon, lard, live hogs,	1,315,245		
Horses and mules	182,244		
Sheep	22,110	2,379,652	
Vegetable food—			
Wheat	46,176		
Flour	6,085,953		
Indian corn	224,823		
Indian meal	372,296		
Rye meal	87,796		
Rye, oats, and other small grain, and pulse	66,249		
Biscuit or ship bread	188,474		
Potatoes	39,027		
Apples	23,727		
Rice	1,986,824	9,121,345	
			11,500,997
Tobacco	-	-	5,586,365
Cotton	-	-	29,674,883
All other agricultural products—			
Indigo	-	827	
Flaxseed	-	180,973	
Hops	-	30,312	
Brown sugar	-	2,975	
			215,087
MANUFACTURES.			
Soap and tallow candles	-	619,238	
Leather boots and shoes	-	338,603	
Household furniture	-	239,463	
Coaches and other carriages	-	51,190	
Hats	-	309,362	
Saddlery	-	36,651	
Wax	-	153,666	
Spirits from grain, beer, ale, and porter	-	225,357	
Snuff and tobacco	-	246,747	
Lead	-	4,831	
Linseed oil, and spirits of turpentine	-	35,039	
Cordage	-	4,135	
Iron, pig, bar, and nails	-	96,189	
castings	-	35,408	
All manufactures of	-	177,876	
Spirits from molasses	-	49,798	
Sugar, refined	-	193,084	
Chocolate	-	893	
Gunpowder	-	128,625	

EXPORTS.

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STATEMENT—CONTINUED.

Copper and brass	-	-	36,601	
Medicinal drugs	-	-	92,154	
				3,074,910
Cotton piece goods—				
Printed and colored	-	61,800		
White	-	964,196		
Nankeens	-	1,093		
Twist, yarn, and thread	-	24,744		
All other manufactures of	-	266,350		
			1,318,183	
Flax and hemp—				
Cloth and thread	-	-	2,152	
Bags, and all manufactures of	-	-	1,779	
Wearing apparel	-	-	102,277	
Combs and buttons	-	-	124,589	
Brushes	-	-	6,116	
Billiard tables and apparatus	-	-	316	
Umbrellas and parasols	-	-	25,796	
Leather and morocco skins, not sold per pound	-	-	70,968	
Printing presses and type	-	-	13,274	
Musical instruments	-	-	10,261	
Books and maps	-	-	32,004	
Paper and other stationary	-	-	40,994	
Paints and varnish	-	-	13,716	
Vinegar	-	-	6,690	
Earthen and stoneware	-	-	2,773	
Manufactures of glass	-	-	60,280	
tin	-	-	4,497	
pewter and lead	-	-	4,172	
marble and stone	-	-	4,655	
gold and silver and gold leaf	-	-	3,561	
Gold and silver coin	-	-	937,151	
Artificial flowers	-	-	13,707	
Molasses	-	-	3,968	
Trunks	-	-	6,654	
Brick and lime	-	-	2,482	
Salt	-	-	22,978	
				2,835,993
Articles not enumerated—				
Manufactured	-	-	347,228	
Other	-	-	309,249	
				656,477
				59,462,029

DISBURSEMENTS FROM THE GENERAL TREASURY.

On the 26th of May, 1830, a Resolution was passed in the United States House of Representatives, calling upon the Secretary of the Treasury for a Statement of the Disbursements made in each of the States, since 1789, for Fortifications, Light-houses, Public Debt, Revolutionary and other Pensions, and Internal Improvements. A communication in reply was submitted to the House on the 21st ult. which gives the following result:

States and Territories.	Fortifications.	Lighthouses.	Public Debt.	Revolutionary and other Pensions.	Internal Improvements.
Maine - - -	6,105 07	124,687 34	-	1,496,699 45	47,176 27
New Hampshire - - -	95 913 50	65,277 12	1,181,399 22	1,229,771 82	35,529 76
Massachusetts - - -	542,779 92	777,994 30	41,199,662 99	2,459,714 66	207,341 90
Rhode Island - - -	603,545 46	113,039 05	1,933,764 54	346,943 22	200 00
Connecticut - - -	72,196 29	138,671 43	2,592,565 88	1,403,376 60	25,559 14
Vermont - - -	-	4,729 22	-	1,352,891 67	-
New York - - -	3,266,136 15	404,646 21	43,032,756 47	4,590,337 08	174,181 90
New Jersey - - -	20,350 00	3,251 17	1,131,841 90	550,857 20	100 00
Pennsylvania - - -	191,871 64	27,458 88	60,888,181 07	1,897,211 19	42,641 68
Delaware - - -	477,002 35	254,314 77	218,190 41	81,169 73	34,513 00
Maryland - - -	1,079,809 03	103,715 39	7,753,036 76	574,614 57	-
Virginia - - -	2,488,465 04	291,318 83	1,907,500 75	1,194,920 88	80 00
North Carolina - - -	507,772 78	394,307 13	272,713 22	366,539 34	29,640 00
South Carolina - - -	707,017 96	157,531 70	8,630,215 11	153,149 94	-
Georgia - - -	175,777 58	242,867 73	158,546 53	117,758 78	7,514 68
Kentucky - - -	-	-	-	764,530 83	-
Tennessee - - -	13,111 18	-	-	557,044 30	200 00
Ohio - - -	-	15,719 36	-	853,013 16	462,965 32
Louisiana - - -	1,806,333 60	157,152 73	-	27,705 25	6,435 00
Indiana - - -	525 00	-	-	188,118 82	115,067 49
Mississippi - - -	1,400 00	4,560 44	-	19,481 55	53,291 38
Illinois - - -	494 36	-	-	37,841 19	8,500 00
Alabama - - -	1,174,362 98	14,628 98	-	31,411 21	92,725 73
Missouri - - -	5,288 69	-	-	49,498 52	24,575 09
Michigan - - -	34,534 12	20,809 89	-	29,884 99	84,523 56
Arkansas - - -	-	-	-	-	47,477 20
Florida - - -	104,000 00	121,534 63	-	-	102,955 15
Columbia - - -	43,781 74	-	4,403,304 46	118,180 82	-
Cumberland Road - - -	-	-	-	-	2,443,420 20
Subscription to the Chesapeake and Delaware Canal - - -	-	-	-	-	450,000 00
Subscription to the Dismal Swamp Canal - - -	-	-	-	-	200,000 00
Subscription to the Louisville and Portland Canal - - -	-	-	-	-	233,500 00
Subscription to the Chesapeake and Ohio Canal - - -	-	-	-	-	200,000 00
Improving the navigation of Mississippi and Ohio rivers - - -	-	-	-	-	180,315 65
Total,	13,420,639 24	3,348,716 35	180,303,079 31	20,492,647 27	5,310,930 11

Under the head of Internal Improvements are included the building of Piers, preservation of Ports and Harbors, making Floods, and removing Obstructions in rivers.

A RETURN of the Salaries given to persons in all Public Offices or Departments, in the years 1797, 1815, and 1827, in Great Britain and Ireland.

OFFICES.	1797.			1815.			1827.		
	Amount of Salaries.			Amount of Salaries.			Amount of Salaries.		
	£	s.	d.	£	s.	d.	£	s.	d.
Treasury, including Commissariat Department	46,154	18	0	78,638	19	9	67,138	10	0
Secretary of State, Home Dep't	14,770	16	8	22,323	17	8	20,930	14	0
Do do Foreign do	12,393	12	0	23,552	8	8	24,536	4	5
Do do Colonial do	6,850	0	0	18,394	18	0	21,849	7	6
Privy Council Office	7,888	18	4	10,030	0	0	9,635	3	11
Do do for Trade	3,928	10	0	5,835	12	6	11,431	7	1
Admiralty	14,140	0	0	32,059	0	0	25,655	0	0
Navy Office	32,890	0	0	56,180	0	0	50,790	0	0
Navy Pay Office	16,435	7	0	32,866	14	0	25,144	4	8
Royal Marine Office	-	-	-	1,340	0	0	1,970	0	0
Victualling Office	18,887	0	0	44,740	0	0	31,420	0	0
Audit Office	8,500	0	0	39,145	0	0	27,185	0	0
Colonial Audit Office	-	-	-	5,850	0	0	7,140	0	0
Ordnance Office	46,031	10	2	177,553	16	0	116,688	0	0
Customs, United Kingdom	338,648	16	8	1,048,341	14	6	964,750	10	6
Excise do	413,281	17	11	868,712	9	8	768,795	5	10
Stamps do	78,746	13	1	156,838	14	10	134,065	1	11
Taxes	58,331	0	0	111,428	0	0	74,190	0	0
Post Office, Great Britain	54,030	12	0	83,380	12	4	85,970	3	4
Do Ireland	9,278	11	3	23,559	16	11	21,961	12	11
Mint Office	9,725	11	6	10,313	0	0	10,952	6	0
War Office	36,617	13	7	59,837	19	0	33,644	13	9
Pay Office	11,340	0	0	22,295	0	0	19,746	10	0
Commander-in-Chief's Office	2,558	12	0	8,091	0	0	8,114	2	0
Quarter-Master-General's Office	4,006	14	0	8,798	2	8	5,531	18	8
Adjutant-General's Office	2,350	14	2	8,626	1	3	7,496	18	8
Judge Advocate-Gen'l's. Office	1,662	2	6	4,630	0	0	4,120	0	0
Office for Military Boards	-	-	-	1,531	0	0	1,075	12	6
Army Medical Board Office	2,198	10	0	7,758	19	0	5,617	5	0
Chaplain-General's Office	535	0	0	1,270	0	0	1,417	5	0
Secretary's Office, Chelsea Hospital	850	0	0	3,272	16	0	10,811	4	9
Agent's Office do do	1,600	0	0	3,462	0	0	7,883	16	0
Deputy Treasurer's Office, Chelsea Hospital	-	-	-	530	0	0	1,531	4	0
Alien Office	650	0	0	4,794	3	4	1,166	16	0
Stationary Office	2,045	0	0	5,779	8	0	4,756	4	0
Registrar of Colonial Slaves' Office	-	-	-	-	-	-	1,210	0	0
State Paper Office	760	0	0	1,130	0	6	1,300	0	0
Comptrollers of Army Accounts' Office	4,470	0	0	12,065	14	11	12,125	4	0
National Debt Office	1,621	18	6	3,566	6	11	6,090	11	9
Lottery Office	12,175	17	0	10,382	8	6	3,561	3	4
Hackney-coach and Hawkers' and Pedlars' Office	3,866	3	3	5,037	16	6	5,396	15	2
Auditor of the Exchequer Office	11,715	0	0	15,500	0	0	12,792	0	0
Teller of the Exchequer Office	-	-	-	5,600	0	0	5,556	14	0
Do do	4,700	0	0	5,800	0	0	5,800	0	0
Do do	-	-	-	-	-	-	5,700	0	0
Do do	4,700	0	0	5,450	0	0	5,768	15	4
Pells Office, Exchequer	6,935	0	0	11,095	0	0	7,352	10	0

RETURN.—CONTINUED.

Exchequer Bill Office -	1,690	0	0	3,800	0	0	3,320	0	0
Woods, Forests, and Land Revenue Office -	-	-	-	6,190	0	0	8,243	11	5
Auditors' Land Revenue Office	835	13	4	1,270	13	4	1,610	13	4
Civil Establishment, Isle of Man	2,214	19	8	3,224	0	0	4,725	15	0
Alienation Office -	760	0	0	760	0	0	560	0	0
Hawkers' and Pedlars' Office, Scotland -	-	-	-	16,988	3	4	100	0	0
Barons' Exchequer, Scotland	10,548	3	4	-	-	-	13,223	3	4
IRELAND.									
Chief Secretary's Office, Civil Department -	11,496	6	0	12,460	13	7	12,876	13	3
Chief Secretary's Office, Military Department -	3,348	12	10	6,535	13	3	2,418	9	2
Chief Secretary's Office, Yeomanry Department -	642	19	5	2,029	17	0	853	0	4
Chief Secy's Office, London	-	-	-	2,770	0	0	3,773	8	0
Privy Council Office -	2,577	2	2	2,577	2	2	2,577	2	2
Privy Seal Office -	1,304	12	3	1,394	12	3	1,394	12	3
Office of Works -	4,107	12	9	4,765	11	0	3,029	0	9
Office for Auditing Civil Acc'ts.	4,085	0	0	7,754	0	0	7,823	10	0
Board of First Fruits -	75	13	9	540	0	0	775	8	0
Hibernian School -	512	1	6	1,656	1	6	1,694	0	4
Inland Navigation Office	-	-	-	6,233	15	1	5,763	19	4
Office of the Lieutenant-General Commanding	270	0	0	2,014	16	11	1,169	1	7
Army Medical Office -	972	10	0	1,934	2	6	1,380	12	6
Military Account Office	1,980	0	0	9,689	0	0	5,549	0	0
Quarter-Master-Gen'l's Office	-	-	-	1,122	3	0	994	19	3
Provost-Marshal-Gen'l's Office	133	0	0	242	10	0	182	10	0
Adjutant-General's Office	-	-	-	1,834	2	8	1,018	7	9
Commissariat -	-	-	-	11,618	15	0	5,768	16	10
Royal Hospital, Kilmainham	2,909	2	8	4,643	0	6	3,408	7	4
Military Hospital, Phoenix-park	415	2	8	696	13	4	562	5	10
Vice-Treasurer's Office	15,320	10	8	20,266	7	7	6,302	7	8
	1,374,561	3	13	3,202,439	5	5	2,788,907	11	9

POOR-RATE RETURNS.

A RETURN of the Poor-Rates in every Parish in England and Wales, for the years ending 25th March 1826, 1827, 1828, and 1829; together with the amount of the estimates of the annual value of Real Property, assessed in April 1815, for the purposes of the Property-Tax.

COUNTIES.	PROPERTY TAX: Amount of Estimates of the Annual Value of the Real Property, as assessed April 1815.	ENGLAND.							
		Years ending 25th March.							
		1826.		1827.		1828.		1829.	
	£	£	s.	£	s.	£	s.	£	s.
Bedford - - -	343,683	74,989	10	81,959	18	77,976	2	77,554	3
Berks - - -	643,781	101,279	4	99,527	4	96,257	11	105,624	2
Buckingham - -	643,492	125,697	8	132,677	1	124,198	11	124,497	13
Cambridge - - -	645,554	90,290	18	90,007	6	91,307	11	94,369	4
Chester - - -	1,082,724	87,512	11	108,753	0	100,601	11	98,105	17
Cornwall - - -	916,060	92,929	14	99,108	17	101,538	9	98,520	3
Cumberland - -	702,839	42,036	7	45,718	19	45,971	2	43,783	16
Derby - - -	885,402	68,878	6	76,568	13	76,034	11	74,800	3
Devon - - -	1,897,515	208,388	6	213,538	11	207,780	16	207,500	10
Dorset - - -	698,395	81,984	10	82,794	18	80,492	5	82,461	12
Durham - - -	789,697	75,742	9	76,702	17	78,965	14	80,769	13
Essex - - -	1,549,385	225,012	5	231,278	2	247,386	13	262,215	4
Gloucester - - -	1,463,260	137,627	0	152,238	2	149,856	5	146,895	1
Hereford - - -	603,371	56,546	11	57,423	9	57,500	14	57,059	15
Hertford - - -	571,107	87,804	1	93,064	12	89,900	0	91,795	14
Huntingdon - - -	321,963	40,390	17	42,127	6	38,841	10	41,557	8
Kent - - -	1,644,179	329,341	11	337,832	18	333,029	13	340,525	0
Lancaster - - -	3,087,774	236,172	12	347,911	18	289,335	9	260,891	8
Leicester - - -	892,951	98,627	15	117,962	2	110,501	14	106,862	9
Lincoln - - -	2,059,710	157,914	18	167,987	12	169,890	9	171,564	19
Middlesex - - -	5,595,537	555,797	2	612,147	14	659,484	1	659,925	2
Monmouth - - -	295,097	22,611	11	23,734	1	23,337	16	22,975	14
Norfolk - - -	1,535,526	266,634	17	297,156	3	281,121	17	275,859	0
Northampton - -	940,387	132,602	14	148,175	13	140,585	6	140,925	19
Northumberland -	1,239,613	67,048	14	69,290	7	70,639	5	72,274	17
Nottingham - - -	733,108	60,292	3	71,935	13	71,534	11	69,137	7
Oxford - - -	712,307	115,960	15	119,738	19	122,073	16	123,398	17
Rutland - - -	132,760	8,563	8	9,479	18	9,291	16	9,138	12
Salop - - -	1,039,061	76,825	19	80,753	18	80,195	12	80,063	5
Somerset - - -	1,899,491	151,422	1	163,225	4	159,810	18	155,205	12
Southampton - -	1,123,520	194,034	1	184,928	18	186,456	9	193,370	18
Stafford - - -	1,150,285	108,258	18	124,958	19	128,466	16	119,977	14
Suffolk - - -	1,127,404	233,521	14	223,037	2	216,055	14	242,055	19
Surrey - - -	1,579,173	215,634	15	241,582	4	236,063	6	243,451	16
Sussex - - -	913,560	240,138	18	239,778	12	228,938	4	235,744	12
Warwick - - -	1,230,967	132,574	13	144,581	12	146,353	17	141,578	18
Westmoreland - -	297,827	22,854	5	27,114	3	27,364	18	24,793	3
Wilts - - -	1,156,054	160,724	1	165,443	2	158,109	14	173,480	0
Worcester - - -	799,025	72,766	1	76,954	6	74,028	11	75,862	15
York, East Riding	1,186,509	87,831	11	95,629	1	95,419	18	98,011	6
North Riding	1,144,849	72,409	4	76,566	4	77,601	15	80,322	0
West Riding	2,385,826	228,653	0	298,482	13	270,889	13	263,361	17
Total of England	49,660,728	5,676,326	18	5,179,877	11	6,031,200	7	6,068,268	17

WALES.

Anglesey - - -	92,589	14,624	19	15,235	3	15,684	2	15,830	15
Brecon - - -	146,539	16,403	16	17,019	8	16,172	3	16,264	11

Cardigan -	141,889	15,571 —	15,904 13	16,449 19	16,517 1
Carmarthen -	277,455	28,434 19	30,353 4	30,227 14	29,992 10
Carnarvon -	125,198	17,987 12	19,331 —	20,038 4	19,868 8
Denbigh -	225,464	30,536 13	32,305 15	32,634 10	32,307 6
Flint -	153,930	18,342 16	19,037 2	19,910 11	20,216 5
Glamorgan -	334,192	32,972 12	32,972 4	33,392 4	32,871 —
Merioneth -	110,477	14,281 16	14,477 7	14,746 18	14,219 15
Montgomery -	203,605	29,554 16	29,997 12	32,006 2	30,993 19
Pembroke -	219,096	21,982 5	22,506 8	23,370 14	22,896 14
Radnor -	99,717	11,481 14	12,020 19	12,166 13	12,163 6
Total of Wales	2,130,151	252,174 18	261,210 15	266,799 14	264,141 10
Total of England and Wales	51,790,879	5,928,501 16	6,441,088	6,629,000	16,332,410 7

Abstract of the Net Produce of the Revenue of Great Britain, in the years ended 5th January 1830 and 1831.

	Year ended 5th Jan. 1830.	Year ended 5th Jan. 1831.
Customs - - - - -	£16,023,860	£16,343,561
Excise - - - - -	17,749,721	16,895,775
Stamps - - - - -	6,644,635	6,605,291
Taxes under the management of commissioners of taxes, including arrears of property - - -	4,896,566	5,013,405
Post Office - - - - -	1,376,000	1,358,011
1s. 6d. and 4s. in the pound on pensions - - -	54,493	51,226
Hackney coaches, and hawkers and pedlars - - -	61,167	58,089
Crown lands - - - - -	-	-
Small branches of the king's hereditary revenue - - -	6,631	4,653
Surplus fees, regulated public offices - - -	55,013	44,684
Total ord. revenue - - - - -	46,868 086	46,374,695
Imprest and other monies - - - - -	271,787	124,728
Total revenue - - - - -	47,139,873	46,499,423
Applied to the consolidated fund - - - - -	28,949,449	30,395,996
To pay off exchequer bills charged on the annual duties - - - - -	3,174,102	2,918,087
Applied as part of the ways and means of the year - - -	15,016,322	13,185,340
Total - - - - -	47,189,873	46,499,423

PUBLIC DOCUMENTS.

1.—DOMESTIC.

Message from the President of the United States, to the Twenty-first Congress.—Second Session.

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

The pleasure I have in congratulating you on your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of all good has granted to us, during the present year, health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to the inevitable diversities in the various interests which enter into the composition of so extensive a whole, than to any want of attachment to the Union—interests whose collisions serve only, in the end, to foster the spirit of conciliation and patriotism, so essential to the preservation of that Union, which, I most devoutly hope, is destined to prove imperishable.

In the midst of these blessings, we have recently witnessed changes in the condition of other nations, which may, in their consequences, call for the utmost vigilance, wisdom, and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their government, effected with

so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending, in the slightest degree, that salutary maxim of the illustrious Washington, which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising, in the most unlimited degree, the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy, with which they are administered; from such a people, the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by an heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present king of the French, and which, if sustain-

ed to the end, will secure to him the proud appellation of Patriot King, it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs, have been fully realised in several important particulars.

An arrangement has been effected with Great Britain, in relation to the trade between the U. States and her West India and North American colonies, which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if, at any time, Great Britain may desire the productions of this country, as necessary to her colonies, they must be received upon principles of just reciprocity; and further, that it is making an invidious and unfriendly distinction, to open her colonial ports to the vessels of other nations, and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into the colonial islands of Great Britain, by particular concession, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage; this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands, and theirs brought to us in return. From Newfoundland and her continental possessions, all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794, she offered to concede to us, for a limited time, the right of carrying to her West India possessions, in our vessels not exceeding seventy tons burden, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only; and, moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, coffee, cocoa, or cotton, either from those islands or from the United States, to any other part of the world. Great Britain readily consented to expunge this article from the treaty; and subsequent attempts to ar-

range the terms of the trade, either by treaty stipulations or concerted legislation, having failed, it has been successively suspended and allowed, according to the varying legislation of the parties.

The following are the prominent points which have, in later years, separated the two governments. Besides a restriction, whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States, it has been contended, 1st. That the subject should be regulated by treaty stipulations, in preference to separate legislation: 2d. That our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country, or of her other colonial possessions; and, 3d. That our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been, for a long time, strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825; all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export, and proceed to any part of the world,

Great Britain and her dependencies alone excepted. On our part, each of the above points had, in succession, been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood; and our commerce and navigation will enjoy, in the colonial ports of Great Britain, every privilege allowed to other nations.

That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement, there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it, would have been insupportably onerous, had it not been, in a great degree, lightened by concerted evasions in the mode of making the transshipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives, not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only, and preserve

them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr McLane has acted, together with the communications which had at that time passed between him and the British government, was laid before you. Although there has not been any thing in the acts of the two governments which requires secrecy, it was thought most proper, in the then state of the negotiation, to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received, the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as, I trust, the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were, upon the reception and announcement by the President of the required assurance on the part of Great Britain, forthwith opened to her vessels, before the arrange-

ment could be carried into effect on her part ; pursuing, in this act of prospective legislation, a similar course to that adopted by Great Britain, in abolishing, by her act of Parliament in 1825, a restriction then existing, and permitting our vessels to clear from the colonies, on their return voyages, for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law, of returning directly from the United States to the colonies—a restriction which she required and expected that we should abolish. Upon each occasion, a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feelings, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been, throughout, characterised by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability, is a duty which I shall deem it a privilege to discharge.

Although the result is, itself, the best commentary on the services rendered to his country by our Minister at the court of St James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the

talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black sea, and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed, have, for a long time, been a source of much solicitude to this government, and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were, consequently appointed, to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions, a free passage is secured, without limitation of time, to the vessels of the

United States, to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople; and the former derives much value, not only from the increased security which, under any circumstances, it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that, by the construction put upon that treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that empire, and confidence in its friendship towards the United States, have been so long entertained on our part, and so carefully cherished by the present emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you

that our Minister lately commissioned to that court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege, which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion, of leaving temporarily his post for the advantage of a more genial climate.

If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St Petersburg, and resume the discharge of his official duties. I have received the most satisfactory assurance that, in the mean time, the public interests in that quarter will be preserved from prejudice, by the intercourse which he will continue, through the Secretary of Legation, with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was, in the month of March last, concluded between the United States and Denmark, by which \$650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session; and it now becomes the duty of Congress to pass the necessary laws for the organization of the Board of Commissioners to distribute the indemnity amongst the claimants. It is an agreeable

circumstance in this adjustment, that its terms are in conformity with the previously ascertained views of the claimants themselves; thus removing all pretence for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfil our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are, our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries, which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settle-

ment of limits between ourselves and that republic; and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our Minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions, to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late government. The negotiation has been renewed with the present authorities; and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power, yet, to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation, has been taken; and I do not allow myself to doubt that justice will soon be done to us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice, make an earnest prosecution of them by this government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed; and whatever distinctions may have heretofore been set up in regard to the liability of the existing government, it is quite clear that such considerations cannot now be interposed.

The commercial intercourse be-

tween the two countries is susceptible of highly advantageous improvements; but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment, not only a firm and cordial friendship, but a progressive development of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation, is alike warranted by the character of the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over their councils; and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that government, by our Minister there, with much force and propriety; and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator, have all been taken in the same liberal and friendly spirit which characterised those before announced. Recent events have doubtless served to delay the decision, but our Minister at the court of the distinguished arbitra-

tor has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighboring republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been, I believe, entirely removed; and the government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is, the establishment of friendship and mutual confidence. Such are the assurances which I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which, I am persuaded, are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear, in the course of the last summer, that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which has hitherto been under our jurisdiction. The co-operation of the representative of Mexico near this government was asked on the occasion, and was readily afforded. Instructions and advice have been given to the Governor of Arkansas and the officers in command

in the adjoining Mexican State, by which, it is hoped, the quiet of that frontier will be preserved, until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non-arrival of the ratification of that government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria; and, in the mean time, the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session, two bills, the one entitled 'An act for making appropriation for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys,' and the other, 'An act to authorize a subscription for stock in the Louisville and Portland Canal Company,' were submitted for my

approval. It was not possible, within the time allowed me, before the close of the session, to give these bills the consideration which was due to their character and importance; and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the Houses in which they respectively originated, with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light houses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports, of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

As our foreign commerce increased, and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportion-

tionate, is very probable. The circumstances under which they are incurred are well calculated to lead to such a result, unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money, too frequently, it is to be feared, invite appropriations for objects of this character that are neither necessary nor useful. The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more, of various descriptions. From representations upon the subject which are understood to be entitled to respect, I am induced to believe that there has not only been great improvidence in the past expenditures of the government upon these objects, but that the security of navigation has, in some instances, been diminished by the multiplication of light-houses, and consequent change of lights, upon the coast. It is in this, as in other respects, our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But, in the discharge of that duty in this particular, it must not be forgotten, that, in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable, that whatever gives facility and security to navigation, cheapens imports; and all who consume them are alike interested in whatever produces this

effect. If they consume, they ought, as they now do, to pay; otherwise, they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime State. Local expenditures have not, of themselves, a correspondent operation.

From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I cannot approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations, I mean not to include a practice which has obtained to some extent, and to which I have, in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens,

exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the government with those of the States or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the Federal system can only be preserved by confining it to the few and simple, but yet important objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this Government, by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I cannot perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution, and beyond the supervision of our constituents: if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer

to this objection to say that the extent of consequences like these cannot be great from a limited and small number of investments, because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be impossible to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature, deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a Government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or

animadversion of the people. The bill authorizing a subscription to the Louisville and Portland canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object, when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, &c., contains an appropriation for a survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage to the river, and render the canal entirely useless. To such improvidence is the course of legislation subject, in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville Road Companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within a State, or to appropriate money for improvements of a local character. I, at the same time, intimated my belief that the

right to make appropriation for such as were of a national character had been so generally acted upon, and so long acquiesced in by the Federal and State Governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt is paid; and that, in the mean while, some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me, and were, I readily admit, intended to awaken the attention, and draw forth the opinions and observations, of our constituents, upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and, although I must, necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but, making full allow-

ances on that account, I cannot, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; and if it were otherwise, our course should be the same; for the time is yet, I hope, far distant, when those entrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favor at the sacrifice of principle and the general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their unconstitutionality. That this right

should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors; and by the persuasion, too, that, whatever liberal institutions may have to fear from the encroachments of Executive power, which has been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, every where the bane of official trust. I derive, too, no small degree of satisfaction from the reflection, that, if I have mistaken the interests and wishes of the people, the Constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied

to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the Government in this matter than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country, but to the safety of the Federal system, I cannot avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition, will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle, which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general ground of my objection to local appropriations has been heretofore expressed; and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties, as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to con-

firm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system, and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive confederacy, must be admitted.—Those diversities, arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies, and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are entrusted with the management of its affairs to neutralise their effects as far as practicable, by making the beneficial operation of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upwards of five millions of dollars, and have been distributed in very unequal proportions amongst the States. The estimated expense of works of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than ninety six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds amongst the several States, is not to be conceded. The want of this equitable distribution cannot fail to prove a prolific source of irritation amongst the States.

We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of that character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibition of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: 1st. an objection to the ratio of distribution; 2d. an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d. that the mode proposed would lead to the construction of works of a local na-

ture, to the exclusion of such as are general, and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence, on the part of the State Governments, upon the federal power.

Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient, and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution, proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that 'it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union, will, until a remote period, if ever,

leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service.' I have had no cause to change that opinion, but much to confirm it.—Should these expectations be realised, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time hereafter, decide to be for the general good, will, in that, as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by the agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens in intelligence, and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens; and as sensible of the great truth, that the resources of the nation, beyond those required

for the immediate and necessary purposes of Government, can nowhere be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvement within such States: but if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the confederacy is mainly founded on the prosperity and power of the several independent sovereignties of which it is composed, and the certainty with which they can be brought into successful active co-operation, through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs, that schemes of internal improvement have, from time to time, been proposed, which, from their extent

and seeming magnificence, were regarded as of national concernment; but which, upon fuller consideration and further experience, would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State Legislatures, in which every part of each State is immediately represented, cannot, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained, than if the funds were placed under the control of the Legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such congressional Representatives, nor is it so intended.

We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection, its probable effect upon the dignity and independence of the State Governments, it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show

that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case, the State would receive its quota of the national revenue for domestic use upon a fixed principle, as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State Governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjuſtment would be attended with difficulty, affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome, and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of com-

promise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours, or any other, operate with precise equality upon States situated like those which compose this confederacy; nor is inequality always injustice. Every State cannot expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and cannot be entirely counteracted by human means. Mutual forbearance, therefore, becomes a duty obligatory upon all; and we may, I am confident, count on a cheerful compliance with this high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one, if it be but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiments

like these render a most essential service to their country; whilst those who seek to weaken their influence, are, however conscientious and praiseworthy their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were, in good faith, applied to the eradication of causes of local discontent, by the improvement of our institutions, and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country, and the dictates of an enlightened patriotism, will, in the end, lead the public mind in that direction?

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation, is, perhaps, the worst that could exist; and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped that those who disapprove of the past, and dissent from what is proposed for the future, will feel it their duty to direct their attention to it, as they must be sensible that, unless some fixed rule for the action of the Federal Government in this respect is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the

greatest degree of effect and harmony to our legislation upon the subject—which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modelled and those who adopted it—which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burdens on our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern, I cannot omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice President. The necessity for its amendment is made so clear to my mind by the observation of its evils, and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting to my duty were I to withhold another expression of my deep solicitude upon the subject. Our system fortunately contemplates a recurrence to first principles; differing, in this respect, from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other governments. Our fellow-citizens, too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organi-

zation, but may proceed from temporary causes, yet the habitual presence, or even a single instance of evils which can be clearly traced to an organic defect, will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny; and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high the duty of fortifying the points in it which time proves to be exposed, rather than be deterred from approaching them by the suggestions of fear, or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions, that I was induced to suggest for your consideration the substitute which appeared to me at the same time the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to

decide an election of so high and solemn a character, is unjust to the people, and becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives, is, to devolve the election upon that body in almost every instance, and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the legislative and executive branches of the Government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest, and, therefore, so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system in-

cline me to think should be made still stronger. It was for this reason that, in connexion with an amendment of the Constitution, removing all intermediate agency in the choice of the President, I recommended some restrictions upon the re-eligibility of that officer, and upon the tenure of offices generally. The reason still exists; and I renew the recommendation, with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power, and the weakness of its possessor, will admit, I cannot too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the

white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress; and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlement of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent States strong enough to repel future invasion without remote aid. It will relieve the whole State of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay, which is lessening their numbers; and perhaps

cause them gradually, under the protection of the Government, and through the influence of good councils, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go farther in attempting to reclaim them from their wandering habits, and make them a happy and prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers, they are not responsible to this Government. As individuals, we may entertain and express our opinions of their acts; but, as a Government, we have as little right to control them as we have to prescribe laws to foreign nations.

With a full understanding of the subject, the Choctaw and Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true

condition; and they have preferred maintaining their independence in the western forests to submitting to the laws of the States in which they now reside. These treaties being probably the last which will ever be made with them, are characterised by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations, excites melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there any thing in this, which, upon a com-

prehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessings of liberty, civilization, and religion.

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated, or have melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries occupied by the red men of the south and west, by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual.— Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands, yearly leave the land of their birth, to seek new homes in distant regions.

Does humanity weep at these painful separations from every thing, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new home from the moment of their arrival. Can it be cruel in this Government, when, by events which it cannot control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the General Government towards the red man is not only liberal but generous. He is unwilling to submit to the laws of the States, and mingle with their population. To save him from this alternative,

or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new States, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions, and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be co-extensive with their limits, and that, with all convenient despatch, the General Government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the State Governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory,

the Indian title to which had at the 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 think the Indians oppressed by subjection to the laws of the States, 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 causes 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 indispensable 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 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 jeopardied. 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 interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, 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 these, 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 exaction; 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 the 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, when 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 interests 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 partizan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the shortsighted 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, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates of the Treasury Department, the receipts in the Treasury during

the present year will amount to twentyfour millions one hundred and sixtyone 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 fortytwo 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 fiftyfour thousand six hundred and thirty dollars; leaving a balance in the Treasury, on the 1st of January, 1831, of four millions eight hundred and nineteen thousand seven hundred and eightyone dollars.

In connexion 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 cutter 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 appraisement 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 allowances for fishing bounties have also been corrected, and a material saving in that branch of

the service thereby effected. In addition to these improvements, the system of expenditure for sick seamen belonging to the merchant service has been revised ; and, by 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 further evinced by 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 attention and care. It is worthy of your consideration, whether the armaments 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 precaution 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 inroads upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, 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 the 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 seventytwo 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 continued 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 defined 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 superintendence of the various law agents 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 prompt decision 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 specially entrusted to any officer, which might be advantageously committed to the Attorney General.

But, independently of those considerations, this office is now one of daily duty. It was originally organized, and its compensation fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of Government, in professional attendance upon the courts, injurious to the public service; and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it 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 entrusted a cognizance of the cares of insolvency in public debtors, especially if the views which I submitted on 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 certainly 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 same offence is punishable in unequal 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 election 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 in Congress, with the same privileges that are allowed to that of the other territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation; as one object of which, I beg leave to recal to your attention the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry, whether it will be proper to re-charter 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 no means to operate on the hopes, fears, or 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, though 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 collisions 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 signalized in the prosperity and glory of our beloved country. May its influence be eternal.

ANDREW JACKSON.

*Treaty of Commerce and Navigation between the United States,
and his Majesty the Emperor of Austria.*

THE United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Martin Van Buren, their Secretary of State; and His Majesty the Emperor of Austria has conferred like powers on Lewis, Baron de Lederer, his said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles.

ARTICLE 1. There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of

each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ART. 2. Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving, either laden, or in ballast, in the ports of the dominions of Austria, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage and port charges, as well as to the fees and perquisites of public officers and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

ART. 3. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of

America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels, without paying other or higher duties or charges, of whatever kind or denomination levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ART. 4. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Austrian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ART. 5. No higher or other

duties shall be imposed on the importation into the United States, of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria, of any article the produce or manufacture of the United States, than are, or shall be payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other nations.

ART. 6. All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported, or re-exported from the ports of the said United States, in national vessels, may also be exported, or re-exported therefrom in Austrian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported, in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all

kinds of merchandise and articles of commerce, either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported, or re-exported, from Austrian ports, in national vessels, may also be exported or re-exported therefrom, in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported, or re-exported, in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party, or of the other.

ART. 7. It is expressly understood and agreed that the coast-wise navigation of both the contracting parties, is altogether excepted from the operation of this treaty, and of every article thereof.

ART. 8. No priority or preference shall be given, directly, or indirectly, by either of the contracting parties, nor by any Company, Corporation, or Agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ART. 9. If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ART. 10. The two contracting parties hereby reciprocally grant to each other; the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

ART. 11. The citizens or subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues, taxes, or charges, only, as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like

case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and the Judges of the land wherein the said goods are. But this article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published by His Majesty the Emperor of Austria, to prevent the emigration of his subjects.

ART. 12. The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratification; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification whatever the time at which it may take place.

ART. 13. This Treaty shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by His Majesty the Emperor of Aus-

tria; and the ratifications shall be exchanged in the City of Washington, within twelve months from the date of the signature hereof, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed and sealed this Treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it unfortunately arise.

Done in triplicate, at Washington, this twentyseventh day of August, in the year of our Lord one thousand eight hundred and twentynine.

L. BARON DE LEDERER. [L. S.]

M. VAN BUREN. [L. S.]

The said Treaty was duly ratified on both parts, and the respective ratifications of the same were exchanged at the City of Washington on the 10th of February, 1831, by Martin Van Buren, Secretary of State of the United States, and Lewis, Baron de Lederer, Consul General of His Majesty the Emperor of Austria, in the said United States, on the part of their respective Governments.

Treaty between the United States and His Majesty the King of the French.

THE United States of America and His Majesty the King of the French, animated with an equal desire to adjust amicably and in a

manner conformable to equity, as well as to the relations of good intelligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their plenipotentiaries, to wit: the President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States near His Majesty the King of the French, and His Majesty the King of the French, the Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c. &c., who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1. The French Government, in order to liberate itself completely from all the reclamations preferred against it by the citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twentyfive millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner, and according to the rules which it shall determine.

ART. 2. The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixtysix francs sixtysix centimes

each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present convention.

ART. 3. The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France, on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of his Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

ART. 4. The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a re-

servation of so much out of the annual sums which the French government is bound, by the second article above, to pay to the Government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payment of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present Convention.

ART. 5. As to the reclamations of French citizens against the Government of the United States, and the reclamations of the citizens of the United States against the French government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in their respective countries, before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which shall be applied to them in like manner as to native citizens.

ART. 6. The French government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles or other informations proper to facilitate the examination and liqui-

dation of the reclamations comprised in the stipulations of the present convention.

ART. 7. The wines of France, from and after the exchange of the ratifications of the present Convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates by the gallon, (such as it is used at present for wines in the United States) to wit: six cents for red wine in casks; ten cents for white wine in casks, and twentytwo cents for wine of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the 1st of January 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French government abandons the reclamations which it had formed in relation to the eighth article of the Treaty of *Cession* of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present Convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons.

ART. 8. The present convention shall be ratified, and the ratifications shall be exchanged, at Washington, in the space of

eight months, or sooner, if possible.

In FAITH of which the respective Plenipotentiaries have signed their names thereto, and set their seals. Done

at Paris, the fourth day of the month of July, One Thousand Eight Hundred and Thirtyone.

W. C. RIVES, [L. S.]
HORACE SEBASTIANI. [L. S.]

Treaty between the United States and the Choctaw Indians.

A TREATY of perpetual friendship, cession and limits entered into by John H. Eaton and John Coffee, for and in behalf of the Government of the United States and the Mingoes, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth of September in the year Eighteen Hundred and Thirty.

WHEREAS the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws; Now, therefore, that the Choctaw may live under their own laws in peace with the United States and the State of Mississippi, they have determined to sell their lands east of the Mississippi, and have accordingly agreed to the following articles of treaty:

ART. 1. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, Chiefs, and Warriors of the Choctaw

Nation of Red People; and that this may be considered the Treaty existing between the parties, all other Treaties heretofore existing and inconsistent with the provisions of this, are hereby declared null and void.

ART. 2. The United States under a grant especially to be made by the President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the Treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present Treaty shall be ratified.

ART. .3 In consideration of

the provisions contained in the several articles of this Treaty, the Choctaw nation of Indians consent and hereby cede to the United States, the entire country they own and possess, east of the Mississippi River; and they agree to remove beyond the Mississippi River, early as practicable, and will so arrange their removal, that as many as possible of their people not exceeding one half of the whole number, shall depart during the falls of 1831 and 1832; the residue to follow during the succeeding fall of 1833; a better opportunity in this manner will be afforded the Government, to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ART. 4. The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government, of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw Nation from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States; and except such as may, and which have been enacted by Congress, to the

extent that Congress under the Constitution are required to exercise a legation over Indian Affairs. But the Choctaws, should this Treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.

ART. 5. The United States are obliged to protect the Choctaws from domestic strife and from foreign enemies on the same principles that the citizens of the United States are protected, so that whatever would be a legal demand upon the United States, for defence or for wrongs committed by an enemy, on a citizen of the United States, shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon by a legally authorized officer of the United States to fight an enemy, such Choctaw shall receive the pay and other emoluments, which citizens of the United States receive in such cases, provided, no war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the United States, unless it be in self defence against an open rebellion or against an enemy marching into their country, in which cases they shall defend, until the United States are advised thereof.

ART. 6. Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the United States, or join any war

party against any neighboring tribe of Indians, without the authority in the preceding article ; and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered to an officer of the United States, if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases, by the laws of the United States ; but if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

ART. 7. All acts of violence committed upon persons and property of the people of the Choctaw Nation either by citizens of the United States or neighboring Tribes of Red People, shall be referred to some authorized Agent by him to be referred to the President of the United States who shall examine into such cases and see that every possible degree of justice is done to said Indian party of the Choctaw Nation.

ART. 8. Offenders against the laws of the United States, or any individual State shall be apprehended and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of the United States ; but in all such cases applications must be made to the Agents or Chiefs, and the expense of his apprehension and delivery provided for and paid by the United States.

ART. 9. Any citizen of the United States who may be or-

dered from the Nation by the Agent and constituted authorities of the Nation, and refusing to obey or return into the Nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the United States in such cases. Citizens of the United States traveling peaceably under the authority of the laws of the United States shall be under the care and protection of the nation.

ART. 10. No person shall expose goods or other article for sale as a trader, without a written permit from the Constituted authorities of the Nation, or authority of the laws of the Congress of the United States under penalty of forfeiting the Articles, and the constituted authorities of the Nation shall grant no license except to such persons as reside in the Nation and are answerable to the laws of the Nation. The United States shall be particularly obliged to assist to prevent ardent spirits from being introduced into the Nation.

ART. 11. Navigable streams shall be free to the Choctaws who shall pay no higher toll or duty than citizens of the United States. It is agreed further that the United States shall establish one or more Post Offices in said Nation, and may establish such military post roads, and posts, as they may consider necessary.

ART. 12. All intruders shall be removed from the Choctaw Nation and kept without it. Private property to be always respected and on no occasion taken for public purposes without just

compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man a citizen of the United States, the offender shall be punished. And if a white man unlawfully take or steal any thing from an Indian, the property shall be restored and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offence against the laws of the United States, if unable to employ counsel to defend him, the United States will do it, that his trial may be fair and impartial.

ART. 13. It is consented that a qualified Agent shall be appointed for the Choctaws every four years, unless sooner removed by the President; and he shall be removed on petition of the constituted authorities of the Nation, the President being satisfied there is sufficient cause shown. The Agent shall fix his residence convenient to the great body of the people; and in the selection of an Agent immediately after the ratification of this Treaty, the wishes of the Choctaw Nation on the subject shall be entitled to great respect.

ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like

manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement, of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

ART. 15. To each of the Chiefs in the Choctaw Nation (to wit) Greenwood, Laflora, Nutackachie, and Mushulatubbe there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement, and the other two located where they please but on unoccupied unimproved lands, such sections shall be bounded by sectional lines, and with the consent of the President they may sell the same. Also to the three principal Chiefs and to their successors in office there shall be paid two hundred and fifty dollars annually while they shall continue in their respective offices, except to Mushulatubbe who as he has an annuity of one hundred and fifty dollars for life under a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office as Chief;

and if in addition to this the Nation shall think proper to elect an additional principal Chief of the whole, to superintend and govern upon republican principles, he shall receive annually for his services five hundred dollars, which allowance to the Chiefs and their successors in office, shall continue for twenty years. At any time when in military service, and while in service by authority of the United States, the district Chiefs under and by selection of the President shall be entitled to the pay of Majors; the other Chief under the same circumstances shall have the pay of a Lieutenant Colonel. The Speakers of the three districts, shall receive twentyfive dollars a year for four years each; and the three secretaries one to each of the Chiefs, fifty dollars each for four years. Each Captain of the Nation, the number not to exceed ninety-nine, thirtythree from each district, shall be furnished upon removing to the West, with each a good suit of clothes and a broad sword as an outfit, and for four years commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people at order in settling; and whenever they shall be in military service by authority of the United States shall receive the pay of a captain.

ART. 16. In wagons, and with steam boats, as may be found necessary—the United States agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They

agree to furnish them with ample corn and beef, or pork, for themselves and families for twelve months after reaching their new homes.

It is agreed further that the United States will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes; or other cattle such as may be desired shall be furnished them, notice being given through their Agent of their wishes upon this subject before their removal, that time to supply the demand may be afforded.

ART. 17. The several annuities and sums secured under former Treaties to the Choctaw nation and people shall continue as though this Treaty had never been made.

And it is further agreed that the United States in addition will pay the sum of twenty thousand dollars for twenty years, commencing after their removal to the west, of which, in the first year after their removal, ten thousand dollars shall be divided and arranged to such as may not receive reservations under this Treaty.

ART. 18. The United States shall cause the lands hereby ceded to be surveyed; and surveyors may enter the Choctaw Country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold, before the Choc-

taws shall remove. And for the payment of the several amounts secured in this Treaty, the lands hereby ceded are to remain a fund pledged to that purpose, until the debt shall be provided for and arranged. And further it is agreed, that in the construction of this Treaty wherever well founded doubt shall arise, it shall be construed most favorably towards the Choctaws.

ART. 19. The following reservations of land are hereby admitted. To Colonel David Fulsom four sections, of which two shall include his present improvement, and two may be located elsewhere, on unoccupied, unimproved land.

To I. Garland, Colonel Robert Cole, Tuppanahomer, John Pytchlynn, Charles Juzan, Johoketubbe, Eaychaobia, Ofehoma, two sections each, to include their improvements, and to be bounded by sectional lines, and the same may be disposed of and sold with the consent of the President. And that others not provided for, may be provided for, there shall be reserved as follows:

First. One section to each head of a family, not exceeding forty in number, who during the present year, may have had in actual cultivation, with a dwelling house thereon, fifty acres or more. Secondly, three quarter sections after the manner aforesaid to each head of a family, not exceeding four hundred and sixty, as shall have cultivated thirty acres and less than fifty, to be bounded by quarter section lines of survey, and to be contiguous and adjoining.

Third; One half section as aforesaid to those who shall have cultivated from twenty to thirty acres, the number not to exceed four hundred. Fourth; a quarter section as aforesaid to such as shall have cultivated from twelve to twenty acres, the number not to exceed three hundred and fifty, and one half that quantity to such as shall have cultivated from two to twelve acres, the number also not to exceed three hundred and fifty persons. Each of said class of cases shall be subject to the limitations contained in the first class, and shall be so located as to include that part of the improvement which contains the dwelling house. If a greater number shall be found to be entitled to reservations under the several classes of this article, than is stipulated for under the limitation prescribed, then and in that case the Chiefs separately or together shall determine the persons who shall be excluded in the respective districts.

Fifth; Any Captain, the number not exceeding ninety persons, who under the provisions of this article shall receive less than a section, he shall be entitled, to an additional quantity of half a section adjoining to his other reservation. The several reservations secured under this article, may be sold with the consent of the President of the United States, but should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the United States will on his removing pay fifty cents an acre, after reaching their new homes, provided that before the first of January

next they shall adduce to the Agent, or some other authorized person to be appointed, proof of his claim and the quantity of it. Sixth; likewise children of the Choctaw Nation residing in the Nation, who have neither father nor mother, a list of which, with satisfactory proof of Parentage and orphanage being filed with the Agent in six months, to be forwarded to the War Department, shall be entitled to a quarter section of Land, to be located under the direction of the President, and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

ART. 20. The United States agree and stipulate as follows, that for the benefit and advantage of the Choctaw people, and to improve their condition, there shall be educated under the direction of the President and at the expense of the United States, forty Choctaw youths for twenty years. This number shall be kept at school, and as they finish their education, others to supply their places shall be received for the period stated. The United States also agree to erect a Council House for the Nation at some convenient central point, after their people shall be settled; and a House for each Chief, also a Church for each of the Three Districts, to be used also as school houses, until the Nation may conclude to build others; and for these purposes ten thousand dollars shall be appropriated; also fifty thousand dollars (viz) twenty-five hundred dollars annually shall

be given for the support of three teachers of schools for twenty years. Likewise there shall be furnished to the Nation, three Blacksmiths, one for each District, for sixteen years, and a qualified Mill Wright for five years. Also there shall be furnished the following articles, twentyone hundred blankets, to each warrior who emigrates, a rifle, moulds, wipers and ammunition. One thousand axes, ploughs, hoes, wheels and cards each; and four hundred looms. There shall also be furnished one ton of iron and two hundred weight of steel annually to each District for sixteen years.

ART. 21. A few Choctaw Warriors yet survive who marched and fought in the Army with General Wayne, the whole number stated not to exceed twenty.

These it is agreed shall hereafter while they live receive twenty-five dollars a year; a list of them to be early as practicable, and within six months, made out and presented to the Agent to be forwarded to the War Department.

ART. 22. The Chiefs of the Choctaws have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The Commissioners do not feel, that they can under a treaty stipulation accede to the request, but at their desire, present it in the Treaty, that Congress may consider of and decide the application.

Done and signed and executed

by the Commissioners of the United States and the Chiefs, Captains, and Head Men of the Choctaw Nation, at Dancing Rabbit Creek, this 27th day of September, Eighteen Hundred and Thirty.

Certain reservations of land were made for individuals of the tribe who were not willing to remove, and the treaty was then transmitted to the Senate for its sanction. In that body a resolution was made to strike out the preamble, which passed, 11 in favor of the preamble and 32 against it. The treaty was then sanctioned by the Senate, and the President ratified it in the following manner.

Now, therefore, be it known, that I, ANDREW JACKSON, President of the United States of America, having seen and considered said Treaty, do, in pursuance of the advice and con-

sent of the Senate, as expressed by their Resolution of the twenty-first day of February, One Thousand Eight Hundred and Thirty-one, accept, ratify and confirm the same, and every clause and article thereof, with the exception of the Preamble.

In testimony whereof, I have [L. S.] caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this twentyfourth day of February, in the year of our Lord One Thousand Eight Hundred and Thirtyone, and of the Independence of the United States, the fiftyfifth.

ANDREW JACKSON.

BY THE PRESIDENT:

M. VAN BUREN,
Secretary of State.

GEORGIA AND THE INDIANS.

Executive Department, }
Milledgeville, Nov. 20. }

I TRANSMIT to both Houses of the General Assembly, copies of a communication received from the War Department, in answer to a letter requesting of the President the withdrawal of the United States troops from the territory of the State occupied by the Cherokees. The Legislature will perceive in the conduct of the President in this matter, as well as all others, the disposition to

accord to Georgia all her rights. The removal of the United States troops from the territory occupied by the Cherokees, creates an immediate and pressing necessity for the passage of such laws as may effectually restrain all persons from entering into that territory, for the purpose of taking possession of the public lands, or the taking valuable minerals therefrom, without license from the State.

GEORGE R. GILMER.

Executive Department, }
Milledgeville, Oct. 29, 1830. }

Sir: By an Act of the Legislature of Georgia, passed at its last session, all the Cherokee territory and the persons occupying it, were subjected to the ordinary jurisdiction of the State, after the 1st of June, then next ensuing. This act has gone into operation. The acknowledgment of the President of the right of the State to pass such an act, renders it unnecessary to say any thing in its justification. The object of this letter is to request the President that the United States troops may be withdrawn from the Indian territory within Georgia. The enforcement of the non-intercourse law within the limits of the State, is considered inconsistent with the rights of jurisdiction which is now exercised by its authorities, and must, if continued, lead to difficulties between the officers of the United States and State Governments, which it is very desirable should be avoided. No doubt is entertained that the object of the President in ordering the United States troops into the Cherokee territory, was the preservation of the peace of the Union. The motive is duly appreciated. The Legislature is now in session. The special object of its meeting is the enforcement of the laws of the State within the Cherokee country, and the punishment of intrusion into it by persons searching for gold. Its powers are amply sufficient for that purpose. As it is expected that the law for the punishment of trespassers upon the public lands will go into operation

within a few days, the President is therefore requested to withdraw the troops as soon as it can be conveniently done. The conduct of Major Wager has been severe to the gold diggers. In some instances unoffending citizens have been made the subject of punishment, in violation of their rights, and the authority of the State. Complaints have been made to this department, and redress asked for. The removal of the troops is believed to be the most effectual means of preventing the repetition of such injuries. Information has also been received at this department, that the digging for gold is still carried on in various parts of the Cherokee territory, and that the extent of country containing mines is so great, that it is wholly impossible to prevent it by the use of the military alone. It is said that the Indians are even more extensively employed in taking gold than before the arrival of the troops. The fear of the whites had restrained them previously.

The President is assured that whatever measures may be adopted by the State of Georgia in relation to the Cherokees, the strongest desire will be felt to make them accord with the policy which has been adopted by the present Administration of the General Government.

Very respectfully, &c.

GEORGE R. GILMER.

To the President of the United States.

War Department, }
Washington, Nov. 10, 1830. }

SIR: The President has referred to this Department your

letter of 29th of last month, advising him that the Act of the Legislature of Georgia, passed at its last session, subjecting all the Cherokee territory and the persons occupying it to the ordinary jurisdiction of the State, has gone into operation; and in reply I have the honor to inform you that previously to the receipt of your letter an order was issued to Major Wager, a copy of which, for your information and satisfaction, is here enclosed. By it you will perceive he is instructed, as the winter is approaching, to retire with his troops into winter quarters. It is expected that the emergency which induced the troops to enter the Indian country has ceased.

Your excellency entertains a just view of the motives which led to the ordering the troops into the Cherokee territory, as expressed in your communication. It is much to be regretted that in the execution of his orders, the commanding officer should have found himself constrained to resort to measures which may have operated hardly upon some individuals.

The President is happy in the assurance which your Excellency is pleased to give, that the measures which the State of Georgia may adopt in relation to the Cherokees, will accord with the policy which has been adopted by the General Government.

Very respectfully, &c.

JNO. H. EATON.

His Excellency G. R. Gilmer.

Head-Quarters of the Army, }
Washington, 8th of Nov. 1830. }
To Brevet Major P. Wager, 4th Regiment Infantry, commanding troops in the Cherokee Nation:

SIR: The purposes for which the troops were ordered into the Cherokee nation having in a great measure been answered, the Secretary of War deems it advisable, upon the approach of winter, that you retire to some position where the troops can be comfortably accommodated, and where they will be in striking distance to meet any contingency that may arise out of our Indian relations, which cannot at this time be perceived. It is hoped, however, that no circumstance will occur which will render it necessary again to employ the troops among the Cherokees, particularly as the Legislature of Georgia, now in session, will doubtless take the proper and necessary steps to preserve tranquillity along the Indian border. You will, therefore, with the detachment of the 4th regiment of the infantry, retire upon Fort Mitchell. The artillery, with the exception of Captain Barden's company, now at Fort Mitchell, will retire to their respective stations, viz. the men belonging to Lieutenant Colonel Fannin's company to Augusta arsenal; Captain Legate's company to Charleston; and Captain Taylor's company to Savannah. I have the honor to be, &c. &c.

A. MACOMB, }
Major General commanding the Army. }

Report of the Joint Select Committee of the Senate and House of Representatives of the State of Maine, in relation to the North-eastern Boundary of the State.

THE aforesaid Joint Select Committee of the Senate and House of Representatives of the State of Maine, have considered the whole subject submitted to them by the aforesaid order, to wit: All the Governor's message which relates to the Northeastern boundary.

The Committee aforesaid ask leave to observe, they are unable to perceive, that there is any thing uncertain in our claim, arising out of any obscurity in the treaty of 1783, or any of the documentary evidence, or arguments and discussions which led to the description of the boundary therein contained; nor are they informed that the Government of Great Britain, or any of their negotiators, ever claimed the northern part of this State as a right, but requested it as a cession; it is therefore concluded, that their strong and persevering endeavors to excite doubts, and embarrass the subject, are elicited by the zeal of their essayists, and their subordinate agents, or negotiators, who, while they recommend themselves to the mother government, as zealous, loyal subjects, and faithful agents, are disposed at the same time to gratify other feelings arising from other causes.

This subject has, on several occasions, occupied the attention of the Government of this State, and has been the subject of reports and resolves, and all may have been done which the state

of knowledge on that subject rendered proper, or the occasion required. The subject is now, from a variety of considerations, assuming a more interesting character. Such is the state of public inquiry, that it may be expected of this Legislature that they will fairly and candidly spread the evidence of title, and the subject of controversy, before the people, to the end that they may see, examine, and reason for themselves, and form their own conclusions. This, however, would be deemed unnecessary, were it not the fact, that what is said, and much of the documentary evidence touching the boundaries of the provinces, prior to the treaty of 1783, is in the hands, and within the reach of very few.

With a view, therefore, of spreading the evidence of our title fairly before the people of this State, and by the same means, before the people of the United States and the world, it is proposed to pursue, generally, the chronological order of events; noticing, particularly, such as have any direct relation to the subject, and incidentally, such as tend chiefly to show the connexion between them.

The discovery of America produced an excitement and a spirit of maritime enterprise among the nations of Europe. Cabot sailed in 1497, under the orders of Henry VII. of England, and discovered Newfoundland and North

America, and coasted from Labrador to Florida. The spirit of discovery thus early excited in England, subsided, and was not revived for many years. The French prosecuted voyages of discovery to North America, and as early as 1535, attempted a settlement on the St Lawrence. From this period, the voyages of the Europeans to the Northern parts of North America, were principally confined to the fisheries, and to the prosecution of a trade in furs with the natives, and it was not until 1604, that any settlement commenced which became permanent.

In 1603, Henry Fourth of France, granted to De Monts all the country in North America, between the fortieth and forty-sixth degrees of north latitude, by the name of Acadie. De Monts, to secure to himself the benefits of his grant, with Champlain and other adventurers, fitted out vessels and sailed for America. They first touched on the eastern coast of the grant, then sailed round Cape Sable to the bay of Fundy, touched at Port Royal, now Annapolis, at the St John, which river they sailed up some distance, and thence followed the coast to the mouth of a river, which they afterwards called St Croix, where, upon a small island, they erected houses and defences, and established themselves for the winter. In the spring, they, for some cause, determined on quitting the island, and took what they could of the materials of the buildings, and moved, and established themselves at Port Royal, where they

lived, and prosecuted the business of their settlement for several years.

In 1607, the British commenced a settlement in Virginia, which became permanent. As early as 1613, for the purpose of getting rid of their neighbors, who might at some future period annoy them, as well as for asserting their claim to the whole country, and appropriating it to themselves or the British government, they fitted out a small expedition under Sir Samuel Argall, to dislodge the French in Acadie. Sir Samuel dislodged the French at Mount Desert, destroyed all which De Monts had left on the island where he first wintered, and captured the French at Port Royal. Some of the French went to Canada, and some united with the natives. The expedition was attended with no important result, further than it probably suggested to Sir William Alexander, the idea of obtaining a grant of the country—and therefore after companies had in England obtained grants of various parts of North America, to which they gave their favorite names, such as Virginia and New-England, he obtained a grant, which, from its relative situation to New-England, or to perpetuate the name of his native country, he called Nova Scotia.

The grant was made in 1621 by James I. and contained 'all the lands of the continent from Cape Sable, thence along the coast of St Mary's Bay; thence across the bay of Fundy to the river St Croix, to its remotest spring head; thence by an imaginary line northward to the river

St Lawrence; thence by the shores of the river to the haven or shore commonly called Gaspe, and thence southward; &c. Sir William seems to have engaged with some zeal, and incurred great expense in fitting out two vessels to take possession of, and settle his grant; but all his efforts produced little or no effect, and he abandoned it, and in 1630 sold a part or all of his grant to La Tour, a subject of France. In the year 1628 or 1629, Canada and Acadie were both captured by the British, and were restored in 1632 by the treaty of St Germain. In 1652, the British fitted out an expedition, and took possession of Penobscot, St John, Port Royal, and several other places. In 1655, a treaty of commerce was entered into between the French and British, and the question of title to Acadie was referred to commissioners.

In 1663, Charles II. granted to his brother the Duke of York, the country called the Duke of York's territory, next adjoining New Scotland, and extending from the river St Croix to Pemaquid, and up the river thereof to the furthest head of the same as it tendeth northward; and extending thence to the river *Kimbequin*, and upwards by the shortest course to the river of Canada northward.

In 1667, by the treaty of Breda, Acadie was again restored to France. In 1689, another war broke out, and the following year Sir William Phipps conquered Port Royal, and other French ports in Acadie.

Oct. 7, 1691, by the charter

of William and Mary, the real province of Massachusetts Bay was erected, consisting of the former provinces of Massachusetts Bay, New Plymouth, Nova Scotia, District of Maine, and all the territory between Nova Scotia and the District of Maine and the river Sagadahock, and every part thereof, and the St Lawrence or great river of Canada. It will at once be perceived, that the province of Massachusetts Bay was, in the northern part, bounded west by a line drawn north from the westernmost head of the waters of the Sagadahock, to the river St Lawrence, north by the river St Lawrence, east and south by the Atlantic Ocean. The charter contained a limitation in the exercise of the granting power, as to all the tract of country lying beyond the Sagadahock, but it contained no other limitations to its exercise of sovereign power, which were not contained in all other charters granting powers of, or establishing governments. Massachusetts exercised some acts of jurisdiction over Nova Scotia, appointed some civil and other officers; but it being so distant, and she having so many other posts, and such extent of other frontier to defend, and the expense being so great, which she must incur for her protection against the assaults of the French and natives, that she was not solicitous to retain it, and in the course of a few years gave it up, and the British Government made it a separate province.

In 1697, by the treaty of Ryswick, Acadie was again restored to the French. In 1702, war was

again declared between France and Great Britain, and Acadie in the course of the war was again captured by the British, and was, in 1713, by the treaty of Utrecht, ceded by the French to the British by the description of Nova Scotia, otherwise called Acadie, according to its ancient limits, with some reservations of islands, such as Cape Breton and the islands in the St Lawrence which were not ceded. For many years Nova Scotia or Acadie thus ceded, seems not to have engaged much of the attention of the British Government. They did, in 1719, appoint Richard Phillips, governor, who, for want of subjects, had to select his council from his garrison. The French inhabitants lived in a state of independence, without acknowledging the right or authority of the British Colonial Government; and the object of the British seems to have been, to keep possession of the country, to the end that they might hold it, and extinguish the claim of France. By the treaty of Aix la Chapelle, in 1745, commissioners were provided to be appointed, to settle the boundaries of Nova Scotia or Acadie, as ceded by the treaty of Utrecht; about the limits of which the British and French could not agree. Colonel Cornwallis was made governor of Nova Scotia or Acadie, in 1749, and came with soldiers of the late army and others, between three and four thousand, and settled and built the town of Halifax.

Commissioners provided to be appointed by the treaty of Aix la Chapelle, were appointed in 1750,

and began and continued their discussions for some years, the British contending for, and endeavoring to maintain, one construction of the treaty of Utrecht, and the French another construction. The discussions were broken off by the war of 1756. The treaty of Paris of February 10, 1763, which terminated the war of 1756, ceded both Canada and Nova Scotia to the British in full sovereignty. At this time the power of the French became extinct, and they never made any subsequent effort to regain it. Until this period, although with the British, Nova Scotia had been the subject of grants, of conquests, and cessions, they always recognized the St Lawrence as its northern boundary, never extending their claim beyond, or stopping short of it. When Canada became a territory of Great Britain, it became necessary for her to establish a government for it, and the king, for that purpose, by his proclamation of the 7th of October, 1763, among other governments, established the government of Quebec, bounded as follows: 'On the Labrador coast by the river St John, and from thence, by a line drawn from the head of that river, through the lake St John, to the south end of Lake Nipissim, from whence the said line, crossing the river St Lawrence and the lake Champlain, in fortyfive degrees of North latitude, *passes along the high lands which divide the rivers that empty themselves into the said river St Lawrence from those which fall into the sea*, and also along the north coast of the bay des

Chaleurs, and the coast of the gulf of St Lawrence to Cape Rosiers, and from thence crossing the mouth of the river St Lawrence, by the west end of the island Anticosti, terminates at the aforesaid river St John.'

From this description it is evident that it was the intention of the crown, in establishing the province of Quebec, to embrace within its territory, after passing Lake Champlain, the sources of all the streams which flowed into the St Lawrence, and for that purpose the most fit and appropriate words are adopted. It cannot be supposed that it was intended, by this description, that the line, as it run eastward from Lake Champlain, was to pursue a range of mountains, or to run from peak to peak of the highest mountains between the river St Lawrence on the one hand, and the Atlantic Ocean on the other. The line was the high lands. What high lands? The high lands which divide the waters; any land, therefore, of any elevation, whether plains or mountains, hills or dales, which are at the sources of the respective rivers, flowing into the St Lawrence and the sea, are the high lands by the proclamation intended, and the most apt words are used to describe them. This line leaves all the waters of the Connecticut, Androscoggin, Kennebec, Penobscot, St John, and Ristigouche, falling into the sea, on one hand, and the streams flowing into the lake Memphremagog, and through it into the river St Lawrence, the Chaudierre, the Ouelle, Green, Metis, and many other rivers

falling into the river St Lawrence, on the other. The line, it will be observed, pursues the northern coast of the bay of Chaleurs, and not the middle of the bay; there cannot be any pretence, therefore, that the river Ristigouche was, within the meaning of this proclamation, a river flowing into the St Lawrence, but, on the contrary, it is clearly a river falling into the Atlantic Ocean.

Prior to this proclamation, the provinces of Massachusetts Bay and Nova Scotia were bounded north by the river St Lawrence; the proclamation varied the boundary by transferring it from the shores of the river St Lawrence to the sources of the rivers which emptied themselves into it; and the aforesaid provinces were then bounded north by the same line, to wit: the range of land, be what it might, high or low, in which the rivers respectively had their sources, leaving the rivers St John and Ristigouche partly in the province of Massachusetts Bay, and partly in the province of Nova Scotia, the sources being in the former, and the mouths in the latter province. This line has not since been altered, except between Lake Champlain and Connecticut river, where, instead of pursuing the high lands, it was fixed to the parallel of fortyfive degrees of north latitude.

The line thus established by proclamation, has often since, by the acts of the Crown and Parliament of Great Britain, been recognised. October, 1763, in the commission to Montague Wilmot, revoking the commission to

a former governor, and constituting him to be Captain General and Commander-in-Chief of the Province of Nova Scotia, is the following description of boundary: 'Bounded on the westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy, to the *mouth of the river St Croix, by the said river to its source, and by a line drawn north from thence to the southern boundary of our Colony of Quebec; to the northward by the said boundary, as far as the western extremity of the bay des Chaleurs, &c.*'

In the commission to William Campbell, in 1767, there is the same description of boundaries of the province of Nova Scotia, and the same are again repeated in the commission to Francis Legge in 1771. The proclamation of 1763 was further recognized and confirmed by the act of Parliament of the 14th of George III. by which it is enacted, 'that all the territories, islands, and countries in North America, belonging to the crown of Great Britain, bounded on the south by a line from the bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the St Lawrence, from those which fall into the sea, to a point in fortyfive degrees of northern latitude, on the eastern bank of Connecticut river.' The limits of the several provinces were the same at the time of concluding the treaty of 1783.

The question may well be asked, Where was the north-west angle of Nova Scotia, *and the north-east angle* of the province

of Massachusetts Bay, before the treaty? Had Nova Scotia two north-west angles? It has already been shown by the charter to Sir William Alexander, that the north-west angle of his grant was on the shore of the river St Lawrence, and although, by the charter of William and Mary, in 1691, it became a part of the province of Massachusetts Bay, when it was afterwards separated from it, its boundaries were the same as before, and its north-west angle still on the shores of the St Lawrence. Here the angle remained fixed and stationary until 1763, when the boundaries were transferred from the shore to the land from which the streams falling into the river St Lawrence flowed had their source. Nova Scotia had, therefore, but one north-west angle. Here the line became fixed and permanent, and on this line, and to the northward of the heads of all the streams which did not flow into the river St Lawrence, was the north-west angle of Nova Scotia.

When the boundaries between the provinces of Quebec and Massachusetts Bay were thus clearly defined, and limited to that range of land in which the streams falling into the St Lawrence at the northward, and the St John at the southward, and continued easterly to the head of the Bay of Chaleurs, and south-westwardly to the head of Connecticut river; and when the boundary between the provinces of Nova Scotia and Massachusetts Bay were thus clearly defined and limited to the river St Croix, and a line drawn north

from it to the aforesaid range of land, the boundary of the government of Quebec; the repeated acts of arbitrary power exercised by Great Britain towards the provinces comprising the thirteen United States, caused them to assert their rights; they maintained them successfully; and to terminate the unprofitable struggle, Great Britain acknowledged their existence as an independent nation. When their existence as an independent nation was thus secured, it became necessary for the two nations, to prevent new and unprofitable contests, to fix and establish boundaries between themselves. This was first done in the provisional articles of peace, concluded at Paris, November 30, 1782, and by the provisions of that instrument, were incorporated into and became a part of the definitive treaty of peace concluded at Paris, September 3d, 1783.

The acknowledgment of independence, and the boundaries established, are described as follows to wit:

‘Article 1st. His Britannic Majesty acknowledges the said United States, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; and that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof. And that all disputes

which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, to wit:

‘Art. 2. *From the north-west angle of Nova Scotia, to wit, that angle which is formed by a line drawn due north from the source of the St Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the St Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and Huron; thence along the middle of said water communication between that lake and Lake Superior; thence through Lake Superior, northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake, and the communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through said lake to the most northwestern point thereof; and*

from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirtyfirst degree of north latitude. South by a line to be drawn due east from the termination of the line last mentioned, in the latitude of thirtyone degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St Mary's river; thence down along the middle of St Mary's river to the Atlantic Ocean. *East, by a line to be drawn along the middle of the river St Croix, from its mouth in the bay of Funda to its source; and from its source directly north, to the aforesaid high lands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St Lawrence,* comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between the lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.'

The first article describes by name, the several States composing the United States, and had the treaty stopped here without describing their boundaries more

minutely, there could have been no doubt but that all the territory embraced within the charter limits, or within the jurisdiction of Massachusetts Bay, passed by that description. Here, from the use of the term Massachusetts, was an evident intention to conform to the lines as they existed before the treaty, which have been already shown from the documents herein before cited, which are of that clear and explicit character which relieves the subject from all uncertainty and doubt.

But when the subject is still farther pursued, and the boundaries are more minutely described, what was clear before, is still made more clear and explicit. To be more particular—the northwest angle of Nova Scotia, after it is ascertained by the rule given in the treaty, is the point from which the northern line starts. 'From the northwest angle of Nova Scotia, to wit—that angle which is formed by a line drawn due north from the source of the river St Croix to the high lands.' Here we may ask what angle was intended? Was it an angle to be formed on the side line of the province, one hundred or more miles from the real and true northwest angle of Nova Scotia? or was the real and true angle of the province, at the point where its western line intersected the line of the province of Quebec? The true construction is too obvious to admit a doubt. It is perfectly clear, from the plain and most natural and obvious construction of the language used, that by the northwest angle

of Nova Scotia was truly intended the northwestern extremity of that province.

The description then proceeds : ‘along the said highlands which divide those rivers that empty into the river St Lawrence from those which fall into the Atlantic Ocean.’ The idea that the words of the treaty require a range of mountains to form the line, is totally false and absurd. If the commissioners intended to describe a line pursuing the highest range of mountains between the Atlantic on the one hand, and the river St Lawrence on the other, they would have used the terms fittest for such description, and not have used the words which plainly and distinctly were intended to embrace any height of land, from the lowest to any other elevation, provided it did divide the waters falling into the river St Lawrence, from those falling into the Atlantic Ocean. If mountains were found there, they were intended, if there were no mountains or hills, and the lands only ascended gently from the river St Lawrence, and again descended towards the main streams falling into the Atlantic, constituting in fact a long and extended plain, from the highest parts of which the streams run northwardly and westwardly into the river St Lawrence, and southerly and easterly into the Atlantic—such a plain is the highland truly intended by the treaty, and the line is on that part of the plain from which the waters flow in different directions ; if the lands are only high enough for the water simply to pass off in different directions, as com-

pletely and exactly corresponds with the description in the treaty, and are the highlands truly and eminently intended by it.

The treaty describes but two classes of rivers, as having any connexion with this part of the boundaries of the United States, to wit—such as flow into the river St Lawrence, and those which fall into the Atlantic. Although the river St Lawrence itself falls into the Atlantic Ocean, it is alluded to in a peculiar manner, to distinguish it from all *other rivers*, and to place it and its tributary streams in opposition to *them*, whether they flowed into Long Island Sound, Kennebec Bay, Penobscot Bay, the great Massachusetts Bay, the Bay of Fundy, or the Bay of Chaleur—or into any other part of the Atlantic Ocean. The language of the treaty being thus clear and explicit, it leaves no doubt on the mind, that the highlands of the treaty which divide the waters was intended that range of lands, whether high or low, in which the tributaries of the St Lawrence have their sources, and from which they flow. To search, therefore, for mountain ranges, or for the greatest height of land, between the river St Lawrence and the Atlantic Ocean, to fulfil the terms of the treaty, is absurd and preposterous. In the latter part of the article quoted, in describing the east boundary, the descriptive language of the first part of the article is nearly repeated : ‘East by a line to be drawn along the middle of the river St Croix, from its mouth in the Bay of Fundy to its source,

and from its source directly north to the aforesaid highlands which divide the rivers which fall into the Atlantic Ocean from those which fall into the river St Lawrence.'

Although, from the French having erected their crosses at the mouths of various rivers, and having at various times given them names from that circumstance, and the part of the country between the rivers St John and Penobscot not having been early settled, and seldom visited except for the purpose of traffic with the natives, doubts reasonably might arise as to the true river St Croix ; still, when those doubts were removed, and the river clearly ascertained, a certain point was fixed, from which the due north line was to start, and nothing remained but to employ artists to survey the line and erect its monuments. This seems to have been a point conceded in the treaty of amity, commerce and navigation, concluded at London, November 19, 1794, and in all the discussions under the fifth article thereof.

Upon the clear and explicit language of the treaty itself, before any intelligent and impartial tribunal, the question of boundary and jurisdiction might be safely placed, with a perfect confidence in the issue. But the treaty, though definite in its descriptions, and requiring no foreign aid in its interpretation, only adopted the boundaries of provinces which had been defined, established and recognised by the crown and government of Great Britain, in their different acts, from 1621 to

1775 ; which will appear by a recurrence to the descriptive language contained in the patents, charters, proclamations, and acts of parliament, before quoted, and nearly in the same language.— There can, therefore, be no doubt, that the ministers of both governments, intended to adopt, and did adopt in the treaty of peace, as the boundary of the United States, the boundaries between the provinces of Quebec and Nova Scotia, on the one part, and Massachusetts, on the other part, which had been established by, and had long been familiar, to the government of Great Britain. This construction, if any further support were necessary, is amply and fully supported by the discussions, which led to, and the manner in which the boundaries were concluded by the ministers who negotiated the provisional treaty of peace. The negotiation was carried on in form, with Mr Oswald, who advised with Mr Fitzherbert, the minister to the court of Versailles, but in fact with the British Cabinet. Mr Oswald did little or nothing more, not having authority, than to make such propositions as the British Cabinet, from time to time, according to circumstances, commanded, and received such as our ministers made, until near the close of the discussion, when he was clothed with full powers.

A provision in favor of the loyalists, was long and ardently urged by the British, and as ardently resisted by our ministers—the right to the fisheries was urged and insisted on by our ministers, and made a *sine qua non* by a

part, and resisted by the British, but finally adopted; both of which topics occupied much time. The fixing and defining the boundaries of the United States, also occupied much time, and no part or portion of it was so diligently examined and discussed, as the eastern and northern boundaries of the present State of Maine. The British, in the first place, insisted upon Piscataqua river as the eastern limit of the United States, then retreated to the Kennebec, and as a last resort would consent to go as far as the Penobscot. During this, as during the other parts of the discussion, messengers were continually crossing and recrossing the channel; among the messengers and aids to the British, the ancient Clerk of the Board of Trade and Plantations appeared with volumes of records from that department, from which he read whatever there was which tended to show, the District of Maine, or any part of it, was not before that time within the jurisdiction of Massachusetts Bay. The American ministers, in their turn, produced sundry acts of the colonial government of Massachusetts Bay, showing the jurisdiction which had been exercised by her, the report of the attorney and solicitor generals, who had, upon the matter being referred to them, decided upon the sundry petitions, applications, and claims made for all the country between the Sagadahoc, (Kennebec,) and St Croix; and their decision, after examining all the evidence, was against them, and in favor of the jurisdiction of Massachusetts Bay. Also

Gov. Hutchinson's report, wherein the right of Massachusetts Bay is discussed, and a volume of the doings of the Commissioners at Paris.

When the British insisted upon limiting the United States to the Piscataqua, the Kennebec, or the Penobscot, the Ministers of the United States, or some of them, insisted upon going to the St John, but finally agreed to adhere to the charter of Massachusetts Bay. That they did do that, most manifestly appears from a comparison of the treaty with the patents, charters, proclamations, and acts of parliament herein before quoted.

That it was the intention of the Commissioners to adopt the boundaries between the provinces of Quebec and Nova Scotia, on the one part, and Massachusetts Bay on the other part, was expressly conceded and admitted on the part of the British in the discussions under the fifth article of the treaty of 1794. It even, if possible, was more than admitted; it is one, if not the chief basis of the whole argument, and was enforced with great ability.

The British Agent, in his memorial of claim says: 'By the said 2d article herein before cited, of the treaty of peace, it appears to be clearly intended, that no part of the province of Nova Scotia should be thereby ceded by his said Majesty to the said United States. But that the same province of Nova Scotia, according to its ancient and former limits, should be and remain a part of the territory of his said Majesty, as his said Majesty then

and before that time had held and possessed the same.' Again, in his argument he says: 'To facilitate the investigation of the present question, there appears to be one leading principle that appears to be explicitly established by the very terms of the treaty of peace, and which might indeed be fairly considered as an axiom in the present discussion, to wit:—*That it was clearly intended by the second article of the treaty, that no part of the province of Nova Scotia should be thereby ceded by his Majesty to the United States.* The words made use of in that article will not admit of a different construction, the United States being expressly bounded east by the eastern boundaries of the province of Nova Scotia. The description of the treaty in this part of the boundaries of the United States, is as follows: 'From the northwest angle of Nova Scotia, to wit: that angle which is formed by a line drawn due north from the source of the St Croix to the highlands which divide those rivers that empty themselves into the St Lawrence from those which fall into the Atlantic Ocean.' Now, if the northwest angle of Nova Scotia, agreeable to these clear and express words of the treaty, is formed by such a north line from the source of the St Croix to the highlands, that north line and those highlands must be the western and northern boundary of Nova Scotia.

And the British Agent in pursuing his argument further, says, that by the treaty of 1763, 'all the French possessions upon the continent of North America were

ceded to Great Britain; the province of Quebec was created and established by the royal proclamation of the 7th of October of that year, bounded on the south by the highlands which divide the rivers that empty themselves into the river St Lawrence from those which fall into the *Sea or Atlantic Ocean*, thereby altering the northern boundary of the province of Nova Scotia from the southern shores of the river St Lawrence to those highlands, there being no longer any apprehension of disturbance from the French, it now became necessary for the settlement of the country that had been in dispute between the two nations, to ascertain the boundary line between the provinces of Nova Scotia and Massachusetts Bay.'

Having quoted in the preceding pages the main documents on which our title rests, there will not in the sequel, be a necessity for anything more than general allusions. By a recurrence to the history of that time, it will be seen that the treaties were opposed in the British Parliament, but they were opposed by those who had lately been in power, and opposition to the ministry seems to have constituted the leading objection; so far as the treaty with the United States came in question, the objections raised were, on account of there being no provision in favor of the loyalists, and the right to the fisheries being secured to the United States, but there was no objection to it on account of the boundaries therein prescribed, to the Eastern part of the United States. If th

boundaries had not been such as were well known, and familiar from their own records, the variance would have produced scrutiny, and if any objection could have been raised against it on that account, it would have been brought forward to increase and enforce their other objections.

When the river St Croix had been consecrated by De Monts in 1604, and by its being the first resting place of Europeans, who became permanent settlers in the northern parts of North America; and when, from that circumstance, and from the expedition of Sir Samuel Argall, its name found its way across the Atlantic, yet from the imperfect geographical knowledge at that time, the position of it could not have been known to the Europeans, and when, in the prosecution of the settlement of the country, other places became more alluring, and the river St Croix and the country on its borders did not become the site of any settlement or military post, and the natives were there left to pursue their fisheries and the chase without molestation, and when, also, many other rivers on the coast were afterwards designated by the same name, and when all the maps prior to the American Revolution were imperfect, it is not wonderful that doubts, and serious doubts, arose as to which river was intended as the boundary between the province of Massachusetts Bay and the province of Nova Scotia. Hence, as the river St Croix was a part of the boundary between the provinces, when the settlements on the coast began to ap-

proach each other, it became necessary to ascertain the river truly intended, to prevent collision and the conflict of jurisdiction.

Before the American Revolution, and as early as the year 1764, it had become the object of the serious research and investigation of the respective provinces. From the researches of the agents of the province of Massachusetts Bay, made on the spot, from the concurrent information of all the natives, and from all the maps in their possession, they were convinced that the river Magaguadavic was the river St Croix: such was the tradition, and such was the conclusion.

It generally was considered and believed in the province of Massachusetts Bay, that it was bounded east by the river Magaguadavic and by a line drawn due north from its source to the highlands which divide the rivers that empty themselves into the St Lawrence from those which fall into the sea; or, in other words, by a line drawn due north from the source of the said Magaguadavic river to the southern line of the province of Quebec, which had, by proclamation, been created the preceding year. The province of Nova Scotia, on the other hand, believed, that the province extended westward to the river Schoodic, and was bounded west by the east line of the province of Massachusetts Bay, and north by the aforesaid south line, of the province of Quebec. Impressed with such a belief, the Governor of Nova Scotia, as the settlements extended westward, and individuals wished for grants of land

made them, and from the year 1765 to 1774, made sundry grants of land, lying between the Magaguadavic and the Schoodic rivers.

Such were the different opinions entertained at the commencement of the revolution, and such they continued to be, when the provisional treaty and the treaty of peace were concluded. When the provinces were cut asunder, and ceased to be under the control of the same general sovereignty, and after the close of the war, the loyalists settled on the eastern banks of the Schoodic, and extended their settlements between that and the Magaguadavic rivers, under the grants of the province of Nova Scotia or the crown; the attention of Massachusetts was aroused, and called distinctly to the subject, and the government, July 7, 1784, passed a 'Resolve for appointing agents to the eastern part of this State, to inform themselves of encroachments made by the British subjects, and instructing them how to proceed.' The agents were appointed, repaired to the place where the dispute existed, viewed the rivers, and made all such other inquiries as were within their power, and became convinced that the river Magaguadavic was the river St Croix, of the treaty of 1783. In answer to inquiries made by the Lieutenant Governor of Massachusetts, dated Autevil, near Paris, October 25, 1784, the late John Adams, one of the negotiators of the provisional, and the treaty of peace, says: 'We had before us, through the whole negotiation,

a variety of maps, but it was Mitchell's map upon which was marked out the whole boundary line of the United States; and the river St Croix, which was fixed on, was, upon that map, the nearest to the St John's: so that, in all equity, good conscience, and honor, the river next to the St John's, should be the boundary. I am glad the general court are taking early measures, and hope they will pursue them steadily until the point is settled, which it may be now amicably; if neglected long, it may be more difficult.' Massachusetts became confirmed in her claim, as her inquiries and researches were extended. She pressed her claim upon the consideration of Congress, and upon the consideration of the governors of Nova Scotia and New Brunswick. Representations were made by Congress to the Government of Great Britain, through the minister of the United States.

The different parties, so far from settling the difficulties, probably became more and more confirmed in their different opinions. After the organization of the government of the United States under the constitution, by a resolve passed Feb. 1, 1790, it was 'Resolved, that his Excellency the Governor be, and he hereby is, requested to write to the President of the United States, in behalf of this commonwealth, informing him that the subjects of his Britannic majesty have made, and still continue to make, encroachments on the eastern boundary of this commonwealth, in the opinion of the

Legislature contrary to the treaty of peace ; and that his Excellency be requested to forward such documents as may be necessary to substantiate the facts.' Thus Massachusetts called on the Government of the United States, to protect them in the possession of their territory.

The doubts which had arisen, extended no farther than to what river was intended by the river St Croix in the treaty of 1783, the treaty only describing it by its name, nor could they, for when that was settled, the rule was clearly and distinctly given for finding the northwest angle of Nova Scotia. That is clearly implied in the first part of the fifth article of the treaty of 1794 ; for it says, 'Whereas doubts have arisen what river was truly intended under the name of the river St Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners.' The same article made it the duty of the commissioners, 'by a declaration under their hands and seals, to decide what river was the river St Croix intended by the treaty, and further to describe the river, and to particularize the latitude and longitude of its mouth and its source.' If any other doubts could have existed, or if the residue of the line could not have been ascertained by a survey, or if it had not been considered that ascertaining the river St Croix settled the whole dispute, and if such were not the convictions of the contracting parties, it is not

unreasonable to suppose that further provisions would have been introduced into the treaty.

It was contended by the agent of the United States before the commissioners, that the river Magaguadavic was the river St Croix, truly intended by the treaty of 1783, and he founded his claims and argument on many depositions of the natives, and of the persons who first settled in that part of the country, on the examination and reports of agents, on the letters and testimony of several other persons, and on sundry maps.

It was contended by the agent for his Britannic majesty, that the river Schoodic was the river St Croix truly intended by the treaty of 1783, and he founded his argument on the grant to Sir William Alexander, Les Carbot and Champlain's histories of the voyages of De Monts, and their descriptions of the country, the commissions to Governors of Nova Scotia, from 1719 to 1771, the proclamation of 1763, and two acts of parliament of fourteenth of George III., and sundry maps and depositions. His argument, and the facts and documents upon which he founded it, clearly admits and demonstrates that the only uncertainty was, as to what river was intended by the river St Croix, and that from the source of the river which the commissioners should decide and designate according to the treaty of 1794, the eastern boundary line of the United States and the western boundary of the province of Nova Scotia must commence, and continue due north to the

highlands, to wit : the highlands between the river St Lawrence and the Restigouche or the St John, according as the source should be fixed farther east or farther west. He expressly admits that the line due north from the St Croix will, in any event, cross the river St John to the highlands, between that and the river St Lawrence, to wit : the lands which divide the streams which flow into the St Lawrence from those which fall into the Atlantic.

The discussion was closed in 1798, and the time had not then arrived, when, from '*cupidity*,' or a desire to establish a line from which they could attack the United States in the rear, while their navy should attack them on the sea board, when they were determined to acquire by effrontery or sophistry the territory which they had sought in vain as a cession.

The Commissioners, on the 25th of October, 1798, made the declaration under their hands and seals, deciding what, and describing the river also, which was truly intended by the river St Croix, in the treaty of 1783. Prior, however, to their making their final declaration, they had agreed, and were about making it the final declaration, that the river Schoodic, from its mouth at Joes Point to the lake Genesagranagum-sis, now called the Round Lake, being the lowest of the western Schoodic lakes, was the river St Croix of the treaty ; which declaration they did not make, but by the agreement or consent of the agents of the United States and Great Britain, and the advice of

the British minister. They adopted the branch called the Cheputnetecook, to its source, as a part of the river which they were to decide and designate. If the British Government gained no advantage in the decision of the Commissioners, as, from the evidence submitted, the Commissioners might well have decided that the Magaguadavic was the river St Croix intended by the treaty, they did in fact gain a most decided and important advantage in the adoption of the source of the Cheputnetecook, instead of the source of the other branch of the Schoodic river, where it issues from the lake Genesagranagum-sis, being the first lake on the western branch of the Schoodic, above its junction with the Cheputnetecook. By an inspection of the map, it will appear that the British have gained a tract of land, by a change of the declaration of the Commissioners, as to the source of the river St Croix, of more than one hundred and forty miles in length, by more than ten miles in breadth. These facts are not named, because there is any disposition, on our part, to violate the good faith pledged in the treaty, and the decision which was thus amicably made. The British, if they be, 'a great, honorable, and magnanimous nation,' ought equally to abide the decision and its consequences, in good faith, more especially as they gained so much by the result. Here every real doubt or difficulty of any importance was settled and removed ; and nothing remained but to run

and mark the line, and erect its monuments. Trifling differences in surveying the line, might occur, arising from the variation of the needle, and from the peculiar situation of the land on the line of the government of Quebec, at the northwest angle of Nova Scotia, one of which would tend to change the longitude, and the other the latitude of the angle, possibly a mile; but not in any instance to a distance of any importance to either government. Some trifling differences might also arise in surveying the line between the government of Quebec and Massachusetts, in running the line southwesterly from the northwest angle of Nova Scotia, as to the precise points which divide the waters, and the lines which should connect those points; but all such differences are within a very narrow compass. That the only subject of doubt or difficulty of any importance was what river was truly intended by the river St Croix, is not only conceded by the treaty of 1794, but is demonstrated by the documentary evidence produced by the Agent of his Britannic Majesty, to wit: the patents, charters, proclamations, and acts of Parliament, and his arguments founded upon these documents; his arguments being, in fact, founded upon this plain and simple proposition, that the lines described by the treaty of 1783, were, and were intended to be, the lines which had before been established, between the province of Massachusetts Bay, on the one hand, and the provinces of Quebec and Nova Scotia on the other.

When the subject is again recurred to by the respective governments, it is not treated as a subject involving any thing more than possible difficulties of trifling importance. Hence, in a convention between his Britannic Majesty and the United States, which was dated the 12th day of May, 1803, but which was not ratified by the United States, instead of reciting, that whereas doubts have arisen, &c. as in the treaty of 1794, says: 'Whereas it has become expedient that the northwest angle of Nova Scotia, mentioned and described in the treaty of peace between his Majesty and the United States, should be ascertained and determined, and that the line between the source of the river St Croix, and the said northwest angle of Nova Scotia, should be run and marked, according to the provisions of the said treaty of peace.' And again, when the subject is recurred to, in a paper delivered to Lord Harrowby, September 5th, 1804, the following language is used, 'By the treaty of 1783, between the United States and Great Britain, the boundary between those States and Nova Scotia and Canada, is fixed by a line which is to run along the highlands bounding the southern waters of the St Lawrence.' The same subject is once more recurred to by our Ministers at the Court of St James, in April, 1807, and the same language is used in a proposed article on the same subject, as was used in the unratified convention of 1803, before recited.

The subject is not again re-

curred to between the respective governments until 1814, in the correspondence which preceded, and in the fifth article of the Treaty of Ghent. In order to arrive at a full and perfect knowledge of the facts, to the end that the just and true interpretation of the fifth article of the Treaty of Ghent may more fully appear, a particular examination of the correspondence which preceded it, between the ministers of the respective governments of the United States and Great Britain, connected with the great chain of evidence of title, and implied, and direct, and positive concessions of the British, is deemed important. The correspondence touching the subject in discussion, is as follows :

In the protocol made by the American Commissioners of the two first conferences held with the British Commissioners, the third point presented by the Commissioners on the part of the British as subjects of discussion is, 'the revision of the boundary line between the *territories* of the United States and those of Great Britain adjoining them in North America.*

In the protocol of conference of August 8, 1814, among the subjects stated for discussion by the British Commissioners, the third is, 'A revision of the boundary line between the British and American territories, with a view to prevent future uncertainty and dispute.†

In a letter, dated Ghent, August 12, 1814, from the American Commissioners to the Secretary

of State,* the British Commissioners stated three subjects, as those upon which it appeared to them that the discussions would be likely to turn, and on which they were instructed. The third subject stated is, 'A revision of the boundary line between the United States and the adjacent British colonies.' With respect to this point, they expressly disclaimed any intention on the part of their government to acquire an increase of territory, and represented the proposed revision as intended merely for the purpose of preventing uncertainty and dispute. In a letter dated Ghent, August 19, 1814, from the American Commissioners to the Secretary of State, the third subject stated by the British Commissioners is, 'A direct communication from Halifax and the province of New Brunswick to Quebec to be secured to Great Britain. In answer to our question, in what manner this was to be effected? we were told, that it must be done by a *cession* to Great Britain of that portion of the District of Maine, (in the State of Massachusetts,) which intervenes between New Brunswick and Quebec, and prevents their direct communication.†

In a note of the British Commissioners, dated Ghent, August 19, 1814, they say; 'As they are desirous of stating every point in connexion with the subject, which may reasonably influence the decision of the American Plenipotentiaries in the exercise of their discretion, they avail

* State Papers, vol. 9, p. 327.

† Ibid. 330.

* State Papers, vol. 9, p. 320.

† Ibid. 332.

themselves of this opportunity to repeat, what they have already stated, that Great Britain *desires the revision of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory, as such, but for the purpose of securing her possessions, and preventing future disputes.*’*

Then follows a proposition that the military possession of the lakes shall be left in the hands of the British; then the note proceeds, ‘if this can be adjusted, there will then remain for discussion the arrangement of the northwestern boundary, between lake Superior and the Mississippi, the free navigation of that river, and such a *VARIATION of the line of frontier as may secure a direct communication between Quebec and Halifax.*

In a letter dated Ghent, August 24, 1814, from the American to the British Commissioners, they say—‘The undersigned further perceive, that under the alleged purpose of opening a direct communication between two of the British provinces in America, the British government require *a cession of territory forming a part of one of the States of the American Union,* and that they propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States, whether the object of the British Government in demanding the dismemberment

of the United States, is to acquire territory as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself or for the Indians, a cession of territory more extensive than the whole island of Great Britain, the duty marked out for the undersigned is the same. They have no authority to cede any part of the territory of the United States; and to no stipulation to that effect will they subscribe.’*

In a letter dated Ghent, September 4, 1814, from the British to the American Commissioners, they say: ‘With respect to the boundary of the District of Maine, and that of the northwestern frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American Plenipotentiaries, that they were instructed to treat for the revision of their boundary lines, with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant, of the territories of the United States, although the proposal left it open for them to demand an equivalent for such cession, in territory or otherwise.

‘The American Plenipotentiaries must be aware that the boundary of the District of Maine has never been correctly ascertained; that the one asserted at

present by the American Government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British Plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied. The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question. As the necessity for fixing some boundary for the northwestern frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert there is no limit to the territories in that direction, and that availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then, unquestionably any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States.*

In a letter dated Ghent, September 9, 1814, from the American to the British Commissioners, the American Commissioners say — 'With regard to the cession of a part of the District of Maine, as to which the British Plenipotentiaries are unable to reconcile the objections made by the undersigned, with their previous de-

clarations, they have the honor to observe, that at the conference of the 8th ult. the British Plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute; and that it was on the point thus stated, that the undersigned declared that they were provided with instructions from their government; a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the District of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British Plenipotentiaries who signed that treaty had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertained, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it, and they can have no authority to cede any part of the State of Massachusetts, even for what the British Government might consider a fair equivalent.*

* State Papers, vol. 9. p. 381.

* State Papers, vol. 9, p. 398.

In a letter dated Ghent, September 19, 1814, from the British to the American Commissioners, they say: 'With respect to the boundary of the District of Maine, the undersigned observe, with regret, that although the American Plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute, yet, by assuming an exclusive right at once to decide what is or is not a subject of uncertainty and dispute, they have rendered their powers nugatory or inadmissibly partial in their operation.'*

In a letter dated Ghent, September 26, 1814, from the American to the British Commissioners, they say: 'The undersigned are far from assuming the exclusive right to decide, what is or what is not a subject of uncertainty or dispute with regard to the boundary of the District of Maine. But until the British Plenipotentiaries shall have shown in what respect the part of that boundary which would be affected by their proposal, is such a subject, the undersigned may be permitted to assert that it is not.'

The treaty of 1783 described the boundary as 'a line to be drawn along the middle of the river St Croix, from its mouth, in the Bay of Fundy, to its source, and from its source, directly north, to the highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St Lawrence, and thence

along the said highlands to the northwesternmost head of Connecticut river.' 'Doubts having arisen as to the St Croix designated in the treaty of 1783, a provision was made in that of 1794 for ascertaining it; and it may be fairly inferred, from the limitation of the article to that sole object, that, even in the judgment of Great Britain, no other subject of controversy existed in relation to the extension of the boundary line from the source of that river. The river and its source having been accordingly ascertained, the undersigned are prepared to propose the appointment of commissioners by the two governments, to extend the line to the highlands, conformably to the treaty of 1783. The proposal, however, of the British Plenipotentiaries was not to ascertain, but to vary those lines in such a manner as to secure a direct communication between Quebec and Halifax, an alteration which could not be effected without a cession by the United States to Great Britain of all that portion of the State of Massachusetts intervening between the province of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain a cession with or without an equivalent, in frontier or otherwise, the undersigned, in stating that they were not instructed or authorized to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute which the British Plenipotentiaries may

* State Papers, vol. 9, p. 400.

point out to exist, respecting the boundaries in that or any other quarter, and are therefore not liable to the imputation of having rendered their powers on the subject nugatory or inadmissibly partial in their operation.*

In a letter dated Ghent, October 8, 1814, from the British to the American Commissioners, they say: 'The British government never required that all that portion of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, (there being much doubt whether it does not already belong to Great Britain.)† In the letter dated Ghent, October 21, 1814, from the British to the American Commissioners, they say: 'On the question of boundary between the dominions of his majesty and those of the United States, the undersigned are led to expect, from the discussion which this subject has already undergone, that the northwestern boundary, from the Lake of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted without objection.

'In regard to other boundaries, the American Plenipotentiaries, in their note of August 24, appeared, in some measure, to object to the proposition then made by the undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing to treat on

that basis, subject to such modifications as mutual convenience may be found to require; and they trust that the American Plenipotentiaries will show, by their ready acceptance of this basis, that they duly appreciate the moderation of his majesty's government, in so far consulting the honor and fair pretensions of the United States, as, in the relative situation of the two countries, to authorize such a proposition.*

In a letter dated Ghent, October 24, 1814, from the American to the British Commissioners, they say: 'Amongst the general observations which the undersigned, in their note of August 24th, made on the propositions then brought forward on the part of the British government, they remarked, that those propositions were neither founded on the basis of *uti possidetis*, nor that of *status ante bellum*. But so far were they from suggesting the *uti possidetis* as the basis on which they were disposed to treat, that in the same note they expressly stated, that they had been instructed to conclude a peace on the principle of both parties restoring whatever territory they might have taken. The undersigned also declared in that note, that they had no authority to cede any part of the territory of the United States, and that to no stipulation to that effect would they subscribe: and in the note of the 9th of September, after having shown that the basis of *uti possidetis*, such as it was known to exist at the commencement of the negotiation, gave no

* State Papers, vol. 9, p. 405.

† Ibid. p. 415.

* State Papers, vol. 9. p. 427.

claim to his Britannic Majesty's cessions of territory, founded upon the right of conquest, they added, that even if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views with regard to the terms of peace to which they would give their consent.

'The undersigned can only now repeat those declarations, and decline treating upon the basis of *uti possidetis*, or upon any other principle involving a cession of any part of the territory of the United States, as they have uniformly stated, they can only treat upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede; and the undersigned, after the repeated declarations of the British Plenipotentiaries, that Great Britain had no view to the acquisition of territory in this negotiation, deem it necessary to add, that the utility of its continuance depends on their adherence to this principle.*

In a letter dated Ghent, October 25, 1814, from the American Commissioners to the Secretary of State, they, after stating that an article had been reduced to writing, securing merely an Indian pacification, had been agreed to be accepted, subject to the ratification or rejection of the government of the United States, say: 'But you will perceive that our request for the exchange of a project of a treaty has been elu-

ded, and that in their last note, the British Plenipotentiaries have advanced a demand, not only new and inadmissible, but totally incompatible with their uniform previous declarations, that Great Britain had no view in this negotiation to any acquisition of territory. It will be perceived, that this new pretension was brought forward immediately after the accounts had been received, that a British force had taken possession of all that part of the State of Massachusetts situated east of Penobscot river.*

It having been shown, in the first part of this report, what the lines between Massachusetts and Nova Scotia, and Massachusetts and the province of Quebec, as formed and established by the government, were, prior to the provisional treaty, and the definitive treaty of peace of 1783, and the investigation which took place, and the care and diligence with which the subject was examined, by the commissioners of both governments and the cabinet of Great Britain, and that it was the intention of both governments, to adopt the lines abovementioned, as a part of the boundary of the United States; and that the treaty itself, in describing the boundary, contains almost the precise language which the British had often used in relation to the same lines; it having also been shown that the only difficulty in relation to the line arose from the uncertainty as to what river was truly intended by the river St Croix, and which uncertainty arose from facts and

* State Papers, vol. 9, p. 428.

* Ibid. p. 375.

circumstances which long existed before, and at the time of concluding the treaties, and which were not removed by the treaty, in consequence of the river St Croix not being designated with any more particularity than it was before, in the patents, charters, acts of Parliament, and documents, in which it had been mentioned; and also, that in the discussions on the subject between the governments of the United States and Great Britain, it had been admitted, more especially by the agent for the latter, that let the Commissioners designate what river they would as the river St Croix, truly intended by the treaty of peace, from the source of that river, the line run due north to the highlands, the southern line of the government of Quebec, and the northern line of Massachusetts and the province of Nova Scotia; and, in any event, even if they adopted the most western point, which he described as the head of the river St Croix, the line running north must cross the river St John to the highlands dividing the waters which fall into that river, from those which fall into the river St Lawrence.

It also having been further shown, that since 1798, when the river St Croix was designated by the Commissioners under the treaty of 1794, from all the correspondence and treaties, which had been formed or proposed to be formed by the Commissioners of the two governments, the right of the United States had not been considered any way doubtful, and the whole object of the arrangements thus attempted to be made

had been limited to surveying and marking the line.

With a recurrence to these facts and circumstances, a more particular attention to the correspondence which preceded the treaty of Ghent, which is herein before quoted, to the end that the true intent and meaning of the contracting parties in the fifth article of that treaty may be more clearly ascertained and better understood, is not deemed unimportant.

The British Commissioners ask a revision of the boundary line between the United States and the adjacent British colonies, disclaiming expressly, at the same time, any disposition to acquire an increase of territory, and limiting their proposition to the simple fact of so ascertaining the line as to prevent uncertainty and dispute. Such was their first proposition; but as the conferences progressed, they in some measure varied their proposition; and instead of asking simply a revision of the line, to prevent uncertainty and dispute, they ask a direct communication from Halifax and the province of New Brunswick to Quebec; and when they are requested to explain, explicitly declare that it must be done by a cession of that portion of the District of Maine which intervenes between New Brunswick and Quebec and prevents a direct communication.

Here they clearly and distinctly ask the territory as a cession, thereby conceding the title is not in them, which the subordinate agents, since appointed, have had the ingenuity to claim as a right. The American Commissioners

most clearly and explicitly deny any authority on their part, to cede any portion of the territory asked of them, whether to secure the right of passage between their different provinces or otherwise, and the denial is repeated as often as the subject recurs in the conferences or correspondence.

The British Commissioners, in giving a construction to their own proposition for securing a direct communication between New Brunswick and Quebec, say: 'Their proposal left it open to the American Commissioners, to demand an equivalent for such cession in territory or otherwise.' Here our right is again conceded, in language which admits no doubt, for the supposition that the British would consent to purchase of us that territory to which they had title, is absurd and preposterous. The British are too vigilant, in their negotiations, to overlook their own claims, whether well or ill founded. They are not generous beyond what their interest dictates, nor are they liable to the imputation of undue or disinterested generosity in their negotiations.

The American Ministers most explicitly stated, that they were not instructed to agree to any revision of the line, where no uncertainty or dispute existed, and that they could perceive no uncertainty or matter of doubt in the treaty of 1783, with regard to that part of the boundary of the District of Maine, which would be affected by the proposal of Great Britain on the subject—That they never understood that the British Plenipotentiaries who signed that treat-

ty, had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitively ascertained, than to be surveyed in conformity with its provisions.' The subject not having been a matter of uncertainty or dispute, they were not instructed upon it, and had no authority to cede any part of the State of Massachusetts, even for what the British might consider a fair equivalent.

To which the British Ministers replied, that although the American Commissioners acknowledged themselves to be instructed to discuss the revision of the boundary line, yet by assuming to decide for themselves what was or what was not a subject of uncertainty or dispute, they had rendered their powers nugatory or inadmissibly partial.

The American Commissioners having stated their construction of the treaty of 1783, as it applied to the line between Maine and the provinces of Nova Scotia and Canada, say that they have not pretended to assume any thing, but shall persevere in their opinions until the British Commissioners should point out, in what respect the part of the boundary which would be affected by their proposal, is such a subject of uncertainty or dispute. That all the doubts which could have ever existed in relation to the line, were settled under the treaty of 1794, and were prepared to propose the appointment of Commissioners to extend the lines to the highlands in conformity to the treaty of 1783. That the proposition of the British was to vary those lines,

by obtaining a cession of the territory between New Brunswick and Quebec, although that territory was unquestionably included within the boundary lines fixed by the treaty.

Although the subject is again thus clearly pressed upon the consideration of the British Commissioners, and they are called upon to point out any uncertainty or dispute, or cause of uncertainty or dispute, in relation to the boundary, with a perfect understanding that their acquiescence would be taken as the admission of the fact, to wit, that there was no uncertainty or dispute as to the boundary line; they pointed out no uncertainty, but contented themselves by saying the 'British Government never required that all that portion of Massachusetts which intervenes between the province of New Brunswick and Quebec should be ceded to Great Britain; but only that small portion of territory which interrupts the communication between Halifax and Quebec, (there being much doubt whether it does not already belong to Great Britain.)' Here no uncertainty or dispute is pointed out; they do not once say the line stops at Mars Hill, or any other point, but admit that it does not, by invariably asking the territory, or a communication between New Brunswick and Quebec, or Halifax and Quebec, as a cession. Instead of meeting the proposition of the American Commissioners, in the frankness and candor with which it was made, they do no more than superadd a doubt, which the whole correspondence shows they did not be-

lieve, perhaps with a glimmering hope that the British government might find some daring agent who would have the hardihood to claim, and by an ingenious sophistry endeavor to maintain, as a right, that which, from their convictions of right and justice, they requested only as a session; some one who would not be restrained, by that high minded and honorable course, which ought ever to be preserved, to maintain the relations of peace and harmony between nations, but would sacrifice every consideration of that kind to acquire a temporary advantage, regardless of its future results.

After the British had taken military possession of Castine, and claimed from that circumstance the military possession of the territory of the State of Maine, east of Penobscot river, and having altogether failed, even in the prospect of obtaining any part of the State of Maine by cession, they change their proposition, and, to effect the same object, proposed the principle of *uti possidetis*, as the basis, subject to such modifications as mutual convenience may be found to require. To this proposition, the American Commissioners promptly and unequivocally, as they had done on all other occasions, refused treating 'on the principle of *uti possidetis*, or upon any other principle involving a cession of any part of the territory of the United States.'

Can it for a moment be supposed, that when the British Commissioners so often requested the territory as a cession, and expressed a disposition to give an equivalent, if it would be receiv-

ed, and when they were as often and peremptorily denied, on the ground of total want of authority to cede, that it was the intention of the Commissioners to do any thing more than to provide for the survey and marking of the lines, and to guard against any possible difficulties of a minor character, such as the variation of the needle, or the precise spot where the corner, to wit, the northwest angle of Nova Scotia, should be fixed, on the range of highlands, limiting the sources of those rivers which empty themselves into the river St Lawrence, or some other possible difficulties of a similar character, none of which would vary the lines materially, or in any important degree, to either government? When the whole is fairly and candidly examined, such must be the conclusion. No other conclusion can be made, unless it be on the ground that the American Commissioners undertook to exercise a power, which they so often and explicitly declared to the British they did not possess, and if they did exercise a power which they did not possess, their acts were not obligatory upon the government.

A careful examination of the fifth article of the treaty of Ghent, does not involve a conclusion, that the Commissioners departed from the powers given them, and their repeated and reiterated declarations. The part of the article relating to the point under discussion, is as follows: 'Whereas neither that point of the highlands, lying due north from the source of the river St

Croix, and designated in a former treaty of peace between the two powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained, and whereas that part of the boundary line between the dominions of the two powers, which extends from the source of the river St Croix, directly north, to the abovementioned northwest angle of Nova Scotia; thence along the said highlands which divide those rivers that empty themselves into the river St Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the fortyfifth degree of north latitude; thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraugy, has not yet been surveyed; it is agreed that, from these several purposes, two Commissioners shall be appointed, sworn and authorized to act exactly in the manner directed, with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace, of one thousand seven hundred and eightythree, and shall cause the boundary aforesaid to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of said boundary, and annex it to a declaration under their hands and seals, certifying it to be a true

map of said boundary, and particularizing the latitude of the northwest angle of Nova Scotia, and of the northwesternmost head of Connecticut river, and of such other points of said boundary as they may deem proper.'

Here the question may be repeated, has Nova Scotia two northwest angles? or an ideal one, placed where the '*cupidity*' or the interested views of either party may dictate? or is the northwest angle of Nova Scotia, the northwest angle of Nova Scotia as established by the Crown and Government of Great Britain, adopted by the treaty of 1783, and recognised in the discussions by the agents under the fifth article of the treaty of 1794, and also recognised by all subsequent discussions between the United States and Great Britain? It cannot be reasonably supposed, that the Commissioners had any other angle in view, especially as the article seems to recognise and place the location of the angle on the construction of the treaty of 1783, explained as it was by the treaty of 1794, and the discussions under that treaty. It cannot be supposed that the British Commissioners expected to gain, that which they had requested as a cession, or the American Commissioners expected to lose anything which they had denied, from the language used and references made in the article above quoted; but it is to be supposed, that both parties, in agreeing to the article, limited to the description in the treaty of 1783, as the same had been defined, and the rights of the parties under it had

been explained by direct and implied acknowledgements of its true construction, from the time of its adoption, intended simply to provide for the survey and marking of the line. No other conclusion can follow, unless it be supposed, that the highminded and honorable men, who negotiated the treaty, did on the one part resort to the most despicable chicanery, and the other to a gross and palpable violation of the power and authority to them delegated; neither of which can be true. It follows, then, that to fulfil this article, nothing more was required, than to survey and mark the lines, and that the difficulties which could arise, if any, were of minor consequence, not involving in any event but a trifling extent of territory, and of little importance to either government, and by no means involving the title to the intervening territory between New Brunswick and Quebec, which had often been sought as a cession, to secure a direct communication, and as often denied.

If the Agents and Commissioners of the two governments have departed from this plain and natural interpretation of the treaty, they must have erred from causes which are creditable to neither. If a line were to be established, contrary to this obvious construction, it is to be foreseen that the party thus deprived of its rights, would imbibe a spirit not to be subdued, and which would seek its redress whenever it could, at any sacrifice. If the British colonists were to be governed by their true interests, they would

not endeavor to acquire anything by construction, against the true and common sense interpretation of all the treaties, because in that they would discover the germs of eternal hostility.

If, in the prosecution of the duties under this article, the agent of the United States has misconstrued and extended its application beyond its plain and obvious construction, or had not a clear and distinct view of the meaning of the terms '*highlands which divide the waters,*' in the treaty of 1783, or was bewildered by mountains, or mountain ranges, when even mole hills answer the description precisely, if they do '*divide the waters which flow into the river St Lawrence from those which fall into the Atlantic,*' and if the British agent, in the prosecution of his duties, under the same article, has pretended that the northwest angle of Nova Scotia is at Mars Hill, and that the line of the United States runs southwestwardly from that point, when the territory extending north, northwest, west, and southwestwardly, is claimed as a part of the ancient province of Nova Scotia, thereby destroying the northwest angle of Nova Scotia, which had been established by a series of acts of the British government, and acknowledged by them to this time, and substituting therefor a southwest angle, and, if from the course, so absurd and preposterous in itself, ingenuity should obtain a temporary triumph over right, a question will arise, growing out of the nature of, and the organization of

the State and National governments—Has the United States any constitutional authority to cede any part of an independent sovereignty composing one of its members?

The Commissioners of the United States who negotiated the treaty of Ghent, uniformly denied the right of cession, but whether they founded their denial on the want of authority in the instructions given them, or upon the Constitution of the United States, is not perfectly clear. If upon the first, they adopted a right course; if upon the last, their course was also right; and there must be perfect harmony of opinion, because either principle preserves the rights of the individual States. On this subject it may be important to consider the object and nature of the association of the States, which led to the adoption of the Constitution.

The general government, which had originated in the oppression of Great Britain, and been sustained by the pressure of an external enemy, and had carried the country through the revolution, when peace was restored, was found to be too feeble for any valuable purpose to the States. Its inherent defects had, by a few years' experience, been shown, and the States for want of general union were in danger of degenerating and falling into anarchy, and of becoming a prey to each other, or any foreign nation. The independent sovereignties saw the necessity of associating anew; which they did, and in that association mutually delegated limit-

ed parts of their sovereign power for the greater security of those retained.

As in the first confederation mutual defence and protection was a primary object, so it was in the last confederation; a mutual protection, not limited to the personal rights of individuals, but extended to the full and free exercise of the whole sovereign power, not delegated, to the extent of the territorial jurisdiction of the State. With this view of the object of the confederation, composed as it was of independent sovereignties, it cannot be supposed that they ever intended to give to the general government any power by which they might be destroyed and consolidated, or by which even their rights of sovereignty and jurisdiction might be abridged. It has never been pretended that Congress has the power of taking from one State and giving to another, or to incorporate new States within the limits of old ones; nor has it ever claimed to exercise such a power. The most it has ever done, or has a constitutional right to do, has been, to give its consent to the compact made between the parties immediately interested, and to admit the new State into the Union.

If Congress do possess the power of ceding any portion of an independent State, they possess a power to break down the State sovereignties by which they were created, and at their pleasure to produce a consolidation of those sovereignties; a power which was never delegated or intended. If, therefore, the Con-

gress of the United States attempt to exercise such a power, the State thus deprived of, or limited in its rights of sovereignty, must submit, or enforce its rights.

The rights of protection in the exercise of the sovereign power of the State are equal, whether it is an exterior or an interior State, and Congress can have no more constitutional right to take from Maine and cede to New Brunswick, than they have to take from Virginia a part of her territory, and cede it to North Carolina. Congress has not claimed to exercise such a power, for the construction of the treaty of Ghent herein before given, does not involve such a power, unless from a misconstruction of its provisions, limiting as it does, the whole power of the commission to the surveying and marking of the lines, and erecting its monuments, according to the treaty of 1783.

But, it will at once be seen, if the government of the United States yield to the misconstructions of the agents, so far as to be endangered by the result, that by the misconstructions of the one and the ingenuity of the other, arising from a strong desire to acquire for his country the territory which had been so often but unsuccessfully sought as a cession, and by its final result the lines of the State of Maine are materially changed, she will be as much dispossessed of her territory and sovereignty, as she would have been by a direct exercise of the power of cession. The one mode, equally with the other, involves an assumption of power which

was never delegated. If such an unfortunate occurrence ever arises, from any cause, the duty which the State owes herself and her sister republics is plain.

While it is the duty, as well as the interest of individuals as well as States, to yield a peaceable and quite obedience to every exercise of constitutional power on the part of the government of the United States, it is equally their duty and their interest, to resist all encroachments on the rights which they have reserved. If a part of the State of Maine should be surrendered by the government of the United States, either by a direct or indirect exercise of the power of cession, it will then be a duty which she owes herself, to consider, whether she has, by such an invasion of her rights, lost her right of sovereignty and jurisdiction. Such an exercise of power can have no obligatory force; and unless Maine quietly and peaceably submits, it will be the duty of the States, a duty imposed by the Federal Government, to afford her aid and protection, and to aid her in regaining her rights.

From the provisional treaty of peace in 1782 to the treaty of Ghent, for a period of more than thirtytwo years, the British always conceded our title and our rights, whenever the subject was presented in the discussions between them and the United States. Even in the argument of the British Agent, under the fourth article of the treaty of Ghent, delivered before the Commissioners in September, 1817, after the Board, under the fifth article of the same treaty, and the agents had

made their agreement for a survey, he unequivocally admits and shows our title. He says: 'That the northwest angle of Nova Scotia, mentioned in the treaty as the commencing point in the boundary of the United States, is the northwest angle of the said Province of Nova Scotia, designated in the grant to Sir William Alexander in 1621, subject only to such alterations as was occasioned by the rejection of the Province of Quebec, 1763.'

Since the treaty of Ghent, and the entire failure on the part of the British to obtain the territory by cession or purchase, and since September, 1817, they have pretended to claim it as a right, and do, in fact, pretend to claim a much greater extent than they had ever sought by way of cession, by extending the claim much further, south and west, than is necessary to secure a communication between Halifax and Quebec.

The idea of claim, as they at present make it, probably originated with some of their subjects in the provinces, who, having a great desire to hold the country, endeavored to stimulate the government of Great Britain, that she might, by some means, be induced to obtain it. In order to show the origin as well as the substance of their claim, as they now make it, the following extract is made from a work published a little before the organization of the commission under the fifth article of the treaty of Ghent, entitled 'A topographical description of the province of Lower Canada, with remarks upon Upper Canada, and on the relation

connexion of both provinces, with the United States of America: by Joseph Bouchette, Surveyor General of Lower Canada, Col. C. M.' This work was dedicated to the present king, George IV., then Prince Regent, and was accompanied with splendid maps. Col. Bouchette was attached to the commission under the fifth article of the treaty of Ghent, at the commencement, as Principal Surveyor on the part of the British.

He says: 'The height of land on which the boundary is supposed to pass, runs to the northeast, and divides the waters that fall into the St Lawrence from those flowing into the Atlantic, and which height, after running some distance upon that course, sends off a branch to the eastward, that separates the head of the Thames, falling into lake Temiscouata and river St John, and by that channel into the bay of Fundy, from those that descend in a more direct course to the Atlantic.

'The main ridge continuing its northeasterly direction, is intersected by an imaginary line, prolonged in a course astronomically due north from the head of the river St Croix, and which ridge is supposed to be the boundary between Lower Canada and the United States; at least such appears to be the way in which the treaty of 1783 is construed by the American Government, but which ought to be more fairly understood, as follows, to wit: That the astronomical line, running north from the St Croix, should extend only to the first

easterly ridge, and thence run westerly along the crest of the said ridge to the Connecticut, thereby equitably dividing the waters flowing into the St Lawrence from those that empty into the Atlantic, within the limits of the United States, and those that have their streams within the British province of New Brunswick. It is important, and must always have been in contemplation, that an uninterrupted communication and connexion should exist between all his Majesty's North American possessions; but by the manner in which the treaty is insisted upon by the opposite party, a space of more than eighty-five miles would be placed within the American limits, by which the British provinces would be completely secured; it would also prove the inconvenience of having the mail, from England to Quebec, carried over that distance of American territory, and which may be deemed either a matter of indulgence, or complained of as an encroachment, according to the transfer of the times. Within this tract is also the Madawaska settlement, consisting of nearly two hundred families, all holding their grants from the British Government. England, at all times highminded and generous, never shrinks from the fulfilment of her engagements, even though from the want of political acuteness in the persons employed, they may have been formed in a manner prejudicial to her interests. But at the same time she has a right to require that the interpretation of them should not be overstrained or twisted from the ob-

vious meaning and intent, by a grasping cupidity after a few miles of country which could be of little advantage to the opposite party.'

The above extract has been made, because it shows the whole of the British claim as they have since made it, as well as the substance of all the arguments they have urged in its support; all which has since been done by them, whether in making surveys, collecting documents, or making arguments, for a period of more than five years, has not placed their pretensions in a stronger light. If subsequent occurrences have given their claim any additional plausibility, it can only be attributed to the agents having transgressed the authority given them by the treaty, and discussed a claim which was not submitted. Here it is wholly unnecessary to repeat the facts and documents herein before quoted or referred to—a mere recurrence to them, and placing them in opposition to the British argument, shows, to use no harsher term, its total absurdity.

The argument seems to be addressed to the pride of the British, and the vanity of the Americans. As it relates to the British, the argument has had its effect; but as it relates to the Americans, it has been a little too gross to deceive. If the discovery had been made more seasonably, it might have acquired a temporary appearance of plausibility; but when the subject had come before Parliament, and had also been under discussion by the commissioners and agents of the

two governments; and last of all, when the British commissioners had perseveringly sought the territory, in every form as a cession, from seventeen hundred and eightytwo to eighteen hundred and fourteen, a period of thirtytwo years, the argument is not calculated to deceive, and ill accords with the character always 'high-minded and generous, and which never shrinks from the fulfilment of its engagements.'

The territory, from all our researches, never has been claimed as a right by the British government, or any of its commissioners or agents, until 1817, after the commissioner under the fifth article of the treaty of Ghent was organized; but, on the contrary, as has been before shown, the right has always been conceded to be in the United States. Now their claim, stripped of its verbiage, and translated into plain language, rests on this plain and simple proposition—the country lies between two of our provinces; it will be useful to us, not only by facilitating communication, but it is important also in a military point of view—we could not obtain it by cession, though we were willing to give an equivalent; but we want it, and we will have it.

The State of Massachusetts, considering her right of sovereignty and jurisdiction co-extensive with her title, did not anticipate any disturbance or intrusion, and did not consider herself under any necessity of cultivating her whole territory, or of keeping up a military force for its protection; relying upon the good faith which had appeared to manifest itself on

the part of the British in the negotiations and discussions between them and the United States, and presuming, also, that the British, whenever they were found to have crossed her lines, would disavow the act and restore the country—she had, from time to time, made grants of her unappropriated lands, as the same were sought for public and private purposes. She early granted Mars Hill to some of the soldiers of the revolution.

In September, 1806, Massachusetts conveyed two half townships, one to Deerfield, and the other to Westfield Academies, lying west of the township of Mars Hill, pursuant to a survey and plan made in conformity with the provisions of a resolve which had passed some time before. In December, 1807, she conveyed one township lying on both sides of the Aroostook, and near the meridian line from the source of the St Croix, according to a selection, survey, and plan, made under a resolve passed in March, 1806. In January, 1808, she conveyed ten thousand acres lying west of the aforesaid township, and on both sides of the Aroostook, pursuant to a survey and plan made under a resolve of March, 1806. Had the residue of territory been applied for, she would have continued granting it, in large or small tracts, until she had granted the whole, provided the object of the grants had met her approbation. Hence she not only exercised sovereign power co-extensive with her title, but also individual acts of sovereignty, and to what extent she pleased.

The restrictive system adopted by the government of the United States, commencing about this period, checked the general business of the country, and at the same time allayed the spirit of improvement and settlement, and entirely put a stop to speculations in wild lands, and there being no more applications for grants of wild lands, she had no occasion to make them. The war succeeded, which still further checked the progress of improvement and settlement, and several years were required to recover from the diversions occasioned by it; hence, from a coincidence of circumstances, no grants were made.

Entertaining no suspicion that any claim would be made by the British, or discussed by the agents, inconsistent with everything which had transpired, and especially in all the correspondence which had preceded, and in the treaty of Ghent itself, she could have had no reason to presume that claims would be made and urged which could infringe her rights of sovereignty and jurisdiction. Hence she reposed in perfect confidence, that the lines would be run and marked, and monuments erected according to her title, as it had always been understood by her, and conceded by the British, and therefore made no inquiries to ascertain the claims urged, or the progress of the commission. In 1819 she passed the act of separation between her and the district of Maine, which was approved by Congress the next session, and Maine was admitted into the Union as an independent State. By the act of separation, Massa-

achusetts retained the fee simple of a moiety of the wild lands, but the residue, and the entire sovereignty and jurisdiction, was vested in Maine. Maine having thus become an independent State, and more than three years having elapsed after the organization of the commission under the fifth article of the treaty of Ghent, a time more than sufficient to have performed all which was submitted, and there being reports that the British agent was vigilant, and the American remiss, and that surveys were going on in quarters wholly unanticipated, she of course became anxious, and had reason to fear the subject was taking a direction never in the contemplation of the Commissioners who negotiated, or involved in the treaty itself. The Governor of the State noticed the subject in the first message which was delivered June 2d, 1820, to both branches of the Legislature. He says: 'What progress has been made under the fifth article of the British treaty in settling the eastern boundary of the State against the province of New Brunswick, and the northern boundary against that of Lower Canada, I am unable to inform you. As this State and Massachusetts have so deep an interest in the settlement of these boundaries, there would seem to have been a propriety in the agent appointed on the part of the United States, being taken from one of these two States. But under existing circumstances you will consider whether the interest of the State does not require from you the adoption of such arrangements as are best

calculated to afford the present agent such information in relation to this important subject, as the people in this State have it in their power to give.'

The message was answered on the 12th of June, 1820, wherein it was among other things resolved, 'That the Governor of this State be requested to transmit to the President of the United States, a copy of the resolve, accompanied with such representations in relation to this subject, as he shall think proper, and best calculated to effect the object.' The request was complied with by the Governor, who, in July, 1820, transmitted a copy of the resolve to the President, and among other things observed to him: 'When it is considered that Massachusetts and Maine have the right of soil, that Maine has also a State jurisdiction, that the people here have not the honor of an acquaintance either with the commissioner or agent, and have not been advised of any reason for the delay to the present time, it will not be considered a matter of surprise that their extreme solicitude should be such as to render desirable, information on the subject so generally interesting.'

'It is not unknown to the people of this State that the British agent has been very attentive to the business in which he has been engaged, and that he has caused the country near the lines to be examined and explored in the most particular manner; while it is not understood that comparatively any thing has been done on the part of the American agent. With impressions such as these,

the boundary being an extensive one, it would be highly satisfactory to the people of this State, should it comport with the views of the Executive of the United States, to designate a person to assist the present agent in his important duties, that the boundary may not only be more expeditiously, but more satisfactorily adjusted.'

The substance of the reply which was made, appeared in the next message of the Governor.

This year, in the exercise of their general powers of sovereignty and jurisdiction, the Marshal of Maine, under a law of the United States, took the census of the inhabitants settled on the St John river, and its tributary streams west of the meridian line from the monument at the source of the St Croix, and the south line of the province of Quebec, or Lower Canada.

In the autumn of the year 1820, an agent was sent by the Governor and Council to explore the public lands upon the St John, and its branches west of the meridian line from the monument; which service he performed.

The Governor again, in his message, which was delivered January 11, 1821, to both branches of the Legislature, called their attention to the subject of the preservation of the timber on the public lands; and after enumerating several places as the scenes of depredations, says—'It appears that trespasses within our acknowledged territory, particularly on the rivers Aroostook, De Chute, Presquille, and Meduxnekeag, committed by persons residing in the British provinces, are very great. Ac-

ordingly, arrangements have lately been adopted with a view to prevent such predatory incursions in future.'

He also states that he forwarded the resolve of the prior session of the Legislature to the President and Secretary, transmitted a copy of the same to the American Commissioners, who, in reply, 'gave a reasonable ground of expectation that the final decision of the points in controversy respecting those lines would have been made in October last'—and from information, obtained from other sources, adds—'All reasonable hope of a speedy adjustment seems therefore to have vanished.'

The Governor after having received information that British subjects were trespassing on the timber lands of Maine and Massachusetts, on the Aroostook, appointed Benjamin J. Porter, Esquire, with the advice of Council, to proceed immediately to that place, and to notify the persons whom he should find trespassing on the timber lands aforesaid, west of the line which had been run by order of the Commissioners appointed by the United States and Great Britain, from the monument at the source of the St Croix to the line of the province of Lower Canada, that if they would pay a proper consideration for the timber they had cut, and desist from any further depredation on that part of our territory, he was authorized to settle with them on those principles; but if they declined, he was directed to proceed to Houlton plantation, and adopt the necessary measures, and obtain such

assistance as, in his judgment, would be required to take the trespassers and their teams, and bring them to Houlton plantation, and there keep them until the Executive could be advised of the measures adopted.

The agent thus appointed and instructed proceeded to the Aroostook, and found British subjects trespassing there, with whom he settled, and received also the assurances required, that they would not return, and would desist from cutting the timber.

The efforts thus far made, not having produced the intended results, the Legislature, January 16, 1822, passed a resolve requesting the Senators and Representatives of this State in the Congress of the United States, to collect information touching the causes of the differences between the American and British Commissioners under the Treaty of Ghent, respecting the boundary line between this State and the British provinces of Lower Canada and Nova Scotia, and the extent and nature of the claims set up by the said British Commissioners. The resolve was duly communicated. No progress was, however, made, and the object of the resolve was not answered. In February, 1822, an agent was appointed with full power to prevent trespassing upon the timber in the public lands, on the Aroostook, Maduxnekeag, and Presquilla rivers, and their branches west of the meridian line from the monument; and he entered immediately upon the duties of his agency, and visited the places required, and accomplished the objects of his appointment.

The subject is again recurred to, January 10, 1824, by the Governor in his message, which led to no specific act on the part of the Legislature. January 7, 1825, the Governor again calls the attention of the Legislature to the subject of the northeastern boundary; stating, also, that he had understood, from respectable sources, that depredations had been committed on our timber lands, on the Aroostook and Madawaska, and other streams emptying into the St John; and that unless energetic measures are speedily adopted on the part of the State, our valuable timber in that region will be soon destroyed; and that, from the representations, the depredations were committed by British subjects.

This led to an investigation, as far as the limited means possessed by the Government of this State permitted, and a resolve passed January 24, 1825, among other things requesting the Governor of this State to correspond with the Governor of the province of New Brunswick, relative to the depredations which had been committed by British subjects on the timber on the public lands of this State, west of the boundary line between this State and the province of New Brunswick, as heretofore recognised, and to ascertain whether that government had authorized any persons to cut timber upon these lands or to settle thereon.

The land agent of Maine was instructed, in conjunction with such person as should be designated by Massachusetts, or if none should be appointed, without that agent, forthwith to take effectual

measures to ascertain the extent of the depredations on the lands belonging to this State and Massachusetts, or on lands belonging to this State; by whom the same have been committed, and under what authority, if any, such depredations were committed.

The Governor was also requested to forward each of the Senators and Representatives in Congress from this State, a copy of the report of the Committee on the part of the Governor's message relative to depredations on the public lands, and of the Resolves, and also to request them to take the necessary measures to obtain an early adjustment of the northeastern boundary of this State.

The Governor enclosed and forwarded the same on the 25th of January, 1825. During the same session of the Legislature, February 22d, 1825, they passed a Resolve respecting the settlers on the St John and Madawaska rivers: 'Whereas there are a number of settlers on the undivided public lands on the St John and Madawaska rivers, many of whom have resided thereon for more than thirty years; therefore, resolved, That the land agent of this State, in conjunction with such agent as may be appointed for that purpose, on the part of Massachusetts, be, and he is hereby authorized and directed to make and execute good and sufficient deeds, conveying to such settlers in actual possession, as aforesaid, their heirs and assigns, one hundred acres each, of land, by them possessed, to include the improvements on their respective

lots, they paying the said agent for the use of the State, five dollars each, and the expense of surveying the same.'

The Commonwealth of Massachusetts, June 11, 1825, did provide, by Resolve, among other things—'Whereas there are a number of settlers on the St John and Madawaska rivers, many of whom have resided there more than thirty years, therefore, *Resolved*, That the land agent of this Commonwealth, in conjunction with such agent as has been or may be appointed for that purpose on the part of the State of Maine, be, and the same is hereby authorized and directed to make good and sufficient deeds, conveying to such settlers in actual possession, as aforesaid, their heirs and assigns, one hundred acres each, of land, by them possessed, to include their improvements on their respective lots, they paying to the said agent, for the use of this Commonwealth, five dollars each, and the expense of surveying the same.'

The agents thus authorized, did, in the autumn of that year, proceed up the St John to the Madawaska settlement, and thence to the mouth of the Maryumpitcook, and surveyed, and conveyed, two lots of land, on the 3d of October, to John Baker and James Bacon, citizens of this State. They had settled above the French neutrals on the St John and its waters; and at the time when the settlements on the lots were commenced, there was no settlement within several miles of them. They also posted up notices, stating their authority, and

proposing to give deeds, according to the Resolves under which they acted.

This year Maine and Massachusetts, in continuing their surveys of the undivided lands, surveyed all which had not been previously done, and conveyed two ranges of townships on the meridian line, running north from the monument at the source of the St Croix, and above Mars Hill, to a place within a few miles of the river St John. The two grants of Massachusetts, made in December, 1807, to the town of Plymouth, and in January, 1808, to William Eaton, on the river Aroostook, according to surveys made in 1807, compose a part of the ranges.

In a letter bearing date May 23, 1825, from the British minister at Washington, to the Secretary of the State of the United States, in answer to his of the 27th March preceding, complaining of the encroachments of the inhabitants of New Brunswick, committed upon lands of Maine and Massachusetts, in cutting and carrying away timber within the boundaries of those States—and the places where the trespasses were committed, were also described in the accompanying papers, to be on the Aroostook and Madawaska rivers.

The British Minister in reply, states, that he had made inquiries of Sir Howard Douglass, the Governor of New Brunswick, and had been assured by him, that the charge, as far as the Government of the provinces was concerned, was unfounded, and that he should use his best en-

deavors to put a stop to practises in themselves so disgraceful. It was further stated by Sir Howard, 'that in assuming the Government of New Brunswick, he found that licenses to cut timber, and other acts of sovereignty, had long been exercised on the part of Great Britain over certain tracts of land in which the Bistook,' (Aroostook) 'and Madawaska were included, heretofore well understood to belong to New Brunswick, but subsequently claimed by the Commissioners of the United States appointed to negotiate with the British Commissioners for adjusting the boundary line of the respective provinces: to these claims no disposition was ever shown, on the part of Great Britain, to accede.'

It is not supposed that Sir Howard intended to misrepresent facts, because it would be entirely inconsistent with the honorable character which he is supposed to sustain; but acquitted of that charge, his representations must be attributed to ignorance of the subject, or want of research into the premises. Compare the history of the negotiation of the provisional treaty of peace in 1782, the doings of the Commissioners under the fifth article of the treaty of 1794—more especially the argument of the British agent, and all the correspondence which preceded the treaty of Ghent, wherein the British Commissioners so often and so repeatedly ask the country, in which the Madawaska settlement is included, as a cession, and are so often denied by the American Commissioners, on the ground that they possess no

authority to make a cession, and no further comment is necessary to show the falsity of his representations.

It is further said by Sir Howard: 'In fact, by a reference to documents in the possession of the British Colonial Department, it appears that the settlement at Madawaska, in the province of New Brunswick, was made under a grant from the Crown upwards of thirty years ago: so late as the year 1810 no claim had been advanced by the United States, although the settlement had been established at the time for upwards of twenty years, under a grant from the Government of New Brunswick, and had been constantly designated the Madawaska settlement.'

Admitting the fact, as to the antiquity of the settlement, to be as stated, giving the utmost extent to both modes of expression, it commenced under grants about the year 1790, long after the treaty of 1783. Unless the grants were within the province of Nova Scotia, they were intrusions.—That they were not within the province, abundantly appears from all the documents before quoted in relation to the boundaries. No valid claim of national sovereignty can be based on such acts, in the forum of honor, conscience, or law. And no jurisdiction can, with any semblance of propriety, be claimed beyond the actual possession. It cannot without violating the acknowledged principles, in such cases, be extended by construction. If such were the facts, and the settlements had been made as early as 1790—if

the British considered that they had any claim to the territory on that account, it is extraordinary that they should have been entirely overlooked by the government, its ministers and commissioners, and never have been discovered until 1817, or since that time; more especially, when the treaty of 1794, and the discussions under the fifth article of it, wherein it was conceded, that the line due north from the source of the St Croix, wherever it should be established, crossed the St John, to the line of the government of Quebec, and by a reference to the map, it will at once be seen, that had the most westerly point been adopted which the British agent contended for, that the Madawaska settlement is west of the meridian, and at all events within the United States. When also the subject of surveying the boundaries had been discussed on several occasions between that time and the treaty of Ghent, and when also during the whole discussion which led to the treaty of Ghent, that territory is sought as a cession, and with great perseverance, by a resort to every mode which circumstances or their own ingenuity suggested.

But the facts, as stated, are not admitted; the settlement at Madawaska did not succeed, but had preceded many years, grants which Sir Howard states, and therefore cannot be said to be made under the grants. The settlement was made principally by French neutrals, whose ancestors had lived near the bay of Fundy previous to the American

revolution. They, to avoid the British laws, moved up the river St John to a place called St Ann's, now Frederickton. After the close of the war, when the British established a town and military post at that place, and circumscribed them in their quarters, stimulated by their repugnance to the British, and desirous of living under their own regulations—they pursued their course up the river, and established themselves at Madawaska, where they lived many years probably entirely unknown to the world. Some of their countrymen joined them from Canada. If the settlers or some of them now have grants from the province of New Brunswick, the reason for making such grants does not now appear. The intention of the Government can be inferred only from the facts disclosed; from which it most clearly follows, that they did not, by the intrusion, consider themselves as extending their rights of property or jurisdiction, not having stated the fact for that purpose until long since the treaty of Ghent. If the fact had been relied on by them as giving any claim, the ministers who negotiated the treaty of Ghent, while they were endeavoring by every means in their power to obtain the territory in which the Madawaska settlement is situated, by cession, would not have been guilty of the omission.

Sir Howard still further says: 'With regard to the timber cut by British subjects on the river Bistook, (Aroostook,) the very circumstance of its having been seized by Mr Porter, of the State

of Maine, proves that the inhabitants of that State consider themselves as at full liberty to appropriate all the timber in that district to their own use. In truth, that territory is especially represented by the Senate of Maine, as lying within the acknowledged boundaries of that State. Now, this is notoriously not the fact; the British Government contend that the northern boundary line of the United States, running from the source of the river St Croix to the highlands, is terminated at Mars Hill, which lies at the southwest of the Bistook, (Aroostook,) at least therefore the British territory declared to be the undoubted property of the State of Maine, is but a point in abeyance. Both parties claim, and it appears, have exercised an equal right over it.'

That the British pretended any claim to the territory to the westward of the meridian line from the source of the St Croix, and southerly of the line of the province of Quebec or Lower Canada, was totally unknown to the United States until long after the treaty of Ghent, and it seems to have been equally unknown to the British. The observation, 'This was notoriously not the fact,' can only apply to a period subsequent to the treaty; when it had been deemed proper by individuals and the subordinate agents of the British Government, to acquire by some means the territory which they could not demand as a right. The observation above does not appear to be true, from anything which had transpired, of a public character, between the

American and British Governments. Such pretended and unfounded claims could not have been, and were not anticipated. But after all the pretensions, the claim and exercise of right, he admits to be equal, which is extraordinary, when the whole is taken into consideration, and contrasted with the recent origin of and bold assumptions on which they are founded.

It has already been shown, that Massachusetts has made several grants before 1808, some of which were on the Aroostook, near the meridian line, from the monument at the source of the river St Croix, and that she and Maine, had in addition to their general jurisdiction, exercised all necessary acts of particular jurisdiction. And the British subjects found there, committing depredations on the timber, by Mr Porter, were there as mere trespassers not claiming any right or authority from any source. It was not until long after this period, that any persons were there under licenses from the province of New Brunswick, which caused the mention of it in the Governor's message in January, 1825. The British claim, as they make it, is even void of plausibility; they ought not to have claimed the territory upon the Bistook, (Aroostook) and upper part of the St John and its tributary streams, as a part of the ancient province of Nova Scotia; but they ought to have continued the line from Mars Hill, eastward to the bay of Chaleurs, and have insisted that that was the northern line; thereby yielding a part of Nova Scotia,

and have left the upper part of the St John and its tributaries, and the Restigouche river, in the province of Quebec or Lower Canada; and if by that means, they had violated one of their favorite principles of exposition, to wit, that the province which has the mouth, ought also to have the sources of the river, still the whole would have been within the general sovereignty of Great Britain, one province only gaining more than the other lost. Yet such a claim, though more plausible, by relieving them from the solecism of destroying the northwest angle, or rather converting the northwest angle of Nova Scotia into a southwest angle, which can only be arrived at, by running first north for more than forty miles from the monument, at the source of the river St Croix, and then southwesterly for more than one hundred miles, would have been no better, nor would it be based on a more solid or substantial authority.

The British minister than observes; 'The Governor of New Brunswick informs me, he does not consider himself at liberty to alter, in any way, the existing state of things, as far as regards the district abovementioned, but he assures me that he will take especial care to keep well within the limits of the line of duty marked out for him; and considering the shape which this question is now assuming, he will feel it imperative on him to apply immediately for still more precise instructions for guidance of his conduct in a matter of so much delicacy.'

More notice has been taken of the foregoing letter than its importance otherwise demanded, on account of its being the first document of an official character in the archives of this State, which goes to show the British claim as it had been made by their agent under the fifth article of the treaty of Ghent.

The Secretary of State, November 25th, 1825, wrote to the Governor of this State, enclosing a copy of a note from the British Minister to him, and a copy of a note from Sir Howard Douglass to the British Minister. On the 25th of December, 1825, the Governor of this State transmitted to the Secretary of State of the United States, a letter, with a copy of the resolve of this State, respecting the settlers on the St John and the Madawaska rivers, under which the agent of the State acted—a copy of the resolve of the Legislature of Massachusetts, respecting the same—also the report of the land agent of Maine, detailing particularly the transactions of the two agents under said resolves.—From which report it appears that the land agents had pursued the authority, given them by the resolves, and had not done some of the acts complained of by the British.

The subject of the northeastern boundary was again noticed by the Governor in his message to both branches of the Legislature, the 7th January, 1826, which was answered by the Legislature in a report on the 17th January, and a resolve on the 26th of January of the same year. 'That the Governor, for the time being, be authorized and requested, to take

such measures as he may think expedient and effectual, to procure for the use of the State, copies of all such maps, documents, publications, papers and surveys, relating to the northeastern boundary of the United States, described in the treaty of 1783, and such other information on that subject as he may deem necessary and useful for this State to be possessed of.'

'That the Governor of this State, in conjunction with the Governor of Massachusetts, (provided the said Commonwealth shall concur in the measure,) be authorized to cause the eastern and northeastern lines of the State of Maine be explored, and the monuments upon these lines, mentioned in the treaty of 1783, to be ascertained in such a manner as may be deemed most expedient.'

The surveys of the unappropriated lands of Maine and Massachusetts, were continued, and five ranges of township were surveyed, and extending from the line drawn west from the monument, and extending from that line to Fish river, and near the river St John.

The Fish road, extending from the east branch of the Penobscot river, northwardly to Fish river, was laid out also under the authority of the States.

The resolve was communicated to the Senators of this State in the Congress of the United States, and enclosed by the Governor on the day of its passage. And there was procured, in consequence of it, a copy of the general map compiled by the United States' surveyors, from surveys

made under the fifth article of the treaty of Ghent.

The subject was again presented to both branches of the Legislature, by the Governor, in his message, on the 4th of January, 1827—And the Governor also, by special message, communicated a letter from the Secretary of State of the United States, dated January 29th, of the same year, accompanied by a letter of Charles R. Vaughan, Esq. the British Minister, dated January 7, 1827, wherein he complains of the acts of Maine and Massachusetts, in surveying and laying out townships and roads, and concludes by saying: 'I think it advisable to make you acquainted, without delay, with the communication which I have received from the Lieutenant Governor of New Brunswick, whom I beg leave to assure you, cautiously abstains on his part from exercising any authority in the disputed territory, which could invite encroachments as a measure of retaliation.' All which were considered and became the subject of a report in the Legislature, on the 12th day of February, 1827, and a resolve was passed thereon, on the 23d day of the same month, respecting the northeastern boundary of the State, to wit:—

Resolved, That the Governor be, and he is hereby requested to take all such measures, both in acquiring information and in procuring a speedy adjustment of the dispute, according to the treaty of 1783, as he may deem expedient and for the interest of the State.'

To this period, nothing of any

importance had been obtained under the Resolves of the State, although they had been regularly communicated; and all the information, which was in possession of the government of this State, consisted in the few, and very few copies of letters from the British Minister, which had been elicited by the resolves of the State of Maine; and beyond that, there was no official information of the proceedings of the commission under the fifth article of the treaty of Ghent, nor the claims set up by the British, except what was derived from public reports, vague in their nature, and uncertain in their character. It was not until long after the Commissioners had terminated their labors, that any official communication was made, which tended to show the British claim; and even that, from the looseness of its phraseology, seemed to convey no other distinct idea, than that the British, from causes known to themselves, claimed all the country north and west of Mars Hill, as a part of the ancient province of Nova Scotia, and even that did not appear until near the middle of the year 1825. The delay to give information to the State of Maine, when it had been so often requested, particularly in the letter of the Governor, of July, 1820, to the Executive of the United States, containing a request that some one might be added from the State of Maine to assist in the examination of the subject, and considering that the sovereignty of the whole country to which the British had, in such an extraordinary manner, and so contrary to the discussions

which preceded the treaty of Ghent, pretended a claim, was in Maine, and that the government of the United States had no constitutional authority to cede any portion of an independent sovereignty, directly or by construction, is certainly very extraordinary. And it cannot fail to appear extraordinary, that the same policy on the part of the government of the United States, should be continued, when, by uniting Maine in the controversy, all reasonable ground of complaint on her part would have been removed; at least, if she had in her sovereign capacity engaged in the controversy, she must have been concluded by the result. If she had mismanaged her concerns, that could never have been brought up as a reasonable cause of complaint against the United States. Maine, as she was in a state of profound ignorance, had no opportunity to aid or assist the United States; nor does she claim that she has a right to interfere in the course its Government chooses to adopt; but she has the right of reading the constitution of the United States, of judging for herself, and if she is deprived of the exercise of her sovereignty and her property, she has a right to remonstrate and assert her rights; and by force of the original compact, she is entitled to the aid and assistance of the independent sovereignties constituting the United States, to reinstate her in that of which she has been deprived by an unjust and unconstitutional exercise of power.

The promptness, decision, perseverance and ability with which

the Governor has executed the request contained in the last resolve, merits the encomiums and approbation of the State. If further comment were necessary, the fact that all the information which had been so long, but unsuccessfully sought, was obtained, speaks a language more satisfactory to him and the State, than anything we could add. As to the positions taken and maintained by the Governor, they must be in accordance with the views and common sense of the State, and we cannot present his discussions in a clearer or more acceptable light, than to request a fair, candid and impartial examination of them. With these remarks, and without further comment, the correspondence between him and the Government of the United States is annexed.

Thus we have detailed, at some length, the principal facts and circumstances touching the title and the extent of the title of the State to territory and jurisdiction; from which it appears that our title is perfect to all the territory bounded by the southern line of the province of Lower Canada, to wit, by the line drawn from the head of Connecticut river, along the lands which limit the sources of the rivers that fall into the river St Lawrence, to the head of the bay of Chaleurs, and westward of the line drawn due north from the source of the river St Croix to that line, being the line described and adopted by the British Government long before the revolution, and being the lines which are also described and adopted by the provisional and definitive

treaties of peace. That the British Government have always, directly and indirectly, conceded our title, in all the negotiations and discussions on the subject, prior to the discussions under the fifth article of the treaty of Ghent, and made no claim of title founded on any intrusion of theirs, the ministers, who sought it as a cession, not having urged or even stated the fact, except by way of allusion, and that Massachusetts and Maine have always exercised jurisdiction according to the title of Maine, and have continued their progress of surveys, sales and settlements, and other acts, and that the United States have always exercised general jurisdiction, and did in 1820 exercise acts of jurisdiction as far as there was any occasion for it: That there was no reason, from any knowledge in possession of the United States, until very recently, and still more recently in possession of this State, more immediately interested, to suppose, that, if the British Government had crossed the above described lines, she would not, as soon as the lines were surveyed, withdraw, and cease to commit like acts of intrusion; and it has also appeared, from representations made by the British Minister to the Secretary of State, 'that the Lieutenant Governor of New Brunswick had given assurances that he would cautiously abstain from all acts of authority which could invite encroachments as a measure of retaliation.'

But notwithstanding all these facts, circumstances, and assurances, John Baker, a citizen of the State of Maine and of the

United States, was arrested in his own dwelling house, situated on the land he purchased of, and holds by the deed from Massachusetts and Maine, on a warrant and other process served by the Sheriff of the county of York, accompanied by armed men, and in the night time, at least before Baker had risen from his bed, and was carried to Frederickton, and thrown into prison, where he is now confined. Processes have also been served, within our territory, on the Aroostook, and the cattle and property of our citizens have been taken away by the civil officers of New Brunswick. Baker is charged, among other things, with an intrusion and trespass on the premises he holds under Massachusetts and Maine.

When the Governor of this State had received notice that the sovereignty of the State, by the officer of the Government of New Brunswick, had been violated, in the abduction and imprisonment of one of its citizens, and other acts, he issued his proclamation, and commissioned an agent of the State to proceed to the province of New Brunswick, to inquire into the cause of the arrest, and the other violations of the State sovereignty, and to demand of the Government of New Brunswick the restoration of Baker; all which will more fully appear in the documents annexed. The Governor has in this, with his usual promptness, discretion, and ability, performed his duty to the State and its citizens. The agent in prosecution of the object of his commission proceeded to Frederickton, the capital of New

Brunswick, and notified the Government of his arrival and official capacity. He was not received in his official capacity. From what cause that arose, whether from their own policy, or their misconstruction of the power and authority of the Governor of this State, is not certain. It seems to us there would have been no objection to the recognition of the agent of this State, had his commission been only to demand a fugitive from justice, or that the Governor of New Brunswick would consider that he was transcending his power, were he to send an agent to this State to demand a fugitive from his own Government. Notwithstanding he was not received in an official character, we are happy to have it in our power to say, that he was politely received by the gentlemen of the place. The object of his agency, therefore, so far as it related to the arrest and imprisonment of Baker, totally failed, as it did also in some other respects.

His official capacity embraced two objects :

1st. To demand a delivery of persons.

2d. To obtain public information.

If not recognised for any other purpose, he might have been permitted as a person authorized to inquire into the truth of facts, important to the rights of the people of the State, and peace of the country.

From all the facts, we cannot perceive on what ground they can justify the violation of the State and National sovereignty in the arrest of Baker, on his own soil

and freehold, which he holds in fee under the States of Massachusetts and Maine, and the other acts of their officers on the Aroostook. On the ground of title they have no justification, and they can only justify themselves on the ground of a possession *de facto*, which cannot by the acknowledged principles of law be extended beyond actual occupation. In the case of Baker the settlement on his lot was commenced not within even a possession *de facto*, feeble and slender as that would be ; and in relation to the Aroostook, there is not even a possession of any kind, unless it has been acquired by the lawless depredations of individuals, for which they have, from time to time, atoned by settlements with the agents of the State of Maine. Even the few, who have settled on the Aroostook, settled there considering it to be within this State, and intending also to settle out of the province of New Brunswick. The course pursued by the British must be accounted for on another principle, than ' a cautious abstinence of the exercise of authority which could invite encroachments as a measure of retaliation.'

When the British are thus attempting to extend their intrusion, and imprisoning and otherwise harassing by legal process citizens of Maine, they have constitutional claims on her protection ; and although Massachusetts and Maine, from the treaty of peace, have exercised the same jurisdiction over all the wild lands which had not been particularly appropriated for cultivation to this time ; if such acts are repeated, it cannot be

expected that Maine will be a quiet spectator. It will be her duty to enforce her laws within her own jurisdiction, and to protect her own rights and the rights of her citizens.

The Government of the United States have a duty to perform towards the State, and its citizens, not less towards those who are forcibly taken from the territory, and imprisoned, than towards those who are taken from the national marine. An agent has been sent to the province of New Brunswick, who has returned, and we have a confidence that the whole business will be adjusted, and that the constitutional rights of the State, and the liberties and rights of the citizens, will be protected and preserved.

Your committee, impressed with the importance of the subject to this State, and the United States, and approving most cordially, of the measures taken by the Governor, believe, from the past, that the State has a well founded assurance that its best interests will be protected, and its constitutional rights preserved.

JOHN L. MEGQUIER,
 REUEL WILLIAMS,
 JOSHUA W. HATHAWAY,
 JOHN G. DEANE,
 HENRY W. FULLER,
 WILLIAM VANCE,
 JOSHUA CARPENTER,
 RUFUS BURNHAM.

This report was unanimously adopted by both branches of the Legislature of Maine, February 18, 1832.

Official Decision of the King of the Netherlands.

Department of State of the U. States, }
 Washington, 18th March, 1831. }

To his Excellency, Samuel E. Smith,
 Governor of the State of Maine.

SIR: By the President's direction, I have the honor to transmit, herewith, to your Excellency, a copy and translation of the award given in relation to the Northeastern Boundary of the United States, upon the question which was submitted to the King of the Netherlands, by this Government and that of Great Britain concerning that Boundary— which award was officially delivered to the Minister of the United States at the Hague, on the tenth of January last, and by him forwarded to this Department, where it was received on the 18th instant, with a view of making your Excellency acquainted with the state of this transaction, as received here. I also transmit herewith a copy of the Protest which the Minister of the United States at the Hague thought it his duty, without instructions to that effect from the President, to address to the Minister of Foreign Affairs of the Government to which he is accredited, against the award referred to,—together with extracts from his despatch to this Department, showing the character of his Protest, and the ground upon which it was made; and a copy of the correspondence between himself and Sir Charles Bagot, the Ambassador of Great Britain at the same Court, upon the subject.

Mr Preble has asked leave of absence, for the purpose of visit-

ing the United States, which will be forthwith granted, and expressed an earnest wish that he may be further heard upon the subject, before any measures in regard to it are adopted by the President.

I have the honor, likewise, by direction of the President, to repeat the assurance which I made to your Excellency, in his behalf, in my letter of the 9th instant, that the subject of this award will receive all the attention and consideration to which its great importance, and the interests of the State of Maine, so materially involved therein, especially entitle it, in the Councils of the Executive of the United States; and to add that no time will be lost in communicating to your Excellency, the result of his deliberations upon it, as soon as he shall have determined upon the course which a sense of his high and responsible duties may suggest as proper on the occasion.

Under these circumstances, the President will rely with confidence under the candor and liberality of your Excellency, and the other constituted authorities of Maine, in appreciating the motives which may influence that course on his part, and in a correspondent interpretation of them to your constituents, in whose patriotism and discretion he has equal confidence.

In making this communication to your Excellency, I am instructed by the President to express his desire that, while the matter is under deliberation, no steps may be taken by the State of Maine, with regard to the disputed territory, which might be

calculated to interrupt and embarrass the action of the Executive branch of this Government upon the subject.

I have the honor to be, with the highest respect, your Excellency's most ob't servant,

M. VAN BUREN.

—
Translation.

WILLIAM, by the Grace of God, King of the Netherlands, Prince of Orange, Grand Duke of Luxemburg, &c. &c. &c.

Having accepted the functions of Arbitrator conferred upon us by the note of the Charge d' Affaires of the United States of America, and by that of the Ambassador Extraordinary and Plenipotentiary of Great Britain, to our Minister of Foreign Affairs, under the date of 12th January, 1829, agreeably to the 5th article of the Treaty of Ghent, of the 24th December, 1814, and the 1st article of the Convention concluded between those Powers, at London, on the 29th September, 1827, in the difference which has arisen between them on the subject of the boundaries of their respective possessions:

Animated by a sincere desire of answering, by a scrupulous and impartial decision, they have testified to us, and thus to give them a new proof of the high value we attach to it:

Having, to that effect, duly examined and maturely weighed the contents of the first statement, as well as those of the definitive statement of the said difference, which have been respectively delivered to us on the 1st of April of the year 1830, by the Envoy

Extraordinary and Minister Plenipotentiary of the United States of America, and the Ambassador Extraordinary of the Britannic Majesty, with all the documents thereto annexed in support of them :

Desirous of fulfilling, at this time, the obligations I have contracted in accepting the functions of Arbitrator in the aforesaid difference, by laying before the two High Interested Parties the result of our examination, and our opinion on the three points into which, by common accord, the contestation is divided :

Considering, That the three points above mentioned ought to be decided according to the treaties, acts, and conventions concluded between the two Powers ; that is to say : the Treaty of Peace of 1783, the Treaty of Friendship, Commerce and Navigation of 1794, the Declaration relative to the river St Croix of 1798, the Treaty of Peace signed at Ghent in 1814, the Convention of the 29th September, 1827, and Mitchell's Map, and the Map A. referred to in that Convention :

We declare that, As to the first point, to wit, the question, which is the place designated in the treaties as the northwest angle of Nova Scotia, and what are the highlands dividing the rivers that empty themselves into the river St Lawrence from those which fall into the Atlantic Ocean, along which is to be drawn the line of boundary, from that angle to the northwesternmost head of Connecticut river.

Considering, That the High Interested Parties respectively

claim that line of boundary at the south, and at the north river St John ; and having each indicated, upon the map, A. the line which they claim :

Considering, That according to the instances alleged, the term highland applies not only to a hilly or elevated country, but also to land which, without being hilly divides waters flowing in different directions, and that thus the character more or less hilly and elevated of the country through which are drawn the two lines respectively claimed, at the north and at the south, of the river St John, cannot form the basis of a choice between them.

That the text of the 2d Article of the treaty of 1783, recites, in part, the words previously used, in the Proclamation of 1763, and in the Quebec act of 1774, to indicate the southern boundaries of the Government of Quebec, from Lake Champlain, 'in forty five degrees of north latitude, along the highlands which divide the rivers that empty themselves into the river St Lawrence, from those which fall into the sea, and also along the north coast of the Bay des Chaleurs.'

That in 1763, 1765, 1773, and 1782, it was established that Nova Scotia should be bounded at the north, as far as the western extremity of the Bay des Chaleurs, by the southern boundary of the province of Quebec ; that this delimitation is again found, with respect to the province of Quebec, in the commission of the Governor General of Quebec of 1786, wherein the language of the Proclamation of 1763, and of

the Quebec act of 1774, has been used, as also in the commissions of 1786, and others of subsequent dates of the Governors of New Brunswick, with respect to the lastmentioned province, as well as in a great number of maps anterior and posterior, to the treaty of 1783; and that the 1st Article of the said treaty specifies, by name, the States whose independence is acknowledged:

But that this mention does not imply (implique) the entire coincidence of the boundaries between the two Powers, as settled by the following Article, with the ancient delimitation of the British provinces, whose preservation is not mentioned in the treaty of 1783, and which owing to its continual changes, and the uncertainty which continued to exist respecting it, created, from time to time, differences between the provincial authorities:

That there results from the line drawn under the treaty of 1783, through the great lakes, west of the river St Lawrence, a departure from the ancient provincial charters, with regard to those boundaries:

That one would vainly attempt to explain why, if the intention was to retain the ancient provincial boundary, Mitchell's map, published in 1755, and consequently anterior to the Proclamation of 1763, and to the Quebec act of 1774, was precisely the one used in the negotiation of 1783:

That Great Britain proposed, at first, the river Piscataqua as the eastern boundary of the United States; and did not subse-

quently agree to the proposition to cause the boundary of Maine, or Massachusetts bay, to be ascertained at a later period:

That the treaty of Ghent stipulated for a new examination on the spot, which could not be made applicable to an historical or administrative boundary:

And that, therefore, the ancient delimitation of the British provinces, does not, either, afford the basis of a decision:

That the longitude of the north-west angle of Nova Scotia, which ought to coincide with that of the source of the St Croix river, was determined only by the Declaration of 1798, which indicated that river:

That the treaty of Friendship, Commerce, and Navigation of 1794, alludes to the doubt which had arisen with respect to the river St Croix, and that the first instructions of the Congress, at the time of the negotiations which resulted in the treaty of 1783, locate the said angle at the source of the river St John:

That the latitude of that angle is upon the banks of the St Lawrence, according to Mitchell's map, which is acknowledged to have regulated the combined and official labors of the negotiators of the treaty of 1783; whereas, agreeably to the delimitation of the Government of Quebec, it is to be looked for at the highlands which divide the rivers that empty themselves into the river St Lawrence, from those which fall into the sea:

That the nature of the ground east of the beforementioned angle not having been indicated by

the treaty of 1783, no argument can be drawn from it to locate that angle at one place in preference to another.

That, at all events, if it were deemed proper to place it nearer to the source of the river St Croix, and look for it, at Mars Hill, for instance, it would be so much the more possible that the boundary of New Brunswick drawn thence northeastwardly would give to that province several northwest angles, situated farther north and east, according to their greater remoteness from Mars Hill, that the number of degrees of the angle referred to in the treaty has not been mentioned :

That, consequently, the northwest angle of Nova Scotia, here alluded to, having been unknown in 1783, and the treaty of Ghent having declared it to be unascertained, the mention of that historical angle in the treaty of 1783 is to be considered as a petition of principle (*petition de principe*) affording no basis for a decision, whereas, if considered as a topographical point, having reference to the definition, viz : 'that angle which is formed by a line drawn due north from the source of the St Croix river to the highlands,' it forms simply the extremity of the line along the said highlands, which divide those rivers that empty themselves into the river St Lawrence, from those which fall into the Atlantic Ocean,—an extremity which a reference to the northwest angle of Nova Scotia does not contribute to ascertain, and which still remaining, itself, to be found, cannot lead to

the discovery of the line which it is to terminate :

Lastly, that the arguments deduced from the rights of sovereignty exercised over the Fief of Madawaska and over the Madawaska settlement—even admitting that such exercise were sufficiently proved—cannot decide the question, for the reason that those two settlements only embrace a portion of the territory in dispute, and that the High Interested Parties have acknowledged the country lying between the two lines respectively claimed by them, as constituting a subject of contestation, and that, therefore, possession cannot be considered as derogating from the right, and that if the ancient delimitation of the provinces be set aside, which is adduced in support of the line claimed at the north of the river St John, and especially that which is mentioned in the Proclamation of 1763, and in the Quebec act of 1774, no argument can be admitted in support of the line claimed at the south of the river St John, and which would tend to prove that such part of the territory in dispute belongs to Canada or to New Brunswick.

Considering, That the question divested of the inconclusive arguments drawn from the nature, more or less hilly, of the ground,—from the ancient delimitation of the provinces,—from the northwest angle of Nova Scotia, and from the actual possession, resolves itself, in the end, to these : which is the line drawn due north from the source of the river St Croix, and which is the ground, no matter whether hilly and e'e-

vated, or not, which from that line to the northwesternmost head of Connecticut river, divides the rivers that empty themselves into the river St Lawrence from those which fall into the Atlantic Ocean; that the High Interested Parties only agree upon the fact that the boundary sought for must be determined by such a line, and by such a ground; that they further agree, since the Declaration of 1798, as to the answer to be given to the first question, with the exception of the latitude at which the line drawn due north from the source of the St Croix river is to terminate; that said latitude coincides with the extremity of the ground which, from that line to the northwesternmost source of Connecticut river divides the rivers which empty themselves into the river St Lawrence from those which fall into the Atlantic Ocean: and that, therefore, it only remains to ascertain that ground;

That on entering upon this operation, it is discovered, on the one hand,

First, that if, by adopting the line claimed at the north of the river St John, Great Britain cannot be considered as obtaining a territory of less value than if she had accepted in 1783 the river St John as her frontier, taking into view the situation of the country situated between the rivers St John and St Croix in the vicinity of the sea, and the possession of both banks of the river St John in the lower part of its course, said equivalent would, nevertheless, be destroyed by the interruption of the communication between Lower Canada and New

Brunswick, especially between Quebec and Frederickton; and one would vainly seek to discover what motives could have determined the Court of London to consent to such an interruption:

That if, in the second place, in contradistinction to the rivers that empty themselves into the river St Lawrence, it had been proper, agreeably to the language ordinarily used in geography, to comprehend the rivers falling into the bays of Fundy and des Chaleurs with those emptying themselves directly into the Atlantic Ocean, in the generical denomination of rivers falling into the Atlantic Ocean, it would be hazardous to include into the species belonging to that class, the rivers St John and Restigouche, which the line claimed at the north of the river St John divides immediately from rivers emptying themselves into the river St Lawrence, nor with other rivers falling into the Atlantic Ocean, but alone; and thus to apply, in interpreting the delineation established by a treaty, where each word must have a meaning, to two exclusively special cases, and where no mention is made of the genus (genre) a generical expression which would ascribe to them a broader meaning, or which, if extended to the Schoodic lakes, the Penobscot and the Kennebec, which empty themselves directly into the Atlantic Ocean; would establish the principle that the treaty of 1783 meant highlands which divide as well mediately as immediately, the rivers that empty themselves into the river St Lawrence from those which fall into the Atlantic

Ocean—a principle equally realized by both lines.

Thirdly : That the line claimed at the north of the river St John does not divide, even immediately, the rivers that empty themselves into the river St Lawrence from the rivers St John and Restigouche, but only rivers that empty themselves into the St John and Restigouche, with the exception of the last part of said line, near the sources of the river St John, and that hence, in order to reach the Atlantic Ocean, the rivers divided by that line from those that empty themselves into the river St Lawrence, each need two intermediate channels, to wit : the ones, the river St John and the bay of Fundy, and the others, the river Restigouche, and the bay of Chaleurs :

And on the other hand, That it cannot be sufficiently explained how, if the High Contracting Parties intended in 1783, to establish the boundary at the south of the river St John, that river, to which the territory in dispute is, in a great measure indebted for its distinctive character, has been neutralized and set aside :

That the verb ' divide ' appears to require a contiguity of the objects to be ' divided ' :

That the said boundary forms at its western extremity, only, the immediate separation between the river Metjarmette, and the north-westernmost head of the Penobscot, and divides, mediately, only the rivers that empty themselves into the river St Lawrence from the waters of the Kennebec, Penobscot, and Schoodic lakes ;

while the boundary claimed at the north of the river St John divides, immediately, the waters of the rivers Restigouche and St John, and, mediately, the Schoodic lakes ; and the waters of the rivers Penobscot and Kennebec, from the rivers that empty themselves into the river St Lawrence, to wit : the rivers Beaver, Metis, Rimousky, Trois, Pistoles, Green, Du Loup, Kamouraska, Ouelle, Bras St Nicholas, Du Sud, La Famine and Chaudiere.

That even setting aside the rivers Restigouche and St John, for the reason that they could not be considered as falling into the Atlantic Ocean, the northern line would still be as near to the Schoodic lakes, and to the waters of the Penobscot and of the Kennebec, as the southern line would be to the rivers Beaver, Metis, Rimousky, and others that empty themselves into the river St Lawrence ; and would, as well as the other, form a mediate separation between these and the rivers falling into the Atlantic Ocean.

That the prior intersections of the southern boundary by a line drawn due north from the source of the St Croix river, could only secure to it an accessory advantage over the other, in case both the one and the other boundary should combine, in the same degree, the qualities required by the treaties :

And the fate assigned by that of 1783 to the Connecticut, -and even to the St Lawrence, precludes the supposition that the two Powers could have intended to surrender the whole course of

each river, from its source to its mouth, to the share of either the one or the other :

Considering, That, after what precedes, the arguments adduced on either side, and the documents exhibited in support of them, cannot be considered as sufficiently preponderating to determine a preference in favor of one of the two lines respectively claimed by the High Interested Parties, as boundaries of their possessions from the source of the river St Croix to the northwesternmost head of Connecticut river ; and that the nature of the difference and the vague and not sufficiently determinate stipulations of the treaty of 1783, do not permit to adjudge either of those lines to one of the said Parties, without wounding the principles of law and equity, with regard to the other :

Considering, That, as has already been said, the question resolves itself into a selection to be made of a ground dividing the rivers that empty themselves into the river St Lawrence from those that fall into the Atlantic Ocean : that the High Interested Parties are agreed with regard to the course of the streams delineated by common accord on the map A, and affording the only basis of a decision :

And that, therefore, the circumstances upon which such decision could not be further elucidated by means of fresh topographical investigation, nor by the production of additional documents :

We are of opinion, That it will be suitable (*il conviendra*) to adopt as the boundary of the

two States a line drawn due north from the source of the river St Croix to the point where it intersects the middle of the thalweg* of the river St John, thence the middle of the thalweg of that river, ascending it, to the point where the river St Francis empties itself into the river St John, thence the middle of the thalweg of the river St Francis, ascending it, to the source of its southwesternmost branch, which source we indicate, on the map A, by the letter X, authenticated by the signature of our Minister of Foreign Affairs, thence a line drawn due west, to the point where it unites with the line claimed by the United States of America and delineated on the map A, thence said line to the point at which according to said map, it coincides with that claimed by Great Britain, and thence the line traced on the map by the two powers, to the northwesternmost source of Connecticut river.

As regards the second point, to wit : the question which is the northwesternmost head of Connecticut river :

Considering, That, in order to solve this question, it is necessary to choose between Connecticut-lake river, Perry's stream, Indian stream and Hall's stream :

Considering, That, according to the usage adopted in geography, the source and the bed of a river are denoted by the name of the river which is attached to such source and to such bed, and by their greater relative importance,

* Thalweg—a German compound word—Thal, valley, and Weg, way. It means here the deepest channel of the river.

as compared to that of other waters communicating with said river :

Considering, That an official letter of 1772 already mentions the name of Hall's brook ; and that in an official letter, of subsequent date in the same year, Hall's brook is represented as a small river falling into the Connecticut :

That the river in which Connecticut lake is situated appears more considerable than either Hall's, Indian, or Perry's stream : that the Connecticut lake, and the two lakes situated northward of it, seem to ascribe to it a greater volume of water than to the other three rivers : and that by admitting it to be the bed of the Connecticut, the course of that river is extended farther than it would be if a preference were given to either of the other three rivers :

Lastly, that the map A, having been recognised by the convention of 1827, as indicating the courses of streams, the authority of that map would likewise seem to extend to their appellation, since in case of dispute, such name of river or lake, respecting which the parties were not agreed, may have been omitted ; that said map mentions Connecticut lake, and that the name of Connecticut lake implies the applicability of the name of Connecticut to the river which flows through the said lake :

We are of opinion, That the stream situated farthest to the northwest, among those which fall into the northernmost of the three lakes the last of which bears the name of Connecticut lake, must be considered as the north-

westernmost head of Connecticut river.

And as to the third point, to wit : the question, which is the boundary to be traced from the river Connecticut, along the parallel of the 45th degree of north latitude, to the river St Lawrence, named in the treaties Iroquois and Cataraguy :

Considering, That the High Interested Parties differ in opinion as to the question—Whether the treaties require a fresh survey of the whole line of boundary from the river Connecticut to the river St Lawrence, named in the treaties Iroquois or Cataraguy, or simply the completion of the ancient provincial surveys.

Considering, That the fifth article of the treaty of Ghent of 1814, does not stipulate that such portion of the boundaries which may not have hitherto been surveyed, shall be surveyed ; but declares that the boundaries have not been, and establishes that they shall be, surveyed :

That, in effect, such survey ought, in the relations between the two Powers, to be considered as not having been made from the Connecticut to the river St Lawrence, named in the treaties Iroquois or Cataraguy, since the ancient survey was found to be incorrect, and had been ordered, not by a common accord of the two Powers, but by the ancient provincial authorities :

That in determining the latitude of places, it is customary to follow the principle of the observed latitude :

And that the Government of the United States of America has

erected certain fortifications at the place called Rouses' Point, under impression that the ground formed part of their territory—an impression sufficiently authorized by the circumstance that the line had, until then, been reputed to correspond with the 45th degree of north latitude.

We are of opinion, That it will be suitable [il conviendra] to proceed to fresh operations to measure the observed latitude, in order to mark out the boundary from the river Connecticut along the parallel of the 45th degree of north latitude to the river St Lawrence, named in the treaties Iroquois or Cataraguy, in such a manner, however, that, in all cases, at the place called Rouses' Point, the territory of the United States of America shall extend to the fort erected at that place, and shall include said fort and its kilometrical radius, [rayon kilometrique.]

Thus done and given under our Royal Seal, at the Hague, this tenth day of January, in the year of our Lord One Thousand Eight Hundred and Thirtyone, and of our Reign, the eighteenth.

(Signed) WILLIAM.

The Minister of Foreign Affairs.

(Signed) VERSTOLK DE SOCLEN.

*Protest of the United States
Minister.*

(Copy)

The Hague, 12th Jan. 1831.

The undersigned, Minister Plenipotentiary and Envoy Extraordinary of the United States of America, had the honor to receive from the hands of his Maj-

esty, the King of the Netherlands, on the tenth inst. a document purporting to be an expression of his opinion on the several points submitted to him as arbiter, relative to certain portions of the boundary of the United States. In a period of much difficulty, his Majesty has had the goodness, for the purpose of conciliating conflicting claims and pretensions, to devote to the High Parties Interested, a time that must have been precious to himself and people. It is with extreme regret, therefore, that the undersigned, in order to prevent all misconception, and to vindicate the rights of his Government, feels himself compelled to call the attention of his Excellency, the Baron Verstolk Van Soclen, his Majesty's Minister of Foreign Affairs, again to the subject. But, while, on the one hand, in adverting to certain views and considerations, which seem, in some measure, perhaps, to have escaped observation, the undersigned will deem it necessary to do so with simplicity and frankness; he could not, on the other, be wanting in the expressions of a most respectful deference for his Majesty, the arbiter.

The language of the treaty, which has given rise to the contestation between the United States and Great Britain, is, 'And that all disputes which might arise in future on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the northwest angle of Nova Scotia, viz. that angle

which is formed by a line drawn due north from the source of the St Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the river St Lawrence, from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut river, hence down along the middle of that river, to the fortyfifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy * * * *. East, by a line to be drawn along the middle of the river St Croix, from its mouth in the bay of Fundy, to its source: and from its source directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St Lawrence.' The manner of carrying this apparently exceedingly definite and lucid description of boundary into effect, by running the line as described, and marking the same on the surface of the earth, was the subject, the sole, exclusive subject submitted by the convention of September, 1827, in pursuance of the treaty of Ghent, 1814, to an arbiter. If, on investigation, that arbiter found the language of the treaty, in his opinion, inapplicable to, and wholly inconsistent with the topography of the country, so that the treaty of 1783, in regard to its description of boundary, could not be executed according to its own express stipulations, no authority whatever was conferred upon him to determine or consider what practicable boundary line should, in such

case, be substituted and established. Such a question of boundary, as is here supposed, the United States of America would, it is believed, submit to the definite decision of no sovereign. And in the case submitted to his Majesty the king of the Netherlands, the United States, in forbearing to delegate any such power, were not influenced by any want of respect for that distinguished monarch. They have on the contrary, given him the highest and most signal proofs of their consideration and confidence. In the present case especially, as any revision or substitute of boundary whatever, had been steadily and in a spirit of unalterable determination, resisted at Ghent and Washington, they had not anticipated the possibility of there being any occasion for delegating such powers.

Among the questions to which the language of the treaty of 1783, already quoted, gave rise between the High Parties interested, is the following, viz. where at a point due north from the source of the river St Croix, are 'the highlands which divide the rivers, that empty themselves into the river St Lawrence, from those that fall into the Atlantic Ocean,' at which same point on said highlands was also to be found the northwest angle of the long established, well known, and distinctly defined British province of Nova Scotia.

On the southern border of the river St Lawrence, and at the average distance from it of less than thirty English miles, there is an elevated range or continuation of broken highland, extending from

Cape Rosieres, southwesterly to the sources of Connecticut river, forming the southern border of the basin of the St Lawrence and ligne des versants of the rivers emptying into it. The same highlands form also the ligne des versants, on the north of the river Restigouche, emptying itself into the bay des Chaleurs, the river St John with its northerly and westerly branches emptying into the bay of Fundy, the river Penobscot with its northwesterly branches emptying into the bay of Penobscot, the rivers Kennebec and Androscoggin, whose united waters empty into the bay of Sagadahock; and the river Connecticut emptying into the bay, usually called Long Island sound. These bays are all open arms of the sea or Atlantic Ocean; are designated by their names on Mitchell's map; and with the single exception of Sagadahock, are all equally well known, and usually designated by their appropriate names. This ligne des versants constitutes the highlands of the treaty, as claimed by the United States.

There is another ligne des versants, which Great Britain claims as the highlands of the treaty. It is the dividing ridge, that bounds the southern side of the basin of the river St John, from those which flow into the Penobscot and St Croix. No river flows from this dividing ridge into the river St Lawrence. On the contrary, nearly the whole of the basins of the St John and Restigouche intervene. The source of the St Croix also is in this very ligne des versants, and less than an En-

glish mile distant from the source of a tributary stream of the St John. This proximity reducing the due north line of the treaty, as it were to a point, compelled the provincial agent of the British government to extend the due north line over the dividing ridge into the basin of the St John, crossing its tributary streams to the distance of about forty miles from the source of the St Croix, to the vicinity of an isolated hill between the tributary streams of the St John. Connecting that isolated hill with the ligne des versants, as just described, by passing between said tributary streams, they claimed it as constituting the highlands of the treaty.

These two ranges of highlands, as thus described, the one contended for by the United States, and the other by Great Britain, his Majesty the arbiter regards as comporting equally well in all respects with the language of the treaty. It is not the intention of the undersigned, in this place, to question in the slightest degree the correctness of his Majesty's conclusion: but when the arbiter proceeds to say that it would be suitable to run the line due north, from the source of the river St Croix, not 'to the highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St Lawrence,' but to the centre of the river St John, thence to pass up said river to the mouth of the river St Francis, thence up the river St Francis to the source of its southwesternmost branch, and from thence by a line drawn west

unto the point where it intersects the line of the highlands as claimed by the United States, and only from thence to pass 'along said highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St Lawrence, to the northwesternmost head of the Connecticut river'—thus abandoning altogether the boundaries of the treaty, and substituting for them a distinct and different line of demarkation—it becomes the duty of the undersigned, with the most perfect respect for the friendly views of the arbiter, to enter a protest against the proceeding, as constituting a departure from

the power delegated by the High Parties interested, in order that the rights and interests of the United States may not be supposed to be committed by any presumed acquiescence on the part of their representative near his Majesty the King of the Netherlands.

The undersigned avails himself of this occasion to renew to Baron Verstolk Van Soelen the assurances of his high consideration.

(Signed) WM P. PREBLE.

His Excellency the Baron Verstolk Van Soelen, his Majesty's Minister of Foreign Affairs.

II.—FOREIGN.

NATIONAL CONGRESS OF CHILI.

SENATE.

THE National Congress of Chili—conceiving that the present dreadful crisis, in which the nation appears to be on the eve of all the horrors of civil war and anarchy, hitherto averted only by the special interposition of Providence, has been brought about by the imperfections of the political Constitution of 1828, which experience has shown to be incompatible with the public safety and tranquillity, and for the revision of which a great majority of the Chilian people have manifested their wishes—after the most accurate examination and mature deliberation has this day, (August 14th, 1831,) issued the following

DECREE :

ARTICLE 1. The political Constitution of the Chilian Nation, promulgated on the 6th August, 1828, requires modification and alteration.

ART. 2. A Convention shall be called as soon as possible in the manner designated by the 133d Article of the present Constitution, for the purpose of reforming or extending that charter.

ART. 3. This Convention shall

be composed of sixteen of the present Chamber of Deputies elected by the people—six great public functionaries from among the several branches of the administration, and fourteen of the Notables of the State, to wit: four literary men of distinguished wisdom and patriotism; two of the most illustrious and patriotic of the clergy; four great agricultural proprietors; two merchants of good credit; and two directors of mines, esteemed for their professional skill.

ART. 4. The individuals above-mentioned shall be elected by joint ballot of both Chambers, of each of which at least three-fourths must be present.

ART. 5. Any member of the National Congress may be elected a member of the Convention, either in the quality of Functionary or of Notable.

ART. 6. The election for the whole of each class shall be determined by a simple majority of votes according to the following order: First, the sixteen persons from the Chamber of Deputies. Secondly, the six great public functionaries. Thirdly, the four literary men. Fourthly, the ecclesiastics. Fifthly, the agricul-

tural proprietors. Sixthly, the merchants. Seventhly, and last, the directors of the mines.

ARTICLES 8 to 11 inclusive, relate only to the formalities of elections, &c.

ART. 12. The sole objects of the Convention are to be the revision, reform and modification of, or addition to the Constitution; its debates to be conducted according to the rules established by the Congress on the 12th of July, 1826.

ART. 13. The Supreme Government, the Senate and Chamber of Deputies, may nominate such persons as they think proper, to sit without vote in the Council, for the purpose of examining and discussing the reform and alterations proposed. Petitions, with the same view, may be presented by all public bodies, or private citizens.

ART. 14. The Representative Chambers will suspend their meetings during the session of that Convention; the respective functions of each, to be left to a permanent commission, chosen by themselves, according to the 86th Article of the Constitution.

The Chambers may, however, be convoked by the Government, with the consent of said commission, in case circumstances should require it.

ART. 15. When the business of the Convention is concluded, a notification shall be given to the Permanent Commission for convoking the legislative bodies, to which the plan of the new Constitution will be submitted.

ART. 16. The two Chambers will meet in one hall, and, forming one deliberative body, will examine the plan presented, and receive or reject it in the name of the nation; the vote to be taken after the debates upon the simple question—is the plan of a Constitution, presented by the Convention, to be accepted or rejected?

ART. 17. If the votes be in favor of its acceptance, it shall be published as the Constitution of the State.

ART. 18. If it be rejected, the Chambers will proceed, separately, to determine what further means are to be adopted for another revision of the Constitution of August 1826.

H A Y T I.

A Proclamation of President Boyer, relative to a Demand made upon the Haytien Government, by the King of Spain.

‘HAYTIENS! The King of Spain has demanded from the Government of this Republic, the surrender of the eastern part of the island of Hayti. The answer to this will be found in our Constitu-

tion of 1806, which runs thus: “The island of Hayti, (formerly called St Domingo,) with the adjacent islands dependent on it, shall form the Republic of Hayti.”

The founders of our Govern-

ment, in proclaiming at that time the wishes of the nation, did not encroach upon the possessions of his Catholic Majesty ; they only followed the example set them by many civilized countries ; they exercised a right which results from the principle of self-preservation—a principle on which is founded the existence and security of most nations.

The ancient Spanish colony, abandoned in great measure to its own resources, became in 1795, by the treaty of Bale, an integral part of the French colony of St Domingo. In 1802, when an expedition was directed against it for the purpose of depriving the people of the liberty they had acquired at the cost of many sacrifices, the proscription was extended, as all know, even to the eastern part of the island. There as well as in the western provinces, the rivers and the seas were red with the blood of our unfortunate countrymen. Afterwards, when by the aid of Heaven, the glorious resistance of the Haytiens forced the enemy to capitulate, was it not the duty of a regenerated people to declare, for their preservation and their future security, that all the territory should be their own indivisible property ?

This island, in old times inhabited by a single indigenous race, became the theatre of a long and bloody war as soon as the

Spaniards invaded it ; for they were obliged to defend themselves and their possessions against the French, who also wished to establish themselves there. Neither the close relationship of the sovereigns of these two nations, nor the most solemn treaties, were able to restrain them. And if two people having the same form of government, could not live in peace in this land, the lesson will not be lost upon us ; it teaches us that a growing people, created by liberty, cannot, without danger to their national existence, live in the neighborhood of a nation governed by entirely different institutions.

The President exhorts the inhabitants of the eastern part of the island, and its dependencies, to remain firm in their adherence to the Constitution, &c., and promises his protection in case of danger. The Proclamation concludes in these terms :

‘ We have declared to the universe our desire to live in peace with all nations ; we are bound to do this by our Constitution. It has always been our determination to let those alone who do not disturb us ; but if our territory should be violated, we shall turn upon our aggressors, and place the destinies of Hayti in the hands of the Sovereign Arbitrer of nations and of kings.’ The Proclamation is dated on the 6th of February, 1830.

GREAT BRITAIN.

The King's Speech and Prorogation of Parliament, July 23, 1830.

HOUSE OF LORDS.

The doors of the house were opened at a little before twelve o'clock on Friday.

A message was then sent to the House of Commons, and shortly after the Speaker, attended by several of the members, appeared below the bar.

The Speaker of the House of Commons then addressed his Majesty to the following purport :
May it please your Majesty,

We, your Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, approach your Majesty for the first time since your accession to the throne of these realms, and Sir, it would be difficult for me adequately to express, and impossible to describe the loyal attachment to your royal person and government. Sir, we are about to close the session of Parliament, of great length and unprecedented labor, confidently anticipating that the objects we have effected will be productive of relief to a large class of the community, and of general satisfaction to the whole nation. Sir, in the gracious speech which the Lords Commissioners made from the throne at the commencement of the session, much deep concern was expressed to promote the happiness and permanent welfare of the country. To that recommendation, his Maj-

esty's faithful Commons have attended with the most anxious zeal and persevering industry. We have addressed our attention whereby we have been able to effect great reduction in the expenditure, without impoverishing our naval and military establishments, and a large reduction of taxation, without endangering the public credit. We, in following up our labors of the preceding session, in the melioration of the criminal laws, have consolidated and amended the laws relating to the crime of forgery, and in mitigating their severity, and we presume to hope, have increased their efficacy. We have also applied ourselves to great and comprehensive improvements in the administration of justice; in the minor law courts of Westminster Hall, in the Principality of Wales, and in Scotland—by adapting the powers and jurisdictions of the higher courts to the wants and just demands of this most industrious, enterprising, powerful, and enlightened nation. These are the leading and most important subjects to which our inquiries have been directed and our labors applied, and if our wishes and exertions be responded to by the benefits we looked for, and the measures be perfected, we may conclude, with what we did hope, that we shall be entitled to your Majesty's most gracious approba-

tion, and to the respect and gratitude of the whole nation.

His Majesty then delivered the following most gracious speech :

My Lords and Gentlemen,

On this first occasion of meeting you, I am desirous of repeating to you, in person, my cordial thanks for those assurances of sincere sympathy and affectionate attachment which you conveyed to me on the demise of my lamented brother, and on my accession to the throne of my ancestors.

I ascend that throne with a deep sense of the sacred duties which devolve upon me, with a firm reliance on the affection of my faithful subjects, and on the support and co-operation of Parliament; and with an humble and earnest prayer to Almighty God, that he will prosper my anxious endeavors to promote the happiness of a free and loyal people.

It is with the utmost satisfaction that I find myself enabled to congratulate you upon the general tranquillity of Europe. This tranquillity it will be the object of my constant endeavors to preserve, and the assurances which I receive from my allies, and from all foreign Powers, are dictated in a similar spirit.

I trust that the good understanding which prevails upon subjects of common interest, and the deep concern which every State must have in maintaining the peace of the world, will insure the satisfactory settlement of those matters which still remain to be finally arranged.

Gentlemen of the House of Commons,

I thank you for the supplies which you have granted, and for the provision which you have made for several branches of the public service during that part of the present year which must elapse before a new Parliament can be assembled.

I cordially congratulate you on the diminution which has taken place in the expenditure of the country, on the reduction of the charge of the public debt, and on the relief which you have afforded to my people by the repeal of some of those taxes which have heretofore pressed heavily upon them.

You may rely upon my prudent and economical administration of the supplies which you have placed at my disposal, and upon my readiness to concur in every diminution of the public charges which can be effected consistently with the dignity of the crown, the maintenance of national faith, and the permanent interests of the country.

My Lords and Gentlemen,

I cannot put an end to this session, and take my leave of the present Parliament, without expressing my cordial thanks for the zeal which you have manifested, on so many occasions, for the welfare of my people.

You have wisely availed yourselves of the happy opportunity of general peace and internal repose, calmly to review many of the laws and judicial establishments of the country; and you have applied such cautious and well considered reforms as are

consistent with the spirit of our venerable institutions, and are calculated to facilitate and expedite the administration of justice.

You have removed the civil disqualifications which affected numerous and important classes of my people.

While I declare, on this solemn occasion, my fixed intention to maintain to the utmost of my power the Protestant reformed religion established by law, let me at the same time express my earnest hope that the animosities which have prevailed on account of religious distinctions may be forgotten, and that the decision of Parliament with respect to those distinctions having been irrevocably pronounced, my faithful subjects will unite with me in advancing the great object contemplated by the Legislature, and in promoting that spirit of domestic concord and peace which constitutes the surest basis of our national strength and happiness.

Then the Lord Chancellor, by his Majesty's command, said:

My Lords and Gentlemen,

It is his Majesty's royal will and pleasure that this Parliament be prorogued to Tuesday, the tenth day of August next.

Imperial Parliament.

HOUSE OF LORDS.—Nov. 2, 1830.

On the arrival of the Commons, his Majesty delivered the following speech:

My Lords, and Gentlemen,

It is with great satisfaction that I meet you in Parliament, and that I am enabled, in the present

conjuncture, to recur to your advice.

Since the dissolution of the late Parliament, events of deep interest and importance have occurred on the continent of Europe.

The elder branch of the house of Bourbon no longer reigns in France, and the Duke of Orleans has been called to the throne by the title of King of the French.

Having received from the new Sovereign a declaration of his earnest desire to cultivate the good understanding and to maintain inviolate all the engagements subsisting with this country, I did not hesitate to continue my diplomatic relations and friendly intercourse with the French Court.

I have witnessed, with deep regret, the state of affairs in the Low Countries.

I lament that the enlightened administration of the king should not have preserved his dominions from revolt; and that the wise and prudent measure of submitting the desires and the complaints of his people to the deliberations of an extraordinary meeting of the States General should have led to no satisfactory result. I am endeavoring, in concert with my Allies, to devise such means of restoring tranquillity as may be compatible with the welfare and good government of the Netherlands, and with the future security of other states.

Appearances of tumult and disorder have produced uneasiness in different parts of Europe; but the assurances of a friendly disposition, which I continue to receive from all Foreign Powers, justify the expectation that I shall be

enabled to preserve for my people the blessings of peace.

Impressed at all times with the necessity of respecting the faith of national engagements, I am persuaded that my determination to maintain, in conjunction with my Allies, those general treaties by which the political system of Europe has been established, will offer the best security for the repose of the world.

I have not yet accredited my Ambassador to the Court of Lisbon; but the Portuguese government having determined to perform a great act of justice and humanity, by the grant of a general amnesty, I think that the time may shortly arrive when the interests of my subjects will demand a renewal of those relations which had so long existed between the two countries.

I am impelled, by the deep solicitude which I feel for the welfare of my people, to recommend to your immediate consideration the provisions which it may be advisable to make for the exercise of the royal authority, in case that it should please Almighty God to terminate my life before my successor shall have arrived at years of maturity.

I shall be prepared to concur with you in the adoption of those measures which may appear best calculated to maintain unimpaired the stability and dignity of the Crown, and thereby to strengthen the securities by which the civil and religious liberties of my people are guarded.

Gentlemen of the House of Commons,

I have ordered the estimates

for those services of the present year, for which the last Parliament did not fully provide, to be forthwith laid before you. The estimates for the ensuing year will be prepared with that strict regard to economy which I am determined to enforce in every branch of the public expenditure.

By the demise of my lamented brother, the late king, the civil list revenue has expired.

I place without reserve at your disposal my interest in the hereditary revenues, and in those funds which may be derived from any droits of the Crown or Admiralty, from the West India duties, or from any casual revenues, either in my foreign possessions or in the United Kingdom.

In surrendering to you my interest in revenues which have in the former settlements of the civil list been reserved to the Crown, I rejoice in the opportunity of evincing my entire reliance on your dutiful attachment, and my confidence that you will cheerfully provide all that may be necessary for the support of the Civil Government, and the honor and dignity of my Crown.

My Lords, and Gentlemen,

I deeply lament that in some districts of the country the property of my subjects has been endangered by combinations for the destruction of machinery; and that serious losses have been sustained through the acts of wicked incendiaries.

I cannot view without grief and indignation the efforts which are industriously made to excite among my people a spirit of discontent

and disaffection, and to disturb the concord which happily prevails between those parts of my dominions, the union of which is essential to their common strength and common happiness.

I am determined to exert to the utmost of my power all the means which the law and the constitution have placed at my disposal, for the punishment of sedition, and for the prompt suppression of outrage and disorder.

Amidst all the difficulties of the present conjuncture, I reflect with the highest satisfaction on the loyalty and affectionate attachment of the great body of my people.

I am confident that they justly appreciate the full advantage of that happy form of government, under which, through the favor of divine Providence, this country has enjoyed for a long succession of years a greater share of internal peace, of commercial prosperity, of true liberty, of all that constitutes social happiness, than has fallen to the lot of any other country of the world. It is the great object of my life to preserve these blessings to my people, and to transmit them unimpaired to posterity; and I am animated in the discharge of the sacred duty which is committed to me, by the firmest reliance on the wisdom of Parliament, and on the cordial support of my faithful and loyal subjects.

The King's Speech and Prorogation of Parliament.

Thursday, Oct. 20, 1831.

The usual preparations for the prorogation of Parliament having

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been previously made, the king arrived at about half past two. Immediately afterwards the House of Commons were summoned to the bar, when the king delivered the following speech :

My Lords and Gentlemen,

I am at length enabled to put an end to a session of unexampled duration and labor, in which matters of the deepest interest have been brought under your consideration.

I have felt sincere satisfaction in confirming, by my royal assent, bills for the amendment of the game laws, and for the reduction of taxes which pressed heavily on the industry of my people; and I have observed, with no less pleasure, the commencement of important improvements in the law of bankruptcy, from which the most beneficial effects may be expected.

I continue to receive the most gratifying proofs of the friendly disposition of Foreign Powers.

The conference assembled in London has at length terminated its difficult and laborious discussions by an arrangement unanimously agreed upon by the Plenipotentiaries of the Five Powers, for the separation of the States of Holland and Belgium, on terms by which the interests of both, together with the future security of other countries, have been carefully provided for.

A treaty founded on this arrangement has been presented to the Dutch and Belgian Plenipotentiaries; and I trust that its acceptance by their respective courts, which I anxiously expect,

will avert the dangers by which the peace of Europe was threatened whilst this question remained unsettled.

Gentlemen of the House of Commons,

I thank you for the provision made for the future dignity and comfort of my Royal Consort, in the event of her surviving me, and for the supplies which you have granted for the service of the present year. You may be assured of my anxious care to have them administered with the strictest attention to a well-considered economy.

The state of Europe has produced the necessity of an increased expenditure in the various establishments of the public service, which it will be my earnest desire to reduce wherever it can be done with safety to the interests of the country. In the meantime I have the satisfaction of reflecting that these demands have been provided for without any material addition to the public burthens.

My Lords and Gentlemen,

In the interval of repose which may now be afforded you, I am sure it is unnecessary for me to recommend to you the most careful attention to the preservation

of tranquillity in your respective counties.

The anxiety which has been so generally manifested by my people for the accomplishment of a Constitutional Reform in the Commons House of Parliament, will, I trust, be regulated by a due sense of the necessity of order and moderation in their proceedings. To the consideration of this important question, the attention of Parliament must necessarily again be called at the opening of the ensuing session; and you may be assured of my unaltered desire to promote its settlement, by such improvements in the representation as may be found necessary for securing to my people the full enjoyment of their respective rights, which, in combination with those of the other orders of the State, are essential to the support of our free Constitution.

The Lord Chancellor then said:—It is his Majesty's royal will and pleasure that this Parliament be prorogued to Tuesday, the 22d day of next November, to be then here holden; and this Parliament is prorogued accordingly.

The attendance of the House of Commons was numerous.

PARLIAMENT OF LOWER CANADA.—GOVERNOR'S SPEECH.

Quebec, Thursday, January 27.

This day the Legislative Council and the House of Assembly attended his Excellency in the

Castle of St Louis, when the Speaker of the Legislative Council, read in the following words, his Excellency's speech:

Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly :

The convening of a new provincial Parliament which has been rendered necessary by the death of his late Majesty, and my own recent appointment to this Government, are circumstances which would have made it desirable to call you together at an earlier period ; but I have been induced to defer doing so until the corresponding season of last year's meeting, under the impression that I was thereby more effectually consulting your personal convenience.

The loss which his Majesty, and the Royal Family, and the whole of his Majesty's subjects have sustained by the demise of his late Majesty, will, I doubt not, have been the cause of grief to his Majesty's faithful Canadian subjects.

My inexperience in regard to the local concerns of this province does not, as yet, permit of my directing your attention to any particular object connected with its internal improvement ; but I can assure you, that I am now, and have been ever since my arrival amongst you, diligently employed in acquiring such information on those points, as may, I trust, enable me hereafter to offer some useful suggestions for your consideration.

There is, however, one subject to which I wish briefly to advert ; I mean the Currency ; and I do so merely for the purpose of informing you that I am in possession of some further information on that subject, which shall be

placed at your disposal in the event of your taking up the consideration of it again.

I had entertained a hope that I should have been enabled to lay before you some communication from his Majesty's Government, upon the question of Finance, which has occupied much of the attention of the Legislature of this province ; but not having it yet in my power to do so, I think it necessary to apprise you, that I have reason to know that the unavoidable pressure of public business incidental to the death of his late Majesty, and the change of Administration which has recently taken place in England, have interrupted the progress of measures contemplated by his Majesty's Government on that subject. These measures I have every reason to believe will soon be brought to maturity. In the meanwhile it may be satisfactory to you to learn, that his Majesty's Government is deeply impressed with the necessity of an immediate and satisfactory adjustment of the question to which I have alluded, and I am sanguine enough to hope that the instructions which I am led to expect, will be calculated to prevent the chance of future collision on this subject.

Under these circumstances, you will, I trust, see the necessity of making some provisional arrangement for meeting the expenditure of the Government, upon the assurance that his Majesty entertains an earnest desire to see the financial concerns of the province placed, without loss of time, upon a footing which may be at once compatible with the

exigencies of the public service, and with the wishes and feelings of his Majesty's faithful subjects in Lower Canada. His Majesty has no desire to call upon them for any supplies beyond such as may upon full consideration be found essential, his Majesty having no object more at heart than the comfort, the prosperity and the happiness of a people, who are endeared to him by many ties, and whose growing importance in all the relations of the British Empire, his Majesty fully appreciates.

Gentlemen of the House of Assembly,

The accounts of the past year are in a forward state of preparation, and I have every reason to believe, that they will be ready to be laid before you, previous to the expiration of the period fixed by Legislative regulation for the production of the public accounts.

An estimate of the expenses for the ensuing year is also in preparation, and will shortly be ready to be submitted to you.

Gentlemen of the Legislative Council,
Gentlemen of the House of Assembly,

The accession of his Majesty, King William the Fourth, and his consort Queen Adelaide, an event which has filled with joy the heart of every British subject, affords an opportunity of expressing those sentiments of loyalty and attachment to the reigning Royal Family, by which his Majesty's faithful and loyal Canadian subjects have ever been distinguished.

Were I to consult my own inclination on the present occasion, I should avoid saying anything re-

garding myself personally; but appearing before you, as I now do, for the first time, I think it necessary to detain you a few moments longer, while I express the deep sense I entertain of the importance of the arduous duties which the King has been graciously pleased to confide to me; and although personally a stranger to this part of his Majesty's dominions, I am, nevertheless, fully aware of the nature and extent of the difficulties by which those duties are surrounded; how to surmount the difficulties to which I now allude, shall be the object of my constant study, and conscious of my own deficiencies, I shall endeavor to supply my want of ability for the task, by a strict and steady adherence to those principles of justice and impartiality which I am quite sure will never mislead me.

It may be, that my efforts are not destined to be crowned with success; I will, at least, endeavor to deserve it.

In conclusion: It is worthy of observation that your present meeting is marked by peculiar circumstances. You are now, for the first time, called together under the authority of his present Majesty King William the Fourth, and the popular branch of the Legislature which has been considerably extended by a late Legislative enactment, assembles now, also for the first time, with its augmented members. These circumstances, Gentlemen, constitute the commencement of a new era in your Parliamentary history: an era, which I do most earnestly hope may be distinguished by

that harmony and good understanding between the several branches of the Legislature, which is so essentially necessary to give full effect to the advantages of the Constitution you have the happiness to possess, and for the preservation of which, as by law established, it is, I am well convinced, equally the interest of every Canadian subject of his Majesty to pray fervently to Almighty God.

—

The Revenue.

House of Assembly,
Quebec, Feb. 23, 1831. }

Mr Secretary Gleeg presented the following message from the Governor :

AYLMER, Governor in Chief.

The Governor in Chief has received from the Secretary of State for the Colonial Department, his Majesty's commands to make the following communication to the House of Assembly, with a view to the final adjustment of the question of Finance, which has so long engaged the attention of the Legislature of this province.

His Majesty taking into consideration the best mode of contributing to the prosperity and contentment of his faithful subjects of the province of Lower Canada, places at the disposal of the Legislature, all his Majesty's interest in those taxes which are now levied in the province, by virtue of different acts of the British Parliament, and which are appropriated by the Treasury under his Majesty's commands, to-

gether with all fines and forfeitures levied under the authority of such acts. His Majesty relying on the liberality and justice of the Legislature of Lower Canada, invites them to consider the propriety of making some settled provision for such portion of the expenses of the Civil Government of the province as may, upon examination, appear to require an arrangement of a more permanent nature than those supplies which it belongs to the Legislature to determine by annual votes.

His Majesty has directed to be prepared and laid before the House of Assembly, an estimate of the sums required for that purpose ; and in directing the preparation of that estimate, his Majesty has been guided by a wish, never absent from his heart, to call upon his faithful subjects for no other supply than such as may appear to be required for the due execution of those services which it is proposed to charge upon the Civil List.

His Majesty concedes the disposal of those Revenues with cordial good will, and cannot doubt that it will be met with a reciprocal feeling by the Representatives of a loyal and attached people.

The Revenues to be given up, taken upon the average of the last two years, amount to thirty-eight thousand one hundred and twentyfive pounds currency, and the amount of the Civil List, according to the estimate herewith transmitted, amounts to nineteen thousand five hundred pounds. It is not, however, necessary to call upon the Legislature to grant the whole sum of nineteen

thousand five hundred pounds, inasmuch as by the provincial act of the 35th of Geo. III, the sum of five thousand pounds is permanently granted towards the maintenance of the Civil Government; the moderate sum of fourteen thousand five hundred pounds, is therefore all that is deemed necessary to ask for the completion of the proposed arrangement.

It is proposed that the duration of the Civil List should be for the life of his Majesty.

It is hoped that the arrangements thus detailed will be received in the spirit in which they are dictated, a spirit of conciliation and confidence.

His Majesty is prepared to surrender a large and increasing Revenue; he asks in return for a fixed and moderate Civil List, much less in amount than the Revenue given up; and the settlement of this long agitated question, will be deemed by his Majesty one of the happiest events of his reign, the glory of which, the people of Canada may be assured, will be the promotion of the happiness and content of all classes of his subjects in every quarter of the globe.

The Governor-in-Chief having thus obeyed the commands he has received, in making the foregoing communication to the House of Assembly, desires to add that if in the course of their proceedings on this important question, they should deem it expedient to require explanations from him on the subject of it, he will at all times be ready to afford such explanations; and he

will, moreover, most willingly supply any further information they may desire to have, to the utmost extent compatible with his duty to his Sovereign.

Proposed Civil List.

Castle of St Lewis, }
Quebec, 23d February, 1831. }

Class No. 1.—Governor's salary £4500, Civil Secretary £500, Contingencies £300; total, £5300. Class No. 2.—Chief Justice £1500, ditto, Montreal £1200, 6 Puisné Judges £900 each, £5400, Resident Judge at 3 Rivers £900, 2 Provincial Judges £1000, Judge of Vice Admiralty £200, Attorney General £300, Solicitor General £200, Allowances for Judges for Circuits £275, Contingencies £475; total £11,450. Class No. 3.—Pensions £1000, Miscellaneous £1750; total £2750. Total 3 Classes, sterling, £19,500.

Statement of the average net produce of the Revenues, under the following heads, founded of the receipts of the two last years, after deducting the proportion for Upper Canada:—Customs under imperial act, 14 Geo. III. c. 88, £31,742, licenses under ditto £2200. Do. under provincial act 41st, Geo. III. £62, Customs under ditto, £3735, Fine and Forfeitures 386; total Currency £38,125.

JOSEPH CARY, Inspector General Public Provincial Accounts.

Second Message, Feb. 25.

ATLMEY, Governor-in-Chief.

The Governor-in-Chief having in his message of 23d instant,

communicated to the House of Assembly the commands of his Majesty, received through the Secretary of State for the Colonial Department, regarding the question of Finance which has for so long a period engaged their attention, thinks it necessary to enumerate in detail the several branches of Revenue which it is deemed expedient to exempt from the operation of the proposed arrangement.

This further communication appears to his Excellency to be the more desirable as it will remove all grounds for future discussion when the adjustment of the main question shall have taken place, and as it will enable the House of Assembly to enter upon the consideration of this important topic with a full and precise understanding of the views of his Majesty's Government; these views are now exhibited by the Governor-in-Chief to the House of Assembly in that spirit of frankness and good faith which characterizes the instructions he has received, and which cannot fail to improve the confidence of the House of Assembly in the good intentions of his Majesty's Government.

The Revenues to which the Governor-in-Chief alludes are the Casual and Territorial Revenues of the Crown, and are classed under the following heads, viz.—

1. Rents, Jesuits, Estates. 2. Rent of the King's Posts. 3. Forges of St Maurice. 4. Rent of King's Wharf. 5. Droit de Quint. 6. Lods et Ventes. 7. Land Fund. 8. Timber Fund.

If the Funds derived from these sources operated in any degree as a tax upon the people, or tended either in their nature, or in the mode of their collection, to impede or impair the prosperity of the province, his Majesty's Government would have hesitated in proposing to retain them at the disposal of the Crown. They stand, however, upon a perfectly different ground from taxes, properly so called. They are enjoyed by the Crown, by virtue of the Royal prerogative, and are neither more nor less than the proceeds of landed property, which legally and constitutionally belongs to the Sovereign on the throne; and as long as they are applied, not to undue purposes of mere patronage, but to objects which are closely connected with the public interests of the province, it is not easy to conceive upon what grounds of abstract propriety, or of constitutional jealousy, the application of them according to his Majesty's commands, under responsible advice, can be impugned.

Castle of St Lewis, Quebec, 25th Feb. 1831.

LEGISLATURE OF UPPER CANADA.—PROVINCIAL REVENUE.

Copy of a Message sent down to the House of Assembly by the Lieutenant Governor, February 28, 1831.

J. COLBORNE.

The Lieutenant Governor has the satisfaction to inform the House of Assembly, that the King places at the disposal of the provincial Legislature, all his Majesty's interest in the duties which are collected under the British statute of the 14 Geo. III. chap. 88, and which have hitherto been applied to the support of the Civil Government by warrants of the Lords Commissioners of his Majesty's Treasury.

His Majesty in conceding the complete disposal of this increasing revenue, has naturally the confident expectation, that so great a proof of his anxious desire to consult the wishes of his faithful and loyal subjects in Upper Canada, will be met with a reciprocal feeling by their Representatives.

The Lieutenant Governor is therefore instructed to acquaint the House, that his Majesty's Government trusts that the Legislature will think it indispensable that provision should be immediately made for the salaries of the Lieutenant Governor, the Judges and principal officers of the Government, and for such expenses of the Civil Government and administration of justice as may appear upon examination of the estimates in possession of the House, to require a more permanent arrangement than the supplies which are granted by annual vote.

The sum of eight thousand pounds is deemed sufficient by

his Majesty's Government for this important object, exclusive of the sum granted permanently by a provincial act, towards the maintenance of the Civil Government.

The Revenue to be ceded cannot be calculated at less than eleven thousand five hundred pounds sterling, and it will be highly gratifying to the Lieutenant Governor to concur in any measure that may accelerate the final arrangements proposed by his Majesty's Government to give effect to his Majesty's gracious intentions, and to the decision of the British Parliament, when the Lords of the Treasury may be released from the obligation of appropriating in future the duties referred to in this communication.

Copy of a Message sent down on the 1st of March.

J. COLBORNE.

The Lieutenant Governor, with reference to his communication of yesterday, transmits for the information of the House of Assembly, estimates of the expenses of the Civil Government.

Government House, 1st March, 1831.

Estimate of Expenses requiring a more Permanent Arrangement than an Annual Vote.

Salary of the Lieutenant Governor	£3,000 00 00
Judges	3,300 00 00
Attorney General	300 00 00
Solicitor General	100 00 00
Secretary of the Province	300 00 00
Retired Judges	2,700 00 00
Contingent and Miscellaneous	800 00 00

Sterling, £10,500 00 00

Estimate of the Expenses of the Civil Government—Continued.

Speaker of the Legislative Council	£360 00 00
Five Executive Councillors	500 00 00
Receiver General	200 00 00
Surveyor General	300 00 00
Clerk of the Executive Council	200 00 00
Clerk of the Crown and Pleas	100 00 00
	Sterling, £1,600 00 00

Public Offices.

Government Office.	
Secretary's Salary	122 10 00
Three Clerks	550 00 00
	732 10 00

Executive Council Office.	
Two Clerks	332 10 00
Secretary & Register's Office.	
One Clerk and Deputy Secretary	150 00 00
Receiver General's Office.	
Two Clerks	332 10 00
Surveyor General's Office.	
Draughtsman and four Clerks	726 05 07½
Inspector General's Office.	
Two Clerks	332 10 00
Contingent expenses of the public offices	1,500 00 00
Contingent expenses of the administration of Justice	1,800 00 00
	Sterling, £7,566 05 07½

FRANCE.

Constitutional Charter of the French,

As decreed on August 8, 1830, by the two Legislative Chambers, and presented for the acceptance of H. R. H. MONSEIGNEUR the Duke of Orleans, Lieutenant General of the Kingdom.

THIS Charter is nothing but the ancient charter with the suppressions, the extensions and interpretations, adopted by both Chambers in favor of liberty. We publish it in the only text which now constitutes the *public law* of France; we have indicated by *italics* the order or amended article, and in notes have given the changes or suppressed articles.

The whole preamble of the ancient charter was suppressed, as containing the principle of concession and *octroi* (grant,) incompatible with that of the acknowledgment of national power, from which alone all other powers legally emanate, and more than

every other, that of constitutional royalty.

The following is the substitution of the preamble

DECLARATION OF THE CHAMBER OF DEPUTIES.

The Chamber of Deputies, taking into consideration the imperious necessity which results from the events of the 26th, 27th, 28th, and 29th of July, and the following days; and from the situation in which France is placed in consequence of the violation of the Constitutional Charter:

Considering, moreover, that by this violation, and the heroic resistance of the citizens of Paris, his Majesty Charles X., his Royal Highness Louis-Antoine, dauphin, and all the members of the senior branch of the royal house are leaving, at this moment, the French territory:

Declares that the Throne is

vacant *de facto et de jure*, and that it is necessary to fill it.

The Chamber of Deputies declare, secondly, that according to the wish, and for the interest of the French people, the preamble of the Constitutional Charter is suppressed, as wounding the national dignity in appearing to grant to the French rights which essentially belong to them; and that the following Articles of the same Charter ought to be suppressed or modified in the following manner.

LOUIS PHILIP, King of the French, to all to whom these presents shall come, greeting :

We have ordained and ordain, that the Constitutional Charter of 1814, as amended by the two Chambers, on the 7th August, and adopted by us on the 9th, be published anew in the following terms :

PUBLIC LAW OF THE FRENCH.

ARTICLE 1. Frenchmen are equal before the law, whatever otherwise may be their titles or their ranks.

2. They contribute in proportion to their fortunes to the charges of the state.

3. They are all equally admissible to civil and military employments.

4. Their individual liberty is equally guaranteed. No person can be either prosecuted or arrested, except in cases provided for by the law, and in the form which it prescribes.

5. Each one may profess his religion with equal liberty and shall receive for his religious worship the same protection.

6. *The Ministers of the Cath-*

olic, Apostolic, and Roman Religion, professed by the majority of the French, and those of other Christian worship, receive stipends from the public treasury. (1)

7. Frenchmen have the right of publishing and causing to be printed their opinions, provided they conform themselves to the laws.

The Censorship can never be re-established. (2)

8. All property is inviolable, without exception of that which is called *national*, the law making no difference between them.

9. The state can exact the sacrifice of property for the good of the public, legally proved, but with a previous indemnity.

10. All examination into the opinions and votes given before the restoration are interdicted, and the same oblivion is commanded to be adopted by the tribunals and by the citizens.

11. The Conscription is abolished. The method of recruiting the army for land and sea is to be determined by the law.

FORMS OF THE KING'S GOVERNMENT.

12. The person of the King is inviolable and sacred. His minis-

(1) This article 6 is substituted for the articles 6 and 7 of the old Charter, which ran thus :

6. However, the Catholic, Apostolic, and Roman religion, is the religion of the state.

7. The Ministers of the Catholic, Apostolic, and Roman religion, and those of other Christian confessions, alone receive stipends from the public treasury.

(2) Article 8 of the old Charter:

The French have the right to publish and to cause to be published, their opinions, conforming themselves to the laws, which shall prevent the abuse of this liberty.

ters are responsible. To the king alone belongs executive power.

13. The King is the supreme head of the state; commands the forces by sea and by land; declares war, makes treaties of peace and alliance and of commerce; he appoints to all offices in public administration, and makes all regulations necessary for the execution of the laws, *without ever having power either to suspend the laws themselves, or dispense with their execution.*

Nevertheless, no foreign troops can be admitted into the service of the state without an express law. (3)

14. The Legislative power is to be exercised collectively by the King, the Chamber of Peers, and the Chamber of Deputies. (4)

15. *The proposition of the laws belongs to the King, to the Chamber of Peers, and to the Chamber of Deputies.*

Nevertheless, all the laws of Taxes are to be first voted by the Chamber of Deputies. (5)

(3) Article 14 of the old Charter:

The King is the supreme head of the state, commands the forces by land and sea, declares war, makes treaties of peace, alliance, and commerce, appoints to all offices of public administration, and makes rules and orders, necessary for the execution of the laws, and the safety of the state.

(4) There was in Article 15 of the old Charter: and the Chamber of Deputies of the Departments. These three last words have been suppressed.

(5) Article 15 is in the place of Articles 16 and 17 of the old Charter, which were thus:

Article 16. The King proposes the law.

Article 17. The proposition of the law is carried, at the pleasure of the King, to the Chamber of Peers or that of the Deputies, except the law of taxes, which is to be directed to the Chamber of Deputies.

16. Every law is to be discussed and freely voted by the majority of each of the two Chambers.

17. *If a proposed law be rejected by one of the three powers, it cannot be brought forward again in the same session.* (6)

18. The King alone sanctions and promulgates the laws.

19. The civil list is to be fixed for the duration of the reign by the Legislative Assembly after the accession of the King.

OF THE CHAMBER OF PEERS.

20. The Chamber of Peers is to form an essential portion of the Legislative Power.

21. It is convoked by the King at the same time as the Chamber of Deputies. The session of one begins and ends at the same time as that of the other.

22. Any Assembly of the Chamber of Peers, which should be held at a time which is not that of the session of the Chamber of Deputies, is illicit, and null of full right, *except the only case in which it is assembled as a Court of*

(6) Article 17 is substituted for articles 19, 20, and 21, suppressed as useless, after the preceding provisions. They were the following:

Article 19. The Chambers have the right to petition the King to propose a law on any subject whatever, and to indicate what seems to them proper, the law ought to contain.

Article 20. This request may be made by each of the Chambers, but after having been discussed in secret committee: it is not to be sent to the other Chamber, by that which proposes, until after the lapse of ten days.

Article 21. If the proposition is adopted by the other chamber, it is to be laid before the King; if it is rejected, it cannot be presented again in the same session.

Justice, and then it can only exercise judicial functions. (7)

23. The nomination of the Peers of France belongs to the King. Their number is unlimited; he can vary their dignities, and name them Peers for life, or make them hereditary at his pleasure.

24. Peers can enter the Chamber at twentyfive years of age, but have only a deliberative voice at the age of thirty years.

25. The Chamber of Peers is to be presided over by the Chancellor of France; and in his absence, by a Peer named by the King.

26. The Princes of blood are to be Peers by right of birth. They are to take their seats immediately behind the President. (8)

27. *The sittings of the Chamber of Peers are public as that of the Chamber of Deputies.* (9)

28. The Chamber of Peers takes cognizance of high treason, and of attempts against the security of the State, which is to be defined by the law.

(7) This is Article 26 of the old Charter, augmented by this provision, which was not in the former, and the words following have been suppressed; or that it should be ordained by the King.

(8) Article 30 of the old Charter:

The members of the royal family and the princes of the blood, are Peers by the right of birth; they sit immediately behind the President; but they have no deliberative voice, before their twentyfifth year.

Article 31 was thus:

The Princes cannot take their seats in the Chamber, but by order of the King, expressed for each session by a message, under penalty of rendering everything null which has been done in their presence.—Suppressed.

(9) All deliberations of the Chamber of Peers, are secret. Article 32 of the old Charter.

29. No Peer can be arrested, but by the authority of the Chamber, or judged but by it in a criminal matter.

OF THE CHAMBER OF DEPUTIES.

30. The Chamber of Deputies will be composed of Deputies elected by the electoral colleges; the organization of which is to be determined by law. (10)

31. The Deputies are to be elected for five years. (11)

32. No Deputy can be admitted into the Chamber till he has attained the age of *thirty years, and if he does not possess the other conditions prescribed by the law.* (12)

33. If, however, there should not be in the Department fifty persons of the age specified *paying the amount of taxes fixed by law*, their number shall be completed from the persons who pay the greatest amount of taxes under the amount fixed by law. (13)

34. *No person can be an elector if he is under twentyfive years of age; and if he does not*

(10) Article 36 was thus:

Every department shall have the same number of Deputies which it has previously had.—Suppressed.

(11) Article 37 of the old Charter:

The Deputies shall be elected for five years, and in such a way, that the Chamber is renewed each year by a fifth.

(12) Article 38 of the old Charter:

No deputy can be admitted into the Chamber, if he is not forty years old, and if he does not pay direct taxes of one thousand francs.

(13) Article 39 of the old Charter:

If, nevertheless, there should not be in the department, fifty persons of the indicated age, paying at least one thousand francs, direct taxes, their number will be completed by those who pay the highest taxes under one thousand francs; and these may be elected concurrently with the others.

possess all the other conditions determined by the law. (14)

35. The Presidents of the electoral colleges are elected by the electors. (15)

36. The half at least of the Deputies are to be chosen from those who have their political residence in the Departments.

37. The President of the Chamber of Deputies *is to be elected by the Chamber itself at the opening of each session.* (16)

38. The sittings of the Chamber are to be public, but the request of five members will be sufficient that it forms itself into a secret committee.

39. The Chamber divides itself into *bureaux* (committees) to discuss the projects of laws, which may have been presented from the king. (17)

40. *No tax can be established nor imposed, if it has not been*

consented to by the two Chambers, and sanctioned by the king.

41. The land and house tax can only be voted for one year. The indirect taxes may be voted for many years.

42. The king convokes every year the two Chambers, he prorogues them, and may dissolve that of the Deputies; but in this case he must convoke a new one within the period of three months.

43. No bodily restraint can be exercised against a member of the Chamber during the session, nor for six weeks which precede or follow the session.

44. No member of the Chamber can be, during the session, prosecuted or arrested in a criminal matter, except taken in the act, till after the Chamber has permitted his arrest.

45. Every petition to either of the Chambers, must be made in writing. The law interdicts its being carried in person to the bar.

OF THE MINISTERS.

46. The ministers can be members of the Chamber of Peers or the Chamber of Deputies.

They have, moreover, their entrance into either Chamber, and are entitled to be heard when they demand it.

47. The Chamber of Deputies have the right of impeaching the Ministers, or of transferring them before the Chamber of Peers, who alone has the right to judge them. (18)

(18) Article 56 of the old Charter is suppressed; it ran thus:

They cannot be accused except for

(14) Article 40 of the old Charter:

The electors, who concur in electing the Deputy, cannot have the right of suffrage, if they do not pay a direct tax of 300 francs; and if they are less than thirty years of age.

(15) Article 41 of the old Charter:

The presidents of the electoral colleges shall be nominated by the king, and be, by right, members of the college.

(16) Article 43 of the old Charter:

The President of the Chamber of Deputies is nominated by the king, from a list of five members, presented by the Chamber.

(17) In consequence of the initiative, are suppressed Art. 46 and 47, which were thus:

46. No amendment can be made to a law, if it has not been proposed or consented to by the king, and if it has not been sent back and discussed by the bureaux.

47. The Chamber of Deputies receives all propositions of taxes, only after these propositions have been consented to, they may be carried to the Chamber of Peers.

JUDICIAL REGULATIONS.

48. All justice emanates from the king; it is administered in his name by the judges, whom he nominates, and whom he institutes.

49. The judges named by the king are immovable.

50. The ordinary courts and tribunals existing, are to be maintained, and there is to be no change but by virtue of a law.

51. The actual institution of the judges of commerce is preserved.

52. The office of justice of peace is equally preserved. The justices of peace, though named by the king, are not immovable.

53. No one can be deprived of his natural judges.

54. There cannot, in consequence, be extraordinary committees and tribunals created, *under whatever title or denomination this ever might be.* (19)

55. The debates will be public in criminal matters, at least when the publicity will not be dangerous to order and decency, and in that case the tribunal is to declare so by a distinct judgment.

56. The institution of juries is to be preserved; the changes which a longer experience may render necessary can only be effected by a law.

treason or peculation. Particular laws will specify this kind of offences, and will determine how they are to be prosecuted.

(19) Article 63 of the old Charter :

In consequence there cannot be created extraordinary committees and tribunals. The *juridictions prevotales*, if their re-establishment should be found necessary, are not comprised under this denomination.

57. The punishment of confiscation of goods is abolished, and cannot be re-established.

58. The king has the right to pardon and to commute the punishment.

59. The civil code, and the actual laws existing, that are not contrary to the present Charter, will remain in full force until they shall be legally abrogated.

PARTICULAR RIGHTS GUARANTEED BY THE STATE.

60. The military in actual service, retired officers and soldiers, widows, officers, and soldiers on pension, are to preserve their grades, honors, and pensions.

61. The public debt is guaranteed. Every sort of engagement made by the state with its creditors is to be inviolable.

62. The old nobility retake their titles. The new preserve theirs. The king creates nobles at his pleasure; but he only grants to them rank and honors, without any exemption from the charges and duties of society.

63. The legion of honor is to be maintained. The king shall determine its internal regulations and the decorations.

64. The colonies are to be governed by *particular laws.* (20)

65. The king and his successors shall swear, at their accession, *in presence of the two Chambers*, to observe faithfully

(20) Article 73 of the old Charter :

The colonies will be governed by particular laws and regulations.

the present constitutional charter. (21)

66. *The present Charter and the rights it consecrates, shall be entrusted to the patriotism and courage of the National Guard and all the citizens.*

67. *France resumes her colours. For the future there will be no other cockade than tri-colored cockade.* (22)

SPECIAL PROVISIONS.

68. All the creations of Peers during the reign of Charles X. are declared null and void.

Article 23 of the Charter will undergo a fresh examination during the session of 1831.

69. There will be provided successively by separate laws, and that with the shortest possible delay, for the following subjects :

1. The extension of the trial by jury to offences of the press, and political offences.

2. The responsibility of ministers and the secondary agents of Government.

3. The re-election of Deputies appointed to public functions with salaries.

4. The annual voting of the army estimates.

5. The organization of the

(21) Article 74 of the old Charter :

The king and his successors shall swear at the coronation, to observe faithfully the present constitutional charter.

(22) Articles 75 and 76 of the old Charter are suppressed ; they ran thus :

75. The Deputies of the Departments of France who sat in the legislative body, at the last adjournment, will continue to sit in the Chamber of Deputies, until replaced.

76. The first renewal of the fifth of the Chamber of Deputies will take place the latest in the year 1816, according to the order established.

National Guards with the intervention of the National Guards in the choice of their officers.

6. Provisions which insure, in a legal manner, the state of officers of each grade, by land and sea.

7. Departmental and municipal institutions founded upon an elective system.

8. Public instruction and the liberty of instruction.

9. The abolition of the double vote ; the settling of the electoral conditions, and that of eligibility.

Art. 70. All laws and ordinances, inasmuch as they are contrary to the provisions adopted by the reform of the Charter, are from this moment annulled and abrogated.

We give it in command to our courts and tribunals, administrative bodies, and all others, that they observe and maintain the present constitutional Charter, cause to be observed, followed and maintained, and in order to render it more known to all, they cause it to be published in all municipalities of the kingdom and everywhere, where it will be necessary, and in order that this be firm and stable forever, we have caused our seal to be put to it.

Done at the Palais-Royal, at Paris, the 14th day of the month of August, in the year 1830.

(Signed)

LOUIS-PHILIPPE.

By the king :

The Minister Secretary of the State for the department of the Interior.

(Signed)

GUIZOT.

Examined and sealed with the great seal.

The keeper of the seals, Minister Secretary of the State for the department of Justice.

(Signed) DUPONT (de l'Eure.)

Speech of the Duke of Orleans to the Chambers.

On Monday the 3d Aug. 1830, the Chamber of Peers and Deputies were opened, and the Lieutenant General addressed to them the following speech :

Peers and Deputies,

Paris, troubled in its repose by a deplorable violation of the Charter and of the laws, defended them with heroic courage! In the midst of this sanguinary struggle, all the guaranties of social order no longer subsisted. Persons, property, rights, everything that is most valuable and dear to men and to citizens, was exposed to the most serious dangers.

In this absence of all public power, the wishes of my fellow citizens have been turned towards me:—they have judged me worthy to concur with them in the salvation of the country; they have invited me to exercise the functions of Lieutenant General of the Kingdom.

This course appeared to me to be just, the dangers increase, the necessity imperative, my duty sacred. I hastened to the midst of this valiant people, followed by my family, and wearing those colors which, for the second time, have marked among us the triumph of liberty.

I have come firmly resolved

to devote myself to all that circumstances should require of me, in the situation in which they have placed me, to re-establish the empire of the laws, to save liberty which was threatened, and render impossible the return of such great evils, by securing forever the power of that Charter, whose name invoked during the contest, was also appealed to after the victory. (Applauses.)

In the accomplishment of this noble task, it is for the Chambers to guide me. All rights must be solemnly guaranteed, all the institutions necessary to their full and free exercise must receive the developments of which they have need. Attached by inclination and conviction to the principles of a free government, I accept beforehand all the consequences of it. I think it my duty immediately to call your attention to the organization of the National Guards, to the application of the jury to the crimes of the press, the formation of the Departmental and Municipal Administrations, and, above all, to that 14th Article of the Charter which has been so hatefully interpreted. (Fresh applause.) It is with these sentiments, gentlemen, that I come to open this session.

The past is painful to me. I deplore misfortunes which I could have wished to prevent; but in the midst of this magnanimous transport of the Capital, and of all the other French cities, at the sight of order reviving with marvellous promptness, after a resistance, free from all excesses, a just national pride moves my heart, and I look forward with confi-

dence to the future destiny of the country.

Yes, gentlemen, France, which is so dear to us, will be happy and free; it will show to England, [Europe?] that solely engaged with its prosperity, it loves peace as well as liberty, and desires only the happiness and the repose of its neighbors.

Respect for all rights—care for all interests, good faith in the Government, are the best means to disarm parties, and to bring back to people's minds that confidence—to the Constitution that stability, which are the only certain pledges of the people, and of the strength of States.

Peers and Deputies,

As soon as the Chamber shall be constituted, I shall have laid before you the acts of abdication by his Majesty Charles X. By the same act Louis Antoine de France also renounces his rights. This act was placed in my hands yesterday, the 2d of August, at 11 o'clock at night. I have this morning ordered it to be deposited in the archives of the Chamber of Peers; and I cause it to be inserted in the official part of the *Moniteur*.

Prorogation of the French Chambers.

A few moments after the sitting was opened, his Majesty delivered the following speech:

Peers and Deputies,

Eight months have passed since in this hall, and in your presence, I accepted the throne to which I was called by the nation-

al wish, of which you were the organs, and swore, 'faithfully to observe the constitutional Charter, with the modifications expressed in the declaration of 7th August, 1830, to govern only by the laws, and according to the laws, to cause good and exact justice to be done to every one according to his right, and to act in all things solely with a view to the interest, the happiness, and the glory of the French people.' I told you then, 'that profoundly sensible of the whole extent of the duties which this great act imposed on me I was conscious that I should fulfil them, and that it was with entire conviction that I accepted the compact of alliance which was proposed to me.'

I take pleasure in repeating to you those solemn words which I pronounced on the 9th of August, because they are at once the invariable rule of my conduct and an expression of the principles according to which I desire to be judged by France and by posterity.

Your session opened in the midst of great dangers. The dreadful conflict in which the nation had just defended its laws, its rights, and its liberties, against an unjust aggression, had broken the bonds of power, and it was necessary to secure the maintenance of order by the re-establishment of authority and of the public force. France was covered in an instant with National Guards spontaneously formed by the patriotic zeal of all the citizens, and organized by the authority of the Government. That of Paris appeared firm and more numerous

than ever, and this admirable institution offered us at the same time the means of stifling anarchy in the interior, and of repelling all foreign aggressions, to which our national independence might have been exposed. At the same time with the National Guard, our brave army was recomposed, and France may now look upon it with pride. Never was the levy of our young soldiers effected with so much promptness and facility; and such is the patriotic ardor with which they are animated, that they are scarcely ranged under those banners—those glorious colors which retrace so many recollections dear to the country—when they can no longer be distinguished from our veterans, and at no time were the French troops finer, better disciplined, and, I say it with confidence, animated by a better spirit than they are now.

The labors of great organization have not slackened the accomplishment of the promises of the Charter. Already the greater part have been realized by the laws which you have voted, and to which I have given my sanction. I have followed with solicitude the course of your important labors, the whole of which attests enlightened views, a zeal and a courage which recommend to history the period which they have occupied. France will not forget your devotion to the country in the moment of danger, and I shall always preserve the remembrance of the assistance which I have found in you, when the wants of the state made it my duty to claim it.

The next session, I feel con-

fidant, will only continue your work by completing it, and preserving in it the character of that great event of July, which may secure for the future, by legal means, all the ameliorations which the country has a right to expect, and which may separate forever the destinies of France from a dynasty excluded by the national will.

After the shock which the social body had undergone, it was difficult not to experience some new crisis, and we have passed through some very painful ones during your session; but thanks to the constant efforts which you have made to second mine; thanks to the energetic devotedness of the population, to its patriotism, and to the indefatigable zeal of the National Guard, and of the troops of the line, all have passed through them happily; and if we have had to regret some afflicting disorders, at least the assent of the country applauded the intentions of the Government. The internal peace of the kingdom has been gradually confirmed and the strength of the Government has progressively increased, in proportion as the reign of the laws resumed its empire, and as the public safety was consolidated. My Government will continue to pursue with a firm step this course, in which you have so worthily supported it.

My Ministers have constantly acquainted you with the state of our diplomatic relations, and you have been informed of the circumstances which have determined me to make extraordinary armaments. Like me, you have

recognised the necessity of them, and you will also participate in my sincere desire to see them speedily cease. The assurances which I receive from all quarters, of the pacific disposition of foreign powers, give me the hope that their armies and ours may soon be reduced to the proportions of the state of peace; but still the negotiations which are on foot have not acquired the development necessary to render the reduction possible; the attitude of France must be strong, and we must persevere in the measures which we have taken to make her respected, for peace is safe only with honor.

Our support, and the concurrence of the great powers of Europe, have secured the independence of Belgium, and its separation from Holland. If I have refused to yield to the wishes of the Belgic people, who offered me the Crown for my second son, it is because I believed that the refusal was dictated by the interests of France as well as by those of Belgium itself. But the people have peculiar rights to our interests, and it is of importance to us that it should be happy and free.

Letter from General Lafayette to the National Guard of France.

January 2d, 1831.

A short time has passed, my dear brethren in arms, since I was invested with an immense command. To day I am no more than your old friend the veteran Guardsman. This double title will accompany me as my chief

happiness to the grave. That which I have ceased to own, found me in the great week, springing from the boundless confidence of the people amidst those glorious barricades, under the re-elevated tri-color, where, in three days were fixed the fate and institutions of the present race of Frenchmen and the destinies of Europe. The functions which I refused in 1790, I accepted in 1830 from the hands of the Prince whom we have since hailed as a King. They have been, I trust, exercised for the public good. Seventeen hundred thousand National Guards, already enrolled and organized at the voice of their happy chief, are my witnesses. They may still be useful, I declare it, at a time of which I am permitted to be a judge, and of which I would be a rigid censor.

The majority of my colleagues of the Chamber of Deputies have formed an opinion that these functions ought to cease for the present, and the same opinion has been avowed by the organ of the Government.

Besides this, jealousies quite unjustified by any recollection, I have a right to say it, arose from various sides; they manifested themselves strongly, and could not be satisfied by less than a total and unreserved abandonment of the power; and then, though the kind intervention of Royal solicitation was employed to retain my services, that instinct of liberty which has never deceived me through the vocation of my long life, warned me that I must sacrifice this power and these pressing affections to the austere

duty of preserving all the fruits of the revolution of 1830.

My course has not been without advantage; of this I am assured by an immense correspondence. In fact, if the sublime movement of the French nation in arms has been spontaneous—if to guarantee France against the future commotion of a narrow, a malignant, or even a timid policy, it is enough to place her beneath the protection of the principles of 1789 and 1791, and above all of the vital and universal principle of election—it is not less true that a central influence, and if I might dare say it, the confidence claimed by home personal consideration, have beneficially contributed to harmonize during the suspension of law, conflicting wishes and opinions, and to defeat the intrigues of the party that was overthrown, but which still retained the power to hurt. I love to recall the circumstances of the second general inspection, which in this regard so powerfully supported me.

I will not recount all that has been done to organize for us these admirable legions of cities—these numerous battalions of the villages. * * * Alas! far from fearing this great institution, formed without delay, without hesitation, or trouble, solely by the influence of a boundless and unqualified confidence in the body of the nation, let us hasten to use them as the model for our other institutions.

How can I describe the delight with which, at the end of a few weeks, I presented, to the admiration of our people, of our King,

and of strangers, the National Guard of Paris, which for forty years had been my pride, and in truth my family,—at length reviving, more brilliant and more numerous than ever, and with its gallant associates, the beautiful legions of the vicinity, exhibiting in the *Champ de Mai* a force of more than eighty thousand men. This was a delight which could be surpassed only by what I felt when, within a few days, I know that to the National Guard Paris owed its safety—the revolution, its unsoiled purity from crime. If one department, that of the Seine and Oise alone, has given me such enjoyments, what must have been my gratification at the reports from all the departments—reports describing armies created, equipped, and disciplined, as if by miracle—in beholding myself throughout surrounded by the Deputies of all France come to assist in the second inauguration of their King, and who, in their affectionate confidence, made me the depository of their complaints upon general questions, or upon local grievances, and their mediator with the Government—a mediator, as it were, commissioned by the spirit of the great week. This duty I have discharged. I have expressed as freely as in the tribune my ardent—I may call them my impatient wishes—for the full realization of the programme published, while the blood of our six thousand patriot fellow-citizens still smoked upon the ground; and I have sought that at the earliest possible moment France should have a representation chosen subsequent to the rev-

olution of 1830, and if I have the opportunity, in any discussion relative to the formation of the other Chamber, I shall contend for the principle of presentation of aspirant Peers to the King for his selection, in preference to the existing system. If I have scrupled to lend my name to the procrastination or the abandonment of measures which were in my opinion necessary, let not such hesitation be treated as urging *coups d'etat*, or as endeavoring to exercise upon others a dictation to which I myself would never submit, of which history will do me the justice to offer more than one proof.

But I had rather repeat what everybody knows—Frenchmen of all parties, and foreigners of all countries—that if the constitutional order conquered in the great days—if the popular throne, raised by our hands, were even menaced—no matter from what side, the whole nation would rise to defend them.

In the painful moment of bidding an adieu, which I had thought was not so near, I offer to my dear brethren in arms my gratitude for their friendship, my confidence in their recollections, my prayers for their happiness, my admiration for what they have done, my foreknowledge of what they will yet do, and my hope that the calculations of intrigue or the interpretations of malice will not prevail in their hearts against me. Finally, I offer them all the feelings of tender affection which will not leave me until my last sigh.

J. LAFAYETTE.

Convention between His Britannic Majesty and the King of the French, for the more effectual Suppression of the Traffic in Slaves.

Signed at Paris, November 30, 1831.

The Courts of Great Britain and France being desirous of rendering more effectual the means of suppression which have hitherto been in force against the criminal traffic known under the name of 'the Slave trade,' they have deemed it expedient to negotiate and conclude a convention for the attainment of so salutary an object; and they have to this end named their Plenipotentiaries, who, after having exchanged their full powers, found to be in due form, have signed the following articles :

ARTICLE 1. The mutual right of search may be exercised on board the vessels of each of the two nations, but only within the waters hereinafter described,—namely,

1st. Along the western coast of Africa, from Cape Verd to the distance of ten degrees to the south of the Equator,—that is to say, from the tenth degree of south latitude to the fifteenth degree of north latitude, as far as the thirtieth degree of west longitude, reckoning from the meridian of Paris.

2d. All round the island of Madagascar, to the extent of twenty leagues from that island.

3d. To the same distance from the coasts of the island of Cuba.

4th. To the same distance from the coasts of the island of Porto Rico.

5th. To the same distance from the coasts of Brazil.

It is, however, understood that a suspected vessel descried and begun to be chased by the cruisers whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without having ever lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

ART. 2. The right of searching merchant vessels of either of the two nations in the waters hereinbefore mentioned, shall be exercised only by ships of war whose commanders shall have the rank of captain, or at least that of lieutenant in the navy.

ART. 3. The number of ships to be invested with this right shall be fixed, each year, by a special agreement. The number for each nation need not be the same, but in no case shall the number of the cruisers of the one nation be more than double the number of the cruisers of the other.

ART. 4. The names of the ships, and of their commanders, shall be communicated by each of the contracting Governments to the other, and information shall be reciprocally given of all changes which may take place in the cruisers.

ART. 5. Instructions shall be drawn up and agreed upon in common by the two Governments for the cruisers of both nations, which cruisers shall afford to each other mutual assistance in all circumstances in which it may be useful that they should act in concert.

The ships of war authorized to

exercise the reciprocal right of search shall be furnished with a special authority from each of the two Governments.

ART. 6. Whenever a cruiser shall have chased and overtaken a merchant vessel, as liable to suspicion, the commanding officer, before he proceeds to the search, shall exhibit to the captain of the merchant vessel the special orders which confer upon him, by exception, the right to visit her; and in case he shall ascertain the ship's papers to be regular, and her proceedings lawful, he shall certify upon the log-book of the vessel that the search took place only in virtue of the said orders: these formalities having been completed, the vessel shall be at liberty to continue her course.

ART. 7. The vessels captured for being engaged in the slave-trade, or as being suspected of being fitted out for that infamous traffic, shall, together with their crews, be delivered over, without delay, to the jurisdiction of the nation to which they shall belong. It is furthermore distinctly understood, that they shall only be judged according to the laws in force in their respective countries.

ART. 8. In no case shall the right of mutual search be exercised upon the ships of war of either nation.

The two Governments shall agree upon a particular signal, with which those cruisers only shall be furnished which are invested with this right, and which signal shall not be made known to any other ship not employed upon this service.

ART. 9. The high contracting

parties to the present treaty agree to invite other maritime powers to accede to it within as short a period as possible.

ART. 10. The present convention shall be ratified, and the ratification of it shall be exchanged, within one month, or sooner, if it be possible.

In faith of which, the Plenipotentiaries have signed the present convention, and have affixed thereto the seal of their arms.

Done at Paris, the 30th November, 1831.

GRANVILLE, [L. S.]
HORACE SEBASTIANI, [L. S.]

NETHERLANDS.

Proclamation.

We, William, by the Grace of God, King of the Netherlands, Prince of Orange Nassau, Grand Duke of Luxemburg, &c., to all whom these presents shall come, greeting.

Divine Providence, which has deigned to accord to this kingdom fifteen years of peace with the whole of Europe, internal tranquillity, and increasing prosperity, has just visited the two provinces with numberless calamities, and the quiet of many adjoining provinces has been either troubled or menaced. At the first news of these disasters we hasten to convoke an extraordinary meeting of the States-General, which, according to the terms of the fundamental law, represent the whole people of Belgium, in order to concert with the Nobles the measures which the state of the nation and the present circumstances require.

At the same time our two beloved sons, the Prince of Orange, and Prince Frederick of the Neth-

erlands, were charged by us to proceed to those provinces, as well to protect, by the forces placed at their disposition, persons and property, as to assure themselves of the real state of things, and to propose to us the measures the best calculated to calm the public mind. This mission, executed with a humanity and a generosity of sentiment which the nation will appreciate, has confirmed to us the assurance, that even when it is the most agitated it will preserve and proclaim its attachment to our dynasty, and to the national independence; and however our heart may be afflicted by the circumstances which have come to our knowledge, we do not abandon the hope, that, with the assistance of Divine Providence (whose succor we invoke upon this important and lamentable occasion,) and the co-operation of every well disposed man, and the good citizens, in the different parts of the kingdom, we shall succeed in restoring order and re-establishing the agency of the legal powers and the dominion of the laws.

With this view, we calculate upon the assistance of the States-General. We invite them to examine whether the evils of which the country so loudly complains arise from any defect in the national institutions; and if it is possible to modify them, and particularly if the relations established by treaties, and the fundamental law, between the two grand divisions of the kingdom, should, with a view to the common interest, be changed or modified.

We desire that these important questions should be examined with care and perfect freedom, and we shall think no sacrifice too great, when we have in view the fulfilment of the desires, and to ensure the happiness of the people, whose welfare has been the constant and assiduous object of our care.

But, disposed to concur with frankness and fidelity, and, by the most comprehensive and decisive measures, we are, nevertheless, resolved to maintain with firmness the legitimate rights of all the parts of the kingdom, without distinction, and only to proceed by regular methods, and conformably with the oaths which we have taken and received.

Belgians! inhabitants of the different divisions of this beautiful country, more than once rescued by divine favor and the union of the citizens from the calamities to which it was delivered up, wait with calmness and confidence for the solution of the important questions which circumstances have raised,—second the efforts of legal authority, to maintain internal tranquillity and the execution of the laws where they have

not been disturbed, and to re-establish them where they have suffered any obstruction,—lend your aid to the law, so that in turn the law may protect your property, your industry, and your personal safety. Let differences of opinion vanish before the growing dangers of the anarchy which, in several districts, presents itself under the most hideous forms, and which, if it be not prevented or repressed by the means which the fundamental law places at the disposal of the Government, joined to those furnished by the zeal of the citizens, will strike irreparable blows at individual welfare and the national prosperity. Let the good citizens everywhere separate their cause from that of the agitators, and let their generous efforts for the re-establishment of the public tranquillity in those places where it is still menaced, at last put a period to evils so great, so that every trace of them may be effaced.

The present shall be generally published and posted up in the usual way, and inserted in the official journal.

Done at the Hague, the 5th of September, of the year 1830, and of the 17th of our reign.

(By the King.) WILLIAM.
J. G. DE MEY DE STREEFKERK.

—
*Extraordinary Sitting of the
States-General.*

Hague, Sept., 13.

According to the programme, this extraordinary sitting was opened in the hall where the Second Chamber usually meets, by his Majesty the King, accompa-

ried by his Royal Highness the Prince of Orange, at half past 1 o'clock, by the following speech :

High and Mighty Lords,

The extraordinary session of your High Mightinesses, which I open to-day, has been rendered absolutely necessary by the pressure of lamentable events.

In peace and friendship with all the nations of our quarter of the globe, the Netherlands lately saw the war in its colonial possessions happily ended. The kingdom flourished through order, commerce, and industry. I was studying the means of alleviating the burdens of the people, and gradually to introduce such ameliorations in the internal administration as experience recommended, when suddenly tumults broke out at Brussels, and then in some other places in the kingdom, marked by scenes of pillage and conflagration, the description of which must be afflicting to my heart, to the national feeling, and to humanity.

In expectation of the co-operation of your High Mightinesses, whose convocation was my first care, all the measures have been promptly taken which depended upon me in order to check the progress of the evil, to protect the well-disposed against the evil-minded, and avert from the Netherlands the horrors of civil war.

To search into the nature and origin of the events, and to fathom with your High Mightinesses the object and the consequences of them, is at this moment less necessary for the interests of the country, than to inquire into the

means by which tranquillity and order, the Government and the law, may be not only re-established for the moment, but rather be permanently consolidated.

Meantime, amidst the strife of opinions, the violence of passions, and the existence of different motives and objects, it is a most difficult task to combine my cares for the welfare of all my subjects with the duties which I owe to them all, and which I have sworn to before them all. I have therefore, called upon your wisdom, patience, and firmness, that I may be able, strengthened by the concurrence of the representatives of the people, to determine with them what is proper to be done under these lamentable circumstances, for the welfare of the Netherlands.

In many quarters it is thought that the welfare of the state would be promoted by a revival of the fundamental law, and even by a separation between countries which are united by treaties and by the fundamental law ; but such a question can only be discussed in the manner which is prescribed by the same fundamental law, to the observance of which we are all bound by a solemn oath.

I require on this subject the opinions of your assembly, given with that frankness and calmness which its great importance so especially requires ; while I, on my side, wishing above all things the happiness of the Netherlanders, whose interests are confided to me by Divine Providence, am perfectly ready to co-operate with your assembly in the measures which may tend to promote it.

This extraordinary meeting is also intended to inform your High Mightinesses that the interest of the kingdom, in the midst of all that has taken place, absolutely requires that the militia shall remain embodied beyond the time fixed by the fundamental law.

The provisions for the public expenditure which will arise from this and from many other consequences of the insurrection, may be made for the present from the credit already opened, but the further regulations must be a subject for your deliberations in the approaching ordinary session.

Your High Mightinesses,

I depend on your fidelity and patriotism. Mindful of the storms of revolutions which have passed over my head, I shall as little forget the courage, the affection, and the fidelity which shook off the yoke, consolidated the existence of the nation, and placed the sceptre in my hands, as the valor which, in the field of battle, supported the throne, and secured the independence of our country. Fully prepared to meet reasonable wishes, I shall never yield to party spirit, nor consent to measures which would sacrifice the prosperity of the nation to passion or violence.

To reconcile as much as possible all interests, is the wish of my heart.

The Speech of the King of the Netherlands, on opening the session of the States-General.

Hague, October 18.

Noble and Mighty Lords,

The zeal which characterised

your deliberations during the last extraordinary session of the States-General—the wisdom, the prudence, and the patriotism of which you have given proofs upon this occasion, have not been followed by a result which has fulfilled my expectations. I had reason to expect, particularly after the perfect accord which was manifested between the Sovereign and the Representatives of the nation, that an immediate and constituted examination of the desires which have been manifested, would have exercised all the moral influence necessary to re-establish everywhere, in the meantime, repose and tranquillity. My expectation has been deceived in a deplorable manner. Up to that period, obedience to the laws, and the preservation of the legal forms, were always the first considerations, and principally favored those desires and complaints. At a later period, the impetuous passions of a blind and excited multitude were not controlled by reflection—they lighted up a violent rebellion, and the efforts of the army of the State to second the hopes of the well-intentioned were insufficient to put down the revolt.

Even before their arrival at Brussels, the military forces destined for the protection of the inhabitants had been assailed, although they had previously received a solemn assurance of indulgence and peace; in that city they experienced the most murderous resistance.

Since then, the armed opposition against the legal Government has extended more and more in the southern provinces; and its

progress has been so alarming and so rapid that, for the defence of the faithful provinces of the Netherlands, and the security of their commerce, I took the necessary measures with respect to the sea and land forces, declared moveable a part of the Communal Guards, prepared for a levy en masse, and called for a voluntary arming of the inhabitants of those countries.

The enthusiasm with which this appeal was received, and the fresh marks of attachment to my house which I received on that occasion, have afforded some mitigation to the pain with which my heart is afflicted, by the idea that a handful of rebels was able to detach such a favored and interesting population from a Government under which they had attained a degree of prosperity and riches before unknown to it, and enjoying as well in its public and private rights, as in its political, civil, and religious liberties, the largest share of protection.

The expectations that the greater part of that population would, after mature reflection, wish for the return of those benefits, decided me to invest my beloved son, the Prince of Orange, with the temporary government of those parts of the southern provinces which remained faithful, and to confide to him the care of procuring the re-establishment, as far as possible, of legal order, by means of persuasion, in the rebel provinces.

In this manner, by an administrative separation, I prepared, as much as depended on myself, the development of the opinion man-

ifested by the States-General in their last extraordinary session; and by this means I was enabled to devote my attention more exclusively to the northern provinces, and to employ their strength and resources solely for their interest. At the same time, I gave to all my subjects, and to the whole of Europe, a proof that nothing had been neglected to bring back the misguided to a sense of their duty.

Fortified with the deep consciousness of having kept the solemn oath which I took respecting the fundamental law, and of having unceasingly labored to cooperate, as far as was in my power, in the promotion of the prosperity of the people of the Netherlands, I wait with calmness the result of those measures, and the issue of the important deliberations to which the events which are taking place in southern provinces give rise at this moment on the part of my allies, who guarantee the existence of this kingdom.

In general, the army, by its bravery and moderation, has worthily fulfilled my expectation. Nevertheless, however, I have to deplore that lately so great a portion of the troops, seduced by erroneous opinions or deceptive promises, should have suffered themselves to be so misled as to break their oaths, forget their duty, and abandon their flags.

These circumstances, so different from a state of peace in which the kingdom is now placed, have obliged me to open your present session at the Hague. It is agreeable to me to be able to communi-

cate to you on this occasion, that I continue to receive from foreign powers an assurance of the sincere interest which they take in the evils which afflict our country, and of their friendly sentiments.

It is not less agreeable for me to be able to inform your High Mightinesses, that the courage and perseverance of the army has put an end to the war that desolated the island of Java; and that, according to the latest accounts, the desired tranquillity reigned in the other parts of our ultramarine possessions.

Continual rains have in general injured the harvest. I have taken all the precautions which were in my power to provide, during the approaching winter, for the wants of the poorer classes.

The internal situation of the kingdom forms, for the moment, an insurmountable obstacle to a correct estimate of the receipts and disbursements for the approaching year. Consequently, it has appeared to me proper to secure, as much as possible, the continuation of what exists. A project of law which tends to this end, and according to which all the changes which were contemplated will remain without execution, will immediately be presented to your High Mightinesses.

In virtue of the declaration made at the opening of your last extraordinary session, I adopted a measure proper to provide for the most pressing wants of the Treasury; the patriotism of the citizens makes me hope that it will have entire success. How-

ever, this measure must be regulated by legislative provisions, which will be submitted to your High Mightinesses during the present session.

Whatever may be the difficulties of the moment, it is imperative to fulfil the engagements relative to the redemption of the debt of the state, and I propose, in consequence, to present to your Assembly a project for the purchase and redemption of the public debt.

Energetic means of repression and punishment are necessary to prevent the acts and menaces to which the evil-disposed might have recourse, to disturb the public mind; and, if such were possible, to extend the revolt even to the faithful provinces and cantons. I invoke for this purpose the co-operation of your High Mightinesses. In the meantime, I have been compelled, by the urgency of the occasion, to make the preliminary arrangements in that respect, and to direct measures of precaution and surveillance with reference to foreigners and travellers.

In order to satisfy the just desire manifested on many occasions by your High Mightinesses, I had fixed on the first day of February next, as the period for the introduction of the National Legislation, and of the judicial institutions. The revolt which has broken out in the southern provinces prevents at this moment the fulfilment of that desire for a fixed period, and consequently the previous establishment of the High Court cannot be effected.

Noble and Mighty Lords,

The rapid course of the events, by which for some time past this kingdom has been shaken, may have an influence on several other of our institutions; the issue of these events cannot yet be foreseen, and the very unexpected news that has been received to-day from Antwerp, gives a further proof of the daily progress of a real separation between the two great divisions of the kingdom.

However, I wait the issue with confidence, for my conscience is tranquil. I may always reckon upon your concurrence, upon that of the faithful provinces of the north, as well as upon the support of my allies, who will maintain the political system of Europe, and I find myself still at the head of a people whose religious sentiments offer the best guarantee of the tutelar protection of the Almighty.

RUSSIA AND POLAND.

Manifesto of the Polish Nation.

When a nation, formerly free and powerful, finds itself compelled by the excess of its ills to have recourse to the last of its rights—to the right of repelling oppression by force—it owes to itself, and to the rest of the world, to divulge the motives which have induced it to sustain by arms the most holy of causes. The Chambers of the Diet have felt this necessity, and, following the spirit of the revolution of the 29th November, and acknowledging it to be national, they have resolved to justify themselves in the eyes of Europe.

The infamous machinations, the vile calumnies, the open violence, and the secret treachery which accompanied the three dismemberments of ancient Poland, are but too well known; history has already branded them as a political crime. The deep and awful mourning which this violation

spread throughout the country has never been laid aside, but has been religiously preserved even until now; the unspotted standard has never ceased to wave at the head of our valiant army; and, in all his military migrations, the Pole, carrying from country to country his household gods, has cried out for vengeance for the outrages committed against them. Cherishing that noble illusion, which, like every other grand idea, has never failed in the end to be realised, he believed that whenever he fought for the cause of liberty he was fighting for his own country. This country at length re-established her existence; and, although restrained within narrow limits, Poland received from the great warrior of the age her native language, her rights and liberties—precious gifts again augmented by the greatest of hopes. From that moment his cause became ours—our blood became his right; and when his

allies and Heaven itself abandoned him, the Poles, preserving their fidelity, participated in the disasters of the hero, and the common fall of the great man and an unfortunate nation drew involuntary tears from the conqueror himself.

This sentiment had produced too strong an impression. The Sovereigns of Europe, in the midst of the combat, had promised with too much solemnity to give durable peace to the world; to admit that the Congress of Vienna, upon their again dividing our country among them as spoil, should not in some degree soften the fresh outrages committed against the Poles. A nationality and a reciprocal freedom of commerce was guaranteed to every part of ancient Poland; and that which the great European conflict had found independent, parcelled out on three sides, received the title of kingdom, and was placed under the immediate dominion of the Emperor Alexander, with a separate charter, and the power of being enlarged.

In execution of these stipulations, he granted a free constitution to the kingdom, and gave to the Poles, subject to the domination of Russia, a gleam of hope that they might shortly be united to their brethren. These gifts, however, were not gratuitous, he had previously contracted obligations towards us, and we, on our part, had made sacrifices in return. Before and during the decisive struggle, the brilliant promises made to the Poles who were subject to the sceptre of Alexander, and the suspicions raised with respect to the intentions of Napo-

leon, prevented more than one Pole from declaring in his favor. The Emperor of Russia was only faithful to his promises in declaring himself King of Poland, but as to that nationality, those liberties which were to become the guarantees of the peace of Europe, we were forced to purchase them at the price of our independence, the first condition of the political existence of nations, as if a durable peace could be established upon the enslavement of sixteen millions of people—as if the annals of the world had not taught us that, even after an interval of ages, nations reduced to foreign subjection did not always recover that independence which had been destined for them by the Creator from the beginning of time, by having separated them from other nations in language and customs—as if this lesson was forgotten by Governments, that people oppressed ever become the natural allies of whoever may happen to rise up against their oppressors.

But these conditions, though arbitrarily imposed, were not fulfilled; the Poles were not long before they become convinced that the nationality and the title of kingdom, given to Poland by the Emperor of Russia, were but a lure to their brethren subject to other states—but a weapon against those same states—and but a mere chimera to those to whom they had been guaranteed. They became convinced that, under the shelter of these sacred names, it was intended to reduce them to a servile degradation, and weigh them down by all the inflictions

of a continued despotism, and the loss of the dignity appertaining to man. The measures taken against the army first drew aside the veil that covered this mysterious plan. The most cruel outrages—the most infamous punishments—the most refined persecutions ordered by the commander-in-chief, under the pretence of maintaining discipline, but the real object of which was to destroy the feeling of honor, that national dignity, which characterized our troops,—were invented and enforced. Faults the most trifling were deemed and treated as most serious offences—the slightest suspicion converted into proofs of breach of discipline—and the commander-in-chief, by his arbitrary control over the courts-martial, rendered in fact the sole arbiter of the life and honor of each individual soldier. The nation beheld with indignation the decrees of these courts repeatedly quashed, until at length their decisions attained the degree of severity that was required from them. Many members, in consequence, sent in their resignation; many, personally insulted by the commander-in-chief, purified by their own blood the outrages that had been committed upon them, and, at the same time, showed that it was not the want of true courage, but the fear of compromising the future fate of their country, that withheld their arms from falling in vengeance upon their oppressors.

On the meeting of the first Diet of the kingdom, a renewal of the solemn promises that the blessings of a constitution should be extended to our brethren, who were

to be re-united to us, revived extinguished hopes, and caused the moderation to reign in the Chambers which was their only end and object. The freedom of the press, and the publicity of the proceedings of the Diet, were only tolerated in so far as they gave vent to the hymns and praises of a subjugated people in honor of their all-powerful conqueror; but when, after the Diet was closed, the public journals continued to discuss public affairs, a severe censorship was introduced; and on the meeting of the following Diet, which proposed to itself the same object as the former, the representatives of the people were persecuted for the opinions they delivered in the Chambers. The constitutional states of Europe will be astonished when they learn what has been so carefully concealed from them,—when, on the one hand, they behold the wise and moderate use the Poles have made of their liberty, the veneration they have shown for their Sovereign, his religion and customs uniformly treated with respect; and on the other, the bad faith with which power has been used, not content with despoiling an unhappy people of their rights, but imputing the horror of these violations to the unbridled exercise of their freedom.

The placing in union upon one head the crowns of an Autocrat and of a Constitutional King was one of those political monstrosities which are never of long duration. Every man foresaw that the kingdom of Poland must become either the nursery of liberal institutions for Russia, or sink under the iron

hand of its despotism. This question was soon resolved. It appears that at one moment the Emperor Alexander conceived he might consolidate his arbitrary power with our liberal laws, and thereby secure for himself a new influence over the affairs of Europe. But he was soon convinced that liberty could never become so debased as to be the blind instrument of despotism; and from that time, instead of her defender, he became her persecutor. Russia lost all hope of ever seeing the yoke by which she was oppressed taken off by the hand of her Sovereign, and Poland saw herself successively deprived of all her privileges. No time was lost in carrying this design into execution. Public education was corrupted, a system of concealment and mystery was adopted, the people were left without means of instruction, a whole palatinate was deprived of its representation, and the Chambers no longer allowed the faculty of voting the supplies. New burdens were imposed, new monopolies created to dry up the sources of national wealth; and the treasury enriched by these measures, became the pasture of salaried sycophants, infamous hireling instigators, and vile and despicable spies. Instead of the economy so repeatedly called for, pensions were augmented in a most scandalous degree, to which were added enormous gratuities, and officers created solely with the view of augmenting the number of the government satrans.

Calumny and espionage were carried into the secret circles of private families—and, the free-

dom of private life infected with their poison, the ancient hospitality of the Poles became a snare for their innocence. Individual liberty, which had been solemnly guaranteed, was violated, and the prisons of the state became crowded; councils of war were authorized to pronounce judgment in civil cases, and citizens, whose only fault was a wish to save the spirit and character of the nation from corruption, were subjected to infamous punishments. It was in vain that some of the authorities of the kingdom, and the representatives of the people, laid before the King a faithful picture of the abuses committed in his name—for not only were the abuses suffered to remain unsuppressed, but the responsibility of the ministers and the administrative authorities was paralysed, by the immediate interference of the brother of the Emperor, and by the exercise of that discretionary power with which he was invested. This monstrous authority, the source of the greatest abuses, and which might wound the personal dignity of every individual, had become so infatuated, that it even dared to call before it citizens of every rank and condition, merely to load them with insults, and at times to subject them to disgraceful public labors, reserved for the vilest convicts; as if Providence by permitting them to carry their outrages against the people to the very utmost pitch, had destined their inordinate abuses of authority to be the exciting cause of our insurrection.

After so many affronts, after so

manifest a violation of the guarantees sworn—a violation which no legitimate government in any civilized country, would have allowed itself with impunity, and which, *a fortiori*, may justify our insurrection against an authority imposed by force—who will not consider that this authority has broken off all alliance with the nation, that it has oppressed it beneath the yoke of slavery, that it has given the right at every instant to burst its fetters and forge them into arms?

The picture of the disasters of our brethren may be superfluous, but truth forbids us to pass it over. The provinces formerly incorporated with Russia have not been re-united to the kingdom. Our brethren have not been admitted to the enjoyment of the liberal institutions stipulated by the Congress of Vienna; on the contrary, the national recollections awakened in them, first by promises and encouragement, and then by a long expectation, became a crime against the State, and the King of Poland caused to be prosecuted, in the ancient provinces of that State, such Poles as had dared to call themselves Poles. The youth of the schools were particularly the objects of persecution; young children were torn from their mother's breasts; the issue of the first families were transported to Siberia, or were forced to enter into the ranks of a corrupt soldiery. In official documents and judicial examinations, the Polish language was suppressed; the Polish tribunals and civil law were annihilated by ukases; abuses of administration reduced

the landed proprietors to misery; and since the accession of Nicholas to the throne, this state of things had constantly been growing worse. Religious intolerance itself employed every means to consolidate the united Greek ritual upon the ruins of the Catholic ritual.

In the kingdom, although none of the liberties guaranteed by the Constitution were observed, these liberties, suppressed *de facto*, nevertheless continued to exist *de jure*. It was precisely this existence *de jure* that it was necessary to undermine. We then saw that additional article to the Constitution appear, which setting forth a specious solicitude for the maintenance of the Charter, destroyed one of its principal provisions by depriving the Chambers of the publicity of their proceedings, and the support of public opinion, and which, above all, was to consecrate the principle that it was allowed to cut up at will the fundamental compact, and thereby entirely to abolish the Charter, as one of its articles has been abolished. It was under these auspices that the Diet of 1825 was convoked, from which it was sought, by all manner of means, to discard the most intrepid defenders of our liberties; a Nuncio, who has just taken part in the deliberations, was carried off by main force, surrounded by gens d'armes, and held captive for five years, till the moment when the revolution broke out. Deprived of its force, shut up, threatened with the loss of the Charter, and misled by fresh promises of the ancient provinces being

re-united to the kingdom, the Diet of 1825 followed the example of that of 1813; but these promises remained without effect, and the petitions which prayed for the restoration of our liberties were rejected.

The general indignation of the well-disposed inhabitants and the exasperation of the whole nation, had long been bringing on the storm, the approach of which began to appear, when the death of Alexander, the accession of Nicholas to the throne, and the oath he took to maintain the Constitution, seemed to promise us a cessation of abuses and the return of our liberties. This hope soon vanished; for not only did things continue as they were, but the revolution at St Petersburg even served as a pretext to imprison and bring to trial the most distinguished individuals of the Senate, the Chamber of Nuncios, the army and the citizens. In a short time the prisons of the capital were filled. Every day fresh buildings were appropriated to receive thousands of victims sent to Warsaw from every part of Old Poland, and even from parts subject to foreign governments. Upon the native soil of liberty were introduced tortures which cause humanity to shudder. Death and suicide constantly diminished the number of the unfortunate victims, who were sometimes left forgotten in small and damp dungeons. In contempt of every law, a special committee of inquiry was instituted, composed of Russians and Poles, most of them military men, who, by protracted tortures, by promises of pardon and insid-

ious questions, only sought to extort from the accused the confession of an imaginary crime. It was only after an imprisonment of one year and a half that the High National Court was established, for, as in spite of every law, imprisonments had been criminally prolonged to a degree that several victims had died in prison, it became absolutely necessary to render this measure legal. The conscience of the Senate disappointed this expectation, and the accused, who had been groaning in prison for two years, were acquitted of any crime against the State. This decision, from that period, removed all distinctions between the accused and their judges. The former, notwithstanding the sentence which proclaimed their innocence instead of being set at liberty, were conveyed to St Petersburg, where they were imprisoned in forts, and up to this moment several have not been restored to their families. The latter were detained for nearly a year at Warsaw, for having shown themselves independent judges. The publication and execution of the sentence was stopped. It was submitted to the examination of the administrative authorities, and when, at length, out of some regard for Europe, it was found necessary to publish it, a minister carried his audacity so far as to degrade the national majesty, by reprimanding, in the name of the Sovereign, the highest Magistracy of the State, in the exercise of their most exalted functions.

It was after such acts that the Emperor Nicholas resolved to be

crowned King of Poland. The representatives of the nation being summoned, were silent witnesses of this ceremony, and the new oaths were soon violated again, for no abuse was suppressed, not even the discretionary power. Even on the day of the coronation, the Senate was filled with new members, who did not possess the qualifications required by the Constitution, the only guarantee of the independence of their votes. An illegal loan, and the alienation of national domains, were intended to render moveable and disposable the immense landed property of the State. But Providence directed that the large sums proceeding from the partial execution of this plan should not be squandered away, but be used in arming the nation.

In short, the last consolation which, under the reign of Alexander, enabled the Poles to support their misfortunes—namely, the hope of seeing themselves reunited to their brethren, was taken from them by the Emperor Nicholas. From that moment all ties were broken. The sacred fire which had long been prohibited from being kindled upon the altars of the country, was secretly burning in the hearts of all well-disposed men. One thought only was common to them—namely, that they should no longer endure such a slavery. But the Government itself hastened the moment of explosion. In consequence of reports, daily corroborated, of a war against the liberty of nations, orders were given to put upon the war establishment, the Polish army destined to

march; and, in its place, the Russian armies were to occupy the country. Considerable sums, proceeding from the loan and the sale of the national domains, deposited at the bank, were to cover the expenses of this deadly war against liberty. Arrests again took place; every moment was precious. Our army—our treasure—our resources—our national honor—averse to rivet chains upon the necks of other nations, and to fight against liberty and our former companions in arms, were at stake. Every one shared this feeling; but the heart of the nation—the focus of enthusiasm, the youth of the army and of the colleges, as well as a great part of the garrison at Warsaw, and of the citizens impressed with this sentiment, resolved to give the signal for the insurrection. An electric spark in a moment inflamed the army, the capital, and the whole country. The night of November 29, was illuminated by the fire of liberty. In one day the capital was delivered; in a few days all the divisions of the army were united by the same sentiment, the fortresses occupied, the natives armed, the brother of the Emperor, with the Russian troops, relying upon the generosity of the Poles, and owing his safety to this step alone. Such were the acts of this heroic, noble revolution, which is as pure as the enthusiasm of the youth whose offspring it is.

The Polish nation have risen from their abasement and degradation, with the firm resolution no longer to bend beneath the iron yoke which has just been

broken, and not to lay down the arms of their ancestors until they have regained their independence and power, the only guarantee of their liberties ; until after having secured the enjoyment of these liberties, which they claim upon a two-fold right—namely, as the honorable heritage of their forefathers, and as the urgent want of the age ; and finally, until after being re-united to their brethren, subject to the yoke of the Cabinet of St Petersburg, and having delivered them, they shall have made them sharers of their liberties and independence. We have not been influenced by any national hatred against the Russians, with whom we have a common origin ; on the contrary, at the first moment we felt pleasure, on the loss of our independence, in thinking that, although our reunion under the same sceptre, was injurious to our interests, yet it might cause a population of forty millions to partake of the enjoyment of constitutional liberties, which, in the whole civilized world, had become equally necessary both to nations and sovereigns.

Convinced that our liberty and independence, far from having been hostile to the neighboring states, have, on the contrary, served at all times as an equilibrium and shield to Europe, and may now become more useful than ever, we appear in the presence of sovereigns and nations, with the assurance that the voice of policy and humanity will be equally heard in our favor.

If even in this struggle, the dangers of which we do not con-

ceal from ourselves, we were to fight alone for the interest of all, full of confidence in the sanctity of our cause, in our own valour, and in the assistance of the Almighty, we will fight till our last gasp for liberty ; and if Providence have destined this land to perpetual slavery ; if in this last struggle the freedom of Poland is to fall beneath the ruins of its towns, and the bodies of its defenders, our enemies shall only reign over deserts, and every good Pole, when dying, will carry with him the consolation, that if Heaven has not permitted him to save his own liberty and his own country, he has, at least, by this deadly combat, placed the liberties of threatened Europe under shelter for a moment.

(Signed)

Prazinowski, Bishop of Plock ; Miazynski, Palatine Senator ; Potocki, Castellan Senator ; W. Zurierchowski, Deputy of Warsaw ; G. Malachowski, Nuncio of the district of Szydtouree ; Swidzinski, (Constantine) Nuncio of Opoczno ; Biernacki, (Aluis), Nuncio of the district of Wtelun ; Lelewel (Joachim), Nuncio of the district of Welechow ; Malachowski, Castellan Senator ; Prince Adam Czartoryspi, Palatine Senator ; Prince Michel Radziwill, Palatine Senator ; Gliszczynski, Castellan Senator ; Kochanowski, Castellan Senator ; Wodzinski, Castellan Senator ; L. Pac, Castellan Senator ; the Count Ladislas Ostrowski, Marshal of the Diet ; Count Jean Lepochowski, Nuncio of the Palatine of Cracow ; Francois Solyk, Nuncio of the Palatinate of Sadomir ; Morawski, (Theoph-

ilus), Nuncio of Kalisz; Swirski, (Joseph), Nuncio of the district of Hrubieszoco; Ignatus Dembowski, Nuncio of Plock; Count Jezierski; Ignatus Wezyk, Deputy of Loscice; J. Wisniewski.

The Marshal of the Diet,

Count OSTROWSKI.

The Secretary of the Chamber of the Nuncios,

XAVIER CZARNOCKI,
Deputy of the district of Slanislaww.

—
Proclamation of the Emperor of Russia.

Poles,

The guilty events of which the Capital of Poland presents the example, has troubled the public tranquillity of the country: I have been informed of them with the most just indignation, and with a sentiment of the most profound grief.

Some individuals unworthy of the Polish name, have formed a conspiracy against the life of the brother of your King, have inveigled the army to forget their oaths, and have deceived the people upon their dearest interests.

There is yet time to make reparation, and to prevent infinite misfortunes. I am not about to confound those who abjure the errors of a moment, with those who persevere in crime. Poles, listen to the counsels of a father: obey the order of your Sovereign.

In publishing our immutable intentions, we have ordered,—

1. The Russians who are detained prisoners shall be set at liberty.

2. The Council of Administration shall resume its functions, as instituted in 1826.

3. The authorities, civil and military, shall obey its orders, and not acknowledge any illegitimate authority.

4. The chiefs of corps of the army shall assemble the troops, and shall direct their course with them to the rendezvous at Plozn.

5. At the same time they will inform us of the state of the troops.

6. All who shall not conform to this military order, shall cease their functions, and be declared dismissed.

The local authorities shall deprive of their arms all those who are opposed to public order. The arms shall be confided to the care of veterans, and of the communal gens d'armes.

Soldiers of the Polish army! your motto has always been fidelity and honor. The regiment of Cavalry Chasseurs of the Royal Guard have given a remarkable proof of it. Soldiers, follow their example, justify the confidence of your Sovereign, who has received your oaths!

Poles! you have remained faithful, I count upon your devotion and courage. I will not spurn from me those who regret the error of a moment, and who will return to their duty. But never shall I address men without honor and faith, who have conspired against the tranquillity of their country. What concessions can they imagine they will receive without arms in their hands? They deceive themselves. Traitors of their country, the misfor-

tunes which they have drawn down will fall again upon their own heads.

St Petersburg, Dec. 5 (17th.)

(Signed) NICHOLAS.

COUNT ÉTIENNE GRABBOUSKI,
Minister Secretary of State.

*Russian Manifesto against
Poland.*

We, Nicholas, by the Grace of God, Emperor and Autocrat of all the Russias, &c., to all our faithful subjects, greeting :

A terrible treason has convulsed the kingdom of Poland, which is united to Russia. Evil-minded men, whom the benefits of the Emperor Alexander, the magnanimous restorer of their country, had not disarmed, and who, under the protection of the Constitution which he had granted them, enjoyed the fruits of his solicitude, plotted the overthrow of the order of things introduced by him, and marked the outset of their crimes, on the 17th (29th) of November, by rebellion, bloodshed, and criminal attempts on the life of our beloved brother and Grand Duke Constantine Paulowitsch. Taking advantage of the darkness of the night, a furious multitude, instigated by them, attacked the palace of the Cesarowitsch, while, at the same time, by spreading in several quarters of the city false reports that the Russian troops were massacring the peaceable citizens, they succeeded in gaining the people, and filling the city with all the horrors of anarchy. The Cesarowitsch then resolved to take up a position in the environs of War-

saw, with the Russian troops he had with him, and the Polish troops that remained faithful to their duty, and not act offensively, in order to avoid all occasion for the effusion of blood, to show clearly the absurdity and the falsehood of the reports that were spread, to give the authorities of the city time and means, with the aid of the well-disposed citizens, to recall to their duty those who had been led astray, and to keep the evil-minded in check, but this expectation was not fulfilled. The Council of Administration could not succeed in restoring order, incessantly menaced by the rebels, who had formed illegal meetings, and who had changed its composition by removing the members named by us, and establishing others, forced on it by the chiefs of the conspirators. There was nothing left for it to do but earnestly to entreat the Cesarowitsch to send back the Polish troops who had left Warsaw, with him, in order to preserve public and private property from further pillage. Soon this council was totally dissolved, and the whole power placed in the hands of a General. At the same time a report was spread of a similar insurrection in all the provinces of the kingdom of Poland. The same means were everywhere employed; seduction, menaces, falsehoods, the object of which was to subject the peaceable citizens to the power of some rebels. In these serious and deplorable circumstances, the Cesarowitsch thought it necessary to follow the advice of the Council of State, and he permitted the small num-

ber of Polish troops who had remained faithful to return to Warsaw, in order, if possible, to protect persons and property. He himself, with the Russian troops, quitted the kingdom of Poland, and, on the 1st (13th) of December, arrived at the village of Wiodaw, in Volhynia. In this manner a crime which had long been meditated was consummated. After so many calamities, the Polish nation was enjoying peace and prosperity, under the protection of our Government; again it precipitates itself into an abyss of revolt and misery, and troops of these credulous men, though struck with fear at approaching chastisement, dare to think of victory for some moments, and to propose conditions to us, their legitimate master.

Russians, you know that we reject them with indignation. Your hearts, burning with zeal for the throne, comprehends what ours feels. At the first news of the treason, your answer was a new oath of unalterable fidelity, and at this moment we see, in the whole extent of our vast empire, only one impulse, in the hearts of all only one sentiment, the desire of sparing no effort for the honor of their Sovereign, the inviolability of the empire, and to sacrifice to it their riches, prosperity, and even their lives. We have contemplated, with emotion, this generous transport of the love of the people to our person and to the country, and we consider it as a sacred duty to answer to it by words of moderation.

New sacrifices, new efforts will not be necessary. God, the de-

fender of the legitimate cause, is with us, and powerful Russia is able, in a single battle, to reduce to obedience those who have dared to disturb the peace. Our faithful troops, who have very recently distinguished themselves by numerous victories, are already assembling on the western frontier of the empire. We are ready to punish the treason, but, at the same time, we will distinguish between the innocent and the guilty, and pardon the weak, who, through inability to resist, or through fear, followed the torrent of rebellion.

No, all the subjects of our kingdom of Poland, all the inhabitants of Warsaw have not taken part in the conspiracy and its deplorable consequences. Several have shown by dying gloriously, that they knew their duty; others, as we have seen by the reports of the Grand Duke, were obliged to return, with tears of despair, to the places occupied by the rebels: they form, with the victims of fraud and seduction, the greater part of the army and of the kingdom of Poland. We addressed them in a proclamation of the 5th (17th) of this month, in which, expressing our just displeasure at the violation of faith, we gave orders to put an end to all usurpation of power, illicit armaments, and to replace everything on its former footing. By doing this, they may still repair the fault of their countrymen, and save the kingdom of Poland from the disastrous consequences of a criminal infatuation. In pointing out this as the only means of safety, we make known to all our faith-

ful subjects this effect of our clemency, they will see in it our resolution to maintain untouched the rights of the throne, and to protect the country, as well as the equally first resolution to excuse those who have been led astray.

Russians, the example of your Emperor will serve you as a guide. Justice, and not vengeance, unshaken firmness in the combat for the honor and welfare of the state, without hatred for infatuated adversaries; love and respect for those subjects of our kingdom of Poland who have remained faithful to the oath taken to us; a prompt reconciliation with all those who return to their duty. You will fulfil our hopes as you have already done. Persevere in your peace and tranquillity, in firm reliance upon God, the eternal benefactor of Russia, and in a monarch who knows the greatness and the sacredness of his vocation, and will know how to maintain unimpaired the dignity of his empire, and the glory of his Russian name.

St Petersburg, 12th (24th) December, in the sixth year of our reign.

(Signed) NICHOLAS.

Manifesto of the Polish Government against Prussia.

There are extreme circumstances which will not permit men to observe the conduct which otherwise they would willingly pursue.

Can it be a reproach to the weak, that when on the point of perishing, they expose the false

pretences of those who, under the cloak of legal conduct would effectually ensure their destruction, by aiding their adversary?

The Poles have a right to say that the faith of nations is but an empty name, and that treaties and conventions have been invented only to cover the crimes of the powerful with the mask of justice. The principle of non-intervention, for what does it serve, but as a pretext in the selfish policy adopted by the cabinets of the present day? How Austria has applied it in the disarming of Dwernicki's corps is known to Europe, and Europe remains silent. Prussia has violated, in a manner still more striking, a principle which, once adopted, ought to be adopted by all, or applied impartially.

Often have we addressed to the Cabinets, the guarantees of our rights, the most pressing representations; and all have been deaf to our voice. We cannot indeed demonstrate by judicial process the wrongs which we have suffered on the Prussian territory. They are, however, sufficiently proved by the most circumstantial details; of all proofs the most convincing is that furnished by the present position of the Russian army.

Prussia, confident in our weakness, has done well to give evasive answers to all the Governments who would seek to maintain, *bona fide*, the principle of non-intervention. She could not better disguise her conduct from incredulous cabinets, that they might be required to see the French at Warsaw, before they would believe in the concert sub-

sisting between the cabinets of St Petersburg and Berlin.

The National Government has received a report from the General-in-chief, announcing that the army of Paskewitsch is concentrated on the Lower Vistula, and extended in echelon, on the right side of the river, and resting upon the Prussian frontier. [Here follows a minute description of the then position of the army, since changed.] It results from the plan of operation adopted by General Paskewitsch, that in case of a check more or less severe, he could with difficulty regain the right bank, and, by consequence, must have the certainty of a secure retreat in Prussia, into which the quarantine will not hinder him long from penetrating, and where no Russian corps will experience the fate of General Dwernicki. This conduct of Prussia destroys all the advantages which we have acquired by so much devotion, and so much blood spilled all over the soil of Poland. It renders useless, we are bold to say, all the miracles of our courage.

Our struggle has been an appeal to God; why attempt to influence his decree, and lend to the strong more terrible arms for the purpose of crushing the weak? Let it be known, that it is not with Russia only we are engaged in combat. There was a time when the spectators of a conflict would have thought themselves guilty of a crime if they did not assist the weaker party—the world calls that time barbarous. At present

two powers are seen conspiring against an unhappy nation, and the contest is looked upon with *sang froid*. The attacked nation has not even arms to defend itself; for Prussia, not content with having surrounded our frontiers for a long time with a factitious quarantine, checks the transport of everything necessary for our defence. Such are the means resorted to in order to reduce us; this is the fair battle offered us by Russia, assisted by the Prussians. Their Princes invoke the name of God in their proclamations—God is justice and equity, and invoking Him to testify falsehood is committing perjury. Who can foresee the future? The Princes who wish for our destruction, may, perhaps, hereafter be pursued by misfortune, and placed in situations of difficulty. Let them then recollect their conduct in Poland. How can we be silent while we experience such injustice? Our complaints must be published, that they may be a solemn manifesto against the conduct of Prussia. The world must know what we have complained of—what are the difficulties we have to conquer; and perhaps then the Governments which are deaf to the voice of justice and humanity, will be forced to admit, that a people which has had the courage to support itself single-handed against such powerful enemies, combined to annihilate it, is worthy of a free and independent existence.

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ACTS

Passed at the Second Session of the Twentyfirst Congress of the United States.

N. B. The titles only of private acts and appropriation bills, are given ; and the dates of approval refer back so as to comprehend all the acts subsequent to the next preceding dates.

Andrew Jackson, President. John C. Calhoun, Vice President and President of the Senate. Andrew Stevenson, Speaker of the House of Representatives.

CHAP. 1. An Act to change the time of holding the rule term of the Circuit Court for the District of West Tennessee.

CHAP. 2. An Act to amend an act, entitled 'An Act to provide for paying to the State of Illinois, three per centum of the nett proceeds arising from the sale of the Public Lands within the same.

CHAP. 3. An Act making appropriations for carrying into effect certain Indian Treaties.

CHAP. 4. An Act for the benefit of schools in Lawrence county, Mississippi.

CHAP. 5. An Act for the relief of Aaron Fitzgerald.
Approved January 13, 1831.

CHAP. 6. An Act to amend an act, entitled 'An Act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the Public Lands within the same.'

CHAP. 7. An Act for the relief of Thomas Fitzgerald.
Approved January 19, 1831.

CHAP. 8. An Act for closing certain accounts, and making Appropriations for arrearages in the Indian Department.

CHAP. 9. An Act making Appropriations for the payment of Revolutionary and Invalid Pensioners.

CHAP. 10. An Act to alter the times of holding the District Courts of the United States for the Districts

of Maine and Illinois, and Northern District of Alabama.

CHAP. 11. An Act to extend the time for entering certain donation claims to land in the Territory of Arkansas.

CHAP. 12. An Act further supplemental to the act, entitled 'An Act making further provision for settling the claims to Land, in the Territory of Missouri,' passed the thirteenth day of June, one thousand eight hundred and twelve.

CHAP. 13. An Act for the relief of the legal representatives of Edward Moore, deceased.
Approved January 27, 1831.

CHAP. 14. An Act making provision for the compensation of witnesses, and payment of other expenses attending the trial of the impeachment of James H. Peck.

CHAP. 15. An Act to authorise the construction of three Schooners for the Naval Service of the United States.

CHAP. 16. An Act to amend the several acts respecting Copyrights.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passing of this act, any person or persons, being a citizen or citizens of the United States, or resident therein, who shall be the author or authors of any book or books, map, chart, or musical composition, which may now be made or composed, and not printed and published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave,

work, or cause to be engraved, etched, or worked from his own design, any print or engraving, and the executors, administrators, or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing, and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twentyeight years from the term of recording the title thereof, in the manner hereinafter directed.

SECT. 2. *And be it further enacted,* That if, at the expiration of the aforesaid term of years, such author, inventor, designer, engraver, or any of them, where the work had been originally composed and made by more than one person, be still living, and a citizen or citizens of the United States, or resident therein, or being dead, shall have left a widow, or child, or children, either or all then living, the same exclusive right shall be continued to such author, designer, or engraver, or, if dead, then to such widow and child, or children, for the further term of fourteen years: *Provided,* That the title of the work so secured shall be a second time recorded, and all such other regulations as are herein required in regard to original Copyrights, be complied with in respect to such renewed Copyright, and that within six months before the expiration of the first term.

SECT. 3. *And be it further enacted,* That in all cases of renewal of Copyright under this act, such author or proprietor shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

SECT. 4. *And be it further enacted,* That no person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a printed copy of the title of such book, or books, map, chart, musical composition, print, cut, or engraving, in the Clerk's office of the District Court of the district wherein the author or proprietor shall reside, and the Clerk of such Court is hereby directed and required to record the same thereof forthwith, in a book to be kept for that purpose, in the words following [giving a copy of the title, under the seal of the Court, to the said author or proprietor, whenever he shall require the same:] 'District of _____ to wit: Be it remembered, that on the day of _____ Anno domini, _____ A. B. of the said District, hath deposited in

this office the title of a book, [map, chart, or otherwise, as the case may be,] the title of which is in the words following, to wit: [here insert the title;] the right whereof he claims as author [or proprietor as the case may be:] in conformity with an act of Congress, entitled 'An Act to amend the several acts respecting Copyrights.' C. D. Clerk of the District." For which record, the Clerk shall be entitled to receive, from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such person or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut, or engraving, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver or cause to be delivered a copy of the same to the Clerk of said district. And it shall be the duty of the Clerk of each District Court, at least once in every year, to transmit a certified list of all such records of Copyright, including the titles so recorded, and the dates of record, and also all the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office.

SECT. 5. *And be it further enacted,* That no person shall be entitled to the benefit of this act, unless he shall give information of Copyright being secured, by causing to be inserted, in the several copies of each and every edition published during the term secured on the title page, or the page immediately following, if it be a book, or, if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, or engravings, upon the title or frontispiece thereof, the following words, viz: 'Entered according to act of Congress, in the year _____ by A. B., in the Clerk's office of the District Court of _____ [as the case may be.]

SECT. 6. *And be it further enacted,* That if any other person or persons, from and after the recording the title of any book or books, according to this act, shall, within the term or terms herein limited, print, publish, or import, or cause to be printed, published, or imported, any copy of such book, or books, without the consent of the person legally entitled to the Copyright thereof, first had and obtained in writing, signed in presence of two or more credible witnesses, or shall, knowing the same to be so printed or imported, publish, sell, or expose to sale, or cause to be published, sold, or exposed

to sale, any copy of such book without such consent in writing; then such offender shall forfeit every copy of such book to the person legally, at the time, entitled to the Copyright thereof; and shall also forfeit and pay fifty cents for every such sheet which may be found in his possession, either printed or printing, published, imported, or exposed to sale, contrary to the intent of this act, the one moiety thereof to such legal owner of the Copyright as aforesaid, and the other to the use of the United States, to be recovered by action of debt in any court having competent jurisdiction thereof.

SECT. 7. *And be it further enacted,* That, if any person or persons, after the recording the title of any print, cut, or engraving, map, chart, or musical composition, according to the provisions of this act, shall, within the term or terms limited by this act, engrave, etch, or work, sell, or copy, or cause to be engraved, etched, worked, or sold, or copied, either on the whole, or by varying, adding to, or diminishing the main design, with intent to evade the law, or shall print or import for sale, or cause to be printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained in writing, signed in the presence of two credible witnesses; or, knowing the same to be so printed or imported without such consent, shall publish, sell or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut, or print, without such consent, as aforesaid; then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, or print, shall be copied, and also all and every sheet thereof so copied or printed, as aforesaid, to the proprietor or proprietors of the Copyright thereof; and shall further forfeit one dollar for every sheet of such map, chart, musical composition, print, cut, or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the proprietor or proprietors, and the other moiety to the use of the United States, to be recovered in any court having competent jurisdiction thereof.

SECT. 8. *And be it further enacted,* That nothing in this act shall be construed to extend to prohibit the importation or vending, printing, or publish-

ing, of any map, chart, book, musical composition, print or engraving, written, composed, or made, by any person not being a citizen of the United States, nor resident within the jurisdiction thereof.

SECT. 9. *And be it further enacted,* That any person or persons, who shall print or publish any manuscript whatever without the consent of the author or legal proprietor first obtained as aforesaid, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to suffer and pay to the author or proprietor, all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognizance thereof: and the several courts of the United States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions, in like manner, according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

SECT. 10. *And be it further enacted,* That, if any person or persons shall be sued or prosecuted, for any matter, act, or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

SECT. 11. *And be it further enacted,* That, if any person or persons, from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut, or engraving, not having legally acquired the Copyright thereof, and shall insert or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall forfeit and pay one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action of debt, in any court of record having cognizance thereof.

SECT. 12. *And be it further enacted,* That, in all recoveries under this act, either for damages, forfeitures, or penalties, full costs shall be allowed thereon, anything in any former act to the contrary notwithstanding.

SECT. 13. *And be it further enacted,* That no action or prosecution shall be maintained, in any case of forfeiture or penalty under this act, unless the same shall have been commenced within two years after the cause of action shall have arisen.

SECT. 14. *And be it further enacted,* That the ' Act for the encouragement of

learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned; passed May thirty-first, one thousand seven hundred and ninety, and the act supplementary thereto, passed April twentieth, one thousand eight hundred and two, shall be, and the same are hereby, repealed: saving, always, such rights as may have been obtained in conformity to their provisions.

SECT. 15. *And be it further enacted,* That all and several the provisions of this act, intended for the protection and security of Copyrights, and providing remedies, penalties, and forfeitures in case of violation thereof, shall be held and construed to extend to the benefit of the legal proprietor or proprietors of each and every Copyright heretofore obtained, according to law, during the term thereof, in the same manner as if such Copyright had been entered and secured according to the directions of this act.

SECT. 16. *And be it further enacted,* That, whenever a Copyright has been heretofore obtained by an author or authors, inventor, designer, or engraver, of any book, map, chart, print, cut or engraving, or by a proprietor of the same: if such author or authors, or either of them, such inventor, designer, or engraver, be living at the passage of this act, then such author or authors, or the survivor of them, such inventor, engraver, or designer, shall continue to have the same exclusive right to his book, chart, map, print, cut, or engraving, with the benefit of each and all the provisions of this act, for the security thereof, for such additional period of time as will, together with the time which shall have elapsed from the first entry of such Copyright, make up the term of twentyeight years, with the same right to his widow, child, or children, to renew the Copyright, at the expiration thereof, as is above provided in relation to Copyrights originally secured under this act. And if such author or authors, inventor, designer, or engraver, shall not be living at the passage of this act, then, his or their heirs, executors and administrators, shall be entitled to the like exclusive enjoyment of said Copyright, with the benefit of each and all the provisions of this act for the security thereof, for the period of twentyeight years from the first entry of said Copyright, with the like privilege of renewal to the widow, child, or children, of author or authors, designer, inventor, or engraver, as is provided in relation to Copyrights originally secured under this

act: *Provided,* That this act shall not extend to any Copyright heretofore secured, the term of which has already expired.

CHAP. 17. An Act to amend the act for taking the Fifth Census.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful for such of the assistants to the Marshals in the respective States and Territories, who have not, before the passage of this act, made their respective returns to such Marshals, under the act hereby amended, to complete their enumerations and make their returns under the said act, at any time before the first day of June, and for the Marshals of such States and Territories to make their returns to the Secretary of State at any time before the first day of August, one thousand eight hundred and thirtyone: *Provided,* That nothing herein contained shall be deemed to release such Marshals and assistants from the penalties contained in the act aforesaid, unless their returns shall be made within the time prescribed in this act: *And provided further,* That no persons be included in the returns made under the present act, unless such persons shall have been inhabitants of the districts for which such returns shall be made, on the first day of June, one thousand eight hundred and thirty.

SECT. 2. *And be it further enacted,* That the copies of returns and aggregate amounts directed to be filed by the Marshals with the Clerks of the several District Courts, and Supreme Courts of the Territories of the United States, shall be preserved by said Clerks, and remain in their offices respectively; and so much of the act to which this is an amendment as requires that they shall be transmitted by said Clerks to the Department of State, is hereby repealed.

SECT. 3. *And be it further enacted,* That it shall be the duty of the Secretary of State to note all the clerical errors in the returns of the Marshals and Assistants, whether in the additions, classification of inhabitants, or otherwise, and cause said notes to be printed with the aggregate returns of the Marshals, for the use of Congress.

CHAP. 18. An Act, for the relief of Matthias Roll and William Jackson.
Approved February 3, 1831.

CHAP. 19. An Act to amend the act entitled 'An act to quiet the titles of certain purchasers of Lands be-

tween the lines of Ludlow and Roberts, in the State of Ohio,' approved the twentysixth of May, in the year eighteen hundred and thirty.

CHAP. 20. An Act to repeal the charges imposed on Passports and Clearances.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, so much of the act of the first of June, one thousand seven hundred and ninety-six, entitled 'An act providing passports for the ships and vessels of the United States,' as imposes a charge of ten dollars for passports, and of four dollars for a clearance, to any ship or vessel bound on a voyage to any foreign country, be, and the same is hereby repealed, to take effect from and after the thirtyfirst day of March of the present year.

CHAP. 21. An Act authorising the Secretary of State to issue a patent to John Powell.

CHAP. 22. An Act authorising the sale of a tract of Land therein named.

CHAP. 23. An Act to amend the act granting 'certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the Navigation of the Tennessee, Coosa, Cahawba, and Black-warrior rivers,' approved the twenty third day of May, one thousand eight hundred and twentyeight.

CHAP. 24. An Act to authorise the transportation of Merchandise by land or by water, with the benefit of debenture.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, all goods, wares, or merchandise imported into the United States, the duties on which have been paid, or secured to be paid, may be transported by land, or partly by land, and partly by water, from the district into which they were imported to two other districts, and exported from either of them with the benefit of drawback: *Provided,* That all regulations and formalities now in force, relating to the transportation of goods, wares, or merchandise, by land or by water, from the district into which they were imported to another district, for

the benefit of drawback, and such other regulations as are prescribed under and by virtue of the act to which this is an addition, for the further transportation of such goods, wares, or merchandise, to other districts, shall be complied with: *And provided also,* That all the regulations and formalities now in force, respecting the exportation of goods, wares, and merchandise, for the benefit of drawback, shall be complied with, so far as may be consistent with the other provisions of the act to which this is an addition; and the Secretary of the Treasury shall be and he is hereby, authorised to prescribe the form of the certificate to be used, and the oaths to be taken, on the transportation of such goods, wares or merchandise, from the second district into which they may be so brought, to the third district.

CHAP. 25. An Act for the relief of William Smith, administrator of John Taylor, deceased.
Approved, February 12, 1831.

CHAP. 26. An Act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes.

CHAP. 27. An Act to establish a Land Office in the Territory of Michigan, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the public lands to which the Indian title has been extinguished, lying west of the meridian line, in the Territory of Michigan, shall constitute a new land district; and, for the sale of the public lands within the said district, there shall be a Land Office established at such place within the district, as the President of the United States may designate, who is hereby authorised to change the location of such office, whenever, in his opinion, the public interest may require it.

SECT. 2. *And be it further enacted,* That the Land Office now established at Monroe, shall be removed to the place designated for the location of this office, and the Register and Receiver of the Monroe Land Office, shall superintend the sales of public lands within said district, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their office, as are

or may be by law provided, in relation to the Registers and Receivers of public moneys in the several offices established for the sale of public lands.

SECT. 3. *And be it further enacted,* That all the public lands lying east of the meridian line in the territory aforesaid, which are not now embraced in the district of Detroit, be, and they are hereby, attached thereto; and it shall be the duty of the Register and Receiver of the Land Office in said district, to deposit in the Land Office at Detroit, all the records, books and papers, surveys, &c. which pertain to said Land Office at Monroe, which shall be kept by the Register and Receiver of the Land Office at Detroit, as a part of the records of said office.

SECT. 4. *And be it further enacted,* That all such public lands as shall have been offered for sale to the highest bidder at Monroe or Detroit, pursuant to any proclamation of the President of the United States, and which are embraced within the provisions of this act, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale, by the Registers of the Land Offices to which they are hereby attached; and all provisions of law applicable to the public lands, to which this act applies, shall continue in full force and effect.

SECT. 5. *And be it further enacted,* That so much of the State of Illinois as lies between the Illinois and Mississippi rivers, bounded on the south by the base line, on the north by the northern boundary of that State, and on the extreme east by the third principal meridian, be formed into a separate land district, the offices for which to be located where it will best accommodate purchasers and others, by the President; and a Register and Receiver shall be appointed at such time as the President of the United States shall deem proper.

SECT. 6. *And be it further enacted,* That another district be also formed in that State, on the north of the dividing line between townships sixteen and seventeen north of the base line, and east of the third principal meridian, including all that part of the State to its northern boundary, the offices for which, to be located by the President, where the public interest and the convenience of purchasers may require; and a Register and Receiver shall be appointed at such time as the President of the United States shall deem proper.

SECT. 7. *And be it further enacted,* That the Registers and Receivers shall reside, respectively, at the places where

the Land Offices are located, give security in the same manner, in the same sums, and whose compensation, emoluments, and duties, and authority, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as may be by law provided in relation to the Registers and Receivers of public moneys, in the several offices established for the disposal of the lands of the United States, northwest of the river Ohio.

SECT. 8. *And be it further enacted,* That the said lands shall be disposed of in the same manner, and on the same terms and conditions, as are or may be provided by law, for the sale of other lands of the United States: *Provided,* That no tracts of land excepted from sales by virtue of any former acts, shall be sold by virtue of this act.

SECT. 9. *And be it further enacted,* That all the lands to which the Indian title is extinguished, lying in that part of the State of Indiana which is east of Lake Michigan, bordering upon the northern line of said State, and not attached to any land district, shall be, and the same are hereby, attached to the Fort Wayne District.

CHAP. 28. An Act respecting the jurisdiction of certain District Courts.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the District Courts of the United States for the northern district of New York, the western district of Pennsylvania, the district of Indiana, the district of Illinois, the district of Missouri, the district of Mississippi, the western district of Louisiana, the eastern district of Louisiana, the northern district of Alabama, and the southern district of Alabama, in addition to the ordinary jurisdiction and powers of a District Court, shall within the limits of their respective districts, have jurisdiction of all causes, except appeals and writs of error, which now are, or hereafter may by law be made, cognizable in a Circuit Court, and shall proceed therein in the same manner as a Circuit Court.

CHAP. 29. An Act for the relief of William Burris, of Mississippi.

CHAP. 30. An Act to alter and amend 'An act to set apart and dispose of certain Public Lands, for the encouragement of the cultivation of the vine and olive.

SECT. 1. *Be it enacted by the Sen-*

ate and House of Representatives of the United States of America in Congress assembled, That all persons entitled to lands, under a contract entered into on the eighth of January, eighteen hundred and nineteen, by the Secretary of the Treasury on the part of the United States, and Charles Villar, Agent of the Tombebee Association, in pursuance of 'An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive,' approved on the third of March, eighteen hundred and seventeen, their heirs, devisees or assigns, who appear by the report of William L. Adams, special agent of the Treasury, appointed in compliance with a resolution of the Senate, passed the twentieth of May, eighteen hundred and twenty-six, to have complied with the conditions of settlement and cultivation, as stipulated for in said contract, or who shall hereafter make it appear to the satisfaction of the Secretary of the Treasury, that they have so complied, shall on paying into the Treasury one dollar and twenty-five cents the acre, previous to the third of March, eighteen hundred and thirty-three, receive a patent for the same.

SECT. 2. *And be it further enacted,* That all persons who became entitled to an allotment of land under said contract their heirs, devisees or assigns, who have failed to comply with the conditions of settlement and cultivation within the period required thereby, who at the time of the passage of this act shall be in the actual occupancy and cultivation of the same, shall, on paying into the Treasury one dollar and twenty-five cents the acre, previous to the third of March, eighteen hundred and thirty-three, receive a patent for the same.

SECT. 3. *And be it further enacted,* That the widow and children of any person who became entitled to an allotment of land under said contract, and died without performing the conditions required, shall, on paying into the Treasury, one dollar and twenty-five cents per acre, previous to the third of March, eighteen hundred and thirty-three, receive a patent for the same.

Approved February 19, 1831.

CHAP. 31. An Act making appropriations for the completion and support of the Penitentiary in the District of Columbia, and for other purposes.

CHAP. 32. An Act to authorise the appointment of a sub-agent to the Winnebago Indians, on Rock river.

CHAP. 33. An Act to authorise the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong for the maintenance of fifteen Africans illegally imported into the United States.

CHAP. 34. An Act supplemental to an act, passed on the thirty-first March one thousand eight hundred and thirty, entitled 'An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States.'

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all purchasers, their heirs or assignees, of such of the public lands as were sold on a credit for a less price than fourteen dollars per acre, and on which a further credit has been taken under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States on account of the balance due thereon not having been paid or discharged, agreeably to said relief laws, shall be entitled to patents, without further payment, in all instances where one dollar and twenty-five cents, or a greater sum, per acre, shall have been paid; or where payment to that amount shall not have been heretofore made, such purchasers, their heirs or assignees shall have the right of pre-emption until the fourth day of July, one thousand eight hundred and thirty-one, by paying into the proper Land Office such sum in addition to the amount heretofore paid, as will, together, amount to the minimum price of the lands of the United States at the time of such payment.

SECT. 2. *And be it further enacted,* That all such occupants of relinquished land as are contemplated and described in the second section of the above cited act, to which this is a supplement, as are in possession of land which was sold on credit for a less sum than fourteen dollars per acre, shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity of two quarter sections, in contiguous tracts or contiguous to other lands held by such occupants respectively, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into a proper office for all land originally sold for a price not exceeding five dollars per acre, one dollar and twenty-five cents per acre; and for all lands which origi-

nally sold for more than five dollars, and not exceeding fourteen dollars per acre, the amount of the first instalment heretofore paid; such occupants first proving their possession, respectively, in conformity to the provisions of the said act, to which this is a supplement, in the manner which has been prescribed by the Commissioner of the General Land Office, pursuant to the provisions thereof: *Provided, however*, That in all cases where proof of possession has been already made under said recited act, proof shall not again be required, unless the applicant choose to take other land than that to which such proof applies.

SECT. 3. *And be it further enacted*, That the provisions of this act shall extend to all town property of which the Government has been proprietors, and not subsequently sold, when full payment has not been made: *Provided*, The original purchasers, or their assignees, pay into the proper Land Office, on or before the fourth of July, one thousand eight hundred and thirtytwo, one half of the original purchase money without interest.

CHAP. 35. An Act to incorporate Saint Vincent's Orphan Asylum, in the District of Columbia.

CHAP. 36. An Act to provide for the adjustment of claims of persons entitled to indemnification under the convention between the United States and His Majesty the King of Denmark, of the twentyeighth March, eighteen hundred and thirty, and for the distribution among such claimants of the sums to be paid by the Danish Government to that of the United States, according to the stipulation of the said convention.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioners who are or may be appointed by the President of the United States, by and with the advice and consent of the Senate, in pursuance of the third article of the convention between the United States of America and his Majesty the King of Denmark, signed at Copenhagen the twentyeighth day of March, one thousand eight hundred and thirty, shall meet at Washington City, in the District of Columbia, and, within the space of two years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all such claims as may be presented to them, and are provided for by the

convention referred to, according to the merits of the several cases, and to justice, equity, and the law of nations, and according to the provisions of said convention.

SECT. 2. *And be it further enacted*, That all records, documents, or other papers, which now are in, or hereafter, during the continuance of this commission, may come into the possession of the Department of State, in relation to such claims, shall be delivered to the commission aforesaid.

SECT. 3. *And be it further enacted*, That the said commissioners, or a majority of them, with their Secretary, whose appointment is hereinafter provided for, shall convene in this city on the first Monday of April next, and shall proceed to execute the duties of their commission; and the Secretary of State shall be, and he is hereby, authorized and required forthwith after the passing of this act, to give notice of the said intended meeting, to be published in one or more public gazettes in the city of Washington, and in such other public papers, published elsewhere in the United States, as he may designate.

SECT. 4. *And be it further enacted*, That the said commissioners shall proceed immediately after their meeting in the city of Washington, with all convenient despatch, to arrange and docket the several claims, and to consider the evidence which shall have been, or which may be offered by the respective claimants, allowing such further time for the production of such further evidence as may be required, and as they shall think reasonable and just; and they shall thereupon proceed to determine the said claims, and to award distribution of the sums to be received by the United States from the King of Denmark under the stipulations of the convention aforesaid, among the several claimants, according to their respective rights.

SECT. 5. *And be it further enacted*, That the said commissioners shall be, and they are hereby, authorized and empowered to make all needful rules and regulations, not contravening the laws of the land, the provisions of this act, or the provisions of the said convention, for carrying their said commission into full and complete effect.

SECT. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint a Secretary to the said commission.

SECT. 7. *And be it further enacted,* That the said commissioners and secretary shall severally take an oath for the faithful performance of the duties of their respective offices.

SECT. 8. *And be it further enacted,* That the compensation of the respective officers for whose appointment provision is made by this act, shall not exceed the following sums: to each of the said commissioners at the rate of three thousand dollars per annum, and to the secretary of the Board at the rate of two thousand dollars per annum; and the President of the United States shall be, and he is hereby, authorised to make such provision for the contingent expenses of the said commission as shall appear to him reasonable and proper; and the said salaries and expenses shall be paid out of any money in the treasury, not otherwise appropriated.

SECT. 9. *And be it further enacted,* That all moneys to be received from the Danish Government under the convention aforesaid, shall be paid into the treasury of the United States, and shall constitute a fund for satisfying the awards of the commission provided for by this act.

SECT. 10. *And be it further enacted,* That all communications to or from the Secretary of the Board of Commissioners on the business of the commission, shall pass by mail free of postage.

SECT. 11. *And be it further enacted,* That as soon as the said commission shall be executed and completed, the records, documents, and all other papers in the possession of the commission or its officers shall be deposited in the office of the Secretary of State.

Approved February 25, 1831.

CHAP. 37. An Act for the punishment of crimes in the District of Columbia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, every person who shall be convicted, in any court in the District of Columbia, of any of the following offences, to wit: manslaughter, assault and battery with intent to kill, arson, rape, assault and battery with intent to commit a rape, burglary, robbery, horse stealing, mayhem, bigamy, perjury, or subornation of perjury, larceny, if the property stolen is of the value of five dollars or upwards, forgery, obtaining by false pretences any goods or chattels, money, bank note, promissory note, or any other instrument in

writing for the payment or delivery of money or other valuable thing, or of keeping a faro bank or other common gaming table, petty larceny upon a second conviction, committed after the passage of this act, shall be sentenced to suffer punishment by imprisonment and labor, for the time and times hereinafter prescribed, in the penitentiary for the District of Columbia.

SECT. 2. *And be it further enacted,* That every person duly convicted of manslaughter, or of any assault and battery with intent to kill, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than two nor more than eight years, for the second offence for a period not less than six nor more than fifteen years.

SECT. 3. *And be it further enacted,* That every person, duly convicted of the crime of maliciously, wilfully, or fraudulently burning any dwelling-house, or any other house, barn, or stable, adjoining thereto, or any store, barn, or out-house, having goods, tobacco, hay, or grain therein, although the same shall not be adjoining to any dwelling-house; or of maliciously and wilfully burning any of the public buildings in the cities, towns, or counties, of the District of Columbia, belonging to the United States, or the said cities, towns, or counties; or any church, meetinghouse, or other building for public worship, belonging to any voluntary society, or body corporate; or any college, academy, school-house, or library; or any ship or vessel, afloat or building; or as being accessory thereto; shall be sentenced to suffer imprisonment and labor, for a period of not less than one, nor more than ten years for the first offence, and not less than five nor more than twenty years for the second offence.

SECT. 4. *And be it further enacted,* That every free person, duly convicted of rape, or as being accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than ten nor more than thirty years, and for the second offence for and during the period of his natural life.

SECT. 5. *And be it further enacted,* That every free person being duly convicted of an assault and battery with intent to commit a rape, shall be punished for the first offence by undergoing confinement in the Penitentiary for a period not less than one, nor more than five years, and for the second for a period not less than five nor more than fifteen years.

SECT. 6. *And be it further enacted,* That every person duly convicted of burglary, or as accessory thereto before the fact, or of robbery, or as accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than three nor more than seven years, and for the second offence for a period not less than five, nor more than fifteen years.

SECT. 7. *And be it further enacted,* That every person convicted of horse stealing, mayhem, bigamy, or as being accessory to any of said crimes before the fact, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than two nor more than seven years, and for the second offence for a period not less than five nor more than twelve years.

SECT. 8. *And be it further enacted,* That every person, convicted of perjury or subordination of perjury, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than two nor more than ten years, and for the second offence for a period not less than five nor more than fifteen years.

SECT. 9. *And be it further enacted,* That every person convicted of feloniously stealing, taking, and carrying away, any goods or chattels, or other personal property, of the value of five dollars or upwards, or any bank note, promissory note, or any other instrument of writing, for the payment or delivery of money or other valuable thing, to the amount of five dollars or upwards, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than one nor more than three years; and for the second offence for a period not less than three nor more than ten years.

SECT. 10. *And be it further enacted,* That every person convicted of receiving stolen goods, or any article, the stealing of which is made punishable by this act, to the value of five dollars or upwards, knowing them to have been stolen, or of being an accessory after the fact in any felony, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than one nor more than five years, and for the second offence for a period not less than two nor more than ten years.

SECT. 11. *And be it further enacted,* That every person duly convicted of having falsely forged and counterfeited any gold or silver coin, which now is, or shall hereafter be, passing or in circulation within the District of Columbia; or of having falsely uttered, paid,

or tendered in payment, any such counterfeit or forged coin, knowing the same to be forged and counterfeit; or of having aided, abetted or commanded the perpetration of either of the said offences; or of having falsely made, altered, forged, or counterfeited, or caused or procured to be falsely made, altered, forged or counterfeited, or having willingly aided or assisted in falsely making, altering, forging, or counterfeiting, any paper, writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, with intent to defraud such person, body politic or corporate, or voluntary association, or of having passed, uttered, or published, or attempted to pass, utter or publish, as true, any such falsely made, altered, forged, or counterfeited paper, writing or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to defraud such person, body politic or corporate, or voluntary association, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than one year nor more than seven years, for the second offence, for a period not less than three nor more than ten years.

SECT. 12. *And be it further enacted,* That every person, duly convicted of obtaining by false pretences any goods or chattels, money, bank note, promissory note, or any other instrument in writing, for the payment or delivery of money or other valuable thing, or of keeping a faro bank or gaming table, shall be sentenced to suffer imprisonment and labor, for a period not less than one year, nor more than five years: and every person, so offending, shall be a competent witness against every other person offending in the same transaction, and may be compelled to appear and give evidence in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

SECT. 13. *And be it further enacted,* That every person, upon a second conviction of larceny, where the property stolen is under the value of five dollars, or upon a second conviction of receiving stolen goods, knowing them to be stolen, where the property stolen is under the value of five dollars, shall be sentenced to suffer imprisonment and labor, for a period not less than one nor more than three years.

SECT. 14. *And be it further enacted,*

That all capital felonies and crimes in the District of Columbia, not herein specially provided for, except murder, treason, and piracy, shall hereafter be punished by imprisonment and labor in the penitentiary of said District, for a period not less than seven nor more than twenty years.

SECT. 15. *And be it further enacted,* That every other felony, misdemeanor or offence not provided for by this act, may and shall be punished as heretofore, except that, in all cases where whipping is part or the whole of the punishment, except, in the cases of slaves, the court shall substitute therefor imprisonment in the county jail, for a period not exceeding six months.

SECT. 16. *And be it further enacted,* That all definitions and descriptions of crimes: all fines, forfeitures, and incapacities, the restitution of property, or the payment of the value thereof; and every other matter not provided for in this act, be, and the same shall remain, as heretofore.

SECT. 17. *And be it further enacted,* That if any free person shall, in the said District, unlawfully, by force and violence, take and carry away, or cause to be taken and carried away, or shall, by fraud unlawfully seduce, or cause to be seduced, any free negro or mulatto, from any part of the said District to any other part of the said District, or to any other place, with design, or intention to sell or dispose of such negro or mulatto, or to cause him or her to be kept and detained as a slave for life, or servant for years, every such person so offending, his or her counsellors, aiders and abettors, shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and imprisonment and confinement to hard labor, in the penitentiary, for any time not exceeding twelve years, according to the enormity of the offence.

SECT. 18. *And be it further enacted,* That nothing herein contained shall be construed to apply to slaves not residents of the District of Columbia; but such slaves shall, for all offences committed in said District, be punished agreeably to the laws as they now exist: *Provided,* That this act shall not be construed to extend to slaves.

CHAP. 38. An Act making appropriations for certain Fortifications during the year One Thousand Eight Hundred and Thirtyone.

CHAP. 39. An Act for the relief of certain importers of foreign merchandise.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury shall be, and he is hereby authorised to extend relief to any importer of foreign merchandise who may have been charged, under the provisions of the third section of the act, entitled 'An act, for the more effectual collection of the duties on imports,' passed the twentyeighth day of May, one thousand eight hundred and thirty, with any duty in addition to the duties existing on such merchandise previous to the passage of said act, to the amount of such additional duty: *Provided,* Said merchandise shall have been imported previous to the first day of January last: *Provided, also,* That no person shall be entitled to the relief authorised to be given by this act, who, by the exercise of reasonable diligence, by himself or his agents, factors or correspondents, could have complied with the provisions of the said third section of said act; and the Secretary of the Treasury, shall require and receive satisfactory evidence, from every person claiming the benefits of this act, that such diligence has been used, and that he has acted bona fide, and without any intent to violate or evade the provisions of said third section, before he shall grant the relief herein provided.

CHAP. 40. An Act for the Sale of the Lands in the State of Illinois reserved for the use of the salt springs on the Vermillion river in that State.

CHAP. 41. An Act for the relief of the citizens of Shawneetown.

CHAP. 42. An Act to authorise the Secretary of War to purchase an additional quantity of land for the fortifications at Fort Washington, upon the river Potomac.

CHAP. 43. An Act for the relief of Thomas Porter, of Indiana.

CHAP. 44. An Act for the relief of William Clower.

CHAP. 45. An Act for the relief of Simeon C. Whittier.

CHAP. 46. An Act for the relief of Ebenezer Rollins.

CHAP. 47. An Act for the relief of the legal representatives of Daniel McIntire, deceased.

CHAP. 48. An Act for the relief of Joseph E. Sprague.

CHAP. 49. An Act for the relief of John Daly, late of Canada.

CHAP. 50. An Act for the relief of Nathaniel Cheever and others.

CHAP. 51. An Act for the relief of Peters and Pond.

CHAP. 52. An Act for the relief of Lucian Harper.

CHAP. 53. An Act for the relief of James Sprague.

CHAP. 54. An Act to provide for the final settlement and adjustment of the various claims preferred by James Monroe, against the United States.

CHAP. 55. An Act making appropriations for the support of Government for the year one thousand eight hundred and thirtyone.

CHAP. 56. An Act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers.

CHAP. 57. An Act making appropriations for the Naval service, for the year one thousand eight hundred and thirtyone.

CHAP. 58. An Act making appropriations for carrying on certain Roads and works of Internal Improvement, and for providing for Surveys.

CHAP. 59. An Act making appropriations for carrying into effect certain Indian treaties.

CHAP. 60. An Act to carry into effect certain Indian treaties.

CHAP. 61. An Act making appropriations for the military service, for the year one thousand eight hundred and thirtyone.

CHAP. 62. An Act for the relief of certain insolvent debtors of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who was an insolvent debtor, on or before the first day of January last, and who is indebted to the United States for any sum of money then due, which he is unable to pay, unless such person be indebted as the principal in an official bond, or for

public money received by him, and not paid over or accounted for according to law, or for any fine, forfeiture, or penalty, incurred by the violation of any law of the United States, may make application in writing, under oath or affirmation, to the Secretary of the Treasury, for the purpose of obtaining a release or discharge of the said debt; which application shall state, as near as may be, the time when the applicant became insolvent, how soon thereafter he made known his insolvency to his creditors, the cause or causes, and the amount of such insolvency; and, also, all the estate, real and personal, which the said applicant owned at the time of his insolvency, and the manner in which such estate has been disposed of; and what estate, if any, he has since owned, and still owns.

SECT. 2. *And be it further enacted,* That the Secretary of the Treasury is hereby directed to transmit to the District Attorney of the United States for the District or Territory within which the said applicant shall reside, a certificate copy of the said application, with such instructions as he may think proper; and it shall be the duty of the said District Attorney to lay the said copy of such application before the Commissioner or Commissioners of Insolvency to be appointed by virtue of this act, and to appear and act before them as counsel in behalf of the United States.

SECT. 3. *And be it further enacted,* That the Secretary of the Treasury is hereby authorised and directed to appoint any number of Commissioners of Insolvency he may think proper, not exceeding three in each judicial District or Territory of the United States, who, before they enter upon the duties of their appointment, shall severally take an oath or affirmation before one of the Justices of the Supreme Court, or before any Judge of a District Court of the United States, that they will faithfully execute the trust committed to them: and it shall be the duty of the said Commissioner or Commissioners to proceed publicly to examine the books, papers, and vouchers of each of the said applicants; and they, or either of them, shall also be authorised to examine each of the said applicants, or any other person or persons, upon oath or affirmation, touching the said application: and it shall be the duty of the said Commissioner or Commissioners to make a report, in writing, to the said Secretary, of the result of their examination in each case, therein particularly stating,

as near as may be, the time when the applicant became insolvent, how soon thereafter he made known his insolvency to his creditors, the cause or causes, and the amount of such insolvency; and also, all the estate, real and personal, which the said applicant owned at the time of his insolvency, and the manner in which such estate has been disposed of; and what estate, if any, he has since owned, and still owns.

SECT. 4. *And be it further enacted,* That the Secretary of the Treasury, after he shall have received the report of the said Commissioner or Commissioners, shall proceed to examine the circumstances of each case; and if it shall have been proved to his satisfaction that the said debtor is unable to pay the said debt or debts which he owes to the United States; that he hath done no act fraudulently to deprive the United States of their legal priority; that he has not been guilty of any fraud, nor made any conveyance of his estate, real or personal, in trust for himself, or with an intent to defraud the United States, or whereby to expect any benefit or advantage to himself or family; then and in that case, the said Secretary may compromise with the said debtor, upon such terms and conditions as he may think reasonable and proper under all the circumstances of the case, and may execute a release to him or her for the amount of the said debt or debts, which he or she may owe to the United States; which said release shall contain a recital that the foregoing particulars have been satisfactorily proved to the said Secretary: *Provided, however,* That the said release shall be rendered null and void, if it shall at any time be ascertained that the said insolvent debtor hath obtained the same upon false suggestions.

SECT. 5. *And be it further enacted,* That if the said insolvent debtor, or any other person, shall falsely take an oath or affirmation under this act, he or she shall be deemed guilty of perjury, and shall suffer the pains and penalties in that case provided.

SECT. 6. *And be it further enacted,* That each of the said Commissioners of Insolvency, shall receive five dollars per day for each day they shall be actually employed in the performance of their duty under this act; which sum together with the actual expense incurred for office rent, and all other contingencies, provided the same shall not, in the whole, exceed two dollars per day, shall be apportioned among the several applicants by the said Commissioner or Com-

missioners, under the direction of the Secretary of the Treasury, according to the time occupied in the investigation of each case; and each of the said applicants, immediately after the investigation of his or her case shall be completed, by the Commissioner or Commissioners, and before the report shall be transmitted to the said Secretary, shall pay his or her respective proportions of the same: and it shall be the duty of the said Commissioner or Commissioners to transmit with his or their report, in each case, a statement, under oath or affirmation, to the said Secretary, of the time actually occupied in the investigation thereof and the amount which they shall have received from the said applicant.

SECT. 7. *And be it further enacted,* That the compensation to be paid to the District Attorney of each district and territory, shall be five dollars for each day he shall be actually employed under the provisions of this act.

SECT. 8. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, to report annually to Congress the names of the applicants under this act, and the nature and amount of the debt or debts due from each to the United States; and, also, the names of those who shall have obtained releases, together with the terms of compromise in each case.

SECT. 9. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby appropriated, to be paid out of any money not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

SECT. 10. *And be it further enacted,* That this act shall continue in force for three years and no longer.

CHAP. 63. An Act for the continuation of the Cumberland Road in the States of Ohio, Indiana, and Illinois.

CHAP. 64. An Act making appropriations for the Indian Department for the year one thousand eight hundred and thirtyone.

CHAP. 65. An Act making provision for a Subscription to a compilation of Congressional Documents.

CHAP. 66. An Act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for Naval purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the*

United States of America in Congress assembled. That if any person or persons shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live oak or red cedar tree or trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, shall have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom, timber for the navy of the United States; or if any person or persons shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which shall have been reserved or purchased as aforesaid, any live oak or red cedar tree, or trees, or other timber, unless duly authorised so to do, by order, in writing, of a competent officer, and for the use of the navy of the United States; or if any person or persons shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live oak or red cedar tree or trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live oak or red cedar trees, or other timber from any other lands of the United States acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the navy of the United States; every such person or persons so offending, on conviction thereof before any court having competent jurisdiction, shall, for every such offence, pay a fine not less than triple the value of the tree or trees, or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months.

SECT. 2. And be it further enacted, That if the master, owner, or consignee of any ship or vessel shall, knowingly, take on board any timber cut on lands which shall have been reserved or purchased as aforesaid, without proper authority, and for the use of the navy of the United States; or shall take on board any live oak or red cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the ship or vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel and furniture, be wholly forfeited

to the United States; and the captain or master of such ship or vessel wherein the same shall have been exported to any foreign country against the provisions of this act, shall forfeit and pay to the United States a sum not exceeding one thousand dollars.

SECT. 3. And be it further enacted, That all penalties and forfeitures incurred under the provisions of this act shall be sued for, recovered and distributed, and accounted for, under the directions of the Secretary of the Navy, and shall be paid over, one half to the informer or informers, if any, or captors, where seized, and the other half to the Commissioners of the Navy Pension Fund, for the use of the said fund; and the Commissioners of the said fund are hereby authorised to mitigate, in whole or in part, and on such terms and conditions as they shall deem proper, and order, in writing, any fine, penalty, or forfeiture incurred under this act.

CHAP. 67. An Act granting a quantity of land to the Territory of Arkansas for the erection of a Public Building at the seat of Government of said Territory.

CHAP. 68. An Act confirming the selections heretofore made of lands for the construction of the Michigan road, in the State of Indiana.

CHAP. 69. An Act to extend the act, entitled, 'An act for the further extending the powers of the Judges of the Superior Court of the Territory of Arkansas, under the act of the twentieth day of May, one thousand eight hundred and twentyfour, and for other purposes.'

CHAP. 70. An Act making appropriations for the Public Buildings, and for other purposes.

CHAP. 71. An Act for the relief of Mrs Clarissa B. Harrison.

CHAP. 72. An Act for the relief of Richard Smith and William Pearse, the second, of Bristol, in Rhode Island.

CHAP. 73. An Act to authorise the Territory of Florida to open a Canal through the public lands between Chipola River and Saint Andrew's Bay, in West Florida.

CHAP. 74. An Act to extend the patent of John Adamson for a further period of fourteen years.

CHAP. 75. An Act to authorise the

State of Illinois to surrender a township of land granted to said State for a Seminary of Learning, and to locate other lands in lieu thereof.

CHAP. 76. An Act to establish ports of delivery at Port Pontchartrain and Delaware City, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be, and hereby is established at Port Pontchartrain, on Lake Ponchartrain a port of delivery, that a surveyor shall be appointed to reside at said port, that all ships and vessels bound to said port shall after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the said port under the rules and regulations prescribed by law.

SECT. 2. *And be it further enacted,* That all vessels about to depart from the said port for foreign ports and places shall be permitted to clear out with their cargoes at the custom-house in the city of New Orleans, and depart under the same rules, regulations and restrictions, and in every respect in the same manner, as vessels clearing out and departing for foreign ports and places from the said city of New Orleans by the way of the Mississippi river; and goods imported into the United States, and exported from said port, shall be entitled to the benefit of a drawback of the duties upon exportation to any foreign port or place, under the same provisions, regulations, restrictions and limitations, as if the said goods, wares, and merchandise had been exported directly from New Orleans by way of the Mississippi river.

SECT. 3. *And be it further enacted,* That Delaware City, in the District of Delaware, shall be a port of delivery; and a surveyor shall be appointed, who shall reside at said city.

SECT. 4. *And be it further enacted,* That a collection district be, and is hereby established in the Territory of Florida, which shall include all the ports, harbors, shores, and waters of the main land in Florida, and of the islands opposite and nearest thereto, from Saint Mary's to the south side of Saint John's, to be called the Saint John's District, and a port of entry shall be established at such point on the Saint John's River, as the President may direct, and a collector shall be appointed, who shall

give the same bond, perform the same duties, and be entitled to the same compensation and fees, as the collectors in other districts, in Florida.

SECT. 5. *And be it further enacted,* That Prospect, in the District of Belfast, in the State of Maine, shall be a port of delivery: and that a surveyor shall be appointed, who shall reside at that place.

SECT. 6. *And be it further enacted,* That the ports of Kennebunk, in the State of Maine, and Middletown, in the State of Connecticut, be, and they are hereby made ports of entry for vessels arriving from the Cape of Good Hope, and from places beyond the same.

CHAP. 77. An Act for the relief of George Johnston.

CHAP. 78. An Act for the relief of J. N. Cardozo.

CHAP. 79. An Act for the relief of Peter Cleer of Maryland.

CHAP. 80. An Act for the relief of Jonathan Crocker.

CHAP. 81. An Act to authorise the executor of Stephen Tippet to locate a tract of land in the State of Louisiana.

CHAP. 82. An Act for the relief of Hugh Barnes.

CHAP. 83. An Act for the relief of Henry Becker.

CHAP. 84. An Act confirming the claim of John B. Toulmin to a lot in the City of Mobile.

CHAP. 85. An Act to authorise the extension, construction, and use of a lateral branch of the Baltimore and Ohio Rail Road, into and within the District of Columbia.

WHEREAS it is represented to this present Congress that the Baltimore and Ohio Rail Road Company, incorporated by an act of the General Assembly of Maryland, entitled 'An act to incorporate the Baltimore and Ohio Rail Road Company,' passed the twenty-eighth day of February, eighteen hundred and twentyseven, are desirous, under the powers which they claim to be vested in them by the provisions of the before-recited act, to construct a lateral branch from the said Baltimore and Ohio Rail Road to the District of Columbia. Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Ohio Rail Road Com-

pany, incorporated by the said act of the General Assembly of Maryland, shall be, and they are hereby, authorised to extend into and within the District of Columbia a lateral rail road, such as the said company shall construct, or cause to be constructed, in a direction towards the said District, in connection with the rail road which they have located, and are constructing, from the city of Baltimore to the Ohio River, in pursuance of their said act of incorporation: And the said Baltimore and Ohio Rail Road Company are hereby authorised to exercise the same powers, rights, and privileges, and shall be subject to the same restrictions, in the extension and construction of the said lateral rail road into and within the said District, as they may exercise, or are subject to, under and by virtue of their said charter or act of incorporation, in the extension and construction of any rail road within the State of Maryland, and shall be entitled to the same rights, compensation, benefits, and immunities, in the use of the said road, and in regard thereto, as are provided in their said charter, except the right to construct any lateral road or roads within the said District from the said lateral branch or road hereby authorised, it being expressly understood that the said Baltimore and Ohio Rail Road Company shall have power only to construct from the said Baltimore and Ohio Rail Road one lateral road within the said District, to some point or terminus within the City and County of Washington, to be determined in the manner hereinafter mentioned: *Provided, always, and be it enacted*, That before the Baltimore and Ohio Rail Road Company aforesaid shall proceed to construct any rail road which they may lay out or locate, on, through, or over any land or improvements, or to use, take for use any earth, stone, or other materials, on any land within the said District, they shall first obtain the assent of the owner of such land, improvements, or materials, or if such owner shall be absent from said District, or shall refuse to give such assent on such terms as the said company shall approve, or, because of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving such assent, then it shall be lawful for the said company to apply to a justice of the peace of the County of Washington, who shall thereupon issue his warrant, under his hand and seal, directed to the marshal of the said District, requiring him to summon a jury of twenty inhabitants of the said dis-

trict, none of whom shall be interested, or related to any person interested in the land or materials required for the construction of the said rail road, or a stockholder, or related to any stockholder, in the said company, to meet on the land, or near to the other property or materials so required, on a day named in such warrant, not less than three nor more than fifteen days after issuing the same, to proceed to value the damages which the owner or owners of any such land or other property will sustain by the use or occupation of the same, required by the said company; and the proceedings, duty, and authority of the said marshal, in regard to such warrant and jury, and the oath or affirmation to be administered, and inquisition to be made and returned, shall be the same as are directed and authorised in regard to the Sheriff, by the fifteenth section of the said act of the General Assembly of the State of Maryland, incorporating the said Baltimore and Ohio Rail Road Company; and all the other proceedings in regard to such jury, and the estimating and valuation of damages, and the payment or tender of payment of any damages ascertained by such valuation and effect thereof, and of the view of any lands, or other property, or materials, as to giving the said company a right to use the same for the use or construction of any rail road within the said District, as hereby authorised, shall in every case, and in every respect, be the same as is provided in and by the abovementioned act of incorporation in regard to the rail road thereby authorised to be constructed by the said company: *Provided, also, and be it enacted*, That whenever the said company, in the construction of a rail road into or within the said District, as authorised by this act, shall find it necessary to cross or intersect any established road, street or other way, it shall be the duty of the said company so to construct the said rail road across such established road, street or other way, as not to impede the passage or transportation of persons or property, along the same; and, where it shall be necessary to pass the said rail road through the land of any individual within the said District, it shall also be the duty of the said company to provide for such individual proper wagon ways across the said rail road, from one part of his land to the other; but nothing herein contained shall be so construed as to authorise the entry of the said company upon any lot or square, or upon any part of any lot or square, owned by the United

States, or by any other body or bodies politic or corporate, or by any individual or individuals, within the limits of the City of Washington, for the purposes aforesaid, of locating or constructing the said road, or of excavating the same, or for the purpose of taking therefrom any material, or for any other purpose or uses whatsoever; but the said company, in passing into the District aforesaid, and constructing the said road within the same, shall enter the City of Washington at such place, and shall pass along such public street or alley, to such point or terminus within the said City, as the said company shall find best calculated to promote the objects of said road: *Provided*, That the level of said road within the said City shall conform to the present graduation of the streets, unless the said Corporation shall agree to a different level: *And provided also*, That the said company shall not be permitted to take or terminate the said road west of the west side of seventh street west: *And provided also*, That the said road shall not cross, or interfere with, or infringe on the existing Washington City Canal, or the Chesapeake and Ohio Canal, their waters or basins, or any other canal which may hereafter be projected and executed to connect the said Chesapeake and Ohio Canal with the aforesaid Washington City Canal in its whole extent to the Eastern branch of the Potomac: *Provided also*, The rate actually charged and received on all that part of said road within the District shall not exceed three cents a ton per mile for toll, and three cents a ton per mile for transportation, except as hereinafter specified, and shall be the same each way: *Provided also*, That the privileges granted by this bill to the aforesaid rail road company shall be upon the condition that the said company shall charge the same rate of toll upon the same articles going east and west between Baltimore and Washington.

SECT. 2. *And be it further enacted*, That in addition to the charges authorised by said act of incorporation to be made by the Baltimore and Ohio Rail Road Company aforesaid, the said company shall be authorised, within the said District, to make any special contract with any corporation, company, or individual, for the exclusive use of any car, or of any part of, or place in, any car, or other carriage, on any rail road constructed by the said company, for a specified time or distance, or both, or for the receipt and delivery, or the transportation of merchandise or other valu-

able articles, in boxes, parcels, or packages weighing less than one-tenth of a ton, on such terms as may be mutually agreed on between the parties: *Provided*, That the charge for the transportation of merchandise or other valuable articles shall not exceed one cent per mile for any single box, parcel, or package weighing less than fifty pounds, and measuring in size, not more than two cubic feet; and for any heavier or larger box, parcel, or package, weighing less than one-tenth of a ton, not more than two cents per mile. And the said company, in all cases where the whole of the merchandise, produce, or other property, transported on their rail road within the said District, at any one time, belonging to the same person, co-partnership, or corporation, shall weigh less than a ton, and more than half a ton, shall be entitled to charge and receive, for the transportation thereof, at the same rate per mile as if it weighed a full ton; and if the same shall weigh less than half a ton, the charge per mile may be the same as for half a ton; always estimating a ton weight to be two thousand pounds.

SECT. 3. *And be it further enacted*, That the said company are, also, hereby empowered to make such special contract with any duly authorised officer or agent of the United States, for the conveyance of the mail, or the transportation of persons or property for the use of the United States, on any rail road which has been or shall be constructed by the said Baltimore and Ohio Rail Road Company, on such terms as shall be approved of by the competent officer or authority; and in all such instances, to receive the compensation so agreed for, according to the terms of each contract.

SECT. 4. *And be it further enacted*, That the said Rail Road Company may charge and receive, for taking up and setting down any passenger or traveller within the District, conveyed a shorter distance than four miles, a sum not exceeding twelve and a half cents.

SECT. 5. *And be it further enacted*, That unless the said company shall commence the said lateral rail road within one year, and complete the same, with, at least, one set of tracks, within four years from the passage of this act, then this act, and all the rights and privileges thereby granted, shall cease, and determine.

SECT. 6. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent the Congress of the United States from granting the

same or similar privileges to those here-by granted to any other company or companies, incorporated or to be incorporated by the State of Maryland or Virginia, or by Congress, or from authorising, by any future law, such additional rail road or roads, in connection with said road, so as to extend the same road, or to construct others connected therewith, to such parts of the District as from time to time may be required by the convenience of those parts of the District into which the said company are now restrained from carrying said road, or from enacting such rules and regulations, prescribing the speed of cars or carriages passing over said road, and other matters relating thereto, necessary for the security of the persons and property of the inhabitants of the District, in such manner as to the present or any future Congress shall seem expedient: *And provided, nevertheless,* That nothing herein contained shall be construed to give any rights or privileges to the said company, beyond the limits of the District of Columbia.

SECT. 7. *And be it further enacted,* That if the State of Maryland shall determine to construct a rail way between the city of Baltimore and the District of Columbia, or shall incorporate a company for the same purpose, then similar rights, privileges, immunities, and powers, conferred by this act on the Baltimore and Ohio Rail Road, be, and the same are hereby, conferred on the State of Maryland, or any company which may be incorporated by it for the same purpose, within one year after the passage of this act.

CHAP. 86. An Act to ascertain and mark the line between the State of Alabama and the Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorised to cause to be run and marked the boundary line between the State of Alabama and the Territory of Florida, by the Surveyors General of Alabama and Florida, on the thirtyfirst degree of north latitude; and it shall be the duty of the Surveyor General of Florida to connect the public surveys on both sides with the line so run and marked.

SECT. 2. *And be it further enacted,* That patents shall be issued for such tracts of land as were sold and paid for

at the land office at Tallahassee, in the Territory of Florida, as are found to be situate within the limits of the district of lands subject to sale at Sparta, in Alabama, agreeably to the terms of the act organising that district; and the said entries and sales shall be as valid, in every respect, as if they had been made in the land district of Alabama.

SECT. 3. *And be it further enacted,* That the President of the United States is hereby authorised to cause the Surveyor General of the United States for the States of Illinois and Missouri, and the Territory of Arkansas, to act as a commissioner on the part of the United States, whenever he shall be duly informed that the Government of the State of Illinois shall have appointed a commissioner on its part, the two to form a Board, to ascertain, survey, and mark the northern line of the State of Illinois, as defined in the act of Congress, entitled 'An act to enable the people of the Illinois Territory to form a Constitution and State Government, &c.' passed the eighteenth of April, one thousand eight hundred and eighteen; and, in case of vacancy in said office of commissioner, or of his being unable to act from any cause, the President is authorised to fill such vacancy by the appointment of some other qualified person, whenever it may be necessary, until the object of the commission shall be attained.

SECT. 4. *And be it further enacted,* That the said Board of commissioners shall have power to employ the necessary surveyors and laborers, and shall meet at such time and place as may be agreed upon by the President of the United States and the Government of the State of Illinois, and proceed to ascertain, survey, and mark the said northern line of the State of Illinois, and report their proceedings to the President of the United States, and the Governor of the State of Illinois.

SECT. 5. *And be it further enacted,* That the President may allow to the said commissioner of the United States, such compensation for his services, as shall seem to him reasonable: *Provided,* it does not exceed the allowance made by the State of Illinois to the commissioner on its part; and the said allowance, together with one half of the necessary expenses of said Board, and the surveyors and laborers, and the allowance to be made to the Surveyors General of the State of Alabama and the Territory of Florida, and the necessary expenses incurred by them in running and marking said line between said

State and Territory, shall be paid from the treasury of the United States, out of any money not otherwise appropriated; and, to enable the President to carry this act into effect, there is hereby appropriated the sum of two thousand dollars.

CHAP. 87. An Act allowing the duties on foreign Merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St Louis, Nashville, and Natchez, to be secured and paid at those places.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when any goods, wares, or merchandise, are to be imported from any foreign country, into Pittsburg, in the State of Pennsylvania, Wheeling, in the State of Virginia, Cincinnati, in the State of Ohio, Louisville, in the State of Kentucky, St Louis, in the State of Missouri, Nashville, in the State of Tennessee, or into Natchez, in the State of Mississippi; the importer thereof, shall deposit in the custody of the surveyor of the place a schedule of the goods so intended to be imported, with an estimate of their cost at the place of exportation, whereupon the said surveyor shall make an estimate of the amount of duties accruing on the same, and the importer or consignee shall give bond, with sufficient sureties, to be approved by the surveyor, in double the amount of the duties so estimated, conditioned for the payment of the duties on such merchandise, ascertained as hereinafter directed; and the surveyor shall forthwith notify the collector at New Orleans of the same, by forwarding to him a copy of said bond and schedule.

SECT. 2. *And be it further enacted,* That the importer or his agent, is hereby authorised to enter any merchandise, imported, as aforesaid, by the way of New Orleans, at that port, in the manner now prescribed by law; and the collector shall grant a permit for the landing thereof, and cause the duties to be ascertained as in other cases, the said goods remaining in the custody of the collector until reshipped for the place of destination; and the collector shall certify to the surveyor at such place the amount of such duties, which the said surveyor shall enter on the margin of the bond, as aforesaid given to secure the same, which goods shall be delivered by the collector to the agent of the importer or consignee, duly authorised to receive the same, for shipment to the place of importation, and the master or commander of every steamboat, or other

vessel, in which such merchandise shall be transported, shall, previously to her departure from New Orleans, deliver to the collector duplicate manifests of such merchandise, specifying the marks and numbers of every case, bag, box, chest, or package, containing the same, with the name and place of residence of every importer or consignee of such merchandise, and the quantity shipped to each, to be by him subscribed, and to the truth of which he shall swear or affirm, and that the said goods have been received on board his vessel; stating the name of the agent, who shipped the same; and the said collector shall certify the facts, as aforesaid, on the manifests, one of which he shall return to the master, with a permit thereto annexed, authorising him to proceed to the place of his destination.

SECT. 3. *And be it further enacted,* That, if any steamboat, or other vessel, having merchandise on board, imported as aforesaid, shall depart from New Orleans without having complied with the provisions of this act, the master thereof shall forfeit five hundred dollars; and the master of any such boat or vessel, arriving at either of the ports above-named, on board of which merchandise, as aforesaid, shall have been shipped at New Orleans, shall within eighteen hours next after the arrival, and previously to unloading any part of said merchandise, deliver to the surveyor of such port, the manifest of the same, certified, as aforesaid, by the collector of New Orleans, and shall make oath or affirmation before the said surveyor that there was not, when he departed from New Orleans, any more or other goods on board such boat or vessel, imported as aforesaid, than is therein mentioned; whereupon the surveyor shall cause the said casks, bags, boxes, chests, or packages, to be inspected, and compared with the manifests, and the same being identified, he shall grant a permit for unloading the same, or such part thereof as the master shall request, and, when a part only of such merchandise is intended to be landed, the surveyor shall make an endorsement on the back of the manifests, designating such part, specifying the articles to be landed, and shall return the manifests to the master, endorsing thereon his permission to, such boat or vessel to proceed to the place of its destination; and, if the master of such steamboat or vessel shall neglect or refuse to deliver the manifests within the time herein directed, he shall forfeit one hundred dollars.

SECT. 4. *And be it further enacted,*

That the collector of the port of New Orleans, shall permit no entry to be made of goods, wares, or merchandise, where the duty on the same shall exceed the amount of the bond deposited with the surveyor, as aforesaid, nor shall the said surveyor, receive the bond of any person not entitled to a credit at the Custom-house, nor for a sum less than fifty dollars, and that, when the said bond shall have been completed, and the actual amount of duty ascertained and certified on the margin, as aforesaid, it shall be the duty of the surveyor of the port where the bond is taken, to deposit the same for collection in such bank as may be directed by the secretary of the treasury.

SECT. 5. *And be it further enacted,* That where Surveyors are not already appointed, in any of the places mentioned in the first section of this act, a suitable person shall be appointed for such places, and on all such surveyors, whether appointed or to be appointed, shall devolve the duties prescribed by this act, in addition to the customary duties performed by that officer in other places; and the surveyor at each of said places shall, before taking the oath of office, give security to the United States for the faithful performance of all his duties, in the sum of ten thousand dollars, and shall receive, in addition to his customary fees, an annual salary of three hundred and fifty dollars; *Provided,* That no salary arising under this act, shall commence until its provisions shall take effect, and merchandise may be imported under its authority.

SECT. 6. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act shall be sued for, recovered, distributed, and accounted for in the manner prescribed by the act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled 'An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned,' passed on the third day of March, one thousand seven hundred and ninety-seven.

CHAP. 88. An Act to repeal the act to establish the district of Blakely.

CHAP. 89. An Act for the relief of Samuel Nowell.

CHAP. 90. An Act to incorporate a Fire Insurance Company in Georgetown, in the District of Columbia.

CHAP. 91. An Act to provide for the further compensation of the Marshal of the District of Rhode Island.

CHAP. 92. An Act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri.

CHAP. 93. An Act for the relief of James Belger.

CHAP. 94. An Act to rectify the mistake in the name of William Tumey, an invalid pensioner.

CHAP. 95. An Act for the relief of Daniel Jackson and Lucius M. Higgins of Newbern, in North Carolina.

CHAP. 96. An Act for the relief of William Delzell, of Ohio.

CHAP. 97. An Act declaring the assent of Congress to an act of the General Assembly of the State of Ohio, hereinafter recited.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of the United States shall be, and is hereby, given to an act of the General Assembly of the State of Ohio, entitled 'An act for the preservation and repair of the United States' Road,' passed the fourth day of February, in the year of our Lord one thousand eight hundred and thirtyone, which act is in the words and figures following, to wit:

'Be it enacted by the General Assembly of the State of Ohio, That whenever the consent of the Congress of the United States to this act shall be obtained, the Governor of this State shall be, and he is hereby, authorised to take under his care, on behalf of this State, so much of the road commonly called the National Road, within the limits of this State, as shall then be finished, and also, such other sections or parts thereof as may thereafter be progressively finished within the limits aforesaid, whenever the same shall be completed; and he shall be, and is hereby authorised to cause gates and toll-houses to be erected on said road, at such finished parts thereof as he shall think proper, for the purpose of collecting tolls, as provided by the fourth section of this act: *Provided,* The number of gates aforesaid shall not exceed one on any space or distance of twenty miles.

SECT. 2. That a superintendent shall be appointed by the Governor, whose duty shall be to exercise all reasonable

vigilance and diligence in the care of the road committed to his charge; to contract for, and direct the application of the labor, materials, and other things necessary for the preservation, repair, and improvement thereof; he shall pay for the same out of such sums as the Governor shall furnish him for that purpose, subject to such responsibility and accountability as the said Governor shall dictate; and shall conform to such instructions as the Governor shall prescribe for his conduct, in all particulars relative to his said trust: he may be empowered to suspend the functions of any toll-gatherer for alleged misconduct, till the pleasure of the Governor shall be known, and to fill the vacancy thereby occasioned during such interval; and it shall be his duty to give information of the facts in such case to the Governor, without any unnecessary delay: the said superintendent shall hold his office during the pleasure of the Governor, who shall allow him a reasonable compensation for his services.

SECT. 3. That the Governor be, and he is hereby, authorised to appoint the necessary collectors of tolls, and to remove any of them at his pleasure; and also, to allow them, respectively, such stipulated compensation as he may deem reasonable; it shall be the duty of each and every toll-collector to demand and receive, at the gate or station assigned to him by the Governor, the tolls prescribed and directed by the fourth section of this act; and to pay monthly into the Treasury, according to the directions they may receive from the Treasurer of the State, all the moneys so collected by said collectors, that shall remain, after deducting their compensation aforesaid; the said collectors shall be governed, in all respects relative to their office, by such regulations as the Governor shall ordain, in order to ensure a due responsibility, and faithful discharge of their duties.

SECT. 4. That, as soon as the said gates and toll-houses shall be erected, it shall be the duty of the said toll-collectors, and they are hereby required, to demand and receive for passing the said gates, the tolls and rates hereafter mentioned; and they may stop any person riding, leading, or driving any horses, cattle, sulky, chair, phaeton, cart, chaise, wagon, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gates, until they shall respectively have paid for passing the same, that is to say: For every space of twenty miles in length on said road, the following sums of money, and

so in proportion for every greater or lesser distance, to wit: For every score of sheep or hogs, ten cents; for every score of cattle, twenty cents; for every led or drove horse, three cents; for every mule or ass, led or driven, three cents; for every horse and rider, six and one fourth cents; for every sled or sleigh drawn by one horse or ox, twelve and one half cents; for every horse or ox in addition, six and one fourth cents; for every dearborn, sulky, chair, or chaise, with one horse, twelve and one half cents; for every horse in addition, six and one fourth cents; for every chariot, coach, coachee, stage or phaeton, with two horses, eighteen and three fourth cents; for every horse in addition, six and one fourth cents; for every other carriage of pleasure, under whatever name it may go, the like sum, according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels do not exceed the breadth of two and one half inches, twelve and one half cents; for each horse or ox drawing the same, six and one fourth cents; for every cart or wagon whose wheels shall exceed two and one half inches in breadth, and not exceeding four inches, six and one fourth cents; for every horse or ox drawing the same, three cents; and for every other cart or wagon whose wheels shall exceed four inches, and not exceeding five inches in breadth, four cents; for every horse or ox drawing the same, two cents; and all other wagons or carts whose wheels shall exceed six inches in breadth, shall pass the said gates free and clear of all tolls: *Provided*, That nothing in this act shall be construed so as to authorise any tolls to be received or collected from any person passing to or from public worship, or to or from any musters, or to or from his common business on his farm or wood land, or to or from a funeral, or to or from a mill, or to or from his common place of trading or marketing, within the county in which he resides, including their wagons, carriages, and horses or oxen drawing the same: *Provided, also*, That no toll shall be received or collected for the passage of any stage or coach conveying the United States' mail, or horses bearing the same, or any wagon or carriage laden with the property of the United States, or any cavalry or other troops, arms or military stores belonging to the same, or to any of the States comprising this Union, or any person or persons on duty in the military service of the United States, or of the militia of any of the States.

SECT. 5. That the moneys so collected shall constitute a fund, to be denominated the United States' Road Fund; and so much thereof as may be paid into the Treasury agreeably to the provisions above recited, shall be subject to the order of the Governor, who shall pay out of said fund the salary of the superintendent, and the expenses incident to the superintendance and collection, other than those particularly provided for in this act, and shall cause the remaining nett proceeds of the revenue collected as abovementioned, to be applied solely and exclusively to the preservation, repair, and improvement of said road, and to no other purpose whatever.

SECT. 6. That directors shall be set up at proper and convenient situations, to caution all conductors or drivers of carriages on the road aforesaid, that they shall at all times pass on the left of each other, under the penalty of five dollars for every offence; and there shall also be set up at some conspicuous place at each gate, a board, on which shall be legibly painted the rates of toll, as is provided for in this act.

SECT. 7. That, if any of the toll-collectors shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or receive more toll than is by this act established, he shall, for each and every such offence, forfeit and pay to the party aggrieved the sum of ten dollars.

SECT. 8. That, if any person shall purposely and maliciously deface, or otherwise injure any of the mile stones, parapet walls, culverts, or bridges, or any of the masonry whatsoever, or any of the gates or toll-houses of and belonging to the said national road in this State, as the same is now constructed, or may hereafter be constructed, every person so offending shall, upon conviction thereof, be fined in a sum not more than five hundred dollars, or be imprisoned in the dungeon of the jail of the county, and be fed on bread and water only, not exceeding twenty days, or both, at the discretion of the court.

SECT. 9. That, if any person shall purposely fill, choke, or otherwise obstruct any of the side drains, valleys, gutters or culverts of said road, now made or hereafter to be made, or shall connect any private road or cartway with the said national road, without making at the point of connection a stone culvert, or paved valley, or other good and sufficient fixture, so as to secure a free passage for the water along such side drain, where such private road or

cartway connects with the said national road, or if any person shall purposely and wilfully travel upon such parts of said national road as are or may be in an unfinished state, against the consent of the superintendent appointed by the United States, or by this State, or shall remove any of the beacons placed upon the said road so in an unfinished state as aforesaid, for the diverting of the travel on and from said road, every person so offending shall, upon conviction thereof, be for every such offence, fined in a sum not less than one nor more than ten dollars.

SECT. 10. That if any person shall stand his wagon and team, or either of them, over night, upon the pavement of said road, now made, or which may hereafter be made, or shall at any other time stand a wagon and team, or either of them, upon the said pavement, for the purpose of feeding, or if he shall in any other manner purposely and wilfully obstruct the travel upon said road, every person so offending shall, upon conviction thereof, for every such offence, be fined in a sum not less than one nor more than five dollars.

SECT. 11. That if any person shall fast lock or rough lock either of the wheels of any wagon, coach, chaise, gig, sulkey, carriage, or other two or four wheeled vehicle, while travelling upon the pavement of said road, as now made, or which may hereafter be made, (excepting however, such parts of said road as may be at the time of such locking, covered with ice,) every person so offending shall, upon conviction thereof, be fined in any sum not less than one nor more than five dollars.

SECT. 12. The supervisors of roads and highways through whose districts the said national road does now or may hereafter pass, are hereby severally authorised and required at the connection with, or intersection of, any State, county, or township road, which now is or hereafter may be established under the laws of this State within their respective districts, to build and keep in repair a good and sufficient stone culvert or paved valley, or other good and sufficient fixture, in such manner as to admit of a free passage for the water along the side drain or drains of said national road at the connection or intersection aforesaid, and according to the grade thereof, as established by the United States' superintendent of said national road.

SECT. 13. That, for the purpose of carrying into effect, the provisions of this act, the Governor is hereby authorised to draw on the State Treasury for

any sum of money not exceeding two thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, said sum shall be refunded to the State Treasury out of the proceeds of the road fund created by the provisions of this act, so soon as the same shall be collected.

SECT. 14. That all fines, penalties, and forfeitures, incurred under the provisions of this act, shall be recovered by indictment in the Court of Common Pleas of the county where the offence was committed, or by action of debt, in the name of the State of Ohio, for the use of the road fund established by this act, which action of debt may be brought before any justice of the peace or other court having jurisdiction thereof in the county where the offence was committed, or such fine, penalty, or forfeiture was incurred; and it shall be the duty of the superintendent, toll gatherers, and of any other person who will complain of the same, to prosecute all offences against the provisions of this act.

SECT. 15. That it shall be lawful for the General Assembly, at any future session thereof, without the consent of Congress, to change, alter, or amend this act: *Provided*, That the same shall not be so changed, altered, or amended, as to reduce or increase the rates of toll hereby established, below or above a sum necessary to defray the expenses incident to the preservation and repair of said road, to the erection of gates and toll-houses thereon, and for the payment of the fees or salaries of the superintendent, the collectors of tolls, and of such other agents as may be necessarily employed in the preservation and repair of the same, according to the true intent and meaning of this act.

SECT. 16. That any person or persons shall have the privilege of paying at either of the said gates, at the rates specified in this act, the amount of toll for any distance which such person or persons may desire to travel on said road, and receive a certificate thereof from the collector of tolls at such gate, which certificate shall be a sufficient voucher to procure the passage of such person or persons through any other gate or gates named in said certificate: *Provided*, That printed forms of such certificates shall be furnished by the superintendent to be appointed under the provisions of this act to each collector of tolls, and shall be countersigned by such superintendent, and otherwise so devised as to prevent fraud or imposition; and no certificate shall be considered as valid under this section unless

such certificate shall be authenticated as aforesaid.

SECT. 17. That the act, entitled 'An act for the prevention of injuries to the national road in Ohio,' passed February eleventh, eighteen hundred and twenty-eight, be, and the same is hereby, repealed: *Provided, however*, That all actions and prosecutions which may now be pending shall be prosecuted to final judgment and execution, and all offences committed before the taking effect of this act shall be prosecuted and punished in the same manner as if the abovementioned act was not repealed.'

CHAP. 98. An Act to regulate the Foreign and Coasting Trade on the Northern, Northeastern, and Northwestern frontiers of the United States, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the first day of April next, no custom-house fees shall be levied or collected on any raft, flat, boat, or vessel, of the United States, entering otherwise than by sea, at any port of the United States on the rivers and lakes on our northern, northeastern, and northwestern frontiers.

SECT. 2. *And be it further enacted*, That, from and after the first day of April next, the same and no higher tonnage duties and custom-house charges of any kind shall be levied and collected on any British colonial raft, flat, boat, or vessel, entering otherwise than by sea at any port of the United States on the rivers and lakes on our northern, northeastern, and northwestern frontiers, than may be levied and collected on any raft, flat, boat, or vessel, entering otherwise than by sea at any of the ports of the British possessions on our northern, northeastern, and northwestern frontiers: and that, from and after the first day of April next, no higher discriminating duty shall be levied or collected on merchandise imported into the United States in the ports aforesaid, and otherwise than by sea, than may be levied and collected on merchandise when imported in like manner otherwise than by sea, into the British possessions on our northern, northeastern, and northwestern frontiers from the United States.

SECT. 3. *And be it further enacted*, That, from and after the passage of this act, any boat, sloop, or other vessel, of the United States, navigating the waters on our northern, northeastern, and northwestern frontiers, otherwise than

by sea, shall be enrolled and licensed in such form as may be prescribed by the Secretary of the Treasury; which enrolment and license shall authorise any such boat, sloop, or other vessel, to be employed either in the coasting or foreign trade; and no certificate of registry shall be required for vessels so employed on said frontiers; *Provided*, That such boat, sloop, or vessel, shall be, in every other respect liable to the rules, regulations, and penalties, now in force, relating to registered vessels on our northern, northeastern, and northwestern frontiers.

SECT. 4. *And be it further enacted*, That in lieu of the fees, emoluments, salary, and commissions, now allowed by law, to any collector or surveyor of any district on our northern, northeastern, and northwestern lakes and rivers, each collector or surveyor, as aforesaid, shall receive, annually, in full compensation for these services, an amount equal to the entire compensation received by such officer during the past year.

CHAP. 99. An Act declaratory of the law concerning Contempts of Court.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command, of the said courts.

SECT. 2. *And be it further enacted*, That if any person or persons shall, corruptly, or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer, in any court of the United States, in the discharge of his duty, or shall, corruptly, or by threats or force, obstruct, or impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons, so offending, shall be liable to prosecution therefor, by indictment, and shall, on conviction thereof, be punished, by fine not exceeding five hundred dollars, or by imprisonment, not exceeding three months, or both, according to the nature and aggravation of the offence.

CHAP. 100. An Act for the relief of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi.
Approved, March 2, 1831.

CHAP. 101. An Act for the relief of William T. Carroll, Clerk of the Supreme Court of the United States.

CHAP. 102. An Act for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased.

CHAP. 103. An Act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys.

CHAP. 104. An Act for the benefit of Percis Lovely, and for other purposes.

CHAP. 105. An Act for the relief of William B. Matthews, trustee.

CHAP. 106. An Act for the relief of John Nicks.

CHAP. 107. An Act for the relief of Brevet Major Riley, and Lieutenants Brook and Seawright.

CHAP. 108. An Act for the relief of Duval and Carnes.

CHAP. 109. An Act for the relief of the legal representatives of General Moses Hazen, deceased.

CHAP. 110. An Act for the relief of Benjamin S. Smoot, of Alabama.

CHAP. 111. An Act for the relief of John Nicholson.

CHAP. 112. An Act for the relief of John Gough, and other Canadian refugees.

CHAP. 113. An Act to extend the patent of Samuel Browning for a further period of fourteen years.

CHAP. 114. An Act for the relief of John Culbertson, and to provide an interpreter for the District Court of the United States for the eastern district of Louisiana.

CHAP. 115. An Act concerning vessels employed in the whale fishery.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the provisions of the act entitled 'An act to authorise the register or enrolment, and license, to be issued in the name of the President or Secretary of any incorporated company

owning a steamboat or vessel,' passed the third day of March, one thousand eight hundred and twentyfive, shall extend and be applicable to every ship or vessel owned by any incorporated company, and employed wholly in the whale fishery, so long as such ship or vessel shall be wholly employed in the whale fishery.

CHAP. 116. An Act to create the office of Surveyor of the Public Lands for the State of Louisiana.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a Surveyor General for the State of Louisiana shall be appointed, who shall have the same authority, and perform the same duties, respecting the public lands and private land claims in the State of Louisiana, as are now vested in, and required of the Surveyor of the lands of the United States, south of the State of Tennessee, or the principal Deputy Surveyors in the said State; and that from and after the first day of May next, the office of principal Deputy Surveyors, as created by the ninth section of the act of Congress of the twenty-first day of April, eighteen hundred and six, entitled 'An act supplementary to an act entitled "An act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and District of Louisiana"', be, and the same are hereby, abolished; and it shall be the duty of said principal Deputy Surveyors to surrender to the Surveyor General of Louisiana or to such person or persons as he may appoint to receive the same, all the maps, books, records, field notes, documents, and articles of every description, appertaining or in any wise belonging to their offices respectively.

SECT. 2. *And be it further enacted,* That the principal Deputy Surveyor for the district east of the island of New Orleans be and he hereby is, required to separate and arrange the papers in his office; and all the maps, records, papers, and documents of every description which refer to lands in the State of Louisiana, shall be delivered to the order of the Surveyor General for that State; and such of them as refer to lands in the State of Alabama shall be delivered to the surveyor for the State of Alabama; and such of them as refer to lands in the State of Mississippi, together with such maps, papers, records, and documents in the office of said principal Deputy Surveyor, as are not hereby required to be delivered to the Surveyor General of the State of Louisiana

or to the Surveyor for the State of Alabama, shall be delivered to the order of the surveyor of the lands of the United States south of the State of Tennessee; and the office of said principal Deputy shall be, and the same is hereby abolished from and after the first day of May next; and the powers and duties now exercised and performed by the said principal Deputy Surveyor shall be vested in and performed by the aforesaid surveyors, within their respective States.

SECT. 3. *And be it further enacted,* That it shall be the duty of the surveyor south of the State of Tennessee to deliver to the Surveyor General of the State of Louisiana all the maps, papers, records, and documents, relating to the public lands, and private claims in Louisiana, which may be in his office; and in every case where it shall be impracticable to make a separation of such maps, papers, records, and documents, without injury to the portion of them relating to lands in Mississippi, it shall be his duty to cause copies thereof, certified by him, to be furnished to the Surveyor General of Louisiana and which copies shall be of the same validity as the originals.

SECT. 4. *And be it further enacted,* That the Surveyor General of Louisiana shall appoint a sufficient number of skilful and experienced surveyors as his deputies, who, with one or more good and sufficient sureties to be approved by said Surveyor General, shall enter into bond for the faithful performance of all surveying contracts confided to them, in the penalty of double the amount of money accruing under the said contracts, at the rate per mile stipulated to be paid therein, and who, before entering on the performance of their duties, shall take an oath, or make affirmation, truly, faithfully, and impartially to the utmost of their skill and ability, to execute the trust confided to them; and in the event of the failure of a deputy to comply with the terms of his contract, unless such failure shall be satisfactorily shown by him to have arisen from causes beyond his control, he shall forfeit the penalty of his bond on due process of law, and ever afterwards be debarred from receiving a contract for surveying public lands in Louisiana or elsewhere.

SECT. 5. *And be it further enacted,* That the Surveyor General to be appointed in pursuance of this act, shall establish his office at such place as the President of the United States may deem most expedient for the public service; and that he shall be allowed an annual salary of two thousand dollars,

and that he be authorised to employ one skilful draughtsman and recording clerk whose aggregate compensation shall not exceed one thousand five hundred dollars per annum; and that the fees heretofore authorised by law for examining and recording surveys be, and the same are hereby abolished; and any copy of a plat of survey, or transcript from the records of the office of the said Surveyor General, shall be admitted as evidence in any of the Courts of the United States or Territories thereof; and for every copy of a plat of survey, there shall be paid twentyfive cents, and for any transcript from the records of said office, there shall be paid at the rate of twentyfive cents for every hundred words, by the individuals requiring the same.

SECT. 6. *And be it further enacted,* That in relation to all such confirmed claims as may conflict, or in any manner interfere with each other, the Register of the land office and Receiver of public moneys for the proper land district, are hereby authorised to decide between the parties, and shall in their decision be governed by such conditional lines or boundaries as have been or may be agreed upon between the parties interested, either verbally or in writing; and in case no lines or boundaries be agreed upon between the parties interested, then the said Register and Receiver are hereby authorised to decide between the parties in such manner as may be consistent with the principles of justice; and it shall be the duty of the Surveyor General of the said State to have those claims surveyed and platted in accordance with the decisions of the Register and Receiver: *Provided,* That the said decisions and surveys and the patents which may be issued in conformity thereto, shall not in any wise be considered as precluding a legal investigation and decision by the proper judicial tribunal between the parties to any such interfering claims, but shall only operate as a relinquishment on the part of the United States of all title to the land in question.

SECT. 7. *And be it further enacted,* That all the lands to which the Indian title has been extinguished lying north of the northern boundary of the State of Illinois, west of Lake Michigan, and east of the Mississippi river, shall be surveyed in the same manner, and under the same regulations, provisions, restrictions and reservations, as the other public lands are surveyed.

SECT. 8. *And be it further enacted,* That the Legislature of the State of Missouri be, and is hereby authorised to sell and convey in fee simple, all or any

part of the lands heretofore reserved and appropriated by Congress for the use of a seminary of learning in said State, and to invest the money arising from the sale thereof in some productive fund, the proceeds of which, shall be forever applied by the Legislature of said State, solely to the use of such seminary, and for no other use or purpose whatsoever. And that the Legislature of said State of Missouri shall be, and is hereby authorised to sell and convey in fee simple all or any part of the salt springs, not exceeding twelve in number, and six sections of land adjoining to each, granted to said State by the United States for the use thereof, and selected by the Legislature of said State, on or before the first day of January, one thousand eight hundred and twenty-five, and to invest the money arising from the sale thereof, in some productive fund, the proceeds of which shall be forever applied under the direction of said Legislature, for the purpose of education in said State, and for no other use or purpose whatsoever.

CHAP. 117. An Act for the relief of George B. Dameron and William Howze, of Mississippi.

CHAP. 118. An Act for the relief of James Thomas, late Quartermaster General in the army of the United States.

CHAP. 119. An Act for the relief of Christopher Bechtler.

CHAP. 120. An Act for the relief of James Hogland.

CHAP. 121. An Act granting a pension to Martin Miller.

CHAP. 122. An Act for the relief of Joseph S. Cannon.

CHAP. 123. An Act for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased.

CHAP. 124. An Act for the relief of Samuel Coburn, of the State of Mississippi.

CHAP. 125. An Act for the relief of Woodson Wren, of Mississippi.
Approved March 3, 1831.

RESOLUTIONS.

No. 1. Resolution in relation to the transmission of public documents, printed by order of either House of Congress.
Approved January 13, 1831.

No. 2. Resolution directing the Secretary of State to subscribe for seventy copies of Peters' condensed reports of decisions of the Supreme Court.
Approved March 2, 1831.

TRIALS AND LEGAL DECISIONS.

CONSTITUTIONAL DECISIONS

OF THE

SUPREME COURT OF THE UNITED STATES.

JANUARY TERM, 1831.

The Cherokee Nation vs. The State of Georgia.

THIS case came before the Court on a motion on behalf of the Cherokee nation of Indians for a subpoena, and for an injunction, to restrain the State of Georgia, the Governor, Attorney General, Judges, Justices of the Peace, Sheriffs, Deputy Sheriffs, Constables, and others, the officers, agents, and servants of that State, from executing and enforcing the laws of Georgia, or any of these laws, or serving process, or doing anything towards the execution or enforcement of those laws within the Cherokee territory, as designated by treaty between the United States and the Cherokee nation. The motion was made, after notice, and a copy of the bill filed at the instance and under the authority of the Cherokee nation, had been served on the Governor and Attorney General of the State of Georgia, on the 27th December, 1830, and the 1st of January, 1831. The notice stated that the motion would be made in this Court on Saturday, the 5th day of March, 1831. The bill was signed by John Ross, Principal Chief of the Cherokee nation, and an affidavit, in the usual form, of the facts stated in the bill was annexed; which was sworn to before a Justice of the Peace of Richmond county, State of Georgia.

Messrs Wirt and Sargeant appeared on behalf of the complainants.

The facts in the case are fully stated in the opinion of the Court.

Mr Chief Justice Marshall delivered the opinion of the Court:

This bill is brought by the Cherokee nation, praying an injunction to restrain the State of Georgia from the execution

of certain laws of that State, which, as is alleged, go directly to annihilate the Cherokees as a political society, and to seize, for the use of Georgia, the lands of the nation which have been assured to them by the United States in solemn treaties repeatedly made and still in force.

If courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence. To preserve this remnant, the present application is made.

Before we can look into the merits of the case, a preliminary inquiry presents itself. Has this Court jurisdiction of the cause?

The third article of the Constitution describes the extent of the judicial power. The second section closes an enumeration of the cases to which it is extended, with 'controversies' 'between a State or the citizens thereof, and foreign States, citizens, or subjects.' A subsequent clause of the same section gives the Supreme Court original jurisdiction in all cases in which a State shall be a party. The party defendant may then unquestionably be sued in this court. May the plaintiff sue in it? Is the Cherokee nation a foreign State,

in the sense in which that term is used in the Constitution?

The counsel for the plaintiffs have maintained the affirmative of this proposition with great earnestness and ability. So much of the argument as was intended to prove the character of the Cherokees as a State, as a distinct political society, separated from others, capable of managing its own affairs and governing itself, has, in the opinion of a majority of the judges, been completely successful. They have been uniformly treated as a State from the settlement of our country. The numerous treaties made with them by the United States recognise them as a people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States by any individual of their community. Laws have been enacted in the spirit of these treaties. The acts of our Government plainly recognise the Cherokee nation as a State, and the Courts are bound by those acts.

A question of much more difficulty remains. Do the Cherokees constitute a foreign State in the sense of the constitution?

The counsel have shown conclusively that they are not a State of the Union, and have insisted that individually they are aliens, not owing allegiance to the United States. An aggregate of aliens composing a State must, they say, be a foreign State. Each individual being foreign, the whole must be foreign.

This argument is imposing, but we must examine it more closely before we yield to it. The condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence. In the general, nations not owing a common allegiance are foreign to each other. The term *foreign nation* is, with strict propriety, applicable by either to the other. But the relation of the Indians to the United States is marked by peculiar and cardinal distinctions which exist nowhere else.

The Indian territory is admitted to compose a part of the United States. In all our maps, geographical treatises, histories, and laws, it is so considered. In all our intercourse with foreign nations, in our commercial regulations, in any attempt at intercourse between Indians and foreign nations, they are considered as within the jurisdictional limits of the United States, subject to many of those restraints which are im-

posed upon our own citizens. They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States shall have the sole and exclusive right of regulating the trade with them, and managing all their affairs as they think proper; and the Cherokees, in particular, were allowed by the treaty of Hopewell, which preceded the Constitution, 'to send a deputy of their choice, whenever they think fit, to Congress.' Treaties were made with some tribes by the State of New York, under a then unsettled construction of the confederation, by which they ceded all their lands to that State, taking back a limited grant to themselves, in which they admit their dependence.

Though the Indians are acknowledged to have an unquestionable, and, heretofore, unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our Government; yet it may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.

They look to our Government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connection with them, would be considered by all as an invasion of our territory, and an act of hostility.

These considerations go far to support the opinion, that the framers of our Constitution had not the Indian tribes in view, when they opened the Courts of the Union to controversies between a State or the citizens thereof, and foreign States.

In considering this subject, the habits and usages of the Indians, in their intercourse with their white neighbors, ought not to be entirely disregarded. At the time the Constitution was framed,

the idea of appealing to an American Court of justice for an assertion of right or a redress of wrong, had perhaps never entered the mind of an Indian or of his tribe. Their appeal was to the tomahawk, or to the Government. This was well understood by the statesmen who framed the Constitution of the United States, and might furnish some reason for omitting to enumerate them among the parties who might sue in the Courts of the Union. Be this as it may, the peculiar relations between the United States and the Indians occupying our territory are such, that we should feel much difficulty in considering them as designated by the term *foreign state*, were there no other part of the Constitution which might shed light on the meaning of these words. But we think that in construing them, considerable aid is furnished by that clause in the eighth section of the third article, which empowers Congress to 'regulate commerce with foreign nations, and among the several States, and with the Indian tribes.'

In this clause they are as clearly contradistinguished by a name appropriate to themselves, from foreign nations, as from the several States composing the Union. They are designated by a distinct appellation; and as this appellation can be applied to neither of the others, neither can the appellation distinguishing either of the others be in fair construction applied to them. The objects, to which the power of regulating commerce might be directed, are divided into three distinct classes—foreign nations, the several States, and Indian tribes. When forming this article, the convention considered them as entirely distinct. We cannot assume that the distinction was lost in framing a subsequent article, unless there be something in its language to authorise the assumption.

The counsel for the plaintiffs contend that the words 'Indian tribes' were introduced into the article, empowering Congress to regulate commerce, for the purpose of removing those doubts in which the management of Indian affairs was involved by the language of the ninth article of the confederation. Intending to give the whole power of managing those affairs to the government about to be instituted, the convention conferred it explicitly; and omitted those qualifications which embarrassed the exercise of it as granted in the confederation. This may be admitted without weakening the con-

struction which has been intimated. Had the Indian tribes been foreign nations, in the view of the convention, this exclusive power of regulating intercourse with them might have been, and most probably would have been, specifically given, in language indicating that idea, not in language contradistinguishing them from foreign nations. Congress might have been empowered 'to regulate commerce with foreign nations, including the Indian tribes, and among the several States' This language would have suggested itself to statesmen who considered the Indian tribes as foreign nations, and were yet desirous of mentioning them particularly.

It has been also said, that the same words have not necessarily the same meaning attached to them when found in different parts of the same instrument: their meaning is controlled by the context. This is undoubtedly true. In common language the same word has various meanings, and the peculiar sense in which it is used in any sentence is to be determined by the context. This may not be equally true with respect to proper names. *Foreign nations* is a general term, the application of which to Indian tribes, when used in the American Constitution, is at best extremely questionable. In one article in which a power is given to be exercised in regard to foreign nations generally, and to the Indian tribes particularly, they are mentioned as separate in terms clearly contradistinguishing them from each other. We perceive plainly that the Constitution in this article does not comprehend Indian tribes in the general term 'foreign nations;' not we presume because a tribe may not be a nation, but because it is not foreign to the United States. When, afterwards, the term 'foreign state' is introduced, we cannot impute to the convention the intention to desert its former meaning, and to comprehend Indian tribes within it, unless the context force that construction on us. We find nothing in the context, and nothing in the subject of the article, which leads to it.

The Court has bestowed its best attention on this question, and, after mature deliberation, the majority is of opinion that an Indian tribe or nation within the United States is not a foreign state in the sense of the Constitution, and cannot maintain an action in the Courts of the United States.

A serious additional objection exists to the jurisdiction of the Court. Is the

matter of the bill the proper subject for judicial inquiry and decision? It seeks to restrain a State from the forcible exercise of legislative power over a neighboring people, asserting their independence; their right to which, the State denies. On several of the matters alleged in the bill, for example on the laws making it criminal to exercise the usual powers of self-government in their own country by the Cherokee nation, this Court cannot interpose; at least in the form in which those matters are presented.

That part of the bill which respects the land occupied by the Indians, and prays the aid of the Court to protect their possession, may be more doubtful. The mere question of right might perhaps be decided by this Court in a proper case with proper parties. But the Court is asked to do more than decide on the title. The bill requires us to control the legislature of Georgia, and to restrain the exertion of its physical force. The propriety of such an interposition by the Court may be well questioned. It savours too much of the exercise of political power to be within the proper province of the judicial department. But the opinion on the point respecting parties makes it unnecessary to decide this question.

If it be true that the Cherokee nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future.

The motion for an injunction is denied.

Mr Justice Johnson :

In pursuance of my practice in giving an opinion on all constitutional questions, I must present my views on this. With the morality of the case I have no concern; I am called upon to consider it as a legal question.

The object of this bill is to claim the interposition of this Court as the means of preventing the State of Georgia, or the public functionaries of the State of Georgia, from asserting certain rights and powers over the country and people of the Cherokee nation.

It is not enough, in order to come before this Court for relief, that a case of injury, or of cause to apprehend injury, should be made out. Besides having a cause of action, the complainant must bring himself within that description of parties, who alone are permitted, under

the Constitution, to bring an original suit to this Court.

It is essential to such suit that a State of this Union should be a party; so says the second member of the second section of the third article of the Constitution: the other party must, under the control of the eleventh amendment, be another State of the Union, or a foreign State. In this case, the averment is, that the complainant is a foreign State.

Two preliminary questions then present themselves.

1. Is the complainant a foreign State in the sense of the Constitution.

2. Is the case presented in the bill one of judicial cognisance?

Until these questions are disposed of, we have no right to look into the nature of the controversy any farther than is necessary to determine them. The first of the questions necessarily resolves itself into two.

1. Are the Cherokees a State?

2. Are they a foreign State?

1. I cannot but think that there are strong reasons for doubting the applicability of the epithet *State*, to a people so low in the grade of organised society as our Indian tribes most generally are. I would not here be understood as speaking of the Cherokees under their present form of government; which certainly must be classed among the most approved forms of civil government. Whether it can be yet said to have received the consistency which entitles that people to admission into the family of nations is, I conceive, yet to be determined by the executive of these States. Until then I must think that we cannot recognise it as an existing State, under any other character than that which it has maintained hitherto as one of the Indian tribes or nations.

There are great difficulties hanging over the question, whether they can be considered as States under the judiciary article of the Constitution. 1. They never have been recognised as holding sovereignty over the territory they occupy. It is in vain now to inquire into the sufficiency of the principle, that discovery gave the right of dominion over the country discovered. When the populous and civilized nations beyond the Cape of Good Hope were visited, the right of discovery was made the ground of an exclusive right to their trade, and confined to that limit. When the eastern coast of this continent, and especially the part we inhabit, was discovered, finding it occupied by a race of hunters, connected in society by scarce-

ly a semblance of organic government, the right was extended to the absolute appropriation of the territory, the annexation of it to the domain of the discoverer. It cannot be questioned that the right of sovereignty, as well as soil, was notoriously asserted and exercised by the European discoverers. From that source we derive our rights, and there is not an instance of a cession of land from an Indian nation, in which the right of sovereignty is mentioned as a part of the matter ceded.

It may be suggested that they were uniformly cessions of land without inhabitants; and, therefore, words competent to make a cession of sovereignty were unnecessary. This, however, is not a full answer, since soil, as well as people, is the object of sovereign action, and may be ceded with or without the sovereignty, or may be ceded with the express stipulation that the inhabitants shall remove. In all the cessions to us from the civilized States of the old world, and of our transfers among ourselves, although of the same property, under the same circumstances, and even when occupied by these very Indians, the express cession of sovereignty is to be found.

In the very treaty of Hopewell, the language or evidence of which is appealed to as the leading proof of the existence of this supposed State, we find the commissioners of the United States expressing themselves in these terms. 'The commissioners plenipotentiary of the United States give peace to all the Cherokees, and receive them into the favor and protection of the United States on the following conditions.' This is certainly the language of sovereigns and conquerors, and not the address of equals to equals. And again, when designating the country they are to be confined to, comprising the very territory which is the subject of this bill, they say, 'Article 4. *The boundary allotted to the Cherokees for their hunting grounds,*' shall be as therein described. Certainly this is the language of concession on our part, not theirs; and when the full bearing and effect of those words, 'for their hunting grounds,' is considered, it is difficult to think that they were then regarded as a State, or even intended to be so regarded. It is clear that it was intended to give them no other rights over the territory than what were needed by a race of hunters; and it is not easy to see how their advancement beyond that state of society could ever have been promoted, or, per-

haps, permitted, consistently with the unquestioned rights of the States, or United States, over the territory within their limits. The pre-emptive right, and exclusive right of conquest in case of war, was never questioned to exist in the States, which circumscribed the whole or any part of the Indian grounds or territory. To have taken it from them by direct means would have been a palpable violation of their rights. But every advance, from the hunter state to a more fixed state of society, must have a tendency to impair that pre-emptive right, and ultimately to destroy it altogether, both by increasing the Indian population, and by attaching them firmly to the soil. The hunter state bore within itself the promise of vacating the territory, because when game ceased, the hunter would go elsewhere to seek it. But a more fixed state of society would amount to a permanent destruction of the hope, and, of consequence, of the beneficial character of the pre-emptive right.

But it is said, that we have extended to them the means and inducement to become agricultural and civilized. It is true: and the immediate object of that policy was so obvious as probably to have intercepted the view of ulterior consequences. Independently of the general influence of humanity, these people were restless, warlike, and signally cruel in their irruptions during the revolution. The policy, therefore, of enticing them to the arts of peace, and to those improvements which war might lay desolate, was obvious; and it was wise to prepare them for what was probably then contemplated, to wit, to incorporate them in time into our respective governments: a policy which their inveterate habits and deep seated enmity has altogether baffled. But the project of ultimately organising them into States, within the limits of those States which had not ceded or should not cede to the United States the jurisdiction over the Indian territory within their bounds, could not possibly have entered into the contemplation of our Government. Nothing but express authority from the States could have justified such a policy, pursued with such a view. To pursue this subject a little more categorically—

If these Indians are to be called a State: then,

1. By whom are they acknowledged as such?
2. When did they become so?
3. And what are the attributes by

which they are identified with other States?

As to the first question, it is clear, that as a State they are known to nobody on earth, but ourselves, if to us: how then can they be said to be recognised as a member of the community of nations? Would any nation on earth treat with them as such? Suppose when they occupied the banks of the Mississippi or the sea coast of Florida, part of which in fact the Seminoles now occupy, they had declared war and issued letters of marque and reprisal against us or Great Britain, would their commissions be respected? If known as a State, it is by us and us alone; and what are the proofs? The treaty of Hopewell does not even give them a name other than that of the *Indians*; not even nation or State: but regards them as what they were, a band of hunters, occupying, *as hunting grounds*, just what territory we chose to allot them. And almost every attribute of sovereignty is renounced by them in that very treaty. They acknowledge themselves to be under the sole and exclusive protection of the United States. They receive the territory allotted to them as a boon, from a master or conqueror; the right of punishing intruders into that territory is conceded, not asserted as a right; and the sole and exclusive right of regulating their trade and managing all their affairs in such manner as the Government of the United States shall think proper; amounting in terms to a relinquishment of all power, legislative, executive and judicial to the United States, is yielded in the ninth article.

It is true, that the twelfth article gives power to the Indians to send a deputy to Congress; but such deputy, though dignified by the name, was nothing and could be nothing but an agent, such as any other company might be represented by. It cannot be supposed that he was to be recognised as a minister, or to sit in the Congress as a delegate. There is nothing express and nothing implied, that would clothe him with the attributes of either of these characters. As to a seat among the delegates, it could not be granted to him.

There is one consequence that would necessarily flow from the recognition of this people as a State, which of itself must operate greatly against its admission.

Where is the rule to stop? Must every petty kraal of Indians, designating themselves a tribe or nation, and having a few hundred acres of land to hunt on

exclusively, be recognised as a state? We should indeed force into the family of nations, a very numerous and very heterogeneous progeny. The Catawbas, having indeed a few more acres than the republic of San Marino, but consisting only of eighty or an hundred polls, would then be admitted to the same dignity. They still claim independence, and actually execute their own penal laws, such as they are, even to the punishment of death; and have recently done so. We have many ancient treaties with them; and no nation has been more distinctly recognised, as far as such recognition can operate, to communicate the character of a State.

But, secondly, at what time did this people acquire the character of a State?

Certainly not by the treaty of Hopewell; for every provision of that treaty operates to strip it of its sovereign attributes; and nothing subsequent adds anything to that treaty, except using the word *nation* instead of *Indians*. And as to that article in the treaty of Holston, and repeated in the treaty of Tellico, which guaranties to them their territory, since both those treaties refer to and confirm the treaty of Hopewell; on what principle can it be contended that the guarantee can go farther than to secure to them that right over the territory, which is conceded by the Hopewell treaty; which interest is only that of *hunting grounds*. The general policy of the United States, which always looked to these Indian lands as a certain future acquisition, not less than the express words of the treaty of Hopewell, must so decide the question.

If they were not regarded as one of the family of nations at the time of that treaty, even though at that time first subdued and stripped of the attributes of a State, it is clear that, to be regarded now as a State, they must have resumed their rank among nations at some subsequent period. But at *what* subsequent period? Certainly by no decisive act until they organised themselves recently into a government; and I have before remarked that, until expressly recognised by the Executive under that form of government, we cannot recognise any change in their form of existence. Others have a right to be consulted on the admission of new States into the national family. When this country was first appropriated or conquered by the crown of Great Britain, they certainly were not known as members of the community of nations; and if they had been, Great Britain from that time

blotted them from among the race of sovereigns. From that time Great Britain considered them as her subjects whenever she chose to claim their allegiance; and their country as hers, both in soil and sovereignty. All the forbearance exercised towards them was considered as voluntary; and as their trade was more valuable to her than their territory, for that reason, and not from any supposed want of right to extend her laws over them, did she abstain from doing so.

And, thirdly, by what attributes is the Cherokee nation identified with other States?

The right of sovereignty was expressly assumed by Great Britain over their country at the first taking possession of it; and has never since been recognised as in them, otherwise than as dependent upon the will of a superior.

The right of legislation is in terms conceded to Congress by the treaty of Hopewell, whenever they choose to exercise it. And the right of soil is held by the feeble tenure of hunting grounds, and acknowledged on all hands subject to a restriction to sell to no one but the United States, and for no use but that of Georgia.

They have in Europe, sovereign and demi-sovereign States, and States of doubtful sovereignty. But this State, if it be a State, is still a grade below them all: for not to be able to alienate without permission of the remainder-man or lord, places them in a state of feudal dependence.

However, I will enlarge no more upon this point; because I believe, in one view and in one only, if at all, they are or may be deemed a State, though not a sovereign State, at least while they occupy a country within our limits. Their condition is something like that of the Israelites, when inhabiting the deserts. Though without land that they can call theirs in the sense of property, their right of personal self-government has never been taken from them; and such a form of government may exist though the land occupied be in fact that of another. The right to expel them may exist in that other, but the alternative of departing and retaining the right of self-government may exist in them. And such they certainly do possess; it has never been questioned, nor any attempt made at subjugating them as a people, or restraining their personal liberty except as to their land and trade.

But in no sense can they be deemed

a foreign State, under the judiciary article.

It does seem unnecessary on this point to do more than put the question, whether the makers of the Constitution could have intended to designate them, when using the epithets 'foreign' and 'State.' State, and foreign State, are used in contradistinction to each other. We had then just emerged ourselves from a situation having much stronger claims than the Indians for admission into the family of nations; and yet we were not admitted until we had declared ourselves no longer Provinces but States, and shown some earnestness and capacity in asserting our claim to be enfranchised. Can it then be supposed, that when using those terms we meant to include any others than those who were admitted into the community of nations, of whom most notoriously the Indians were no part?

The argument is that they were States; and if not States of the Union, must be foreign States. But I think it very clear that the Constitution neither speaks of them as States or foreign States, but as just what they were, Indian tribes; an anomaly unknown to the books that treat of States, and which the law of nations would regard as nothing more than wandering hordes, held together only by ties of blood and habit, and having neither laws nor government, beyond what is required in a savage state. The distinction is clearly made in that section which vests in Congress power to regulate commerce between the United States, with foreign nations, and the Indian tribes.

The language must be applied in one of three senses; either in that of the law of nations, or of the vernacular use, or that of the Constitution. In the first, although it means any State not subject to our laws, yet it must be a State, and not a hunter horde: in the vernacular, it would not be applied to a people within our limits and at our very doors: and in the Constitution the two epithets are used in direct contradistinction. The latter words were unnecessary, if the first included the Indian tribes. There is no ambiguity, though taken literally; and if there were, facts and circumstances altogether remove it.

But had I been sitting alone in this cause, I should have waived the consideration of personal description altogether; and put my rejection of this motion upon the nature of the claim set up, exclusively.

I cannot entertain a doubt that it is one of a political character altogether, and wholly unfit for the cognisance of a judicial tribunal. There is no possible view of the subject, that I can perceive, in which a court of justice can take jurisdiction of the questions made in the bill. The substance of its allegations may be thus set out.

That the complainants have been from time immemorial lords of the soil they occupy. That the limits by which they hold it have been solemnly designated and secured to them by treaty and by laws of the United States. That within those limits they have rightfully exercised unlimited jurisdiction, passing their own laws and administering justice in their own way. That in violation of their just rights so secured to them, the State of Georgia has passed laws, authorising and requiring the executive and judicial powers of the State to enter their territory and put down their public functionaries. That in pursuance of those laws the functionaries of Georgia have entered their territory, with an armed force, and put down all powers legislative, executive, and judicial, exercised under the government of the Indians.

d What does this series of allegations exhibit but a state of war, and the fact of invasion? They allege themselves to be a sovereign, independent State, and set out that another sovereign State has, by its laws, its functionaries, and its armed force, invaded their State and put down their authority. This is war in fact; though not being declared with the usual solemnities, it may perhaps be called war in disguise. And the contest is distinctly a contest for empire. It is not a case of *meum and tuum* in the judicial but in the political sense. Not an appeal to laws but to force. A case in which a sovereign undertakes to assert his right upon his sovereign responsibility; to right himself, and not to appeal to any arbiter but the sword, for the justice of his cause. If the State of Maine were to extend its laws over the province of New Brunswick, and send its magistrates to carry them into effect, it would be a parallel case. In the Nabob of Arcot's case (4 Bro. Cha. Ca. and 1 and 2 Vesey, Jun.), a case of a political character not one half so strongly marked as this; the Courts of Great Britain refused to take jurisdiction, because it had its origin in treaties entered into between sovereign States: a case in which the appeal is to the sword and to Almightly justice, and not to Courts

of law or equity. In the exercise of sovereign right, the sovereign is sole arbiter of his own justice. The penalty of wrong is war and subjugation.

But there is still another ground in this case, which alone would have prevented me from assuming jurisdiction; and that is, the utter impossibility of doing justice, at least even-handed justice, between the parties. As to restoring the complainant to the exercise of jurisdiction, it will be seen at once that that is no case for the action of a Court; and as to quieting him in possession of the soil, what is the case on which the complainant would have this Court to act? Either the Cherokee nation are a foreign State, or they are not. If they are not, then they cannot come here, and if they are, then how can we extend our jurisdiction into their country?

We are told that we can act upon the public functionaries in the State of Georgia, without the limits of the nation. But suppose that Georgia should file a cross-bill, as she certainly may, if we can entertain jurisdiction in this case; and should in her bill claim to be put in possession of the whole Indian country; and we should decide in her favor; how is that decree to be carried into effect? Say as to soil; as to jurisdiction it is not even to be considered. From the complainant's own showing we could not do justice between the parties. Nor must I be considered as admitting that this Court could even upon the other alternative exercise a jurisdiction over the person, respecting lands under the jurisdiction of a foreign nation. I know of no such instance. In *Penn vs. Lord Baltimore*, the persons were in England and the land within the King's dominions though in America.

There is still another view in which this cause of action may be considered in regard to its political nature. The United States finding themselves involved in conflicting treaties, or at least in two treaties respecting the same property, under which two parties assert conflicting claims; one of the parties, putting itself upon its sovereign right, passes laws which in effect declare the laws and treaties under which the other party claims, null and void. It proceeds to carry into effect those laws by means of physical force; and the other party appeals to the Executive department for protection. Being disappointed there, the party appeals to this Court, indirectly to compel the Executive to pursue a course of policy, which his sense of duty or ideas of the law may indicate

should not be pursued. That is, to declare war against a State, or to use the public force to repel the force and resist the laws of a State, when his judgment tells him the evils to grow out of such a course may be incalculable.

What these people may have a right to claim of the Executive power is one thing: whether we are to be the instruments to compel another branch of the Government to make good the stipulations of treaties, is a very different question. Courts of justice are properly excluded from all considerations of policy, and therefore are very unfit instruments to control the action of that branch of Government; which may often be compelled by the highest considerations of public policy to withhold even the exercise of a positive duty.

There is, then, a great deal of good sense in the rule laid down in the *Nabob of Arcot's* case, to wit, that as between sovereigns, breaches of treaty were not breaches of contract cognisable in a Court of justice; independent of the general principle that for their political acts States were not amenable to tribunals of justice.

There is yet another view of this subject, which forbids our taking jurisdiction. There is a law of the United States, which purports to make every trespass set out in the bill to be an offence cognisable in the Courts of the United States. I mean the act of 1802, which makes it penal to violate the Indian territory.

The infraction of this law is in effect the burden of complaint. What then in fact is this bill, but a bill to obtain an injunction against the commission of crimes? If their territory has been trespassed upon against the provisions of that act, no law of Georgia could repeal that act or justify the violation of its provisions. And the remedy lies in another Court and form of action, or another branch of jurisprudence.

I cannot take leave of the case without one remark upon the leading argument, on which the exercise of jurisdiction here over cases occurring in the Indian country has been claimed for the complainant. Which was, that the United States in fact exercised jurisdiction over it by means of this and other acts, to punish offences committed there.

But this argument cannot bear the test of principle. For the jurisdiction of a country may be exercised over her citizens wherever they are, in right of their allegiance; as it has been in the instance of punishing offences committed

against the Indians. And, also, both under the Constitution and the treaty of *Hopewell*, the power of Congress extends to regulating their trade, necessarily within their limits. But this cannot sanction the exercise of jurisdiction beyond the policy of the acts themselves; which are altogether penal in their provisions.

I vote for rejecting the motion.

Mr Justice Baldwin:

As jurisdiction is the first question which must arise in every cause, I have confined my examination of this, entirely to that point, and that branch of it which relates to the capacity of the plaintiffs to ask the interposition of this Court. I concur in the opinion of the Court in dismissing the bill, but not for the reasons assigned.

In my opinion there is no plaintiff in this suit; and this opinion precludes any examination into the merits of the bill, or the weight of any minor objections. My judgment stops me at the threshold, and forbids me to examine into the acts complained of.

As the reasons for the judgment of the Court seem to me more important than the judgment itself, in its effects on the peace of the country and the condition of the complainants, and as I stand alone on one question of vital concern to both, I must give my reasons in full. The opinion of this Court is of high authority in itself; and the judge who delivers it has a support as strong in moral influence over public opinion, as any human tribunal can impart. The judge, who stands alone in decided dissent, on matters of the infinite magnitude which this case presents, must sink under the continued and unequal struggle, unless he can fix himself by a firm hold on the constitution and laws of the country. He must be presumed to be in the wrong, until he proves himself to be in the right. Not shrinking even from this fearful issue, I proceed to consider the only question which I shall ever examine in relation to the rights of Indians to sue in the Federal Courts, until convinced of my error in my present convictions.

My view of the plaintiffs being a sovereign independent nation or foreign state, within the meaning of the Constitution, applies to all the tribes with whom the United States have held treaties: for if one is a foreign nation or state, all others in like condition must be so in their aggregate capacity; and each of their subjects or citizens, aliens,

capable of suing in the Circuit Courts. This case then is the case of the countless tribes, who occupy tracts of our vast domain; who, in their collective and individual characters, as states or aliens, will rush to the Federal Courts in endless controversies, growing out of the laws of the States or of Congress.

In the spirit of the maxim *obsta principis*, I shall first proceed to the consideration of the proceedings of the old Congress, from the commencement of the revolution up to the adoption of the Constitution; so as to ascertain whether the Indians were considered and treated with as tribes of savages, or independent nations, foreign states on an equality with any other foreign state or nation; and whether Indian affairs were viewed as those of foreign nations, and in connection with this view, refer to the acts of the Federal Government on the same subject.

In 1781 (1 Laws U. S. 586, &c.) a department for foreign affairs was established, to which was entrusted all correspondence and communication with the ministers or other officers of foreign powers, to be carried on through that office; also with the Governors and Presidents of the several States; and to receive the applications of all foreigners, letters of sovereign powers, plans of treaties, conventions, &c. and other acts of Congress relative to the department of foreign affairs; and all communications as well to as from the United States in Congress assembled, were to be made through the Secretary, and all papers on the subject of foreign affairs to be addressed to him. The same department was established under the present Constitution in 1789, and with the same exclusive control over all the foreign concerns of this Government with foreign states or princes. (2 Laws U. S. 6, 7.) In July 1775, Congress established a department of Indian affairs, to be conducted under the superintendence of commissioners. (1. Laws U. S. 597.) By the ordinance of August 1786, for the regulation of Indian affairs, they were placed under the control of the war department, (1 Laws U. S. 614,) continued there by the act of August 1789 (2 Laws U. S. 32, 33,) under whose direction they have ever since remained. It is clear then, that neither the old or new government did ever consider Indian affairs, the regulation of our intercourse or treaties with them, as forming any part of our foreign affairs or concerns with foreign nations, states, or princes.

I will next inquire how the Indians were considered; whether as independent nations or tribes, with whom our intercourse must be regulated by the law of circumstances. In this examination it will be found that different words have been applied to them in treaties and resolutions of Congress; nations, tribes, hordes, savages, chiefs, sachems and warriors of the Cherokees for instance, or the Cherokee nation. I shall not stop to inquire into the effect which a name or title can give to a resolve of Congress, a treaty or convention with the Indians, but into the substance of the thing done, and the subject matter acted on: believing it requires no reasoning to prove that the omission of the words *prince*, *state*, *sovereignty*, or *nation*, cannot divest a contracting party of these national attributes, which are inherent in sovereign power pre and self existing, or confer them by their use, where all the substantial requisites of sovereignty are wanting.

The proceedings of the old Congress, will be found in 1, Laws U. S. 597, commencing 1st June 1775, and ending 1st September 1788, of which some extracts will be given. 30th June 1775, 'Resolved, that the committee for Indian affairs do prepare proper talks to the several tribes of Indians. As the Indians depend on the Colonists for arms, ammunition and clothing, which are become necessary for their subsistence.' 'That the commissioners have power to treat with the Indians;' 'to take to their assistance gentlemen of influence among the Indians.' 'To preserve the confidence and friendship of the Indians, and prevent their suffering for want of the necessaries of life, £40,000 sterling of Indian goods, be imported.' 'No person shall be permitted to trade with the Indians without a license;' 'traders shall sell their goods at reasonable prices; allow them to the Indians for their skins, and take no advantage of their distress and intemperance;' 'the trade to be only at posts designated by the commissioners.' Specimens of the kind of intercourse between the Congress and deputations of Indians may be seen in pages 602 and 603. They need no incorporation into a judicial opinion.

In 1782, a committee of Congress report, that all the lands belonging to the six nations of Indians have been in due form put under the crown as appendent to the government of New York, so far as respects jurisdiction only; that that colony has borne the burthen of protect-

ing and supporting the Six Nations of Indians and their tributaries for one hundred years, as the dependents and allies of that government; that the crown of England has always considered and treated the country of the Six Nations as one appendent to the government of New York; that they have been so recognised and admitted by their public acts by Massachusetts, Connecticut, Pennsylvania, Maryland and Virginia; that by accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the Union (p. 606.) The cession alluded to is the one from New York, March 1st, 1781, of the soil and jurisdiction of all the land in their charter west of the present boundary of Pennsylvania (1 Laws U. S. 471,) which was executed in Congress and accepted.

This makes it necessary to break in on the historical trace of our Indian affairs, and follow up this subject to the adoption of the Constitution. The cession from Virginia in 1784 was of soil and jurisdiction. So from Massachusetts in 1785, from Connecticut in 1800, from South Carolina in 1787, from Georgia in 1802. North Carolina made a partial cession of land, but a full one of her sovereignty and jurisdiction of all without her present limits in 1789. (2 Laws United States 85.)

Some states made reservations of lands to a small amount, but, by the terms of the cession, new States were to be formed within the ceded boundaries, to be admitted into the union on an equal footing with the original States; of course, not shorn of their powers of sovereignty and jurisdiction within the boundaries assigned by Congress to the new States. In this spirit Congress passed the celebrated ordinance of July 1787, by which they assumed the government of the northwestern territory, paying no regard to Indian jurisdiction, sovereignty, or their political rights, except providing for their protection; authorising the adoption of laws 'which, for the prevention of crimes and injuries, shall have force in all parts of the district; and for the execution of process, civil and criminal, the Governor has power to make proper division thereof.' (1 Laws United States, 477.) By the fourth article the *said territory*, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States; subject to the articles of confederation,

alterations constitutionally made, the acts and ordinances of Congress.

This shows the clear meaning and understanding of all the ceding States, and of Congress, in accepting the cession of their western lands up to the time of the adoption of the Constitution. The application of these acts to the provisions of the Constitution will be considered hereafter. A few more references to the proceedings of the old Congress in relation to the Indian nations will close this view of the case.

In 1782, a committee, to whom was referred a letter from the Secretary at war, reported 'that they have had a conference with the two deputies from the Catawba nation of Indians; that their mission respects certain tracts of land reserved for their use in the State of South Carolina, which they wish may be so secured to their *tribe*, as not to be intruded into by force, nor alienated even with their own consent: whereupon, resolved, that it be recommended to the legislature of South Carolina to take such measures for the satisfaction and security of the said tribe, as the said Legislature shall in their wisdom think fit.' (1 Laws United States, 667.) After this, the Catawbas cannot well be considered an independent nation or foreign state. In September 1783, shortly after the preliminary treaty of peace, Congress, exercising the powers of acknowledged independence and sovereignty, issued a proclamation beginning in these words, 'whereas, by the ninth of the articles of confederation, it is, among other things declared, that the United States, in Congress assembled, have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians not members of any of the States, provided that the legislative right of every State, within its own limits, be not infringed or violated,' prohibiting settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving gifts of land, without the express authority and directions of the United States in Congress assembled. Conventions were to be held with the Indians in the northern and middle departments for the purpose of receiving them into the favor and protection of the United States, and of establishing boundary lines of *property*, for separating and dividing the settlements of the citizens from the Indian villages and hunting grounds, &c. 'Resolved, that the preceding measures

of Congress, relative to Indian affairs, shall not be construed to affect the territorial claims of any of the States, or their legislative rights within their respective limits. Resolved, that it will be wise and necessary to erect a district of the western territory into a distinct government, and that a committee be appointed to prepare a plan for a temporary government until the inhabitants shall form a 'permanent Constitution for themselves, and as citizens of a free, sovereign, and independent State, be admitted to a representation in the Union.' In 1786, a general ordinance was passed for the regulation of Indian affairs under the authority of the ninth article of the confederation, which throws much light on our relations with them. (P. 614). It closes with a direction, that in all cases where transactions with any nation or tribe of Indians shall become necessary for the purposes of the ordinance, which cannot be done without interfering with the legislative rights of a State, the superintendent within whose district the same shall happen, shall act in conjunction with the authority of such State.

After accepting the cessions of the soil and jurisdiction of the western territory, and resolving to form a temporary government, and create new, free, sovereign, and independent States, Congress resolved, in March 1785, to hold a treaty with the western Indians. They gave instructions to the commissioners, in strict conformity with their preceding resolutions, both of which were wholly incompatible with the national or sovereign character of the Indians with whom they were about to treat. They will be found in pages 611, &c. and need not be particularised.

I now proceed to the instructions which preceded the treaty of Hopewell with the complainants, the treaty, and the consequent proceedings of Congress. On the 15th March, 1785, commissioners were appointed to treat with the Cherokees, and other Indians southward of them, within the limits of the United States, or who have been at war with them, for the purpose of making peace with them, and of receiving them into the favor and protection of the United States, &c. They were instructed to demand that all prisoners, negroes and other property taken during the war be given up; to inform the Indians of the great occurrences of the last war; of the extent of country relinquished by the late treaty of peace with Great Britain; to give notice to the Governors of Virginia, North and South Carolina

and Georgia, that they may attend if they think proper: and were authorised to expend four thousand dollars in making presents to the Indians; a matter well understood in making Indian treaties, but unknown at least in our treaties with foreign nations, princes or states, unless on the Barbary coast. A treaty was accordingly made in November following, between the commissioners plenipotentiaries of the United States of the one part, and the head men and warriors of all the Cherokees of the other. The word *nation* is not used in the preamble or any part of the treaty, so that we are left to infer the capacity in which the Cherokees contracted, whether as an independent nation, or foreign state, or a tribe of Indians, from the terms of the treaty, its stipulations and conditions. 'The Indians for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States.' (Article 3d 1 Laws U. S. 322.) 'The boundary allotted to the Cherokees for their hunting grounds between the said Indians and the citizens of the United States, within the limits of the United States, is and shall be the following,' viz. (as defined in Article 4th.) 'For the benefit and comfort of the Indians, and for the prevention of injuries and aggressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians and managing all their affairs in such manner as they shall think proper.' (Article 9.) 'That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy of their choice whenever they think fit to Congress.' (Article 12th.)

This treaty is in the beginning, called 'Article:' the word 'treaty' is only to be found in the concluding line, where it is called '*this definitive treaty.*' But article or treaty, its nature does not depend upon the name given it. It is not negotiated between ministers on both sides representing their nations; the stipulations are wholly inconsistent with sovereignty; the Indians acknowledge their dependent character; hold the lands they occupy as an allotment of hunting grounds; give to Congress the exclusive right of regulating their trade and managing all their affairs as they may think proper. So it was understood by Congress as declared by them in their proclamation of 1st September 1788 (1 Laws U. S. 619,) and

so understood at the adoption of the Constitution.

The meaning of the words 'deputy to Congress' in the twelfth article, may be as a person having a right to sit in that body, as at that time it was composed of delegates or deputies from the States, not as at present, representatives of the people of the States; or it may be as an agent or minister. But if the former was the meaning of the parties, it is conclusive to show that he was not and could not be the deputy of a foreign State wholly separated from the Union. If he sat in Congress as a deputy from any State, it must be one having a political connection with, and within the jurisdiction of the confederacy; if as a diplomatic agent, he could not represent an independent or sovereign nation, for all such have an unquestioned right to send such agents when and where they please. The securing the right by an express stipulation of the treaty; the declared objects in conferring the right especially when connected with the ninth article; show beyond a doubt it was not to represent a foreign State or nation, or one to whom the least vestige of independence or sovereignty as to the United States appertained. There can be no dependence so anti-national, or so utterly subversive of national existence, as transferring to a foreign government the regulation of its trade, and the management of all their affairs at their pleasure. The nation or state, tribe or village, head men or warriors of the Cherokees, call them by what name we please, call the articles they have signed a definitive treaty or an indenture of servitude; they are not by its force or virtue a foreign State capable of calling into legitimate action the judicial power of this Union, by the exercise of the original jurisdiction of this Court against a sovereign State, a component part of this nation. Unless the Constitution has imparted to the Cherokees a national character never recognised under the confederation; and which if they ever enjoyed was surrendered by the treaty of Hopewell; they cannot be deemed in this Court plaintiffs in such a case as this.

In considering the bearing of the Constitution on their rights, it must be borne in mind, that a majority of the States represented in the convention, had ceded to the United States the soil and jurisdiction of their western lands, or claimed it to be remaining in themselves; that Congress asserted as to the ceded, and the States as to the unceded territory,

their right to the soil absolutely and the dominion in full sovereignty, within their respective limits, subject only to Indian occupancy, not as foreign States or nations, but as dependent on and appendant to the State governments: that before the convention acted, Congress had erected a government in the north-western territory containing numerous and powerful nations or tribes of Indians, whose jurisdiction was continued and whose sovereignty was overturned, if it ever existed, except by permission of the States or Congress, by ordaining that the territorial laws should extend over the whole district; and directing divisions for the execution of civil and criminal process in every part; that the Cherokees were then dependants, having given up all their affairs to the regulation and management of Congress, and that all the regulations of Congress over Indian affairs were then in force over an immense territory, under a solemn pledge to the inhabitants, that whenever their population and circumstances would admit, they should form Constitutions and become free, sovereign and independent States, on equal footing with the old component members of the confederation; that by the existing regulations and treaties, the Indian tenure to their lands was their allotment as hunting grounds without the power of alienation, that the right of occupancy was not individual, that the Indians were forbidden all trade or intercourse with any person not licensed or at a post not designated by regulation, that Indian affairs formed no part of the foreign concerns of the Government, and that though they were permitted to regulate their internal affairs in their own way, it was not by any inherent right acknowledged by Congress or reserved by treaty, but because Congress did not think proper to exercise the sole and exclusive right; declared and asserted in all their regulations from 1775 to 1788, in the articles of confederation, in the ordinance of 1787, and the proclamation of 1788; which the plaintiffs solemnly recognised and expressly granted by the treaty of Hopewell in 1785, as conferred on Congress to be exercised as they should think proper.

To correctly understand the Constitution, then, we must read it with reference to this well known existing state of our relations with the Indians; the United States asserting the right of soil, sovereignty, and jurisdiction, in full dominion; the Indians occupant, of allotted hunting grounds.

We can thus expound the Constitution without a reference to the definitions of a state or nation by any foreign writer, hypothetical reasoning, or the dissertations of the Federalist. This would be to substitute individual authority in place of the declared will of the sovereign power of the Union, in a written fundamental law. Whether it is the emanation from the people or the States, is a moot question, having no bearing on the supremacy of that supreme law which from a proper source has rightfully been imposed on us by sovereign power. Where its terms are plain, I should, as a dissenting judge, deem it judicial sacrilege to put my hands on any of its provisions, and arrange or construe them according to any fancied use, object, purpose, or motive, which, by an ingenious train of reasoning, I might bring my mind to believe was the reason for its adoption by the sovereign power, from whose hands it comes to me as the rule and guide to my faith, my reason, and judicial oath. In taking out, putting in, or varying the plain meaning of a word or expression, to meet the results of my poor judgment, as to the meaning and intention of the great Charter, which alone imparts to me my power to act as a judge of its supreme injunctions, I should feel myself acting upon it by judicial amendments, and not as one of its executors. I will not add unto these things; I will not take away from the words of this book of prophecy; I will not impair the force or obligation of its enactments, plain and unqualified in its terms, by resorting to the authority of names; the decisions of foreign Courts; or a reference to books or writers. The plain ordinances are a safe guide to my judgment. When they admit of doubt, I will connect the words with the practice, usages, and settled principles of this Government, as administered by its fathers before the adoption of the Constitution: and refer to the received opinion and fixed understanding of the high parties who adopted it; the usage and practice of the new Government acting under its authority; and the solemn decisions of this Court, acting under its high powers and responsibility: nothing fearing that in so doing, I can discover some sound and safe maxims of American policy and jurisprudence, which will always afford me light enough to decide on the constitutional powers of the Federal and State Governments, and all tribunals acting under their authority. They will at least enable me to judge

of the true meaning and spirit of plain words, put into the forms of constitutional provisions, which this Court in the great case of *Sturges and Crowninshield*, say, 'is to be collected chiefly from its words. It would be dangerous in the extreme to infer from extrinsic circumstances that a case for which the words of an instrument expressly provide, shall be exempted from its operation. Where words conflict with each other, where the different clauses of an instrument bear upon each other, and would be inconsistent unless the natural and common import of words be varied, construction becomes necessary, and a departure from the obvious meaning of words is justifiable.' But the absurdity and injustice of applying the provision to the case must be so monstrous, that all mankind would without hesitation unite in rejecting the application. (4 *Wheat.* 202, 3.)

In another great case, *Cohens vs. Virginia*, this Court say, 'The jurisdiction of this Court, then, being extended by the letter of the Constitution to all cases arising under it or under the laws of the United States, it follows that those, who would withdraw any case of this description from that jurisdiction, must sustain the exemption they claim on the spirit and true meaning of the Constitution, which spirit and true meaning must be so apparent as to overrule the words which its framers have employed.' (6 *Wheat.* 379, 80.)

The principle of these cases is my guide in this. Sitting here, I shall always bow to such authority; and require no admonition to be influenced by no other, in a case where I am called on to take a part in the exercise of the judicial power over a sovereign State.

Guided by these principles, I come to consider the third clause of the second section of the first article of the Constitution; which provides for the apportionment of representatives, and direct taxes 'among the several States which may be included within this Union, according to their respective numbers, *excluding Indians not taxed.*' This clause embraces not only the old but the new States to be formed out of the territory of the United States, pursuant to the resolutions and ordinances of the old Congress, and the conditions of the cession from the States, or which might arise by the division of the old. If the clause excluding Indians not taxed, had not been inserted, or should be stricken out, the whole free Indian population of all the States would be included in the fed-

eral numbers, coextensively with the boundaries of all the States, included in this Union. The insertion of this clause conveys a clear, definite declaration that there were no independent sovereign nations or states, foreign or domestic, within their boundaries, which should exclude them from the Federal enumeration, or any bodies or communities within the States, excluded from the action of the Federal Constitution, unless by the use of express words of exclusion.

The delegates who represented the States in the convention well knew the existing relations between the United States and the Indians, and put the Constitution in a shape for adoption calculated to meet them; and the words used in this clause exclude the existence of the plaintiffs as a sovereign or foreign state or nation, within the meaning of this section too plainly to require illustration or argument.

The third clause of the eighth article shows most distinctly the sense of the convention in authorising Congress to regulate commerce with the Indian tribes. The character of the Indian communities had been settled by many years of uniform usage under the old Government: characterised by the name of nations, towns, villages, tribes, head men, and warriors, as the writers of resolutions or treaties might fancy; governed by no settled rule, and applying the word nation to the Catawbas as well as the Cherokees. The framers of the Constitution have thought proper to define their meaning to be, that they were not foreign nations nor States of the Union, but Indian tribes; thus declaring the sense in which they should be considered under the Constitution, which refers to them as tribes only, in this clause. I cannot strike these words from the book; or construe Indian tribes in this part of the Constitution to mean a sovereign State under the first clause of the second section of the third article. It would be taking very great liberty in the exposition of a fundamental law, to bring the Indians under the action of the legislative power as tribes, and of the judicial, as foreign States. The power conferred to regulate commerce with the Indian tribes, is the same given to the old Congress by the ninth article of the old confederation, 'to regulate trade with the Indians.' The raising the word 'trade' to the dignity of commerce, regulating it with Indians or Indian tribes, is only a change of words. Mere phraseology cannot make

Indians nations, or Indian tribes foreign States.

The second clause of the third section of the fourth article of the Constitution is equally convincing. 'The Congress shall have power to dispose of, and make all needful regulations and rules respecting the territory of the United States.' What that territory was, the rights of soil, jurisdiction, and sovereignty claimed and exercised by the States and the old Congress, has been already seen. It extended to the formation of a Government whose laws and process were in force within its whole extent, without a saving of Indian jurisdiction. It is the same power which was delegated to the old Congress, and, according to the judicial interpretation given by this Court in *Gibbons vs. Ogden*, (9 Wheat. 209,) the word 'to regulate' implied in its nature full power over the thing to be regulated; it excludes, necessarily, the action of all others that would perform the same operation on the same thing. Applying this construction to commerce and territory, leaves the jurisdiction and sovereignty of the Indian tribes wholly out of the question. The power given in this clause is of the most plenary kind. Rules and regulations respecting the territory of the United States, they necessarily include complete jurisdiction. It was necessary to confer it without limitation, to enable the new Government to redeem the pledge given by the old in relation to the formation and powers of the new States. The saving of 'the claims' of 'any particular State' is almost a copy of a similar provision, part of the ninth article of the old confederation; thus delivering over to the new Congress the power to regulate commerce with the Indian tribes, and regulate the territory they occupied, as the old had done from the beginning of the revolution.

The only remaining clause of the Constitution to be considered is the second clause in the sixth article. 'All treaties made, or to be made, shall be the supreme law of the land.'

In *Chirac vs. Chirac*, this Court declared that it was unnecessary to inquire into the effect of the treaty with France in 1778 under the old confederation, because the confederation had yielded to our present Constitution, and this treaty had been the supreme law of the land. (2 Wheat. 271.) I consider the same rule as applicable to Indian treaties, whether considered as national compacts between sovereign powers, or

as articles, agreements, contracts, or stipulations on the part of this Government, binding and pledging the faith of the nation to the faithful observance of its conditions. They secure to the Indians the enjoyment of the rights they stipulate to give or secure, to their full extent, and in the plenitude of good faith; but the treaties must be considered as the rules of reciprocal obligations. The Indians must have their rights; but must claim them in that capacity in which they received the grant or guarantee. They contracted by putting themselves under the protection of the United States, accepted of an allotment of hunting grounds, surrendered and delegated to Congress the exclusive regulation of their trade and the management of all their own affairs, taking no assurance of their continued sovereignty, if they had any before, but relying on the assurance of the United States that they might have full confidence in their justice respecting their interests; stipulating only for the right of sending a deputy of their own choice to Congress. If, then, the Indians claim admission to this Court under the treaty of Hopewell, they cannot be admitted as foreign States, and can be received in no other capacity.

The legislation of Congress under the Constitution in relation to the Indians, has been in the same spirit and guided by the same principles, which prevailed in the old Congress and under the old confederation. In order to give full effect to the ordinance of 1787, in the Northwest Territory, it was adapted to the present Constitution of the United States in 1789, (2 Laws U. S. 33;) applied as the rule for its government to the territory south of the Ohio in 1790, except the sixth article, (2 Laws U. S. 104;) to the Mississippi Territory in 1798, (3 Laws U. S. 39, 40,) and with no exception to Indiana in 1800, (3 Laws U. S. 367;) to Michigan in 1805, (3 Laws U. S. 632;) to Illinois in 1809, (4 Laws U. S. 198.)

In 1802, Congress passed the act regulating trade and intercourse with the Indian tribes, in which they assert all the rights exercised over them under the old confederation, and do not alter in any degree their political relations, (3 Laws U. S. 460, et seq.) In the same year, Georgia ceded her lands west of her present boundary to the United States; and by the second article of the convention, the United States ceded to Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any

lands south of Tennessee, North or South Carolina, and east of the line of the cession by Georgia. So that Georgia now has all the rights attached to her by her sovereignty within her limits, and which are saved to her by the second section of the fourth article of the Constitution, and all the United States could cede either by their power over the territory or their treaties with the Cherokees.

The treaty with the Cherokees, made at Holston in 1791, contains only one article which has a bearing on the political relations of the contracting parties. In the second article, the Cherokees stipulate 'that the said Cherokee nation will not hold any treaty with any foreign power, individual State, or with individuals of any State.' (1 Laws U. S. 326.) This affords an instructive definition of the words *nation* and *treaty*. At the treaty of Hopewell, the Cherokees, though subdued and suing for peace, before divesting themselves of any of the rights or attributes of sovereignty which this Government ever recognised them as possessing by the consummation of the treaty, contracted in the name of the head men and warriors of all the Cherokees; but at Holston, in 1791, in abandoning their last remnant of political right, contracted as the Cherokee nation, thus ascending in title as they descended in power, and applying the word *treaty* to a contract with an individual: this consideration will divest words of their magic.

In thus testing the rights of the complainants as to their national character by the old confederation, resolutions and ordinances of the old Congress, the provisions of the Constitution, treaties held under the authority of both, and the subsequent legislation thereon, I have followed the rule laid down for my guide by this Court, in *Foster vs. Elam*, (2 Peters, 307,) in doing it 'according to the principles established by the political department of the Government.' 'If the course of the nation has been a plain one, its Courts would hesitate to pronounce it erroneous. However individual judges may construe them (treaties), it is the province of the Court to conform its decisions to the will of the Legislature, if that will has been clearly expressed.' That the existence of foreign States cannot be known to this Court judicially, except by some act or recognition of the other departments of this Government is, I think, fully established in the case of *Palmer*, (3 Wheat. 634, 5;) the *Pastora*, (4 Wheat. 63;) and the *Anna*, (6 Wheat. 193.)

I shall resort to the same high authority as the basis of my opinion on the powers of the State Governments. 'By the revolution the duties as well as the powers of Government devolved on the people of [Georgia] New Hampshire. It is admitted that among the latter were comprehended the transcendent powers of parliament, as well as those of the executive department.' Dartmouth College *vs.* Woodward, (4 Wheat. 451, 4 Wheat. 192;) Green *vs.* Biddle, (8 Wheat. 98;) Ogden *vs.* Saunders, (12 Wheat. 254, &c.) 'The same principle applies, though with no greater force, to the different States of America; for though they form a confederated government, yet the several States retain their individual sovereignties, and with respect to their municipal regulations are to each other foreign' Buckner *vs.* Findley, (2 Peters, 591.) The powers of government, which thus devolved on Georgia by the revolution, over her whole territory, are unimpaired by any surrender of her territorial jurisdiction, by the old confederation or the new Constitution, as there was in both an express saving, as well as by the tenth article of amendments.

But if any passed to the United States by either, they were retroceded by the convention of 1802. Her jurisdiction over the territory in question is as supreme as that of Congress over what the nation has acquired by cession from the States or treaties with foreign powers, combining the rights of the State and General Government. Within her boundaries there can be no other nation, community, or sovereign power, which this department can judicially recognise as a foreign State, capable of demanding or claiming our interposition, so as to enable them to exercise a jurisdiction incompatible with a sovereignty in Georgia, which has been recognised by the Constitution, and every department of this Government acting under its authority. Foreign States cannot be created by judicial construction; Indian sovereignty cannot be roused from its long slumber, and awakened to action by our fiat. I find no acknowledgement of it by the legislative or executive power. Till they have done so, I can stretch forth no arm for their relief without violating the Constitution. I say this with great deference to those from whom I dissent; but my judgment tells me, I have no power to act, and imperious duty compels me to stop at the portal, unless I can find some authority in

the judgments of this Court, to which I may surrender my own.

Indians have rights of occupancy to their lands, as sacred as the fee-simple, absolute title of the whites; but they are only rights of occupancy, incapable of alienation, or being held by any other than common right without permission from the Government. (8 Wheat. 592.) In Fletcher *vs.* Peck, this Court decided that the Indian occupancy was not absolutely repugnant to a seisin in fee in Georgia, that she had good right to grant land so occupied, that it was within the State, and could be held by purchasers under a law subject only to extinguishment of the Indian title. (6 Cranch, 88, 142. 9 Cranch, 11.) In the case of Johnson *vs.* M'Intosh, (8 Wheaton, 543, 571,) the nature of the Indian title to land on this continent, throughout its whole extent, was most ably and elaborately considered; leading to conclusions satisfactory to every jurist, clearly establishing that from the time of discovery under the royal government, the Colonies, the States, the Confederacy and this Union, their tenure was the same occupancy, their rights occupancy and nothing more; that the ultimate absolute fee, jurisdiction and sovereignty was in the Government, subject only to such rights; that grants vested soil and dominion, and the powers of Government, whether the land granted was vacant or occupied by Indians.

By the treaty of peace, the powers of Government and the rights of soil which had previously been in Great Britain, passed definitively to these States. (8 Wheat. 584.) They asserted these rights, and ceded soil and jurisdiction to the United States. The Indians were considered as tribes of fierce savages; a people with whom it was impossible to mix, and who could not be governed as a distinct society. They are not named or referred to in any part of the opinion of the Court as nations or States, and no where declared to have any national capacity or attributes of sovereignty in their relations to the General or State Governments. The principles established in this case have been supposed to apply to the rights which the nations of Europe claimed to acquire by discovery, as only relative between themselves, and that they did not assume thereby any rights of soil or jurisdiction over the territory in the actual occupation of the Indians. But the language of the Court is too explicit to be

misunderstood. 'This principle was, that discovery gave title to the Government by whose subjects or by whose authority it was made, against all other European Governments, which title might be consummated by possession.' Those relations which were to subsist between the discoverer and the natives, were to be regulated by themselves. The rights thus acquired being exclusive, no other power could interpose between them.

While the different nations of Europe respected the rights of the natives as occupants, they asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian rights of occupancy. The history of America from its discovery to the present day proves, we think, the universal recognition of these principles. (8 Wheat. 574.)

I feel it my duty to apply them to this case. They are in perfect accordance with those on which the Governments of the united and individual States have acted in all their changes: they were asserted and maintained by the Colonies, before they assumed independence. While dependent themselves on the crown, they exercised all the rights of dominion and sovereignty over the territory occupied by the Indians; and this is the first assertion by them of rights as a foreign State within the limits of a State. If their jurisdiction within their boundaries has been unquestioned until this controversy; if rights have been exercised which are directly repugnant to those now claimed; if the judicial power cannot divest the States of rights of sovereignty, and transfer them to the Indians, by decreeing them to be a nation, or foreign State, pre-existing, and with rightful jurisdiction and sovereignty over the territory they occupy. This would reverse every principle on which our Government have acted for fiftyfive years; and force, by mere judicial power, upon the other departments of this Government and the States of this Union, the recognition of the existence of nations and states within the limits of both, possessing dominion and jurisdiction paramount to the Federal and State Constitutions. It will be a declaration, in my deliberate judgment, that the sovereign power of the people of the United States and Union, must hereafter re-

main incapable of action over territory to which their rights in full dominion, have been asserted with the most rigorous authority, and bow to a jurisdiction hitherto unknown, unacknowledged by any department of the Government; denied by all through all time; unclaimed till now; and now declared to have been called into exercise, not by any change in our Constitution, the laws of the Union or the States; but pre-existing and paramount over the supreme law of the land.

I disclaim the assumption of a judicial power so awfully responsible. No assurance or certainty of support in public opinion, can induce me to disregard a law so supreme; so plain to my judgment and reason. Those, who have brought public opinion to bear on this subject, act under a mere moral responsibility; under no oath which binds their movements to the straight and narrow line drawn by the Constitution. Politics or philanthropy may impel them to pass it, but when their objects can be effectuated only by this Court, they must not expect its members to diverge from it, when they cannot conscientiously take the first step without breaking all the high obligations under which they administer the judicial power of the Constitution. The account of my executorship cannot be settled before the Court of public opinion, or any human tribunal. None can release the balance which will accrue by the violation of my solemn conviction of duty.

Mr Justice Thompson, dissenting:

Entertaining different views of the questions now before us in this case, and having arrived at a conclusion different from that of a majority of the Court, and considering the importance of the case and the constitutional principle involved in it, I shall proceed, with all due respect for the opinion of others, to assign the reasons upon which my own has been formed.

In the opinion pronounced by the Court, the merits of the controversy between the State of Georgia and the Cherokee Indians have not been taken into consideration. The denial of the application for an injunction, has been placed solely on the ground of want of jurisdiction in this Court to grant the relief prayed for. It became, therefore, unnecessary to inquire into the merits of the case. But thinking as I do, that the Court has jurisdiction of the case, and may grant relief, at least in part; it may become necessary for me, in the

course of my opinion, to glance at the merits of the controversy; which I shall, however, do very briefly, as it is important so far as relates to the present application.

Before entering upon the examination of the particular points which have been made and argued, and for the purpose of guarding against any erroneous conclusions, it is proper that I should state, that I do not claim for this Court, the exercise of jurisdiction upon any matter properly falling under the denomination of political power. Relief to the full extent prayed by the bill may be beyond the reach of this Court. Much of the matter therein contained, by way of complaint, would seem to depend for relief upon the exercise of political power; and as such, appropriately devolving upon the executive, and not the judicial department of the Government. This Court can grant relief so far only as the rights of person or property are drawn in question, and have been infringed.

It would very ill become the judicial station which I hold, to indulge in any remarks upon the hardship of the case, or the great injustice that would seem to have been done to the complainants, according to the statement in the bill, and which for the purpose of the present motion I must assume to be true. If they are entitled to other than judicial relief, it cannot be admitted that in a Government like ours, redress is not to be had in some of its departments; and the responsibility for its denial must rest upon those who have the power to grant it. But believing as I do, that relief to some extent falls properly under judicial cognisance, I shall proceed to the examination of the case under the following heads:

1. Is the Cherokee nation of Indians a competent party to sue in this Court?

2. Is a sufficient case made out in the bill, to warrant this Court in granting any relief?

3. Is an injunction the fit and appropriate relief?

1. By the Constitution of the United States, it is declared (Art. 3, § 2), that the judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority, &c. to controversies between two or more States, &c. and between a State or the citizens thereof; and foreign States, citizens or subjects.

The controversy in the present case

is alleged to be between a foreign State, and one of the States of the Union; and does not, therefore, come within the eleventh amendment of the Constitution, which declares that the judicial power of the United States, shall not be construed to extend to any suit in law, or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. This amendment does not, therefore, extend to suits prosecuted against one of the United States by a foreign State. The Constitution further provides, that in all cases where a State shall be a party, the Supreme Court shall have original jurisdiction. Under these provisions in the Constitution, the complainants have filed their bill in this Court, in the character of a foreign State, against the State of Georgia; praying an injunction to restrain that State from committing various alleged violations of the property of the nation, claimed under the laws of the United States, and treaties made with the Cherokee nation.

That a State of this Union may be sued by a foreign State, when a proper case exists and is presented, is too plainly and expressly declared in the Constitution to admit of doubt; and the first inquiry is, whether the Cherokee nation is a foreign State within the sense and meaning of the Constitution.

The terms *state* and *nation* are used in the law of nations, as well as in common parlance, as importing the same thing; and imply a body of men, united together, to procure their mutual safety and advantage by means of their union. Such a society has its affairs and interests to manage; it deliberates, and takes resolutions in common, and thus becomes a moral person, having an understanding and a will peculiar to itself, and is susceptible of obligations and laws. (Vattel, 1.) Nations being composed of men naturally free and independent, and who, before the establishment of civil societies, live together in the state of nature, nations or sovereign States; are to be considered as so many free persons, living together in a state of nature. (Vattel 2, § 4.) Every nation that governs itself, under what form soever, without any dependence on a foreign power, is a sovereign State. Its rights are naturally the same as those of any other State. Such are moral persons who live together in a natural society, under the law of nations. It is sufficient if it be really sovereign and independent; that is, it must govern itself

by its own authority and laws. We ought, therefore, to reckon in the number of sovereigns those States that have bound themselves to another more powerful, although by an unequal alliance. The conditions of these unequal alliances may be infinitely varied; but whatever they are, provided the inferior ally reserves to itself the sovereignty or the right to govern its own body, it ought to be considered an independent State. Consequently, a weak State, that, in order to provide for its safety, places itself under the protection of a more powerful one, without stripping itself of the right of government and sovereignty, does not cease on this account to be placed among the sovereigns who acknowledge no other power. Tributary and feudatory States do not thereby cease to be sovereign and independent States, so long as self government, and sovereign and independent authority is left in the administration of the State. (Vattel, c. 1, pp. 16, 17.)

Testing the character and condition of the Cherokee Indians by these rules, it is not perceived how it is possible to escape the conclusion, that they form a sovereign State. They have always been dealt with as such by the Government of the United States, both before and since the adoption of the present Constitution. They have been admitted and treated as a people governed solely and exclusively by their own laws, usages, and customs within their own territory, claiming and exercising exclusive dominion over the same; yielding up by treaty, from time to time, portions of their land, but still claiming absolute sovereignty and self government over what remained unsold. And this has been the light in which they have, until recently, been considered from the earliest settlement of the country by the white people. And indeed, I do not understand it is denied by a majority of the Court, that the Cherokee Indians form a sovereign State according to the doctrine of the law of nations; but that, although a sovereign State, they are not considered a foreign State within the meaning of the Constitution.

Whether the Cherokee Indians are to be considered a foreign State or not, is a point on which we cannot expect to discover much light from the law of nations. We must derive this knowledge chiefly from the practice of our own Government, and the light in which the nation has been viewed and treated by it.

That numerous tribes of Indians, and among others the Cherokee nation, occupied many parts of this country long before the discovery by Europeans, is abundantly established by history; and it is not denied but that the Cherokee nation occupied the territory now claimed by them long before that period. It does not fall within the scope and object of the present inquiry to go into a critical examination of the nature and extent of the rights growing out of such occupancy, or the justice and humanity with which the Indians have been treated, or their rights respected.

That they are entitled to such occupancy, so long as they choose quietly and peaceably to remain upon the land, cannot be questioned. The circumstance of their original occupancy is here referred to, merely for the purpose of showing, that if these Indian communities were then, as they certainly were, nations, they must have been foreign nations, to all the world; not having any connection or alliance of any description, with any other power on earth. And if the Cherokees were then a foreign nation, when or how have they lost that character, and ceased to be a distinct people, and become incorporated with any other community?

They have never been, by conquest, reduced to the situation of subjects to any conqueror, and thereby lost their separate national existence, and the rights of self-government, and become subject to the laws of the conqueror. Whenever wars have taken place, they have been followed by regular treaties of peace, containing stipulations on each side according to existing circumstances; the Indian nation always preserving its distinct and separate national character. And notwithstanding we do not recognise the right of the Indians to transfer the absolute title of their lands to any other than ourselves; the right of occupancy is still admitted to remain in them, accompanied with the right of self-government, according to their own usages and customs; and with the competency to act in a national capacity, although placed under the protection of the whites, and owing a qualified subjection so far as is requisite for public safety. But the principle is universally admitted, that this occupancy belongs to them as matter of right, and not by mere indulgence. They cannot be disturbed in the enjoyment of it, or deprived of it, without their free consent; or unless a just and necessary war should sanction their dispossession.

In this view of their situation, there is as full and complete recognition of their sovereignty, as if they were the absolute owners of the soil. The progress made in civilization by the Cherokee Indians cannot surely be considered as in any measure destroying their national or foreign character, so long as they are permitted to maintain a separate and distinct government; it is their political condition that constitutes their *foreign* character, and in that sense must the term *foreign* be understood as used in the Constitution. It can have no relation to local, geographical, or territorial position. It cannot mean a country beyond sea. Mexico or Canada is certainly to be considered a foreign country, in reference to the United States. It is the political relation in which one government or country stands to another, which constitutes it foreign to the other. The Cherokee territory being within the chartered limits of Georgia, does not affect the question. When Georgia is spoken of as a State, reference is had to its political character, and not to boundary; and it is not perceived that any absurdity or inconsistency grows out of the circumstance, that the jurisdiction and territory of the State of Georgia surround or extend on every side of the Cherokee territory. It may be inconvenient to the State, and very desirable, that the Cherokees should be removed; but it does not at all affect the political relation between Georgia and those Indians. Suppose the Cherokee territory had been occupied by Spaniards or any other civilized people, instead of Indians, and they had from time to time ceded to the United States portions of their lands precisely in the same manner as the Indians have done, and in like manner retained and occupied the part now held by the Cherokees, and having a regular government established there: would it not only be considered a separate and distinct nation or State, but a foreign nation, with reference to the State of Georgia or the United States. If we look to lexicographers, as well as approved writers, for the use of the term *foreign*, it may be applied with the strictest propriety to the Cherokee nation.

In a general sense it is applied to any person or thing belonging to another nation or country. We call an alien a foreigner, because he is not of the country in which we reside. In a political sense we call every country foreign, which is not within the jurisdiction of the same Government. In this sense,

Scotland before the union was foreign to England; and Canada and Mexico foreign to the United States. In the United States all transatlantic countries are foreign to us. But this is not the only sense in which it is used.

It is applied with equal propriety to an adjacent territory, as to one more remote. Canada or Mexico is as much foreign to us as England or Spain. And it may be laid down as a general rule, that when used in relation to countries in a political sense, it refers to the jurisdiction or government of the country. In a commercial sense, we call all goods coming from any country not within our own jurisdiction foreign goods.

In the diplomatic use of the term, we call every minister a foreign minister who comes from another jurisdiction or Government. And this is the sense in which it is judicially used by this Court, even as between the different States of this Union. In the case of *Buckner vs. Finlay*, (2 Peters, 590,) it was held that a bill of exchange drawn in one State of the Union, on a person living in another State, was a foreign bill, and to be treated as such in the Courts of the United States. The Court says, that in applying the definition of a foreign bill, to the political character of the several States of this Union, in relation to each other, we are all clearly of opinion, that bills drawn in one of these States upon persons living in another of them, partake of the character of foreign bills, and ought to be so treated. That for all national purposes embraced by the federal Constitution, the States and the citizens thereof are one; united under the same sovereign authority, and governed by the same laws. In all other respects, the States are necessarily foreign to, and independent of each other; their Constitutions and forms of Government being, although republican, altogether different, as are their laws and institutions. So in the case of *Warder vs. Arrell*, decided in the Court of Appeals of Virginia, (2 Wash. 298.) The Court, in speaking of foreign contracts, and saying that the laws of the foreign country where the contract was made must govern, add; the same principle applies, though with no greater force, to the different States of America: for though they form a confederated Government, yet the several States retain their individual sovereignties; and, with respect to their municipal regulations, are to each other foreign.

It is manifest from these cases, that a foreign State, judicially considered, con-

sists in its being under a different jurisdiction or government, without any reference to its territorial position. This is the marked distinction, particularly in the case of *Buckner vs. Finlay*. So far as these States are subject to the laws of the Union, they are not foreign to each other. But so far as they are subject to their own respective State laws, and government, they are foreign to each other. And if, as here decided, a separate and distinct jurisdiction or government is the test by which to decide whether a nation be foreign or not; I am unable to perceive any sound and substantial reason why the Cherokee nation should not be so considered. It is governed by its own laws, usages, and customs: it has no connection with any other government or jurisdiction, except by way of treaties entered into with like form and ceremony as with other foreign nations. And this seems to be the view taken of them by Mr Justice Johnson in the case of *Fletcher vs. Peck*, (6 Cranch, 146; 2 Peters's Condens. Rep. 308.)

In speaking of the state and condition of the different Indian nations, he observes, 'that some have totally extinguished their national fire, and submitted themselves to the laws of the States; others have by treaty acknowledged that they hold their national existence at the will of the State, within which they reside; others retain a limited sovereignty, and the absolute proprietorship of their soil. The latter is the case of the tribes to the west of Georgia, among which are the Cherokees. We legislate upon the conduct of strangers or citizens within their limits, but innumerable treaties formed with them acknowledge them to be an independent people: and the uniform practice of acknowledging their right of soil by purchasing from them, and restraining all persons from encroaching upon their territory, makes it unnecessary to insist upon their rights of soil.'

Although there are many cases in which one of these United States has been sued by another, I am not aware of any instance in which one of the United States has been sued by a foreign State. But no doubt can be entertained that such an action might be sustained upon a proper case being presented. It is expressly provided for in the Constitution; and this provision is certainly not to be rejected as entirely nugatory.

Suppose a State, with the consent of Congress, should enter into an agreement with a foreign power (as might

undoubtedly be done, Constitution, Art. 1, §10) for a loan of money; would not an action be sustained in this Court to enforce payment thereof? Or suppose the State of Georgia, with the consent of Congress, should purchase the right of the Cherokee Indians to this territory, and enter into a contract for the payment of the purchase money; could there be a doubt that an action could be sustained upon such a contract? No objection would certainly be made for want of competency in that nation to make a valid contract. The numerous treaties entered into with the nation would be a conclusive answer to any such objection. And if an action could be sustained in such case, it must be under that provision in the Constitution which gives jurisdiction to this Court in controversies between a State and a foreign State. For the Cherokee nation is certainly not one of the United States.

And what possible objection can lie to the right of the complainants to sustain an action? The treaties made with this nation purport to secure to it certain rights. These are not gratuitous obligations assumed on the part of the United States. They are obligations founded upon a consideration paid by the Indians by cession of part of their territory. And if they, as a nation, are competent to make a treaty or contract, it would seem to me to be a strange inconsistency to deny to them the right and the power to enforce such a contract. And where the right secured by such treaty forms^d a proper subject for judicial cognisance, I can perceive no reason why this Court has not jurisdiction of the case. The Constitution expressly gives to the Court jurisdiction in all cases of law and equity arising under treaties made with the United States. No suit will lie against the United States upon such treaty, because no possible case can exist where the United States can be sued. But not so with respect to a State: and if any right secured by treaty has been violated by a State, in a case proper for judicial inquiry, no good reason is perceived why an action may not be sustained for violation of a right secured by treaty, as well as by contract under any other form. The judiciary is certainly not the department of the government authorised to enforce all rights that may be recognised and secured by treaty. In many instances, these are mere political rights with which the judiciary cannot deal. But when the question relates to a mere right of property, and a proper case can be made between competent

parties; it forms a proper subject for judicial inquiry.

It is a rule which has been repeatedly sanctioned by this Court, that the judicial department is to consider as sovereign and independent States or nations those powers, that are recognised as such by the executive and legislative departments of the Government; they being more particularly entrusted with our foreign relations. (4 Cranch, 241, 2 Peters's Condens. Rep. 98; 3 Wheat. 634; 4 Wheat. 64.)

If we look to the whole course of treatment by this country of the Indians, from the year 1775, to the present day, when dealing with them in their aggregate capacity as nations or tribes, and regarding the mode and manner in which all negotiations have been carried on and concluded with them; the conclusion appears to me irresistible, that they have been regarded, by the executive and legislative branches of the Government, not only as sovereign and independent, but as foreign nations or tribes, not within the jurisdiction nor under the government of the States within which they were located. This remark is to be understood, of course, as referring only to such as live together as a distinct community, under their own laws, usages, and customs; and not to the mere remnant of tribes which are to be found in many parts of our country, who have become mixed with the general population of the country: their national character extinguished; and their usages and customs in a great measure abandoned; self-government surrendered; and who have voluntarily, or by the force of circumstances which surrounded them, gradually become subject to the laws of the States within which they are situated.

Such, however, is not the case with the Cherokee nation. It retains its usages, and customs, and self-government, greatly improved by the civilization which it has been the policy of the United States to encourage and foster among them. All negotiations carried on with the Cherokees and other Indian nations have been by way of treaty with all the formality attending the making of treaties with any foreign power. The journals of Congress, from the year 1775 down to the adoption of the present Constitution, abundantly establish this fact. And since that period such negotiations have been carried on by the treaty-making power, and uniformly under the denomination of treaties.

What is a treaty as understood in the

law of nations? It is an agreement or contract between two or more nations or sovereigns, entered into by agents appointed for that purpose, and duly sanctioned by the supreme power of the respective parties. And where is the authority, either in the Constitution or in the practice of the Government, for making any distinction between treaties made with the Indian nations and any other foreign power? They relate to peace and war; the surrender of prisoners; the cession of territory; and the various subjects which are usually embraced in such contracts between sovereign nations.

A recurrence to the various treaties made with the Indian nations and tribes in different parts of the country, will fully illustrate this view of the relation in which our Government has considered the Indians as standing. It will be sufficient, however, to notice a few of the many treaties made with this Cherokee nation.

By the treaty of Hopewell, of the 28th November, 1785, (1 Laws U. S. 322,) mutual stipulations are entered into, to restore all prisoners taken by either party, and the Cherokees stipulate to restore all negroes, and all other property taken from the citizens of the United States; and a boundary line is settled between the Cherokees, and the citizens of the United States, and this embraced territory within the chartered limits of Georgia. And by the sixth article it is provided, that if any Indian, or person residing among them, or who shall take refuge in their nation, shall commit a robbery, or murder, or other capital crime on any citizen of the United States, or person under their protection, the nation or tribe to which such offender may belong shall deliver him up to be punished according to the ordinances of the United States. What more explicit recognition of the sovereignty and independence of this nation could have been made? It was a direct acknowledgement, that this territory was under a foreign jurisdiction. If it had been understood, that the jurisdiction of the State of Georgia extended over this territory, no such stipulation would have been necessary. The process of the Courts of Georgia would have run into this as well as into any other part of the State. It is a stipulation analogous to that contained in the treaty of 1794, with England, (1 Laws U. S. 220,) by the twentyseventh article of which it is mutually agreed, that each party will deliver up to justice all per-

sons, who, being charged with murder or forgery committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other. Upon what ground can any distinction be made, as to the reason and necessity of such stipulation, in the respective treaties. The necessity for the stipulation in both cases must be, because the process of one government and jurisdiction will not run into that of another; and separate and distinct jurisdiction, as has been shown, is what makes governments and nations foreign to each other in their political relations.

The same stipulation, as to delivering up criminals who shall take refuge in the Cherokee nation, is contained in the treaty of Holston of the 2d of July 1791, (1 Laws U. S. 327.) And the eleventh article fully recognises the jurisdiction of the Cherokee nation over the territory occupied by them. It provides, that if any citizen of the United States shall go into the territory belonging to the Cherokees, and commit any crime upon, or trespass against the person, or property of any friendly Indian, which, if committed within the jurisdiction of any State, would be punishable by the laws of such State, shall be subject to the same punishment, and proceeded against in the same manner, as if the offence had been committed within the jurisdiction of the State. Here is an explicit admission that the Cherokee territory is not within the jurisdiction of any State. If it had been considered within the jurisdiction of Georgia, such a provision would not only be unnecessary but absurd. It is a provision looking to the punishment of a citizen of the United States for some act done in a foreign country. If exercising exclusive jurisdiction over a country is sufficient to constitute the State or power so exercising it a foreign State, the Cherokee nation may assuredly with the greatest propriety be so considered.

The phraseology of the clause in the Constitution, giving to Congress the power to regulate commerce, is supposed to afford an argument against considering the Cherokees a foreign nation. The clause reads thus, 'to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.' (Constitution, Art. 1, § 8.) The argument is, that if the Indian tribes are foreign nations, they would have been included without being specially named, and being so named imports something different from the previous term 'foreign nations.'

This appears to me to partake too much of a mere verbal criticism, to draw after it the important conclusion that Indian tribes are not foreign nations. But the clause affords, irresistibly, the conclusion, that the Indian tribes are not there understood as included within the description, of the 'several States;' or there could have been no fitness in immediately thereafter particularising 'the Indian tribes.'

It is generally understood that every separate body of Indians is divided into bands or tribes, and forms a little community within the nation to which it belongs; and as the nation has some particular symbol by which it is distinguished from others, so each tribe has a badge from which it is denominated, and each tribe may have rights applicable to itself.

Cases may arise where the trade with a particular tribe may require to be regulated, and which might not have been embraced under the general description of the term *nation*, or it might at least have left the case somewhat doubtful; as the clause was intended to vest in Congress the power to regulate all commercial intercourse, this phraseology was probably adopted to meet all possible cases; and the provision would have been imperfect, if the term *Indian tribes* had been omitted.

Congress could not then have regulated the trade with any particular tribe that did not extend to the whole nation. Or, it may be, that the term *tribe* is here used as importing the same thing as that of *nation*, and adopted merely to avoid the repetition of the term *nation*: and the Indians are specially named, because there was a provision somewhat analogous in the confederation; and entirely omitting to name the Indian tribes, might have afforded some plausible grounds for concluding that this branch of commercial intercourse was not subject to the power of Congress.

On examining the journals of the old Congress, which contain numerous proceedings and resolutions respecting the Indians, the terms 'nation' and 'tribe' are frequently used indiscriminately, and as importing the same thing; and treaties were sometimes entered into with the Indians, under the description or denomination of tribes, without naming the nation. See Journals 30th June and 12th July 1775; 8th March 1776; 20th October 1777, and numerous other instances.

But whether any of these suggestions

will satisfactorily account for the phraseology here used, or not, it appears to me to be of too doubtful import to outweigh the considerations to which I have referred, to show that the Cherokees are a foreign nation. The difference between the provision in the Constitution and that in the confederation on this subject, appears to me to show very satisfactorily, that so far as related to trade and commerce with the Indians wherever found in tribes, whether within or without the limits of a State, was subject to the regulation of Congress.

The provision in the confederation, Art. 9, (1 Laws United States, 17,) is, that Congress shall have the power of regulating the trade and management of all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated. The true import of this provision is certainly not very obvious; see Federalist, No. 42. What were the legislative rights intended to be embraced within the proviso is left in great uncertainty. But whatever difficulty on that subject might have arisen under the confederation, it is entirely removed by the omission of the proviso in the present Constitution; thereby leaving this power entirely with Congress, without regard to any State right on the subject; and showing that the Indian tribes were considered as distinct communities, although within the limits of a State.

The provision, as contained in the confederation, may aid in illustrating what is to be inferred from some parts of the Constitution, (Art. 1, § 1, par. 3,) as to the apportionment of representatives, and acts of Congress in relation to the Indians, to wit, that they are divided into two distinct classes. One composed of those who are considered members of the State within which they reside, and the other not: the former embracing the remnant of the tribes who had lost their distinctive character as a separate community, and had become subject to the laws of the States; and the latter such as still retained their original connection as tribes, and live together under their own laws, usages and customs, and, as such, are treated as a community independent of the State. No very important conclusion, I think, therefore, can be drawn from the use of the term 'tribe' in this clause of the Constitution; intended merely for commercial regulations. If considered as importing the same thing as the term

'nation,' it might have been adopted to avoid the repetition of the word *nation*.

Other instances occur in the Constitution where different terms are used importing the same thing. Thus, in the clause giving jurisdiction to this Court, the term 'foreign States,' is used instead of 'foreign nations,' as in the clause relating to commerce. And again, in Art. 1, § 10, a still different phraseology is employed. 'No State, without the consent of Congress, shall enter into any agreement or compact with a "foreign power."' But each of these terms, nation, State, power, as used in different parts of the Constitution, imports the same thing, and does not admit of a different interpretation. In the treaties made with the Indians, they are sometimes designated under the name of *tribe*, and sometimes that of *nation*. In the treaty of 1804, with the Delaware Indians, they are denominated the 'Delaware tribe of Indians.' (1 Laws United States, 305.) And in a previous treaty with the same people in the year 1778, they are designated by the name of 'the Delaware nation.' (1 Laws United States, 302.)

As this was one of the earliest treaties made with the Indians, its provisions may serve to show in what light the Indian nations were viewed by Congress at that day.

The territory of the Delaware nation was within the limits of the States of New York, Pennsylvania, and New Jersey. Yet we hear of no claim of jurisdiction set up by those States over these Indians. This treaty, both in form and substance, purports to be an arrangement with an independent sovereign power. It even purports to be articles of confederation. It contains stipulations relative to peace and war, and for permission to the United States troops to pass through the country of the Delaware nation. That neither party shall protect in their respective States, servants, slaves, or criminals, fugitives from the other; but secure, and deliver them up. Trade is regulated between the parties. And the sixth article shows the early pledge of the United States to protect the Indians in their possessions, against any claims or encroachments of the States. It recites, that whereas the enemies of the United States have endeavored to impress the Indians in general with an opinion that it is the design of the States to extirpate the Indians, and take possession of their country; to obviate such false suggestions, the United

States do engage to guaranty to the aforesaid nation of Delawares and their heirs, all their territorial rights, in the fullest and most ample manner, as it has been bounded by former treaties, &c. And provision is even made for inviting other tribes to join the confederacy; and to form a State; and have a representation in Congress, should it be found conducive to the mutual interest of both parties. All which provisions are totally inconsistent with the idea of these Indians being considered under the jurisdiction of the States; although their chartered limits might extend over them.

The recital, in this treaty, contains a declaration and admission of Congress of the rights of Indians in general; and that the impression which our enemies were endeavoring to make, that it was the design of the States to extirpate them and take their lands, was false. And the same recognition of their rights runs through all the treaties made with the Indian nations or tribes, from that day down to the present time.

The twelfth article of the treaty of Hopewell, contains a full recognition of the sovereign and independent character of the Cherokee nation. To impress upon them full confidence in the justice of the United States respecting their interest, they have a right to send a deputy of their choice to Congress. No one can suppose that such deputy was to take his seat as a member of Congress; but that he would be received as the agent of that nation. It is immaterial what such agent is called, whether minister, commissioner, or deputy; he is to represent his principal.

There could have been no fitness or propriety in any such stipulation, if the Cherokee nation had been considered in any way incorporated with the State of Georgia, or as citizens of that State. The idea of the Cherokees being considered citizens is entirely inconsistent with several of our treaties with them. By the eighth article of the treaty of the 26th December, 1817, (6 Laws U. S. 706,) the United States stipulate to give 640 acres of land to each head of any Indian family, residing on the lands now ceded, or which may hereafter be surrendered to the United States, who may wish to become citizens of the United States; so also the second article of the treaty with the same nation, of the 10th of March, 1819, contains the same stipulation in favor of the heads of families, who may choose to become citizens of the United States; thereby clearly show-

ing that they were not considered citizens at the time those stipulations were entered into, or the provision would have been entirely unnecessary if not absurd. And if not citizens, they must be aliens or foreigners, and such must be the character of each individual belonging to the nation. And it was, therefore, very aptly asked on the argument, and I think not very easily answered, how a nation composed of aliens or foreigners can be other than a foreign nation.

The question touching the citizenship of an Oneida Indian came under the consideration of the Supreme Court of New York in the case of Jackson *vs.* Goodel, (20 Johns. 193.) The lessor of the plaintiff was the son of an Oneida Indian who had received a patent for the lands in question, as an officer in the revolutionary war; and although the Supreme Court, under the circumstances of the case, decided he was a citizen, yet Chief Justice Spencer observed; we do not mean to say, that the condition of the Indian tribes (alluding to the Six Nations), at former and remote periods, has been that of subjects or citizens of the State; their condition has been gradually changing, until they have lost every attribute of sovereignty, and become entirely dependent upon and subject to our government. But the cause being carried up to the Court of Errors, Chancellor Kent, in a very elaborate and able opinion on that question, came to a different conclusion as to the citizenship of the Indian, even under the strong circumstances of that case.

'The Oneidas,' he observed, and 'the tribes composing the Six Nations of Indians, were originally free and independent nations, and it is for the counsel who contend that they have now ceased to be a distinct people and become completely incorporated with us, to point out the time when that event took place. In my view they have never been regarded as citizens, or members of our body politic. They have always been, and still are, considered by our laws as dependent tribes, governed by their own usages and chiefs; but placed under our protection, and subject to our coercion, so far as the public safety required it, and no further. The whites have been gradually pressing upon them, as they kept receding from the approaches of civilization. We have purchased the greater part of their lands, destroyed their hunting grounds, subdued the wilderness around them, overwhelmed them

with our population, and gradually abridged their native independence. Still they are permitted to exist as distinct nations, and we continue to treat with their sachems in a national capacity, and as being the lawful representatives of their tribes. Through the whole course of our colonial history, these Indians were considered dependent allies. The colonial authorities uniformly negotiated with them, and made and observed treaties with them as sovereign communities, exercising the right of free deliberation and action; but, in consideration of protection, owing a qualified subjection in a national capacity to the British crown. No argument can be drawn against the sovereignty of these Indian nations, from the fact of their having put themselves and their lands under the protection of the British crown: such a fact is of frequent occurrence between independent nations. One community may be bound to another by a very unequal alliance, and still be a sovereign State. (Vat. B. 1, ch. 16, § 194.) The Indians, though born within our territorial limits, are considered as born under the dominion of their own tribes. There is nothing in the proceedings of the United States during the revolutionary war, which went to impair and much less to extinguish the national character of the Six Nations, and consolidate them with our own people. Every public document speaks a different language, and admits their distinct existence and competence as nations; but placed in the same state of dependence, and calling for the same protection which existed before the war. In the treaties made with them, we have the forms and requisites peculiar to the intercourse between friendly and independent States; and they are conformable to the received institutes of the law of nations. What more demonstrable proof can we require of existing and acknowledged sovereignty?

If this be a just view of the Oneida Indians, the rules and principles here applied to that nation, may, with much greater force, be applied to the character, state, and condition of the Cherokee nation of Indians; and we may safely conclude that they are not citizens, and must of course be aliens; and, if aliens in their individual capacities, it will be difficult to escape the conclusion, that, as a community, they constitute a foreign nation or State, and thereby become a competent party to maintain an action in this Court, according to the express terms of the Constitution.

And why should this Court scruple to consider this nation a competent party to appear here?

Other departments of the Government, whose right it is to decide what powers shall be recognised as sovereign and independent nations, have treated this nation as such. They have considered it competent, in its political and national capacity, to enter into contracts of the most solemn character; and if these contracts contain matter proper for judicial inquiry, why should we refuse to entertain jurisdiction of the case? Such jurisdiction is expressly given to this Court in cases arising under treaties. If the executive department does not think proper to enter into treaties or contracts with the Indian nations, no case with them can arise calling for judicial cognisance. But when such treaties are found containing stipulations proper for judicial cognisance, I am unable to discover any reasons satisfying my mind that this Court has not jurisdiction of the case:

The next inquiry is, whether such a case is made out in the bill as to warrant this Court in granting any relief?

I have endeavored to show, that the Cherokee nation is a foreign State; and, as such, a competent party to maintain an original suit in this Court, against one of the United States. The injuries complained of, are violations committed and threatened upon the property of the complainants, secured to them by the laws and treaties of the United States. Under the Constitution, the judicial power of the United States extends expressly to all cases in law and equity, arising under the laws of the United States, and treaties made, or which shall be made, under the authority of the same.

In the case of *Osborn vs. The United States Bank*, (9 Wheat. 819,) the Court say, that this clause in the Constitution enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws, and treaties of the United States, when any question respecting them shall assume such a form that the judicial power is capable of acting on it. That power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form presented by law. It then becomes a case, and the Constitution authorises the application of the judicial power.

The question presented in the present case is, under the ordinary form of judicial proceedings, to obtain an injunction

to prevent or stay a violation of the rights of property claimed and held by the complainants, under the treaties and laws of the United States; which, it is alleged, have been violated by the State of Georgia. Both the form, and the subject matter of the complaint, therefore, fall properly under judicial cognizance.

What the rights of property in the Cherokee nation are, may be discovered from the several treaties which have been made between the United States and that nation between the years 1785, and 1819. It will be unnecessary to notice many of them. They all recognise in the most unqualified manner, a right of property in this nation, to the occupancy at least, of the lands in question. It is immaterial whether this interest is a mere right of occupancy, or an absolute right to the soil. The complaint is for a violation, or threatened violation, of the possessory right. And this is a right, in the enjoyment of which, they are entitled to protection, according to the doctrine of this Court in the cases of *Fletcher vs. Peck*, (6 Cranch 87, 2 Peters's Cond. Rep. 308,) and *Johnson vs. M'Intosh*, (8 Wheat. 592.) By the fourth article of the treaty of Hopewell, as early as the year 1785, (1 Laws United States, 323,) the boundary line between the Cherokees and the citizens of the United States within the limits of the United States is fixed. The fifth article provides for the removal and punishment of citizens of the United States or other persons, not being Indians, who shall attempt to settle on the lands so allotted to the Indians; thereby not only surrendering the exclusive possession of these lands to this nation, but providing for the protection and enjoyment of such possession. And, it may be remarked, in corroboration of what has been said in a former part of this opinion, that there is here drawn a marked line of distinction between the Indians and citizens of the United States; entirely excluding the former from the character of citizens.

Again, by the treaty of Holston, in 1791, (1 Laws United States, 325) the United States purchase a part of the territory of this nation, and a new boundary line is designated, and provision made for having it ascertained and marked. The mere act of purchasing and paying a consideration for these lands, is a recognition of the Indian right. In addition to which, the United States, by the seventh article, solemnly guarantee to the Cherokee nation all

their lands not ceded by that treaty. And by the eighth article it is declared, that any citizens of the United States, who shall settle upon any of the Cherokee lands, shall forfeit the protection of the United States; and the Cherokees may punish them or not as they shall please.

This treaty was made soon after the adoption of the present Constitution. And in the last article it is declared that it shall take effect, and be obligatory upon the contracting parties as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate; thereby showing the early opinion of the government of the character of the Cherokee nation. The contract is made by way of treaty, and to be ratified in the same manner as all other treaties made with sovereign and independent nations; and which has been the mode of negotiating in all subsequent Indian treaties.

And this course was adopted by President Washington upon great consideration, by and with the previous advice and concurrence of the Senate. In his message, sent to the Senate on that occasion, he states, that the white people had intruded on the Indian lands, as bounded by the treaty of Hopewell, and declares his determination to execute the power entrusted to him by the Constitution, to carry that treaty into faithful execution; unless a new boundary should be arranged with the Cherokees, embracing the intrusive settlements, and compensating the Cherokees therefor. And he puts to the Senate this question: shall the United States stipulate solemnly to guaranty the new boundary which shall be arranged? Upon which the Senate resolve, that in case a new, or other boundary than that stipulated by the treaty of Hopewell shall be concluded with the Cherokee Indians, the Senate do advise and consent, solemnly, to guaranty the same. (1 Executive Journal, 60.) In consequence of which the treaty of Holston was entered into, containing the guarantee.

Further cessions of land have been made at different times, by the Cherokee nation to the United States, for a consideration paid therefor; and, as the treaties declare, in acknowledgment for the protection of the United States: (see treaty of 1798, 1 Laws U. S. 332,) the United States always recognising, in the fullest manner, the Indian right of possession: and in the treaty of the 8th of July 1817, art. 5 (6 Laws U. S.

702,) all former treaties are declared to be in full force; and the sanction of the United States is given to the proposition of a portion of the nation to begin the establishment of fixed laws and a regular government: thereby recognising in the nation a political existence, capable of forming an independent government, separate and distinct from, and in no manner whatever under the jurisdiction of the State of Georgia; and no objection is known to have been made by that State.

And, again, in 1819, (6 Laws U. S. 748,) another treaty is made sanctioning and carrying into effect the measures, contemplated by the treaty of 1817; beginning with a recital that the greater part of the Cherokees have expressed an earnest desire to remain on this side of the Mississippi, and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, of the 8th of July 1817, might, without further delay, be finally adjusted, have offered to make a further cession of land, &c. This cession is accepted, and various stipulations entered into, with a view to their civilization, and the establishment of a regular government, which has since been accomplished. And by the fifth article it is stipulated, that all white people who have intruded, or who shall thereafter intrude on the lands reserved for the Cherokees, shall be removed by the United States, and proceeded against according to the provisions of the act of 1802, entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.' (3 Laws U. S. 460.) By this act, the boundary lines, established by treaty with the various Indian tribes, are required to be ascertained and marked; and among others, that with the Cherokee nation, according to the treaty of the 2d of October 1798.

It may be necessary here, briefly to notice, some of the provisions of this act of 1802, so far as it goes to protect the rights of property in the Indians; for the purpose of seeing whether there has been any violation of those rights by the State of Georgia, which falls properly under judicial cognisance. By this act, it is made an offence punishable by fine and imprisonment, for any citizen or other person resident in the United States, or either of the territorial districts, to cross over or go within the boundary line, to hunt or destroy the

game, or drive stock to range or feed on the Indian lands, or to go into any country, allotted to the Indians, without a passport, or to commit therein any robbery, larceny, trespass, or other crime, against the person or property of any friendly Indian, which would be punishable, if committed within the jurisdiction of any State, against a citizen of the United States, thereby necessarily implying that the Indian territory secured by treaty was not within the jurisdiction of any State. The act further provides, that when property is taken or destroyed, the offender shall forfeit and pay twice the value of the property so taken or destroyed. And by the fifth section it is declared, that if any citizen of the United States, or other person, shall make a settlement on any lands belonging or secured, or guaranteed, by treaty with the United States to any Indian tribe; or shall survey or attempt to survey, such lands, or designate any of the boundaries, by marking trees or otherwise; such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months.

This act contains various other provisions for the purpose of protecting the Indians in the free and uninterrupted enjoyment of their lands: and authority is given (§ 16) to employ the military force of the United States to apprehend all persons who shall be found, in the Indian country, in violation of any of the provisions of the act; and deliver them up to the civil authority, to be proceeded against in due course of law.

It may not be improper here to notice some diversity of opinion that has been entertained with respect to the construction of the nineteenth section of this act, which declares that nothing therein contained shall be construed to prevent any trade or intercourse with the Indians living on lands surrounded by settlements of citizens of the United States, and being within the ordinary jurisdiction of any of the individual States. It is understood that the State of Georgia contends that the Cherokee nation come within this section, and are subject to the jurisdiction of that State. Such a construction makes the act inconsistent with itself, and directly repugnant to the various treaties entered into between the United States and the Cherokee Indians. The act recognises and adopts the boundary line as settled by treaty. And by these treaties, which are in full force, the United States sol-

emly guaranty to the Cherokee nation, are all their lands not ceded to the United States; and these lands lie within the chartered limits of Georgia: and this was a subsisting guarantee under the treaty of 1791, when the act of 1802 was passed. It would require the most unequivocal language to authorise a construction so directly repugnant to these treaties.

But this section admits of a plain and obvious interpretation, consistent with other parts of the act, and in harmony with these treaties. The reference undoubtedly is to that class of Indians which has already been referred to, consisting of the mere remnants of tribes, which have become almost extinct; and who have, in a great measure, lost their original character, and abandoned their usages and customs, and become subject to the laws of the State, although in many parts of the country, living together, and surrounded by the whites. They cannot be said to have any distinct government of their own, and are within the ordinary jurisdiction and government of the State where they are located.

But such was not the condition and character of the Cherokee nation, in any respect whatever, in the year 1802, or at any time since. It was a numerous and distinct nation, living under the government of their own laws, usages, and customs, and in no sense under the ordinary jurisdiction of the State of Georgia; but under the protection of the United States, with a solemn guarantee by treaty of the exclusive right to the possession of their lands. This guarantee is to the Cherokees in their national capacity. Their land is held in common, and every invasion of their possessory right is an injury done to the nation, and not to any individual. No private or individual suit could be sustained: the injury done being to the nation, the remedy sought must be in the name of the nation. All the rights secured to these Indians, under any treaties made with them, remain unimpaired. These treaties are acknowledged by the United States to be in full force, by the proviso to the seventh section of the act of the 28th May 1830; which declares, that nothing in this act contained shall be construed as authorising or directing the violation of any existing treaty between the United States and any Indian tribes.

That the Cherokee nation of Indians have, by virtue of these treaties, an exclusive right of occupancy of the lands in question, and that the United States

are bound under their guarantee, to protect the nation in the enjoyment or such occupancy; cannot, in my judgment, admit of a doubt: and that some of the laws of Georgia set out in the bill are in violation of, and in conflict with those treaties and the act of 1802, is to my mind equally clear. But a majority of the court, having refused the injunction, so that no relief whatever can be granted, it would be a fruitless inquiry for me to go at large into an examination of the extent to which relief might be granted by this court, according to my own view of the case.

I certainly, as before observed, do not claim, as belonging to the judiciary, the exercise of political power. That belongs to another branch of the government. The protection and enforcement of many rights, secured by treaties, most certainly do not belong to the judiciary. It is only where the rights of persons or property are involved, and when such rights can be presented under some judicial form of proceedings, that courts of justice can interpose relief.

This Court can have no right to pronounce an abstract opinion upon the constitutionality of a State law. Such law must be brought into actual or threatened operation, upon rights properly falling under judicial cognisance, or a remedy is not to be had here.

The laws of Georgia set out in the bill, if carried fully into operation, go the length of abrogating all the laws of the Cherokees, abolishing their government, and entirely subverting their national character. Although the whole of these laws may be in violation of the treaties made with this nation, it is probable this court cannot grant relief to the full extent of the complaint. Some of them, however, are so directly at variance with these treaties and the laws of the United States, touching the rights of property secured to them, that I can perceive no objection to the application of judicial relief. The State of Georgia certainly could not have intended these laws as declarations of hostility, or wish their execution of them to be viewed in any manner whatever as acts of war; but merely as an assertion of what is claimed as a legal right; and in this light ought they to be considered by this court.

The act of the 2d of December, 1830, is entitled 'an act to authorise the governor to take possession of the gold and silver and other mines lying, and being in that section of the chartered limits of Georgia, commonly called the Cherokee country, and those upon all other

unappropriated lands of the State, and for punishing persons who may be found trespassing on the mines.' The preamble to this act asserts the title to these mines to belong to the State of Georgia; and by its provisions twenty thousand dollars are appropriated, and placed at the disposal of the Governor to enable him to take possession of those mines; and it is made a crime, punishable by imprisonment in the penitentiary of Georgia at hard labor, for the Cherokee Indians to work these mines. And the bill alleges that under the laws of the State in relation to the mines, the Governor has stationed at the mines an armed force who are employed in restraining the complainants in their rights and liberties in regard to their own mines, and in enforcing the laws of Georgia upon them. These can be considered in no other light than as acts of trespass; and may be treated as acts of the State; and not of the individuals employed as the agents. Whoever authorises or commands an act to be done may be considered a principal, and held responsible, if he can be made a party to a suit: as the State of Georgia may undoubtedly be. It is not perceived on what ground the State can claim a right to the possession and use of these mines. The right of occupancy is secured to the Cherokees by treaty, and the State has not even a reversionary interest in the soil. It is true, that by the compact with Georgia of 1802, the United States have stipulated, to extinguish, for the use of the State, the Indian title to the lands within her remaining limits, 'as soon as it can be done peaceably and upon reasonable terms.' But, until this is done, the state can have no claim to the lands.

The very compact is a recognition by the State of a subsisting Indian right: and which may never be extinguished. The United States have not stipulated to extinguish it, until it can be done 'peaceably and upon reasonable terms;' and whatever complaints the State of Georgia may have against the United States for the non-fulfilment of this compact, it cannot affect the right of the Cherokees. They have not stipulated to part with that right; and until they do, their right to the mines stands upon the same footing as the use and enjoyment of any other part of the territory.

Again, by the act of the 21st December 1830, surveyors are authorised to be appointed to enter upon the Cherokee territory and lay it off into districts and sections, which are to be distributed by

lottery among the people of Georgia; reserving to the Indians only the present occupancy of such improvements as the individuals of their nation may now be residing on, with the lots on which such improvements may stand, and even excepting from such reservation, improvements recently made near the gold mines.

This is not only repugnant to the treaties with the Cherokees, but directly in violation of the act of Congress of 1802; the fifth section of which makes it an offence punishable with fine and imprisonment, to survey or attempt to survey or designate any of the boundaries, by marking trees or otherwise, of any land belonging to, or secured by treaty to any Indian tribe: in the face of which, the law of Georgia authorises the entry upon, taking possession of, and surveying, and distributing by lottery, these lands guaranteed by treaty to the Cherokee nation; and even gives authority to the governor to call out the military force, to protect the surveyors in the discharge of the duty assigned them.

These instances are sufficient to show a direct, and palpable infringement of the rights of property secured to the complainants by treaty, and in violation of the act of Congress of 1802. These treaties and this law, are declared by the Constitution to be the supreme law of the land; it follows, as matter of course, that the laws of Georgia, so far as they are repugnant to them, must be void and inoperative. And it remains only, very briefly to inquire, whether the execution of them can be restrained by injunction according to the doctrine and practice of courts of equity.

According to the view which I have already taken of the case, I must consider the question of right as settled in favor of the complainants. This right rests upon the laws of the United States, and treaties made with the Cherokee nation. The construction of these laws and treaties are pure questions of law, and for the decision of the court. There are no grounds, therefore, upon which it can be necessary to send the cause for a trial at law of the right, before awarding an injunction; and the simple question is, whether such a case is made out by the bill, as to authorise the granting an injunction.

This is a prohibitory writ, to restrain a party from doing a wrong or injury to the rights of another. It is a beneficial process, for the protection of rights; and is favorably viewed by courts of Chancery, as its object is to prevent, rather than redress injuries; and has

latterly been more liberally awarded than formerly. (7 Ves. Jun. 307.)

The bill contains charges of numerous trespasses by entering upon the lands of the complainants and doing acts greatly to their injury and prejudice, and to the disturbance of the quiet enjoyment of their land, and threatening a total destruction of all their rights. And although it is not according to the course of chancery, to grant injunctions to prevent trespasses when there is a clear and adequate remedy at law, yet it will be done when the case is special and peculiar, and when no adequate remedy can be had at law, and particularly when the injury threatens irreparable ruin. (6 Ves. 147. 7 Eden, 307.) Every man is entitled to be protected in the possession and enjoyment of his property; and the ordinary remedy by action of trespass may generally be sufficient to afford such protection. But, where from the peculiar nature and circumstances of the case, this is not an adequate protection, it is a fit case to interpose the preventive process of injunction. This is the principle running through all the cases on this subject and is founded upon the most wise and just considerations; and this is peculiarly such a case. The complaint is not of a mere private trespass, admitting of compensation in damages; but of injuries which go to the total destruction of the whole right of the complainants. The mischief threatened is great and irreparable. (7 Johns. cha. 330.) It is one of the most beneficial powers of a court of equity to interpose and prevent an injury, before any has actually been suffered; and this is done by a bill, which is sometimes called a bill quia timet. (Mitford, 120.)

The doctrine of this court in the case of *Osborne vs. The United States Bank*, (9 Wheat. 338,) fully sustains the present application for an injunction. The bill in that case was filed to obtain an injunction against the auditor of the State of Ohio, to restrain him from executing a law of that State, which was alleged to be to the great injury of the bank, and to the destruction of rights conferred by their charter. The only question of doubt, entertained by the court in that case was, as to issuing an injunction against an officer of the State to restrain him from doing an official act enjoined by statute, the State not being made a party. But even this was not deemed sufficient to deny the injunction. The court considered that the Ohio law was made for the avowed purpose of expelling the bank from the

State, and depriving it of its chartered privileges: and they say, if the State could have been made a party defendant, it would scarcely be denied, that it would be a strong case for an injunction; that the application was not to interpose the writ of injunction, to protect the bank from a common and casual trespass of an individual, but from a total destruction of its franchise, of its chartered privileges, so far as respected the State of Ohio. In that case, the State could not be made a party, according to the eleventh amendment of the Constitution; the complainants being mere individuals and not a sovereign State. But, according to my view of the present case, the State of Georgia is properly made a party defendant; the complainants being a foreign State.

The laws of the State of Georgia in this case go as fully to the total destruction of the complainants' rights as did the law of Ohio to the destruction of the rights of the bank in that State; and an injunction is as fit and proper in this case to prevent the injury, as it was in that.

It forms no objection to the issuing of the injunction in this case, that the lands in question do not lie within the jurisdiction of this court. The writ does not operate in rem, but in personam. If the party is within the jurisdiction of the court, it is all that is necessary to give full effect and operation to the injunction; and it is immaterial where the subject matter of the suit, which is only affected consequentially, is situated. This principle is fully recognised by this court in the case of *Massie vs. Watts*, (6 Cranch, 157,) when this general rule is laid down, that in a case of fraud of trust or of contract, the jurisdiction of a Court of Chancery is sustainable, wherever the person may be found, although lands, not within the jurisdiction of the court, may be affected by the decree. And reference is made to several cases in the English Chancery recognising the same principle. In the case of *Penn vs. Lord Baltimore*, (1 Ves. 444,) a specific performance of a contract respecting lands lying in North America was decreed; the chancellor saying, the strict primary decree of a court of equity is in personam, and may be enforced in all cases when the person is within its jurisdiction.

Upon the whole, I am of opinion.

1. That the Cherokees compose a foreign state within the sense and meaning of the Constitution, and constitute a competent party to maintain a suit against the State of Georgia.

2. That the bill presents a case for judicial consideration, arising under the laws of the United States, and treaties made under their authority with the Cherokee nation, and which laws and treaties have been, and are threatened to be still further violated by the laws of the State of Georgia, referred to in this opinion.

3. That an injunction is a fit and proper writ to be issued, to prevent the further execution of such laws, and ought therefore to be awarded.

And I am authorised by my brother Story to say, that he concurs with me in this opinion.

The State of New Jersey, Complainant, vs. the People of the State of New York.

MR WIRT, for the complainant, stated, that the subpoena had been regularly served upwards of two months, and there was no appearance on the part of the State of New York.

The seventeenth section of the Judiciary act of 1789, authorises the Court to make, and establish, all necessary rules for the conducting the business of the Courts of the United States. This Court has such a power, without the aid of that provision of the law.

The seventh rule of this Court, which was applicable to this matter, was made at August term, 1791. 'The Chief Justice, in answer to the motion of the Attorney General, informs him and the Bar, that this Court considers the practice of the Court of King's Bench and of Chancery, in England, as affording outlines for the practice of this Court; and that they will from time to time make such alterations therein, as circumstances may render necessary.' (1 Cond. Rep. 8.)

In 1796, the tenth rule was adopted. 'Ordered, that process of subpoena issuing out of this Court, in any suit in equity, shall be served on the defendant sixty days before the return day of the said process; and further, that if the defendant, on such service of the subpoena, should not appear at the return day contained therein, the complainant shall be at liberty to proceed ex parte.'

Construing these two rules together, they bring us, in the case before the Court, to that part of the English practice, where the party may proceed to a hearing.

There is no necessity for those proceedings here, which are resorted to in England to compel an appearance. Nor would the practice in England be proper in the case before this Court. The object of the bill is to quiet a title: it is a

bill of peace. Here the rule considers the party, when served with process, in the same situation as if he had appeared.

The question is, what is to be done when all the process to compel an appearance is exhausted: what is the next step? It is to take the bill pro confesso - but in England, formerly, by a standing rule in Chancery, before this can be done, the party must have appeared. Afterwards, to prevent the process of the Court being eluded, the statute of 25 Geo. II. was enacted, by which it was provided, that if no appearance was entered by one who had absconded, the Court would make an order for an appearance, and if no appearance was entered, the bill should be taken pro confesso.

This statute regulated the practice in the Courts of Chancery of England, in 1791, when the seventh rule of this Court was adopted. But this statute applied only to the case of a party absconding, and it was only to force an appearance. In the present case, as has been observed, we stand as if all the proceedings for such a purpose had been exhausted.

Different practices prevail in relation to such a case in the several States of the Union. In New Jersey, the practice is to file the proofs in the cause, and proceed to a hearing. This is not the course which is pursued in Virginia. As to the practice in England, cited (2 Pr. Wm 556. Mosely, 386. Har. Chancery Practice, by Newland, 156. 1 Grant's Chancery Practice, 96.)

Something is now to be done in this case: and it is for the Court to determine what that may be. If the Court desire it, it is fully competent to them to make any new rule relative to the future proceedings in the case.

In the Court of Chancery in England, the party could take a decree, pro con-

fesso, and consider it as final. But this is not the wish of the complainant. It is desired that the proceedings should be carried on with the utmost respect to the other party; and the wish of the State of New Jersey is, to have an examination of the case, and a final decree after such an examination.

It is, therefore, proposed, that the Court direct a rule to be entered that the bill be taken, *pro confesso*, unless the party against whom it is filed appear and answer before the rule's day in August next; and if they do not, that the cause be set down for a final hearing at the next term of this Court, on such proofs as the complainants may exhibit.

Mr Justice Baldwin suggested, that it might be proper, to argue certain questions arising in this case, in open Court: such as, What was the proper duty of the Court in the case? What was the practice in England? And whether this Court had power to proceed in suits between States, without an act of Congress having directed the mode of proceeding? He did not propose this as a matter personal to himself; but as a member of the Court.

Mr Wirt said, that the jurisdiction which was to be exercised was given by the Constitution, and the seventeenth section of the act of Congress authorised the Court to establish such rules as to the manner in which the power should be executed. There are cases in which the Court have taken this jurisdiction. The case of *Chisholm vs. the State of Georgia*, (2 Dall. Rep. 219. 2 Condens. Rep. 635. *Grayson vs. the State of Virginia*, 3 Dall. Rep. 330. 1 Condens. Rep. 141.)

When the subpoena was asked for at last term of this Court, (3 Peters, 461,) the case of *Chisholm vs. the State of Georgia*, was then particularly referred to: and it was considered, that although the amendment to the Constitution has taken away the jurisdiction of this Court in suits brought by individuals against a State, it has left its jurisdiction in suits between States, in the situation in which it stood originally. The Court, in awarding the process of subpoena, had reference to these cases.

If an elaborate argument of the questions which the case presents, is desired, time is asked to prepare for it; and sufficient time to give notice to the Attorney General of the State of New Jersey to attend and assist in the argument.

Mr Chief Justice Marshall delivered the opinion of the Court.

This is a bill filed by the State of New Jersey, against the State of New York, for the purpose of ascertaining and settling the boundary between the two States.

The Constitution of the United States declares, 'the Judicial power shall extend' 'to controversies between two or more States.' It also declares that 'In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction.'

Congress has passed no act for the special purpose of prescribing the mode of proceeding in suits instituted against a State, or in any suit in which the Supreme Court is to exercise the original jurisdiction, conferred by the Constitution.

The act 'to establish the Judicial Courts of the United States,' section thirteen, enacts 'That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a State is a party, except between a State and its citizens; and except also between a State and citizens of other States or aliens; in which latter case, it shall have original but not exclusive jurisdiction.' It also enacts, section fourteen, 'That all before-mentioned Courts of the United States shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law.' By the seventeenth section it is enacted, 'That all the said Courts of the United States shall have power' 'to make and establish all necessary rules for the ordinary conducting business in said Courts, provided such rules are not repugnant to the laws of the United States.'

'An act to regulate processes in the Courts of the United States,' was passed at the same session with the Judicial act, and was depending before Congress at the same time. It enacts 'That all writs and processes issuing from a Supreme or a Circuit Court shall bear teste,' &c.

This act was rendered perpetual in 1792. The first section of the act of 1792 repeals the provision respecting writs and processes issuing from the Supreme or a Circuit Court. The second continues the form of writs &c. and the forms and modes of proceeding in suits at common law prescribed in the origin-

al act, 'and' in those of equity, and in those of admiralty and maritime jurisdiction according to the principles, rules, and usages, which belong to Courts of equity and to Courts of admiralty respectively, as contra-distinguished from Courts of common law, except so far as may have been provided by the act to establish the Judicial Courts of the United States; subject, however, to such alterations and additions as the said Courts respectively shall, in their discretion, deem expedient, or to such regulations as the Supreme Court of the United States shall think proper from time to time, by rule, to prescribe to any Circuit or District Court concerning the same.

At a very early period in our judicial history, suits were instituted in this Court against States, and the questions concerning its jurisdiction and mode of proceeding were necessarily considered.

So early as August, 1792, an injunction was awarded at the prayer of the State of Georgia, to stay a sum of money recovered by Brailsford, a British subject, which was claimed by Georgia under the acts of confiscation. This was an exercise of the original jurisdiction of the Court, and no doubt of its propriety was expressed.

In February, 1793, the case of Oswald *vs.* the State of New York, came on. This was a suit at common law. The State not appearing on the return of the process, proclamation was made, and the following order entered by the Court:— 'Unless the State appear by the first day of the next term, or show cause to the contrary, judgment will be entered by default against the said State.'

At the same term, the cause of Chisholm's Ex'ors *vs.* the State of Georgia, came on, and was argued for the plaintiff, by the then Attorney General, Mr Randolph. The Judges delivered their opinions *seriatim*, and these opinions bear ample testimony to the profound consideration they had bestowed on every question arising in the case. Mr Chief Justice Jay, Mr Justice Cushin, Mr Justice Wilson, and Mr Justice Blair, decided in favor of the jurisdiction of the Court, and that the process served on the Governor, and Attorney General of the State, was sufficient. Mr Justice Iredell thought an act of Congress necessary, to enable the Court to exercise its jurisdiction.

After directing the declaration to be filed, and copies to be served on the Governor and Attorney General of the State of Georgia, the Court ordered,

'that unless the said State shall, either in due form appear, or show cause to the contrary, in this Court, by the first day of the next term, judgment by default shall be entered against the said State.'

In February term, 1794, judgment was rendered for the plaintiff, and a writ of inquiry was awarded, but the eleventh amendment to the Constitution prevented its execution.*

Grayson *vs.* the State of Virginia, (3 Dallas, 320, 1 Peter's Cond. Reports, 141,) was a bill in equity. The subpoena having been returned executed, the plaintiff moved for a distringas, to compel the appearance of the State. The Court postponed its decision on the motion, in consequence of a doubt, whether the remedy to compel the appearance of the State, should be furnished by the Court itself, or by the Legislature. At a subsequent term, the Court, after a particular examination of its powers, determined, that though 'the general rule prescribed the adoption of that practice, which is founded on the custom and usage of Courts of admiralty and equity,' 'still it was thought that we are also authorised to make such deviations as are necessary to adapt the process and rules of the Court to the peculiar circumstances of this country, subject to the interposition, alteration, and control of the Legislature. We have, therefore, agreed to make the following general orders:

1st. Ordered, That when process at common law or equity shall issue against a State, the same shall be served upon the Governor, or Chief Executive Magistrate, and the Attorney General of such State.

2d. Ordered, That process of subpoena, issuing out of this Court, in any suit in equity, shall be served on the defendant, sixty days before the return day of the said process; and further, that if the defendant, on such service of the subpoena, shall not appear at the return day, contained therein, the complainant shall be at liberty to proceed *ex parte*.

In Hugeral *vs.* the State of South

* The amendment referred to, provided that the judicial power of the United States should not extend to suits *against* a State, by citizens of another State, or by citizens or subjects of a foreign State; thus leaving controversies between 'two or more States,' as the Constitution had placed them, subject to the original jurisdiction of the Supreme Court.

Carolina, (3 Dallas, 339, 1 Peter's Cond. Reports, 156,) the service of the subpoena having been proved, the Court determined that the complainant was at liberty to proceed *exparte*. He accordingly moved for, and obtained commissioners to take the examination of witnesses in several of the States.

Fowler et al. *vs.* Lindsey et al., and Fowler et al. *vs.* Miller, (3 Dallas, 411, 1 Peter's Cond. Reports, 198;) were ejectments depending in the Circuit Court for the District of Connecticut, for lands over which both New York and Connecticut claimed jurisdiction. A rule to show cause why these suits should not be removed into the Supreme Court by *certiorari*, was discharged because a State was neither nominally nor substantially a party; no doubt was entertained of the propriety of exercising original jurisdiction, had a State been a party on the record.

In consequence of the rejection of this motion, for a *certiorari*, the State of New York, in August term, 1799, filed a bill against the State of Connecticut, (4 Dallas, 1, 1 Peter's Cond. Reports, 203,) which contained a historical account of the title of New York, to the soil and jurisdiction of the tract of land in dispute; set forth an agreement of the 28th of November, 1783, between the two States, on the subject, and prayed a discovery, relief, and injunction, to stay the proceedings in the ejectments depending in the Circuit Court of Connecticut.

The injunction was, on argument, refused, because the State of New York was not a party to the ejectments, not interested in the decision.

It has, then, been settled by our predecessors, on great deliberation, that this Court may exercise its original jurisdiction in suits against a State, under the authority conferred by the Constitution and existing acts of Congress. The rule respecting the process, the persons on whom it is to be served, and the time of service, is fixed.

The course of the Court, on the failure of the State to appear, after the due service of process, has been also prescribed.

In this case, the subpoena has been served as is required by the rule. The complainant, according to the practice of the Court, and according to the general order made in the case of Grayson *vs.* the Commonwealth of Virginia, has a right to proceed *exparte*, and the Court will make an order to that effect, that the cause may be prepared for a final hearing. If, upon being served with a copy of such order, the defendant shall still fail to appear or to show cause to the contrary, this Court will, so soon thereafter as the cause shall be prepared by the complainant, proceed to a final hearing and decision thereof. But, inasmuch as no final decree has been pronounced or judgment rendered in any suit heretofore instituted in this Court against a State, the question of proceeding to a final decree will be considered as not conclusively settled, until the cause shall come on to be heard in chief.

Mr Justice Baldwin did not concur in the opinion of the Court, directing the order made in the cause.

The State of New Jersey, complainants, against the People of the State of New York, defendants.

The subpoena in this cause having been returned executed, sixty days before the return day thereof, and the defendant having failed to appear, it is, on the motion of the complainant, decreed and ordered that the complainant be at liberty to proceed *exparte*: And it is further decreed and ordered, that unless the defendant, being served with a copy of this decree, sixty days before the ensuing August term of this Court, shall appear on the second day of the next January term thereof, and answer the bill of the complainant; this Court will proceed to hear the cause on the part of the complainant, and to decree on the matter of the said bill.

Pierre Menard, Plaintiff in Error, vs. Aspasia, Defendant in Error.

ERROR from the Supreme Court of the State of Missouri.

An action of assault and battery was instituted in the Circuit Court for the county of St Lewis, in the State of Missouri, by Aspasia, a woman of color,

to establish her right to freedom. By consent of the parties, and in conformity with the law of that State, the facts were submitted to the determination of the Court, without the intervention of a jury.

The evidence, as disclosed in the bill of exceptions, established the following case: 'The mother of Aspasia, the defendant in error, was born a slave, and was held as such by a French inhabitant of Kaskaskia, Illinois, previous to the year 1787; and, after that year, was held as a slave by the same individual, who was a citizen of that country before its conquest by Virginia, and before the passage of the ordinance for the government of the Northwestern Territory, and who continued to be such afterwards, and was such at the time of Aspasia's birth.

'Aspasia was born after the year 1787, and from the time of her birth she was raised and held as a slave, till some time in the year 1821, when she was purchased by the plaintiff in error, who, immediately after, gave her to his son-in-law, Francis Chouteau, then and now residing in St. Louis, Missouri, who held her as a slave till the 10th of October, 1827, when he returned her to the plaintiff in error, in consequence of the claim she set up for her freedom.'

Upon the evidence thus given, Menard, by his counsel, moved the Court to decide, first. That if it was found, from the testimony, that the mother of the plaintiff, Aspasia, was a negro woman, and legally held in slavery before, and at, and after the date of the ordinance passed by the Congress of the United States on the 13th of July, 1787, entitled 'An ordinance for the government of the territory of the United States, northwest of the river Ohio,' at the village of Kaskaskia, in the late Northwestern Territory, and the plaintiff, Aspasia, was born of such mother, subsequent to the adoption of the ordinance aforesaid, at the village of Kaskaskia aforesaid, the plaintiff is not entitled to her freedom; which instruction the Court refused to give.

The same party, by his counsel, moved the Court to decide, secondly. That if it was found, from the testimony, that the mother of Aspasia was a negro woman, legally held in slavery, before, and at, and after the adoption of the ordinance entitled, 'An ordinance for the government of the territory of the United States, northwest of the river Ohio,' passed by the Congress of the United States, on the thirteenth day of July, 1787, by a French inhabitant of the village of Kaskaskia, in the Northwestern Territory, and who was a citizen of the same before the conquest of the country by Virginia, and afterwards; and that the plaintiff was born at the village of

Kaskaskia aforesaid, of such mother, while so held in slavery by such French inhabitant, although subsequent to the date of the ordinance aforesaid, she, the plaintiff (Aspasia), was not entitled to her freedom; which instructions the Court refused to give. To which refusal, in both instances, the counsel of Menard excepted, &c., and the Court decided that the defendant, Menard, was guilty, &c., and that Aspasia was not a slave, but free.

This cause was taken to the Supreme Court of Missouri, and the decision aforesaid was affirmed.

This writ of error was prosecuted under the twenty-fifth section of the Judiciary act, passed in 1789.

The case was argued by Mr. Wirt for the plaintiff in error: no counsel appearing for the defendant.

Mr. Justice McLean delivered the opinion of the Court.

This suit was brought into this Court from the Supreme Court of the State of Missouri, by a writ of error.

An action for false imprisonment was commenced in the Circuit Court for the county of St. Louis, by the defendant in error, to establish her freedom. By the consent of counsel, under the statute of Missouri, the facts and law of the case were submitted to the Court.

The facts, as stated in the bill of exceptions, are these:

'The mother of Aspasia was born at Kaskaskia, Illinois, previous to the year 1787, and was held as a slave from her birth, by a citizen of that country. His residence commenced before the country was conquered by Virginia, and continued until after the birth of Aspasia; which was several years subsequent to the passage of the ordinance for the government of the Northwestern Territory.

'She was born a slave, at the village of Kaskaskia, and held as such. In the year 1821, she was purchased by the plaintiff in error; who immediately afterwards gave her to his son-in-law, Francis Chouteau, a resident of St. Louis.

'He held her as a slave until October, 1827, when he returned her to the plaintiff in error, in consequence of the claim she set up for her freedom.'

Upon this evidence, Menard claimed Aspasia, as his slave; but the Circuit Court decided against him. He appealed to the Supreme Court of the State; and in that Court the judgment of the Circuit Court was affirmed.

To reverse this judgment, a writ of error is now prosecuted; and two errors are assigned. First. Slaves in the Northwestern Territory, before and in the time of the adoption of the ordinance of 1787, were not liberated by that instrument, but continued slaves.

Secondly. That the offspring of such slaves follow the condition of the mother, and are also slaves. To understand the nature of the right asserted by the plaintiff in error, a reference to the civil history of the Illinois country is necessary. By the treaty of peace, concluded in 1763, between England and France, the latter ceded to the former the country out of a part of which the State of Illinois was formed. In the colonies of both France and England, it is well known that slavery is tolerated.

It was stipulated in the treaty, 'that those who chose to retain their lands, and become subjects of his Majesty the King of England, shall enjoy the same rights and privileges, the same security for their persons and effects, and liberty of trade, as the old subjects of the King.' The same assurance was given to the inhabitants of the country in the proclamation of General Gage, in 1764.

In 1778, a military force, organised under the authority of Virginia, and commanded by General Clarke, subdued Kaskaskia, and Port Vincent, and drove the British forces from the country.

Soon after this occurrence, by an act of the Virginia Legislature, a county called Illinois was organised, embracing the conquered district; and its citizens were admitted on an equality of rights with the other citizens of Virginia. This country was ceded to the United States by Virginia in 1784, with certain stipulations, one of which was, that 'the French and Canadian inhabitants and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.'

Under the laws of Virginia, the citizens of Illinois county had a right to purchase and hold slaves; and that right was not abrogated, but protected, by the cession of 1784, to the United States.

In April, 1784, Congress passed certain resolutions, securing to the people north of the Ohio certain rights and privileges, by which they were governed; and which remained in force

until the adoption of the ordinance of 1787.

By these resolutions the existence of slavery is not referred to, except by implication, in using the words 'free males of full age' being entitled to certain privileges; and also 'free inhabitants.' Under these resolutions, in the manner prescribed, the free inhabitants were authorised to adopt the laws of any one of the original States.

On the 13th of July, 1787, Congress passed the ordinance for the government of the territory northwest of the river Ohio; and repealed the resolutions of 1784.

In this ordinance, ten articles are adopted, which are declared to be articles of compact, 'between the original States, and the people and States in the said territories, and to remain unalterable forever, unless by common consent.' Among these articles is the following: 'There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted.'

By an act of Congress of 1789, and another of 1800, certain provisions were made to regulate the government of the territory, and make a division of it; but they do not affect the question which is made in the case under consideration.

In the second section of the act of 1800, 'The inhabitants of the territory shall be entitled to, and enjoy, all and singular the rights, privileges, and advantages, granted and received by the said ordinance.' This provision was reenacted in the act of 3d February, 1809, which established the Illinois territory.

By the act of Congress of the 5th of April, 1818, the people of the territory were authorised to form a Constitution and State Government; and on the 3d December following, by a joint resolution of the Senate and House of Representatives, the State of Illinois was admitted into the Union, 'on an equal footing with the original States, in all respects whatever.'

The provision of the ordinance of 1787, prohibiting slavery, was incorporated into the Constitution.

This provision of the ordinance, it is contended, could only operate prospectively; and was never designed to impair vested rights; that such was the construction uniformly given to it, under the territorial government: that the provision was understood to prohibit the

introduction of slaves into the territory, by purchase or otherwise; but those, who were held in slavery at the time the ordinance was adopted, were not liberated by it.

That this was the understanding of the people of the territory at the time the Constitution was adopted, it is argued, appears from the frequent reference made in that instrument, to 'free white male inhabitants,' in contradistinction from those who were not free; and from a law which was subsequently passed by the Legislature of the State, imposing a tax on slaves. The rights of persons who claimed a property in slaves, it is argued, were not affected by the provisions of the ordinance of 1787, or of the Constitution; but remain as they were, prior to the adoption of either. That a construction, different from this, would be destructive of those rights which the citizens of the country enjoyed under the French and British Governments; and which were guaranteed by Virginia, and provided for in her cession of the country to the Union.

The slavery of the mother of *Aspasia* being established, it is contended, that under the ordinance, her offspring must follow the same condition.

This is, beyond dispute, the principle of the civil law, and is recognised in Virginia, and other States, where slavery is tolerated. Whether the same principle be applicable to the case under consideration, is a question which it may not be necessary now to determine.

The plaintiff in error insists on his right to the services of *Aspasia* as his slave; and attempts to enforce it. To try this right, the present action was instituted; and a decision having been given against the right, the plaintiff prosecutes a writ of error in this Court to reverse the judgment.

Can this Court take jurisdiction of the case?

By the twenty-fifth section of the judiciary act of 1789, it is provided, that 'a final judgment or decree, in any suit, in the highest Court of law or equity of a State, in which a decision in the suit could be had, where is drawn in question the construction of any clause of the Constitution, or of any treaty or statute of the United States; and the decision is against the title, right, privilege, &c. under the statute, may be re-examined and reversed or affirmed in this Court.'

Does the right asserted by the plaintiff in error come within any of the provisions of this section? Under what

statute of the United States is the right set up. The answer must be under the ordinance of 1787, and the statutes that have been subsequently enacted, which have a bearing on the question.

In the second article of the compact contained in the ordinances, it is provided, that 'no man shall be deprived of his liberty or property, but by the judgment of his peers.' 'And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner affect private contracts.'

This compact was formed between the original States and the people of the territory; and that part of it which prohibits slavery is embodied in the Constitution of Illinois.

In thus being made a part of the fundamental law of the State, a guarantee against slavery, of as high obligation as on any other subjects embraced by the Constitution, is given to the people of the State.

There are various provisions in the compact which are deeply interesting to the people of Illinois, and which, it is presumed, no one would contend, could give a supervising jurisdiction to this Court.

In the third article, it is provided, that, 'religion, morality, and knowledge, being necessary to good government, and the happiness of mankind; schools and the means of education, shall forever be encouraged.' And in the third article, 'that all fines shall be moderate, and no cruel or unusual punishment shall be inflicted.' 'All persons shall be bailable, unless for capital offences, where the proof shall be evident or the presumption great.' These and other provisions, contained in the compact, were designed to secure the rights of the people of the territory, as a basis of future legislation, and to have that moral and political influence that arises from a solemn recognition of principles which lie at the foundation of our institutions. The same may be said as to the provisions respecting the rights of property.

The provisions in the compact which relate to 'property,' and to 'rights,' are general. They refer to no specific property or class of rights. It is impossible, therefore, judicially, to limit their application. If it were admitted that *Aspasia* is the property of the plaintiff in error, and the Court were to take jurisdiction of the case, under the provisions of the ordinance; must they not, on the same ground, interpose their

jurisdiction in all other controversies respecting property which was acquired in the Northwestern Territory.

Whatever right may be claimed to have originated under the ordinance of 1787, it would seem, that a right to the involuntary service of an individual could not have had its source in that instrument. It declares, that 'there shall be neither slavery nor involuntary servitude in the territory.' If this did not destroy a vested right in slaves, it at least did not create or strengthen that right.

If the decision of the Supreme Court of Missouri had been against *Aspasia*, it might have been contended, that the revising power of this Court, under the twenty-fifth section of the judiciary act, could be exercised. In such a case, the decision would have been against the express provision of the ordinance, in favor of liberty; and, on that ground, if that instrument could be considered, under the circumstances, as an act of Congress, within the twenty-fifth section, the jurisdiction of this Court would be unquestionable.

But the decision was not against but in favor of the express provision of the ordinance. Was it opposed to any other part of the instrument? It is possible, that opposing rights may arise out of the same instrument, although it contain no contradictory provisions.

The right asserted by the plaintiff in error had not its origin under any express provision of the ordinance. It is only contended, that the instrument did not destroy this right, which had its commencement in other laws and compacts. A sanction of the right, implied more from the force of construction than the words used in the ordinance, is all that can be urged.

No substantial ground of difference is perceived between the assertion of any other right to property, and that which is set up in the present case. The provisions in the ordinance will equally apply to every description of claim to property, personal or real.

And if, from the general provisions respecting property, this Court shall take jurisdiction in the case; on the same principle it may revise the decisions of the Supreme Courts of Illinois, Indiana, and Ohio: at least, in all cases which involve rights that existed under

the territorial government. Give perpetuity to this general provision, and consider it as binding upon the people of these States; and it must have an important bearing upon their interests.

Instead of looking to their Constitutions as the fundamental law, they must look to the ordinance of 1787. In this instrument, their rights are defined, and their privileges guaranteed. And, instead of finding an end of legal controversies respecting property, in the decisions of their own Court of Judicature, they must look to this Court.

This cannot be the true construction of this instrument. Its general provisions, as to the rights of property, cannot give jurisdiction to this Court. They do not come within the twenty-fifth section of the judiciary act. The complaint is not that property has been taken from the plaintiff in error, in the language of the ordinance, 'without the judgment of his peers,' nor, that his right has been affected by any law of the territory, or of the State. It is not pretended that his right, whatever it may be, is not secured as fully under the Constitution and laws of Illinois, as under the ordinance. In support of his claim, a reference is made to the judicial decisions of the State, under its own laws.

If, then, a suit be brought by a citizen of Illinois, to enforce a right in the Courts of Missouri, which exists to as great an extent under the Constitution and laws of the State of Illinois, as in the territorial government, under the ordinance, and a decision be given against the right, can the party asserting it, ask the interposition of this Court?

The prosecution of this writ of error presents the question to this Court, in the same point of view, as if the suit in Missouri had been commenced by the plaintiff in error.

His title does not arise under an act of Congress. This is essential to give jurisdiction, under this head. It is not enough to give jurisdiction, that the act of Congress did not take away a right, which previously existed. Such an act cannot be said to give the right, though it may not destroy it.

This suit must, therefore, be dismissed, as this Court has no jurisdiction of the case.

OBITUARY.

GEORGE THE FOURTH.

June 26, 1830.—At the Castle of Windsor, in the 68th year of his age, and the 11th of his reign, George the 4th, King of Great Britain and Ireland.

George Augustus Frederick, the eldest child of King George the 3d, and Charlotte of Mecklenburg Strelitz, was born on the 48th anniversary of the accession of the house of Brunswick, to the English throne, Aug. 12th, 1762. On the 17th of the same month the new heir apparent was created by patent, Prince of Wales, and Earl of Chester. In 1771, a separate establishment was formed for the education of the Prince of Wales and his next brother the Bishop of Osnaburgh, more generally known as the Duke of York. Dr. Markham, and the celebrated Dr. Cyril Jackson, both of Oxford, undertook the task of tuition.

The system which the King had adopted for the education of his son, was highly beneficial while it was in operation, and so far as sound scholarship was concerned; confining the Prince to his studies with almost monastic seclusion and severity, it caused his ready mind to accumulate an unusual store of valuable knowledge. But no sooner did its operation cease, than it was found to produce effects, which his reverend agents were the first to discern and deplore. It had too long shut out the world

from the view of the Prince, and by not graduating his advance towards the public scenes of life, rendered those scenes, when at last he was at liberty to survey them as he pleased, too novel and enchanting, too luxuriant and overpowering. His tutors and governors had scarcely loosened the rein, before they were required altogether to drop it; persons of an opposite character were in waiting to celebrate his freedom, and administer to his gratification and delight. Among them were certain individuals, celebrated for the splendor of their talents and vices, and in their earliest intercourse with the Prince, much more ready to corrupt his morals with the one, than to enlarge and elevate his mind by the other.

Here we must look for the origin of those misunderstandings which took place between George the 3d, and his Heir Apparent.

On the Prince attaining his majority in 1783, he was appointed a colonel in the army, the highest military rank his father ever allowed him to hold. At the same time a message from the King desired the Commons to provide for him a suitable income, and a sum sufficient for the formation of an establishment appropriate to his station. For the latter purpose £60,000 was granted, and for the former, the annual sum of £50,000. This provision was con-

demned by one party as likely to lead to great inconvenience; and applauded by another as showing a proper regard to the already intolerable burdens of the people.

The Prince's difficulties increased so fast, that three years after his settlement he applied to the King for assistance. A schedule of his debts, was by the King's command laid before him; but, whatever might be the nature of the document some of the items were so inconsistent with the strict moral principles of George the 3d, that the negotiation ended in a positive refusal of relief.

A determination was then taken by the Prince to do penance on £10,000 a year and dedicate £40,000 annually to the liquidation of his debts until they were discharged.

In this resolution, which some applauded, and others condemned, his royal highness persevered for nine whole months! But in the session of 1787 the King and his ministers were induced to give way to the presumed wishes of Parliament, and by the consequent negotiations, a promise was given to pay the debts, to make allowance for the works at Carlton house, and to add £10,000 a year to the Prince's income; while on the other side there was a formal engagement to abstain from future involvements.

In 1792, when the principles of the French revolution had made such alarming progress, that to withstand their influence some active demonstrations were considered necessary, one of the measures adopted by the ministry was a royal proclamation for the suppression of seditious publications, and incendiary societies, which the two houses of Parliament were to support by addresses. At this

anxious period, when most men deemed it incumbent upon them to take their side, and even the indifferent were stimulated to exert themselves in defence of good order, the Prince, who had so much in prospect to lose, was induced for the first time to vote in favor of ministers, and moreover for the first time, to deliver his sentiments in the House of Lords. United with decided expressions that he would support the integrity of the constitution, he declared— 'I exist by the love, the friendship, and the benevolence of the people, and their cause I will never forsake as long as I live.' This speech tended considerably to restore his popularity. It was said to have been composed by the Duke of Portland. In the mean time the Prince of Wales' debts had been again accumulating. They urged him to make another application to his father for assistance. The King, who entertained the hope that marriage might tend to steady and reform his habits, replied that it was with that plea alone that the country could be brought to listen to this renewed demand. After considerable hesitation the Prince was induced to consent; and the King selected for the bride, his niece the Princess Caroline of Brunswick, a most unfortunate choice. The marriage ceremony took place in the Chapel royal, St. James', on the 8th of April, 1795.

On this occasion the revenue of the Prince was raised to £125,000, besides the receipts of the duchy of Cornwall, £28,000 for jewels and plate, and £26,000 for the furniture of Carlton house.

On the 7th January, 1796, the Princess of Wales gave birth to a daughter, the late Princess Charlotte. The royal parents had early

evinced a mutual distaste, and three months after this occurrence a final separation took place, and the Princess formed a distinct establishment on Black-heath.

The final illness of King George the 3d, began early in October, 1810; and was first announced to Parliament on the 29th of November; and after a keen discussion, the Regency bill at length became a law on the 5th of February. On this the Prince of Wales assumed the reins of government, under certain restrictions which terminated on the 1st of February, 1812.

As the opposition to the restriction was conducted in concert with the Prince, some surprise was manifested on his continuance in office of the Percival administration. In a letter which was published at the time, his Royal Highness apprized Mr. Percival, 'that the irresistible impulse of filial duty and affection leads him to dread that any act of the Regent, might, in the smallest degree, have the effect of interfering with the progress of his sovereign's recovery, and that this consideration alone dictates the decision now communicated to Mr. Percival.' Still, when the restrictions expired, and the Prince became vested with the full powers of Sovereignty, he did not withdraw his confidence from the Percival administration.

The assassination of Mr. Percival, May 11, 1812, led Mr. Stuart Wortley to move an address, praying his royal highness to take such measures as might be best calculated to form an efficient administration. The address was carried against ministers, and the answer returned was, that his royal highness would take the address into immediate consideration. Expectations of a new Ministry were generally entertained, and the

Prince successively gave directions to the Marquis Wellesley and Lord Moira, to negotiate with Lords Grey and Grenville. No such arrangement being found feasible; on the 8th of June, the Earl of Liverpool stated in the House of Lords, that the Prince Regent had on that day appointed him first Lord of the Treasury; and the Liverpool administration was immediately formed. On the 30th of November, the Prince Regent, now unfettered by restrictions, made his first speech from the throne. On the death of George the 3d, Jan. 29, 1820, his royal highness changed his vicarious title of Sovereignty for that of King; his coronation followed July 19, 1821. On the last day of the same month he left London on a visit to Ireland. He was the first Sovereign of the house of Brunswick that had set foot on that country; and he was received with the utmost enthusiasm. Having returned to London on the 15th of September, on the 24th he started for Hanover, whence he returned Nov. 8. The greater part of August, 1822, was spent in a visit to Scotland.

The latter years of George the Fourth, were passed in retirement. His secluded cottage in Windsor park, was his favorite residence; and although vast sums were spent both in the repairs of Windsor Castle, and the erection of a metropolitan palace, he only partially entered into the occupation of the former, and of the latter he never took possession. He seldom met his Parliament in person, very rarely held courts, and did not always accomplish an annual visit to the Theatres. Almost the only place where he was publicly seen was at the races on Ascot Heath, which he generally attended every day of their duration.

He was emphatically one of the race Des Rois Fauvéaus, and were his existence blotted from the history of England there is not a word nor deed of his, worthy of preservation, that need not pass into oblivion with him.

His disease, which was assification of the vessels of the heart, accompanied by dropsy, was suddenly brought to a close by a rupture of a blood-vessel, and he died on the 26th of June; and was committed with splendid ceremonies, but without a single regret, to the tomb.

ISAAC PARKER.

July 25.—At Boston, in the 63d year of his age, Isaac Parker, late Chief Justice of the Supreme Court of Judicature in the State of Massachusetts.—Isaac Parker was born in Boston, June 17, 1768. His father was a merchant of that town, but met with reverses of fortune in business, while his son was quite young, which gave an impetus to the exertions of the boy that had its good effects throughout his life. The town schools of Boston have long been a theme of praise in this country, and to one of them, the grammar school, Isaac was sent to prepare himself for college. At the age of fourteen he entered Harvard University, and, notwithstanding his extreme youth, he became distinguished in the class which was graduated in 1786. In it there were many distinguished men, who loved and respected the late Chief Justice from his childhood to his death. After leaving college, he acted as a tutor for a short time, in the grammar school, in which he had received the rudiments of his education, but this occupation not being suited to one who felt that he was entitled to

hold a high rank at the bar, he resigned his place, and entered into the office of the late Judge Tudor, a gentleman of taste and talents, and of great urbanity, to study the law. The constitution of the United States was adopted about the time he finished his law studies, and the effect that it would have upon the country was not then ascertained, but Parker believed, that if it was a blessing to the older part of the community, its beneficial influence would be felt in the new settlements. His family having lately removed from Maine to Boston, his thoughts were turned towards that district, it then being regarded as a good place for the exertion of his talents. Accordingly he established himself at Castine. It was a recent settlement in a prosperous condition, and he was determined to grow up with it. In a few years he became the most popular man of his age in Maine. His manners, although refined, were familiar, and he made his clients his friends by his assiduous attention to their causes and by his ability in conducting them. One instance of his conduct at the bar in this early period of his life, is deserving of record. The present Arch-bishop of Bordeaux the Fenelon of this age—was then a humble catholic priest, who resided principally in Boston, but had some small congregations in Maine. To these he made yearly visits to administer the consolations of religion—on one of these occasions he was indicted for marrying a couple of his own religious creed and also members of his church. When the trial came on he was put to the bar between two felons. Parker volunteered to defend the young clergyman who cheerfully accepted of his services, but requested the liberty of offering, in

the first place, his own views of his rights to the court and jury. This was done in so clear and forcible a manner, discovering such a knowledge of constitutional law, that the attorney-general entered a *nolle prosequi* on the bill at once, and Parker introduced Doctor Cheverus to the court and bar as a man of exalted piety and high acquirements. The Doctor had friends in Maine—and they all became the friends of the young lawyer. Such was his popularity, that he was induced to stand as a candidate for Congress, from his district, and found himself in that body when he was but little past thirty years of age. It was a period of great political agitation when he entered the House; but those who had been previously there soon discovered that he had peculiar qualifications for a politician, and hailed him as a great acquisition. He had however sagacity enough to see that the life of a politician and a successful country practice in this profession of the law were quite incompatible, and he prudently declined a second election. His character being known to President Adams, he appointed him Marshal for the district of Maine, which office he held until the accession of Mr. Jefferson to the Presidency in 1801. He now removed to Portland—the largest commercial town in the district, and was in full practice in 1804, when he was offered a seat on the Supreme Bench of the Commonwealth. This he declined, but two years afterwards was induced to accept of an appointment to the same office by the earnest solicitations of his friends in Maine and in Massachusetts Proper. In March, 1806, he made his first appearance as a judge in the county of Essex. The grave people of

that county had been accustomed to see grey-headed men on the bench, and were surprised to find one so young take his seat at a *Nisi Prius* term of the Supreme Court at Ipswich. At his first appearance, on examining the criminal calendar he found an indictment for a riot, against several of the inhabitants of Salem, which had been before a jury for several years, at almost every term of the court in this county; but the government had not been able to get a verdict, as the juries would not agree to one. The prosecution and the defence had in them the essence of party fury. It would have been a miracle to have found a jury that could have agreed. In this state of things, the young judge inquired of the attorney-general, if he thought there was not a great propriety in entering a *nolle prosequi*, as the trials had made much more disturbance than a dozen riots. The hint was seized, and the long contested case was dismissed, after costing the Commonwealth no small sum of money, and the defendants still more. In the autumn of the same year 1806, came on the trial of Selfridge for shooting Austin, in the streets of Boston, a memorable case. Chief Justice Parsons was now on the bench, and at the opening of the Court in Suffolk, made the usual charge to the grand jury. The friends of the deceased made many objections to the charge, but every word of it was sound law, and has since been so held in most of the States of the Union. In this state of excitement Judge Parker came to hold the *Nisi Prius* term after the law term had closed. The bill found by the grand jury was only for manslaughter. Parker took up the case in its usual course, and tried it with so much fairness and

promptness, was so ready to give an opinion on every point suggested, that even those who thought highly of him before were astonished to find him so ready to meet any exigency. The result is well known—Selfridge was acquitted—party spirit was raised to the highest pitch, and the repose of the city threatened, when the verdict was brought in, but so upright, impartial, lucid, and correct, had been the course of the judge, that his praises were sounded even by those who were much disappointed at the result of the trial. From that hour he became the favorite judge of the Supreme Court, notwithstanding there were some of the greatest men of the age on that bench at that time, Parsons, Sedgwick, and Sewall, minds of the highest order and enriched with the profoundest acquirements.

In 1813, Sedgwick and Parsons died, and Sewall was made Chief Justice. He was one of the best commercial lawyers of the age, had been in Congress, and there took the lead in matters both commercial and naval. The Commonwealth in the midst of their grief at the loss of the two great lights of the law, were happy to think that such a man was left them for Chief Justice as Samuel Sewall; but before a twelvemonth had elapsed, he too was numbered among the dead. Judge Parker was then made Chief Justice with the fullest approbation of the bar and public. He took the office with diffidence.—The great men who had preceded him had won an imperishable reputation and it was now beyond the control of accident, but he took the office with the full confidence of the public.

In 1820, when a convention was called in Massachusetts to revise the state constitution, after Mr.

Adams had declined the Presidency, to whom it was offered as a well deserved compliment, (although the acceptance of such an arduous office could not have been expected from one who had numbered eighty-five years;) Judge Parker was elected President without opposition. In this body, formed of the greatest men that ever had been assembled in New England, he was conspicuous, and although not trained to the rules and orders of a deliberative assembly, yet such was his readiness in seizing all the nice distinctions in the machinery for governing legislative bodies, that his decisions were almost always acceptable to the convention. In the committee of the whole, when relieved from the duties of the chair, he took a spirited part in the debate, and often had the happiness of reconciling contending opinions.

For several years before his death, down to near the time of his decease, he was a professor of law in Harvard University, and gave a course of lectures yearly. How far he had advanced in the work, and what portion of the great field he had explored, we are not able to say; but anything from his pen on such a subject must be valuable not only for the information it contains, but also for its style.

The manner of Judge Parker in trying a cause was as pleasant as in his common conversation, which was always delightful and commanding: there was no want of dignity in his ease, but he met everything with so much candor, and discovered so much patience that the advocate, the witness, and the jurymen, were all in the full possession of their faculties; and the trial of a cause went on under his care more rapidly than in that

forestalling, catching, snubbing, and hurrying method so often practised by ordinary minds when elevated to the bench. In presiding at a capital trial his manner was above all praise. He was anxious to put everything, that made for the prisoner, in a true point of view. He exhibited nothing in the course of the examination of that feverish sensibility which some of our best philanthropists indulge in, nor exhibited any of those hard features which some great Judges think they must assume, when they lift the sword of justice over the head of the prisoner. He calmly sat and heard the defence of the unfortunate, (for every one must be considered unfortunate who is subjected to a trial for life, innocent, or guilty,) with a solemnity suitable to the occasion; but never discovered any agitation in the most appalling case. However late at night it might be, when the council had closed, he never adjourned for his own convenience; and however weary he might be when he arose to charge a jury in a capital case, he was as minute and patient as at the commencement of the trial. When the famous highwayman Michael Martin was tried for robbing Major Bray, near Boston, in the county of Middlesex, as the Chief Justice finished his charge to the jury, and the pannel had retired to deliberate, one of the advocates in the defence said to the prisoner, Michael, you cannot object to that charge. No, counsellor, he replied. 'There was no touch of Lord Norbury in that, the Judge speaks like a man who has a soul; and as good father O'Riley used to say, he is not one who dooms you to death, when he knows you have a chance to die some other way.' In pronouncing sentence of death

on a criminal he endeavored to set before him the extent of his guilt in a clear and faithful manner, and urged him to that repentance which leadeth to life everlasting through the merits of a Redeemer, but he avoided that tasteless rant which is so frequently exhibited on the bench on such occasions. When the Chief Justice had passed the sentence of the law upon the condemned, the wretch often seemed to be still listening to his voice, wishing to hear something more from him who had sentenced him to an ignominious death, because his voice was so kind and his rules for a repentance so rational. This was in imitation of him who never lacerated the bosom in attempting to cleanse and to heal.

Judge Parker was a good lawyer, but never suffered his partiality for the antiquated looks of a year book to overrule the good sense of more modern authorities. His mind was capacious enough to see the nature of improvements, and he had independence enough to be an optimist in all things, where he had a choice of authorities. In his reasoning on a point, the technicalities of the law seemed to be to him what the Scotch names of hill and dale, and lake and cavern were to the Poet of Abbotsford, in his easy rhymes, just such things as he wanted to fill up the line. It is seldom that legal opinions are expressed in tolerably good English, but if we look to Parker's opinions through a long course of years in the Massachusetts reports, there will be found a neatness of style that is worthy of imitation. It is succinct without being abrupt, neat without any attempt at prettiness, and full of good choice words of a well-settled meaning. The current of his thoughts is easily followed, and

the commonest capacity can discover the precise meaning he intended to convey. He felt right, saw clearly, and judged honestly. He had no superabundant stores of learning to *make him mad*, or lead him widely astray; nor could he have felt any want of intelligence, to cause him to hide his deficiency under the gravity of common place remarks. His miscellaneous productions are all marked with purity, ease, and elegance. In them there are no throes of genius, no seeking after fame, but they are plain and simple, as if he had read no other models than those of St. John and Addison. He was a lover of works of taste, and the severest studies of his profession were often better accomplished by relaxing for a while to indulge in reading them. He was a member of many of the societies in the city and neighborhood of Boston—the Phi Beta Kappa—the American Academy—the Bible Society, and many others, and was always willing to perform his share of the labor incident to such office; and in the church, he was not a whit behind the most zealous in doing good.

For more than a quarter of a century he was the most influential man in the Commonwealth of Massachusetts. This influence was noiseless and constant, it was found in the temples of justice, the halls of legislature, in the seminaries of learning—at the ballot boxes—on 'change—in the social circles—every where; it fell like the dews of heaven, and although it could hardly be told when it ascended or descended, its existence could not be doubted. If, sometimes, he mistook character, (for who is always wise and discriminating?) this influence was used better, probably, for the whole course of the time it

existed, than of any other person in that of any other region.

Chief Justice Parker was married young, and from his bridal hour to that of his death was an example of domestic happiness. His house was the abode of easy and plain hospitality. He had not covetousness or avarice in his nature. He wished for competency, and was content with it. He enjoyed life to the last, seldom disturbed by indisposition, for he was temperate in all things. He died by apoplexy, on the 25th of July, 1830, after a long combined exertion of official duty. His father and several of his ancestors had died by this disease, and his own conformation intimated very distinctly to him that this would probably be his fate. He lived in preparation as well as expectation of the event. This is all a mortal can do. To sum up his character in a few words: he had genius without eccentricity, and learning without pedantry. In him firmness was united to flexibility, and delicacy with decision. He was affluent in thought, and was never obliged to have recourse to a rigid economy in the use of his knowledge. His enemies were few, and his friendships many. If the latter had not much of extasy in them, the former were free from all malice. If the proportions of his intellect were not colossal, they were in the perfect stature of man, and therefore more worthy of imitation. After a long life spent in the public service, he died poor; and the citizens of Boston, with a munificence which characterizes that place, immediately made, by voluntary subscription, that provision for his family, which his services, as a public man seemed to require of the Commonwealth.

MARINUS WILLETT.

1830. August 23d. At N. York, in the 91st year of his age, Marinus Willett, formerly Mayor of that city.

Colonel Marinus Willett was born on the 31st of July, (O. S.) 1740, at Jamaica, Long Island, the youngest of six sons of Edward Willett, a respectable farmer in Queen's county.

When young Willett was about sixteen years of age, he witnessed the lawless conduct of some pressgangs in seizing several American citizens, and taking them on board of some British ships then lying in the harbor of New York. The occurrence made a vivid impression on his youthful mind, and prepared him to lend a zealous support to any movements which promised to relieve the colonists from similar outrages.

Within a short time afterwards, the preparations made in the colonies, for the conquest of Canada, excited his military enthusiasm, and having obtained a commission as second lieutenant in a colonial regiment, commanded by Colonel Delancey, in 1758, he joined the army under General Abercrombie, which was destined against Ticonderoga, and Crown Point. This expedition was rendered abortive by the skill of Montcalm, who repulsed their attack upon Ticonderoga, killing and wounding nearly two thousand of the British and provincial troops. To repair the disgrace of this bloody repulse, General Abercrombie detached Colonel Bradstreet, with 3,000 men, against Fort Frontenac (now Kingston.)

Lieutenant Willett, who had behaved with great coolness and courage in the assault upon Ticonderoga, was detailed on this expedition. Colonel Bradstreet suc-

ceeded in reducing the fort, but the men and officers under his command were exposed to severe fatigue, in marching through the wilderness, and conveying their baggage, ammunition, and artillery, from Fort Stanwix, where the troops assembled, to move directly upon Frontenac. Six days were consumed in moving from the head of Wood Creek to Oswego, from which place they were transported in lake craft to the place of their destination. Fort Frontenac was destroyed after its surrender, Aug. 27, and the troops were subjected to still greater fatigue in returning, being obliged to carry with them the valuable articles captured in the fort. From this exposure, one half of the detachment were rendered unfit for duty upon arriving at Fort Stanwix, and Lieut. Willett was confined there until the end of the campaign. The feeble state of his health in consequence of this expedition, prevented him from serving again during the French war; but this early initiation into the mode of warfare in a new country, was of great advantage to him in a subsequent part of his career. Within a few years after the termination of the French war, the British government commenced that course of aggressions upon the rights of the colonies, which finally led to open resistance. In resolving upon this step, the American patriots were sensible of the entire want of preparation throughout the colonies, to carry on a war, and it was an object of some importance to prevent the removal of those arms and military munitions that belonged to the royal government. When the news of the battle of Lexington flew through the country, the whigs in the seaports of the middle and southern states, formed themselves in

juxta-position with the royal troops, and those provincial authorities that were still reluctant to abandon the connexion with Great Britain. In some of these places, the tories formed a strong party, and they were in some measure countenanced by a larger number of respectable citizens, who still hesitated to take any irrevocable steps.

Such was peculiarly the state of things in the city of N. York, and when the British troops which garrisoned the city, were ordered after the battle of Lexington to join the army in Boston, with the view of preventing bloodshed, it was agreed to permit them to embark with their arms and accoutrements.

Mr. Willett was opposed to this agreement, and wished to detain the troops as prisoners. He was, however, overruled in this, and the troops were suffered to depart without molestation. The British commander, however, in addition to the arms of the soldiers; undertook to carry off with him several chests of spare arms belonging to the regiment. Willett, aided by several zealous whigs, determined to prevent it, and accordingly, when the regiment was on its line of march to the place of embarkation, Lieut. Willett arrested the baggage carts which were in front of the column, and by his prompt and energetic course, although opposed by the Mayor, and several influential whigs, finally succeeded in taking possession of the carts containing the spare arms; which were used in arming the first regiment raised by the state of New York.

The war had now commenced, and three regiments being raised by New York, Lieut. Willett entered the one commanded by Col. McDougall, in which he was made second captain. He was appoint-

ed on the 28th of June, 1775, and on the 8th of August he embarked for Albany, to join the expedition under General Montgomery, destined against the British forts on Lakes George and Champlain. After the reduction of these places, Captain Willett was ordered to take command of St. John's, which post he held until January, 1776, when the term for which his men had enlisted expiring, he was relieved and returned home. The war now having assumed a threatening aspect, the army was put upon a different footing. Of the new regiments to be raised, New York was to furnish four, and of the third of these, Captain Willett was appointed Lieut. Colonel. At the opening of the campaign in 1777, Col. Willett was placed in command of Fort Constitution, where he remained until the 18th of May, when he was ordered to repair to Fort Stanwix. Upon his arrival at this place on the 29th of May, he found the fort in an untenable condition, and an incompetent engineer employed in repairing the works. His incompetency was soon discovered, and upon the suggestions of Colonel Willett, Colonel Gandevoort, the chief in command, ordered him to be arrested, and sent to headquarters. In the mean time, dangers began to thicken around the garrison. Indians were discovered prowling about the fort, and several persons, who ventured beyond the protection of the works, were killed, and scalped. About the middle of July, one of the scouting parties was attacked, and it was thought necessary to use every exertion to put the fortress in a state of defence, which was effected by the 1st of August. The next day a large supply of ammunition and provisions, together with a rein-

forcement of 200 men, arrived, and scarcely had the stores been conveyed into the fort, when the army which had been despatched by General Burgoyne, under Col. St. Leger, to reduce Fort Stanwix, appeared, and invested the place. The garrison, now consisting in the whole of 750 men, prepared to maintain the post, upon the successful defence of which, the safety of Albany and of Gates' army was thought to depend.

On the 4th of August, the fire upon the fort was commenced by the enemy; and was continued during that and the next day. The morning of the 6th, two men arrived at the fort, informing the commander, that General Herkimer was raising the militia of Tryon county, with the view of raising the siege.

Upon the receipt of this intelligence, it was determined to make a sortie upon the enemy's camp, in order to effect a diversion in favor of General Herkimer. A detachment of 250 men sallied forth for this purpose, under Col. Willett, and driving in the sentries, forced the camp where Sir John Johnson was stationed, dispersed the Indians, and took possession of the camp equipage and stores, which he brought into the fort. The sortie was completely successful, and without the loss of a man on the American side.

While this attack was thus happily conducted, Gen. Herkimer, who was marching without proper military precaution, fell into an ambush, and was defeated with considerable loss; he himself being badly wounded, and dying from unskilful treatment, shortly after the engagement. The siege was now resumed, and a flag was sent to the garrison, threatening them with the terrors of an Indian mas-

sacre, in case of their refusing to surrender. This threat was treated with contempt, and as the defeat of General Herkimer, put an end to all expectation of relief from the militia, it was deemed advisable to despatch some person from the fort, to inspire the country militia to make another attempt to raise the siege. Col. Willett was well known in that quarter, and with the view of relieving his companions from their dangerous position, he gallantly determined to attempt to pass through the enemy's camp, and to make his way through a pathless forest, to the settlements down the Mohawk river, which were about fifty miles distant. On the night of the 10th of August, accordingly, Colonel Willett, and Major Stockwell left the fort together, with no arms except spears, and without any provisions, except a few crackers and some cheese; made their way through an adjoining marsh; crossed the river undiscovered by the sentinels, and passed safely through the enemy's camp. They then continued their journey all the next day; slept on the ground, without even a blanket during the night, and the second day after leaving Fort Stanwix, about three o'clock, arrived at the German Flatts, where they were received by Colonel Weston. Here they were informed, that Gen. Learned was on his march with a Massachusetts brigade to relieve the fort. The next day, proceeding on, they met these troops, who, together with one of the New York regiments, all under the command of Gen. Arnold, hurried on to relieve Fort Stanwix.

Before, however, they reached the place, the British army hearing of their approach, and not being able to induce Col. Gandevoort to

surrender, suddenly abandoned the siege, and retreated into Canada.

Col. Willett was now left in command of the fort, in which station he continued, except while visiting his family, until the following June, when he joined the army under Washington, and was present at the battle of Monmouth, where he acted as a volunteer aid to Gen. Scott, of Virginia.

The next campaign, i. e. of 1779, he was with Gen. Sullivan, in his expedition against the western Indians. After he returned from that expedition, which was entirely successful, Col. Willett was stationed near Morristown, and occasionally acted in beating up the enemy's quarters, during the winter of that year.

Towards the close of 1780, the New York regiments were reduced to two, and Col. Willett was ordered to take command of all the levies, and state troops raised to protect the northwest frontier of the state against the incursions of the Tories and Indians, who were a severe scourge to the settlers on the Mohawk. Col. Willett had under his command less than 200 men, independent of the militia, who were scattered through the country, and yet with this small force, he contrived, by his untiring energy and devotion, to repel the enemy, and often inflicted a severe chastisement upon them in their predatory expeditions.

In one of these under Colonel Ross, the Tories and their savage auxiliaries, amounting in all to nearly 1000 men, were subjected to so heavy a loss, independent of the death of the famous partizan Major Butler, that they were unable to undertake any considerable expedition for the rest of the year (1782.)

In the winter of that year he at-

tempted to surprise the British garrison at Oswego; but failed from a mistake of the Indian guide, and retired without making an assault, with the loss of but one man, who was frozen to death. During this march the news of peace arrived, and Colonel Willett retired from the army, with the entire confidence of Washington, and the gratitude of the people of this state, to whom he had afforded adequate relief and protection. The estimation in which he was held by his fellow citizens, was manifested by their making him sheriff of New York, directly after the war, which office he held four years.

Difficulties however still continued with the Southern Indians, and after the adoption of the federal constitution, President Washington determined to send a commissioner to induce them to enter into a treaty.

Colonel Willett was accordingly selected to go into the Creek country, and after a long and fatiguing journey, not unattended with danger, through a wilderness filled with Indians, whose pacific disposition was doubtful, he arrived, attended by a German servant and an Indian guide, among the Creek settlements. Here he was well received, and finally persuaded them to send McGillivray and other principal chieftains to New York, where a treaty was made, which relieved Georgia from a war with the powerful tribes of southern Indians. After his return from the Creek mission, he was again appointed sheriff, which office he held for another term of four years.

The same year, (1792) he was appointed Brigadier General in the army intended to act against the northwestern Indians. This appointment, however, he declined, thinking an Indian war ought to be

avoided, and offered his services to mediate a peace, but the difficulties occurring shortly after in the city of New-York compelled him to remain at his post as sheriff. In 1807 he was appointed Mayor of the city, and in 1824 he was chosen elector of President and Vice-President of the United States, and by the electors afterwards made the President of the electoral college. He voted in favor of Mr. Adams, and at the subsequent election in 1828, his opinion of his fitness for his high station being strengthened, he was again placed upon the electoral ticket, which was supported by the administration party in the city of New York. That ticket did not succeed, and Col. Willett, who was then at a very advanced age, soon after became too much enfeebled to quit his mansion.

A few months before his death he was attacked by a paralysis, and on the 23d of August, 1830, he yielded his patriotic and ardent spirit into the hands of his Maker, with the steadfast hope of a Christian, and the humble confidence of one whose life was devoted to the service of his country.

Colonel Willett was one of the best specimens of the patriots of the revolution. In his character were combined traits of chivalric daring, gentleness and humanity which belonged to a less degenerate age.

His courage and presence of mind were displayed not only at the head of his regiment, but in the lone and pathless wilderness, when surrounded by Indians, and sustained only by his own innate energies. He never shrank from danger nor responsibility, when the general weal required him to expose himself; and while in private life his integrity, frankness, and decision endeared him to his friends and acquaintance; his fear-

less intrepidity and self-devotion in the public service gave him a strong hold upon the affections of the community.

KING OF NAPLES.

1830. Nov. 7. At Naples, aged 53, Francis Janvier Joseph, King of Naples and the Two Sicilies.

He was born April 19, 1777, the son of Ferdinand the 4th (Infant of Spain,) by the Archduchess Maria Caroline, daughter of the Emperor Francis 1st. He succeeded to the throne Jan. 4, 1825, on the death of his father. Although he gave some promise of an improved government before he came to the throne, he showed no disposition in power to fulfil the expectations he had raised. He did not act the King of the Lazzaroni, or the buffoon, like his father; nor did he kill in his time so many wild boars and tunny fish; but he was not a better sovereign, though he had better tastes, nor less of a despot, though not so much of a Nimrod. It was a saying of the old King, that the people could only be governed by the three f's, meaning by that the initial letters of the three words, festa, forza, and furca, (or festivals, force, and the gallows); and though his late Majesty did not so cordially enjoy these means of power, he never thought of any better receipt for good government.

King Francis was twice married; firstly, to his first cousin, the Archduchess Maria Clementina, daughter of the Emperor Leopold 2d. by whom he was father of Maria Caroline, the Duchess de Berri. This Princess having deceased, Nov. 15, 1801, he married secondly, by proxy, July 6, and in person, Oct. 6, 1802, another first cousin, the Infanta Maria Isabella, daughter of Charles 4th King of Spain, and sister to the present King Fer-

dinand. By this alliance he had six sons and six daughters.

POPE PIUS THE EIGHTH.

Dec. 3d. 1830. At Rome in his 70th year, his Holiness Pope Pius the Eighth.

Francisco Xavier Castiglione, was born at Cingoli, Nov. 20, 1761, made Bishop of Montalto in 1800, Cardinal in 1816, elected to the Popedom on the 31st of March, 1829, and crowned on the 5th of April following. His administration was, on the whole, the result of good sense and enlightened views. Not only did he bring the long winded negotiations with the Netherlands to a successful termination, but accomplished the task of settling the affairs of the Catholic Americans. At his instance, the Ottoman court placed the Romish church on the same footing with that of the Greeks, in point of civil and religious immunities, and allowed them to have a resident Patriarch at Constantinople. Great melioration, tending to lessen the public burdens, were also effected throughout the Roman states during the late Pope's transient career. He lent a zealous and liberal hand to the constructions proceeding on Mount Pincis, was an active patron of the excavations in progress on the banks of the Tiber and in the Forum; and spared no expense in preserving the splendid remains of ancient architecture, with which the imperial city abounds. Rome is indebted to him, for its present currency, which threw the miserable production of Leo 12th's mint completely in the shade. Before the Holy Father was confined to his bed, he occupied himself upon some indispensable affairs. He directed that all letters addressed to him, on the actual state of things in France and Belgium, should be answered with the strictest punc-

tuality by briefs, which he himself dictated, and which breathe a love of order and of peace.

He left so small a fortune for his family, that they can scarcely have wherewith to maintain their rank.

GENERAL SUCRE.

1830. Aged 37, General Antonio Jose de Sucre, who was assassinated on his way to Pasto, in New Grenada.

He was born at Cumana, in Venezuela, in 1793, and was educated at Carraccas. He entered the army in 1811, and from 1814 to 1817, served in the staff. He commanded the patriot forces at the battle of Pinchica, on the 24th of May 1822, when 800 Spaniards were left dead on the field, and the remainder, consisting of about 3000 men, capitulated. By this event, the independence of Quito was secured. In June, 1823, he was elected commander-in-chief of the patriot forces in Peru, on the approach of a powerful Spanish army, and soon after was invested with the supreme command. On the 9th of December, 1824, he gained the battle of Ajacucho, the most brilliant ever fought in South America. This battle secured the independence of Peru. He afterwards liberated the province of Bolivia, became supreme chief, and was finally appointed by the congress of that republic, President for life. From this station he was afterwards driven by a revolution of the Bolivians, aided by the Peruvian army. This interference occasioned a war between Colombia and Peru, in which General Sucre commanded the Colombian forces. In this war he was successful, and imposed terms of peace upon Peru, at his own dictation. In these, however, he did not abuse his power, but regarded the rights

of the vanquished as well as those of his own government. He was afterwards elected first President of the late constituent congress of Bogota, and was delegated by that body as one of the commissioners to propose friendly terms with Venezuela. When this mission had proved unsuccessful, and the congress had closed its labors, he was proceeding to the southern departments to appease certain disturbances, which had arisen under General Flores, when he met an untimely fate.

BENJAMIN CONSTANT.

Dec. 8, 1830. At Paris, aged 65, M. Benjamin Constant.

This eminent person, although inheriting illustrious blood from both his parents, avoided everything which might give room to conjecture his origin, and relied entirely on his talents and behavior.

Never did any man labor with more diligence. The extent of his works, if they were collected, would appear immense. While he listened to the debates in the Chamber, he would at the same time be writing on the most abstruse subjects. While engaged in this employment, he would often rise suddenly and take part in the discussions; though it must be confessed that his extemporaneous speeches were in general much inferior to those on which he had previously bestowed the labor of composition.

Benjamin Constant had all that weakness of human nature which thirsts for emotions, and he sought to gratify that desire sometimes in the boudoirs, sometimes in the chances of hazard, but never with more ardor than in the stirring events of political life. The storms of the tribune had peculiar

charms for him, and he loved the animating excitement of parliamentary contests. Never was orator more ingenious, never was a more rigid and forcible logic displayed. His speeches always commanded attention, and drew from his enemies that admiration which they would have wished to withhold. Though most serious when engaged in public business, and ever studious in the closet, it was difficult to engage him in a serious conversation. He found a relaxation in being frivolous when he mixed in that world which he loved, and in which his presence was always desired. A great intimacy subsisted between him and Madame de Staël. That justly celebrated woman had the most unbounded friendship for him; but they often amused themselves by reciprocal verbal provocations, and nothing could be more delightful than to be present at those private scenes, in which the mental collision struck out, on both sides, the most vivid flashes.

Constant was singularly fond of the sports of infancy, into which he was always ready to engage with zeal and a boyish simplicity. About ten years ago, at the country-seat of Baron Davillers, he followed the example of some young lads in leaping to the bottom of a quarry. On this occasion he unfortunately broke his thigh; a long time elapsed before he could walk.

In person he was tall; his features mild and interesting; his hair fair; he walked with a careless motion. Only two years ago, he had, when in the tribune, a certain air of youth. His two last years were painful. Several times he was observed in the Chamber to be overcome by sleep, and twice he fainted. His last days were not passed without some degree of relaxation. After the revolution

of the 30th of July, he was appointed Vice-President of the Council of State. His friend and pupil, the Duke of Broglie, was President; and this circumstance induced M. Constant readily to place himself in the second rank. When, however, by the favor of M. Dupont de l'Eure, M. Merilhou succeeded the Duke de Broglie, the Presidency of the Council of State was offered in vain to M. Constant; for he could not consent to fill an inferior post under the direction of a minister, whose name was yet scarcely known.

M. Constant has left a widow, but no children. He underwent a dangerous surgical operation a few days before the revolution of July, and insisted, contrary to the advice of his physician, in going out to join his fellow deputies towards the end of the 'glorious week,' when he ought to have been in his bed. He never recovered the blow which this gave to his health; and ever since had considered his life as sacrificed to this over zealous patriotism. 'We have not forgotten,' says the Constitutionnel, 'the last words he uttered in the tribune:—"Permit me," said he, "to implore your indulgence, not for my principles, but for the imperfections of a refutation drawn with haste. Naturally weak, and in bad health, I feel a sadness I cannot overcome: this sadness, gentlemen, it is not in my power to explain. I cannot account for it; but have endeavored to surmount these obstacles in the discharge of my duty, and my intention, at least, is worthy your indulgence." These words were marked by a most impressive melancholy, and produced in the Chamber and on the public a deep sensation. In six days he was no more.

The Journal des Debats says, 'The Chamber and the French

nation will lose in him an orator, an eloquent defender of constitutional principles, a writer, who added to a powerful display of sound logic, the ornament of an enlightened, striking and original style.'

SIMON BOLIVAR.

1830. Dec. 17. At San Pedro near Santa Marta, in Colombia, aged 47, Simon Bolivar, late President of that republic.

This celebrated personage was born in the city of Carraccas, July 25, 1783, the son of Don Juan Vicente Bolivar y Ponte, and Donna Maria Concepcion Palacios y Sojo, both of distinguished families in Venezuela. After acquiring the first elements of a liberal education at home, he was sent to Madrid to complete his studies. When he had finished his education, he spent some time in travelling in England, Germany, Italy, and France, at the capital of which he was an attentive witness of many of the later events of the revolution, and probably there imbibed the spirit which impelled him at a later period, to become the liberator of his native country. Returning to Madrid, he married the daughter of Don N. Toro, and embarked with her for America, with the view of dedicating himself to the improvement of his extensive estates. The premature death of his wife, put an end to this dream of domestic happiness, and he again visited Europe, to dispel his sorrow at her loss.

On his return, he visited the United States, and upon his arrival at Venezuela, finding his fellow citizens engaged in open hostility with the mother country, he promptly embraced the side of the patriots, and pledged himself to the cause of independence.

As one of the chief promoters of the movements in Carraccas in 1810, he was appointed a colonel under the supreme junta, and shortly after the declaration of independence, July 5th, 1811, he took part in a military expedition under Miranda, against a body of persons in Valencia, who opposed the revolution. The next year he was intrusted with the command of Puerto Cabello; but the Spanish prisoners having obtained possession of the castle through treachery, he was compelled to evacuate the place, and Monteverde, the Spanish commander, soon after reduced Venezuela to a state of temporary submission. Bolivar succeeded in escaping to Curacoa, whence he repaired in September, 1812, to Carthageua, and entered into the service of the patriots of New Grenada, by whom he was appointed commander of a small town called Baranca. While in this post he undertook an expedition to Teneriffe, a place situated above Baranca on the river Magdalena, and having succeeded in capturing it he proceeded to Mompox, gathering strength, and driving the Spaniards before him until he entered the city of Ocana in triumph, having liberated the whole of the upper Magdalena from its oppressors. He next marched upon Cucutá, and expelled the Spanish division commanded by Correa, from that province. He now determined upon invading Venezuela in the face of the formidable force under Monteverde, with an army not exceeding 500 in number. Upon entering Merida, the inhabitants of the capital of that province rose upon the Spaniards, who fell an easy prey to the enterprising chieftain. While Bolivar was employed in re-establishing the republican author-

ities in the capital, he detached Izardot in pursuit of the Spaniards, and Briceno for the occupation of Varinas. Izardot succeeded in his object, and wholly freed the provinces of Merida and Trujillo from the royalists, but Briceno was defeated, and falling into the hands of the Spaniards, was shot in cold blood with seventeen of his companions, by the Spanish commandant Fiscar.

Exasperated at this inhuman butchery, Bolivar resolved upon retaliation, and issued the noted decree of *guerra á muerte*, condemning to death all the Spanish prisoners falling into his power. This decree had the effect of intimidating the royalists, and induced them in the subsequent passages of the war to pay more respect to the laws of nations. Bolivar now divided his army into two divisions, and advanced upon Carraccas through the provinces of Trujillo and Varinas. After a series of fortunate encounters, Bolivar finally defeated Monteverde in the decisive action of Lastoguanes, and compelled him to shut himself up in Puerto Cabello. Bolivar then proceeded to Carraccas, which he entered in triumph, August 4th, 1813, and as the commander of the liberating army assumed the whole authority of the government of Venezuela. This authority was confirmed by a convention of the principal civil and military officers assembled at Carraccas, Jan. 2d, 1814, and with these dictatorial powers the war was continued by him with various vicissitudes, until his total defeat by Boves in the plains of La Puerta. With the remnants of his army, Bolivar embarked for Cumana, and the Spaniards assumed the undisputed possession of Venezuela before the end of the year 1814.

Once more a fugitive, Bolivar proceeded to Tunja, where he found the congress of New Grenada preparing an expedition against the city of Bogotá, with the view of compelling the province of Cundinamarca to accede to the union of the provinces of New Grenada. Bolivar was intrusted with the command of the forces of the union on this occasion, and at the head of 2000 troops, he marched against Santa Fé early in December, 1814. After a short conflict the malcontents were compelled to submit, and the government of the union was transferred to Bogotá. Bolivar now was employed to reduce Santa Marta, but his plan were all defeated by the jealousy and ill conduct of Castillo, the commandant of Carthagena upon whom he was dependent for supplies. Domestic dissensions now ensued, and the superior forces of Morillo soon compelled Bolivar to embark for Jamaica, and to leave his country to the mercy of the victorious Spaniards, who, during his absence, reduced Carthagena, and overran the province of New Grenada. Bolivar remained at Jamaica from May, 1815, until the beginning of the next year, when he repaired to Aux Cayes, where by the aid of several private individuals, he organized an expedition, and with ten black battalions furnished by Petion, he set sail in conjunction with commodore Brion to join the independents, who had renewed the war under Arismendi in the isle of Margarita.

From Margarita he embarked for Cumana, where he landed; but in the course of the summer of 1816, was defeated by Morales, and compelled to re-embark. He was again reinforced at Aux Cayes, and in December of the same year, landed once more in Margarita. Having there issued a proclama-

tion convoking the general Congress of Venezuela, he passed over to Barcelona; organized a provisional government, and prepared to repel Morillo, who was advancing upon this indomitable antagonist. An action which lasted three days was fought between them, in the month of February, 1817, and Morillo was compelled to retreat. Bolivar, now recognized as supreme chieftain, followed up his victory, and soon established himself at Angostura. In the sanguinary war that followed, Bolivar was the most distinguished among the brave. He now began to develop his character as a civilian, and at the opening of the Congress at Angostura (February 15th, 1819,) where he presided, he made an elaborate exposition of his views of government. He then surrendered his authority into the hands of the Congress, but was requested to resume it and to retain it until the independence of the country was achieved. He now effected a junction with General Santander, who commanded the forces of New Grenada, and on the 7th of August, 1819, gave a decisive defeat to the Spanish army at Bojaca, by which he gained immediate possession of Santa Fé and all New Grenada. This success ensured him the unlimited confidence of the republic, and he was appointed President and Captain General, and immediately began to strengthen his army for the purpose of expelling the royalists from Venezuela. His return into that province was hailed with the greatest enthusiasm, and he embraced this favorable moment to obtain the fundamental law of the union of Dec. 17th, 1819, between Venezuela and New Grenada, under the title of Colombia, with Bolivar for President.

The next year an armistice of six

months was concluded with Morillo, who returned to Spain before its termination. La Torre, his successor, was defeated shortly after the renewal of hostilities at the fatal battle of Carabobo, and an end put to the war in Venezuela, although a Spanish garrison maintained possession of Puerto Cabello nearly two years afterwards. The constitution of Colombia was then completed, and went into operation August 30th, 1821, Bolivar being chosen President, and Santander Vice-President.

The independence of his own country being thus established, Bolivar, persuaded of the necessity of depriving the Spaniards of all foothold upon the continent, invaded Quito at the head of the army destined to liberate that country. The fate of this republic was decided by the battle of Pichincha in June, 1822, and Bolivar then resolved to march upon Lima to aid the Peruvians. The royalists retreated before him, and upon his entrance into Lima he was invested with dictatorial powers. This roused the jealousies of some of the patriot Peruvians, and the dissensions which followed induced Bolivar to withdraw from Lima, which again fell into the hands of the royalists. After recruiting his forces Bolivar renewed his attempt to liberate Peru, and on the 6th of August, 1824, completely defeated the Spaniards at Junin. Bolivar then repaired to Lima to organize the government, and Sucre pursued the Spaniards into Upper Peru, where, on the 9th of December, 1824, he achieved the independence of Spanish America by the splendid victory of Ayacucho. This ended the war, the royalists being afterwards confined to Callao, which was immediately besieged, and which capitulated

before the end of the next year. Bolivar now seemed to entertain new ideas of personal ambition, and in June, 1825, he visited Upper Peru, which was formed into a separate republic, under the title of Bolivia. The Congress, which assembled the following August, declared Bolivar to be perpetual protector of the republic, and requested him to form a constitution for it. By this constitution, which was regarded by Bolivar as containing the outlines of his political faith, the powers of government were distributed into the electoral, legislative, executive, and judicial. The electoral body was composed of persons chosen for a period of four years, by the citizens at large, one elector representing 100 citizens. The legislative power was vested in 3 chambers; the first of tribunes, chosen for 4 years, and one half removable every second year; the 2d chamber of senators chosen for 8 years, and one half removable every 4th year. To these two bodies were intrusted the ordinary duties of legislation. The 3d chamber consisted of censors, chosen for life, whose business it was to watch over the government, to regulate the press and education, to reward public servants, to accuse the executive; and denounce the enemies of the state.

The judicial power was well calculated to secure the due administration of justice between individuals, and the personal rights were carefully protected by suitable provisions. The executive power was vested in a president for life, a vice-president and 4 secretaries. The president who was without responsibility; was intrusted with the full command of the military and naval forces, exercised the whole patronage of the government, nominating all military and civil officers, foreign ministers,

and the vice-president, who was to be his successor. By this form of government the executive was intrusted with a preponderating power that placed all the other branches of the government at his mercy. It was, however, adopted by the constituent Congress of Bolivar in May, 1826, and was directed to be carried into effect the 9th of December following—the anniversary of the battle of Ayacucho.

The friends of freedom were much alarmed at the arbitrary character of the government thus prepared by Bolivar, and they began to entertain apprehensions as to his ulterior designs. The conduct of Bolivar himself did not tend to alleviate these apprehensions. Instead of retiring from Peru after the Spanish forces were expelled from the country, he continued there in the exercise of the supreme authority.

The deputies appointed to the constituent Congress were induced to decline acting in their legislative capacity, and a majority of them united in a request to Bolivar to continue at the head of the government another year, and in the mean time to consult the provinces as to the form of their government and the executive chief. The electoral colleges were accordingly assembled, and a form of government, similar to the Bolivar constitution was proposed by circulars, to the several prefects for the adoption of Peru. This constitution was adopted, and Bolivar nominated president, with a most suspicious unanimity. The progress of events in Colombia, however, prevented him from more fully developing his views in Peru, and he was compelled to return to his own country in order to reconcile the contending factions which had arisen during his absence. General Paez, a devoted follower and

friend of the liberator, who commanded in Venezuela, had refused obedience to the senate of Colombia, and his rebellion had encouraged other malcontents to oppose the central government. The northern departments were thus separated from the rest of the republic, and a civil war seemed inevitable. Both parties, however, professed themselves ready to submit to the decision of Bolivar, and his return to Colombia was ardently desired. The movements of the disaffected were not confined to efforts to change the form of government from central to federal, but meetings were held in the southern departments, in which they voted to adopt the Bolivian code, and to make Bolivar dictator. The central departments were alone faithful to the constitution, but all parties called for the return of Bolivar. Paez sent Don Guzman to Lima, urging Bolivar to establish a monarchy, and promising his aid in making him a king, as the only mode of averting anarchy. Bolivar declined the proposal, but determined upon returning at once to Colombia, with the view of putting an end to the dissensions, which distracted that republic. Accordingly he left Peru, committing the government to a council appointed by, and responsible to himself, with General Santa Cruz at its head, and on the 14th of November, 1826, he arrived at Bogotá. He there assumed the extraordinary powers vested in cases of emergency in the president, and passed on to Venezuela, to stop the effusion of blood. The strongest proofs of his personal influence were evinced on this occasion. All parties submitted upon his approach. Paez met him in the most friendly manner, and upon reaching Puerto Cabello he issued a decree of amnesty (Jan-

uary 1st, 1827,) and promised to call a convention to amend the constitution. Shortly after, Bolivar addressed a letter to the senate, resigning the presidency of the republic, and expressing his wish to retire to his patrimonial estate, in order to repel the imputations cast upon his motives. Distrust and suspicion had now filled the minds of many of the patriots of Colombia, and they advocated the acceptance of his resignation. Santander and others thinking that the present troubles, if not occasioned by Bolivar, could alone be appeased by him, opposed this, and, joined to the personal friends of the Liberator, they formed a majority of the senate. His resignation consequently was not accepted, and his presence was required at the capital, to take the oaths prescribed by the constitution. A decree was then passed re-establishing constitutional order throughout Colombia, and ordering a national convention to assemble at Ocaña, March, 1828. Before, however, this took place, new commotions occurred in Peru. The Bolivar constitution had been adopted in that republic, with Bolivar as President for life, and was promulgated and sworn to on the 9th of December, 1826, the time that it went into operation in Bolivia. At that time the Colombian army, which was left in Peru, was cantoned in three divisions, one in Upper Peru, one in Arequipa, and the 3d at Lima. This last division, consisting of the veterans of Bolivar's army, and commanded by his personal friends, Generals Lara and Sands, had begun to distrust his designs, and as soon as they suspected he sought to introduce the Bolivian constitution into Colombia, they resolved to oppose his projects. The consequence was, that within six weeks after the constitution was promulgated (January 26th, 1827,) they arrested their general officers, placed Bustamente, one of their colonels, at their head, and announced to the citizens of Lima, that their sole object was to relieve the Peruvians from oppression, and then to return to Colombia. The Peruvians immediately abolished the Bolivar constitution, organized a provisional government, and took measures to transport the 3d division to Guayaquil, in the southern department of Colombia. Upon landing, they announced to their countrymen their object to be the restoration of constitutional order. Bolivar now found his authority seriously in danger, and he took immediate steps to reduce the refractory troops to submission. Before, however, any collision had taken place, the 3d division had submitted to the command of General Ovando, who was sent by the constitutional authority of Colombia to take command of them. Bolivar, in the mean time, having taken the requisite oaths, had resumed his station as constitutional president, and the 3d division expressed the deepest regret for having entertained any distrust of his motives or character. It was not so easy a task to regain the same ascendancy over the citizens as over the army. A large portion of the patriots of Colombia, with Santander at their head, continued to regard the movements of Bolivar with suspicion. Parties began distinctly to arrange themselves for and against the Liberator, and the most strenuous efforts were made to obtain a majority at his approaching convention at Ocaña. In the elections the republican party generally succeeded, and Bolivar saw, with feelings of no ordinary nature, the triumph at the polls of those who did not hesitate to proclaim their suspicions as to his designs.

His countrymen had refused longer to acquiesce in his views, and the military had now become his chief dependence. Symptoms of discontent also began to appear in Bolivia itself, and an insurrection broke out in the spring of 1828, which resulted in the overthrow of the Bolivian constitution.

By the aid of the Peruvian government, General Sucre (who had been left by Bolivar in Upper Peru, and was chosen president for life,) was deposed and taken prisoner. Extraordinary efforts and decisive measures had now become necessary. Whether Bolivar really intended to make himself absolute, or thought an energetic government indispensable to the preservation of social order in the distracted condition of Spanish America; in either case, it was essential to act with decision for the preservation of his personal influence and all the advantages which the exercise of that influence had hitherto imparted to his country. The distractions in Peru and Colombia threatened general confusion, and it is difficult to decide how much of this confusion was owing to Bolivar himself. The conduct of his partizans, in relation to the congress at Ocaña was not calculated to reassure the public mind. He himself, previous to its meeting, under the pretence of intestine commotions, assumed extraordinary powers, and when the convention met it found itself surrounded with troops,—the headquarters of Bolivar being fixed at Bucaramanga, not far distant from Ocaña. In the address of Bolivar to the Convention, the distress and confusion prevailing in Colombia were strongly depicted, and an earnest appeal was made to that body, in amending the constitution, to give more strength to the executive.

On this point a contest commenced in the convention between the friends of Bolivar and those who doubted as to the nature of his ulterior views. After some manœuvring in the convention, in which the opponents of Bolivar obtained the advantage, his friends determined on seceding, and leaving the convention without a quorum. This was done on the 2d of June, and on the 11th, the convention was dissolved, from an inability to form a quorum. This assemblage having thus proved abortive, measures were taken by the partizans of Bolivar to procure his nomination to the office of Supreme Chief in the primary assemblies. This was done at the capital, and the nomination being accepted by him, the example of Bogatá was followed by the other departments, and Colombia again passed under the absolute authority of Bolivar. This power, however, he declared he intended to retain only for the moment, and promised to convene the national congress within a year. In the mean time he declared war against Peru for invading Bolivia, and for unfriendly acts towards Colombia. Sucre was intrusted with the conduct of this war, which resulted in the re-establishment in power of Bolivar's partizans. The victory, however, was used with great moderation, and the rights of Peru, though vanquished, were respected by the Colombian commanders. Bolivar in the mean time was consolidating his authority at home, and on the 27th of August, he promulgated a provisional constitution, in which he defined the powers of the executive. In this branch of the government he vested all the powers of the state, and in accordance with this idea of executive power he increased the standing army, and lent the influence of his station to oppress

his political opponents. These acts led to a conspiracy against his life; and on the 25th of September, 1828, an attack was made upon his palace at Bogatá, by a brigade of artillery, part of the garrison of the capital who had been seduced by the conspirators.

The attack was so sudden that Colonels Bolivar and Ferguson, aids of the president, were shot in their beds, and Bolivar himself barely escaped, by leaping out of a back window, and hiding himself under a bridge, until he was relieved by that part of the garrison which remained faithful, and which, taking the alarm sallied from their barracks, and occupied the principal squares of the city. The rebellion being suppressed, measures were taken to punish the conspirators—several were shot, and General Padilla, Col. Guerra, with some others, were hung.

Santander, too, was accused of having been at the head of the conspiracy, and being brought to trial was condemned, not for having instigated the conspiracy, but for having approved of it, and wishing it to succeed after he should have departed from the country. He was consequently banished from Colombia, and Bolivar now came into full possession of the civil and military power of the country, without a rival.

In this station he continued until May 4th, 1830, when, dissatisfied with the internal aspect of Colombia, and impatient at the steady opposition of his political enemies, he renounced the presidency for the eighth and last time, and refused any longer to hold the office. This renunciation was destined again to kindle the fire of discord. The province of Venezuela, with Paez at her head, declared herself independent of the central government; and other pro-

vinces evinced a similar spirit of discontent. Troops were despatched for the purpose of preventing the progress of insubordination, but it was speedily ascertained that the military were not to be depended upon in this emergency. Bolivar retired to his country-seat, and declined interfering between the contending parties; one of whom, aided by the resident ministers of England, was striving to obtain his recall to the supreme command. It was soon discovered that his successors were still less able to preserve tranquillity than himself, and every effort was made to prevent Bolivar from executing his intention of departing for Europe. Movements were made in Venezuela and at Bogatá, in his favor; and the military intimated their determination to be satisfied with nothing short of his restoration to power. This they declared to be the wish of the people, as well as of the army; and after an interval of six months, during which the government was completely disorganized, Bolivar was earnestly urged to return and take charge of the government, by those to whom he had left its administration. In expectation of this event, Bolivar had delayed his departure for Europe; and upon receiving this call from the principal inhabitants of Bogatá, accompanied with the request of the chief civil and military officers, he again consented to resume the chief command, declaring, however, that he would hold it only until the new elections could take place, when he should retire for ever to private life. This intention he was not permitted to carry into effect. Enfeebled by his constant exertion of body and mind, his constitution sunk under the influence of the climate, and on the 17th of December, 1830, he expired at Carthagena, waiting the

approach of death, in a calm and collected manner, and expressing in his last hours his ardent wishes for the welfare of his country.

As a general, Bolivar was distinguished, accomplishing great ends with inadequate means, and confounding his opponents by the rapidity of his movements and the vehemence of his attacks. Repeatedly defeated, his forces scattered, he himself escaping in a remarkable manner; when others despaired he continued to act, and with energies, irrepressible by adversity, he fought on in the great cause he had espoused, until he had expelled the Spanish armies from the American continent, and liberated the new world from the dominion of Spain.

As a statesman, he was not so eminent. His views were liberal, but they were often too enlarged for the sphere in which he moved. The celebrated congress of Panama, which originated in his mind, was well calculated to perpetuate his name in future ages. It aimed to substitute the sway of reason and law to that of force among nations; to reform the code of national law as established in rude and barbarous ages, by introducing the maxims of a more enlightened period, and to protect the independence of the new republics by a combination of their forces. He did not, however, duly estimate the incongruous and discordant materials which were to be assembled in that body, or the difficulties to be overcome before the governments and communities there represented could be brought to lay aside their mutual jealousies, and to come to a cordial agreement on disputed principles of public law. The domestic dissensions which commenced in the republics, under his sway, shortly after this congress was proposed, prevented him from prose-

cuting the design, and he did not thus fully realize the difficulties of the task he had undertaken. The congress was never formed, and cares nearer home prevented the project from being resumed. So, too, in his views, respecting the constitution of his own country,—seeing it distracted by domestic dissensions, he deemed it necessary to repress them by a strong executive; and he did not properly rate the danger of subjecting the other branches of the government to the will of an individual. The government thus became arbitrary, and freedom was destroyed in the attempt to repress anarchy. In his desire to render Spanish America independent of Spain, he ran too near consolidating the republics of Colombia, Peru, and Bolivia, under one head, and subjecting himself to the charge of being governed in his career by an immoderate personal ambition. He was, however, the true friend of the independence of his country, and her liberator from foreign domination. With a noble disregard of money, he expended a large fortune in the public service; and if his ambitious designs have caused many to accuse him of being the Cæsar of his country, we may with perhaps better reason conclude that he was only prevented from imitating our own Washington, because his countrymen could not be so solely trusted with the government of themselves, as the countrymen of Washington.

His disapprobation of slavery was evinced in the emancipation of nearly 1000 slaves, belonging to his patrimonial estate; and his refusal of a crown when tendered by General Paez, demonstrated that in his aspirations after power, he did not seek to gratify his ambition through a monarchical form of government.

THE COUNTESS DE GENLIS.

1830. Dec. 31. At Paris, aged 84, the Countess de Genlis. The paternal name of this extraordinary woman was St. Aubin, and she was born near Autim. She inherited no fortune, but being of noble family, was received at the age of four years as Canoness of the noble Chapter of Aix; and after that time, was called La Comtesse de Lancy. As she grew up she was distinguished for her general talents and accomplishments, and a handsome person. These qualifications soon obtained her admission into the best society. Chance appeared to decide her lot in marriage. A letter which she had written to one of her acquaintances, fell into the hands of the Count de Genlis, who was so charmed with the style, that he aspired to acquaintance with, and afterwards became the husband of, the fair writer, when she was only in the seventeenth year of her age. By means of this union, Madame de Genlis had access to the family of the Duke of Orleans, whose son, then Duke de Chartres, had a rising family, which he determined to place under her care for their instruction: this scheme was put in practice in 1782.

It was during her engagement as preceptress in this family, that Madame de Genlis began her career as a writer, by works of education, which were soon found in the hands of all fashionable mothers of families. 'The Theatre of Education,' 'Adela and Theodore,' 'The tales of the Castle,' and the 'Annals of Virtue,' were among the most popular and most excellent works ever produced, of their kind. But Madame de Genlis' ambition was not to be satisfied by the production of works on education merely; and the Parisians were astonished to

see a religious work proceed from the Palais Royal, the object of which was to prove that religion is the basis of all happiness and all philosophy. This work was, however, properly speaking, only edited by the accomplished Countess, and the Abbés Lamourette and Gouchat contributed largely to the materials.

When the Austrians reconquered Flanders, Madame de Genlis withdrew with her pupil to Switzerland, and wished to settle at Lug, where they were joined by the Duke de Chartres, who always retained an affection, amounting to veneration, for his governess; but the magistrates of the town would not permit their stay; and General Montesquieu, who had emigrated to Bremgarten, provided for these exiled and wandering females an asylum in the convent of St. Clair. The Princess of Orleans shortly after quitted Madame de Genlis, and went to reside under the care of her aunt, the Princess of Conti, who at that period resided at Friburgh.

Madame de Genlis herself quitted the Convent of St. Clair in May, 1794, and went to Altona, whence she removed to Hamburgh. She next retired to a farm-house at Silk, in Holstein, where she wrote her works entitled 'The Knight of the Swar,' 'Rash Vows,' 'The Rival Mothers,' and 'The Little Emigrants.' She also published 'a refutation' of the calumnies which had been heaped upon her for her conduct during the revolution.

In the year 1800, Madame de Genlis obtained leave to return to France, and Napoleon gave her apartments in the Arsenal, and a pension. Since that period her pen has been constantly active; her works are as numerous as those of Voltaire. The 'Theatre of

Education' is considered much the best of them; all, however, are written in a very graceful style, with much ingenuity, and display an active mind and an elegant fancy.

Ever since the return of Louis Philippe of Orleans (the present King) to France, after the restoration of the Bourbons, great kindness was shown to this accomplished writer, by his family, up to the last moment of her life. For two days previous to her death she had, as usual, been occupied with her literary and other labors until a late hour. Up to twelve at night, she was dictating to her attendant; after which she commenced arranging a letter to the King. Scarcely a day passed in which some of the royal family did not give her some token of kind remembrance. To a letter offering for her acceptance splendid apartments in the palace of the Tuileries, the Countess was engaged in writing a grateful denial, and her reasons for it, to his majesty, until nearly three o'clock in the morning of her decease. At that hour she was put to bed, and at ten o'clock she was found a corpse.

REV. ROBERT HALL.

1831. Feb. 21. At Bristol, aged 68, the Rev. Robert Hall, M. A., Pastor of the Baptist Church, Broadmead, in that city, one of the most eminent ministers of the gospel in the present age. He was son of the Rev. Robert Hall, a minister of the Baptist persuasion. For his education, he was first placed under the care of the Rev. Dr. Ryland, at Northampton, and then sent to the Baptist Academy at Bristol, whence he proceeded, in 1781, to the King's college at Aberdeen. After four years residence there, he returned to the

Academy at Bristol, to become assistant to Dr. Caleb Evans, in which situation he continued until 1791, when he succeeded the Rev. Robert Robertson, as minister at Cambridge. While there resident, he became known to, and admired by, some of the most distinguished scholars of the age. It is said that he was offered ordination by Bishop Barrington. From Cambridge, about 1804, he removed to Leicester, where he was pastor of the meeting in Harvey-lane, until invited to succeed Dr. Ryland, at Bristol, in 1826.

The name of Mr. Hall stood prominent, as one of the first pulpit orators of the day. From bad health, he hardly ever, of late years at least, studied any of the orations that he delivered, or even thought of them until he had entered the pulpit. His addresses were in consequence unequal; but when his health was firm, his spirits good, and his theme congenial, no man ever rose to higher and happier flights than he did in these purely extemporaneous compositions.

The remains of this talented and virtuous man were interred on the 2d of March, in the burying-place adjoining his chapel, in Broadmead, Bristol.

He has left a widow, one son, and three daughters.

KING OF SARDINIA.

1831. April. At Genoa, aged 66, Charles Felix Joseph, King of Sardinia.

He was born April 6th, 1765, the fifth of the six sons of King Victor Amedeus, and the Archduchess Maria Antonetta Frederica, daughter of the Emperor Joseph the second. Before his accession to the throne, he bore the title of Duke of Genoa. On the abdication of his brother, King

Victor-Emmanuel, he was declared Sovereign of Sardinia, March the 13th, 1821, and confirmed on the 19th of the same month. Two sisters of this family were the wives of Louis 18th and Charles 10th of France. King Charles married, April 6th, 1807, Maria Christina, daughter of Ferdinand the 4th, King of the Two Sicilies, but had no issue. His cousin, Charles Amedeus, Prince of Savoy Carignan, has succeeded to the throne.

MRS. SIDDONS.

1831. June. Aged 75, Mrs. Sarah Siddons, the celebrated actress.

This highly talented lady was born at Brecknock, the eldest daughter of Mr. Robert Kemble, the manager of an itinerant company of comedians, and made her first essay as a singer, but soon abandoned that line, and attempted tragedy. Early in life she conceived a passion for Mr. Siddons, in which, not being indulged by her parents, she quitted the stage, and engaged herself as lady's maid in the family of Mrs. Greatheed, of Guy's Cliff, near Warwick, where she remained about a year, and then resolved to unite herself with the man of her affections. She was married to Mr. Siddons, and soon after, joined a strolling company of no great reputation. Both she and her husband had, however, the good fortune to be engaged by Mr. Younger, to perform at Liverpool, Birmingham, &c.; with him she remained a few years, and acquired a celebrity which procured her an engagement at Drury Lane. Her first appearance was made Dec. 29, 1775, and the impression made upon the audience by this effort was of the most negative description. She was at that time considered merely a second rate

actress, and being unfortunately placed in an unsuccessful after-piece, written by the editor of a newspaper, who omitted no opportunity of injuring her reputation, she quitted the London boards for a time, to return to them afterwards with increased lustre.

Mrs. Siddons made her second appearance at Drury Lane, on the 10th October, 1782, in the character of Isabella. Her fame was soon spread abroad, and the theatre overflowed every night; the taste for tragedy returned; and the manager, whose 'Critic' seemed to have been expressly to drive Melpomene from the stage, far from being ungrateful, generously gave Mrs. Siddons an extra benefit, and increased her salary.

Mrs. Siddons' extra benefit was given her before Christmas; she then appeared in Belvidera, and gained fresh laurels and an enormous receipt. The two counsellors, Pigot and Fielding, were so highly delighted, that they collected a subscription among the gentlemen of the bar, of one hundred guineas, and presented them to her, accompanied with a polite letter, as a token of their esteem. This was an honor which had not been conferred on any actor or actress since the time when Booth gave such general satisfaction in the character of Cato.

The ensuing summer; this great and amiable actress went to Dublin, the inhabitants of which were equally astonished at her powers.

On her return for the winter, (1783—4,) she performed for the first time, 'By command of their Majesties.' During the succeeding summer, she took a second trip to Ireland, and also visited Edinburgh: in both places she not only received great salaries, but very considerable presents.

When Mrs. Siddons visited Dr.

Johnson, he paid her two or three very elegant compliments. There were not chairs enough in his room to accommodate his company. 'You see, Madam,' said the Doctor, 'wherever you come, there is a dearth of seats.' When she retired, he said to Dr. Glover, 'Sir, she is a prodigiously fine woman.' 'Yes,' replied Dr. Glover, 'but don't you think she is much finer on the stage, when adorned by art?' 'Sir,' said Dr. Johnson, 'on the stage, art does not adorn her; nature adorns her there, and art glorifies her.'

Sir Joshua Reynolds never marked his name on his pictures, except in the instance of Mrs. Siddons' portrait as the Tragic Muse, when he wrote his name upon the hem of her garment. When Mrs. Siddons first saw the picture in its finished state, she perceived it contained his name; upon remarking it to Sir Joshua, who was present, he very politely observed, 'I could not lose the honor this opportunity offered to me, for my name going down to prosperity on the hem of your garment.' Mrs. Siddons was less taciturn in private society, than is generally imagined by those who had infrequent opportunities of seeing her. She sang many simple ballads with infinite taste; and when in a very limited society, she introduced a peculiarly dry humor into those amusing trifles. Joanna Baillie says, the effect she gave to the comic passages of Shakspeare, was the most wonderful proof of her genius.

FIELD MARSHAL DIEBITSCH.

1831. June 10th. At his headquarters, Kleczewo, near Pultusk, of cholera morbus, aged 46, Field-marshal Count Diebitsch Sabalkanski.

This celebrated chieftain was

descended from an ancient Silesian family, and was born May 13, 1785. In his earliest years, it is said, he had so singularly retentive a memory, that when he had attained his fourth year he was capable of resolving arithmetical questions with greater readiness than most adults. The Count's father was an officer of distinguished talent, whom Frederick the Great, a short time before his death, appointed on his personal staff as extra adjutant; he afterwards entered the Russian service, and was intrusted with an important command, in consequence of which his son also enlisted under Russian banners. The stratagetic acquirements of young Diebitsch, as far as regards theory, were perfected in the military school at St. Petersburg. He rose rapidly from the guards, to an appointment in the staff; though young in years his talent was so eminent as to entitle him to the grades of lieutenant-general and quarter-master-general in the campaigns of 1813 and 1814; and he became subsequently adjutant-general to the late Emperor, whose confidence in him descended to his successor Nicholas. In the conflict at Austerlitz he was wounded by a spent ball, which lodged in the palm of his hand. He also distinguished himself in the actions of Eylau and Friedland, and in the celebrated campaign of 1812. The appointment of Count Diebitsch to the supreme command of the Russian army, at the commencement of the campaign against Turkey, in 1829, was the exclusive act of the Emperor. The nomination excited considerable discontent in the first instance, because the person selected was not a native Russian. The operations of the campaign, and its result, show that the choice of the Emperor was not misplaced; and the

Field-marshal was made a Count, with the title of Sabalkanski, or the traverser of the Balkan.

Thus possessing the entire confidence of Nicholas, he was immediately selected, on the breaking out of the Polish revolution, to restore the Russian dominion in that country. There was a fortune in the commencement of this war, favorable to the Poles. Among its instances were the frozen bridges of the Vistula, gliding suddenly away—the cholera waging an exterminating war upon their ill-provided opponents—disunion and fatigue paralysing the hostile army—and in fine, the ‘Balkan Passer’ checked, distracted by difficulties, and undermined, at length succumbed to his altered destiny by taking refuge in the grave. On the morning of May 28, the Field-marshal had felt himself unwell, and the symptoms of the cholera soon became very violent, and after severe sufferings terminated in death.

In person, Diebitsch was short, brown, and walked with his head down; he appeared cold, but his eye was fiery, and continually occupied; his forehead was high like that of Napoleon, and his back bent somewhat crooked.

He was married in 1815, to Jane, Baroness de Tornau, niece to the lady of Prince Barclay de Tolly. Of this marriage there was no issue.

JAMES MONROE.

1831. July 4th. At the city of New York on the 55th anniversary of American Independence, James Monroe, late President of the United States of America, in the 73d year of his age.

James Monroe was born April, 2d, 1759, in the County of Westmoreland, Virginia, the son of

Spence Monroe and Elizabeth Jones, both members of old and highly respectable families in the ancient dominion. His childhood was passed in the midst of that exciting contest, which led to the American revolution—the stamp-act being passed in the 5th year of his age. He was thus educated in the detestation of tyranny, and prompted by a patriotism, which went beyond his years, he left the college of William and Mary, where he was pursuing collegiate studies, to join the standard of his country in the 18th year of his age. The Declaration of Independence had just been issued, and at that disastrous moment, when Washington was preparing to defend New York, against the increasing armies of England; when the timid and wavering were shrinking from the side of their country’s chief, James Monroe arrived at head-quarters with a firm determination to share her fate, whether for good or for evil.

During the gloomy year of 1776, he shared with the army their defeats and their privations, was present at the disastrous battles of Harlaem heights, and Whiteplains; and in the battle of Trenton, while leading the vanguard, he received a wound, the scar of which he carried to his grave. After recovering from his wound he was promoted for his gallantry, and returned to active service. During the campaigns of 1777 and 1778, he acted as aid to Lord Sterling, and took an active and distinguished part in the actions of Brandywine, Germantown and Monmouth. By accepting a place in the staff of Lord Stirling, Mr. Monroe had withdrawn himself from the line of promotion; and with the view of again entering the line of the army, he endeavored to raise a regiment for the Vir-

ginia line, under the authority of the legislature. In this he failed, owing to the exhausted state of the country, and devoted himself to the study of the law, under the direction of Mr. Jefferson, then the governor of the state. He occasionally acted as a volunteer in repelling the invasions with which Virginia was afterwards visited; and after the fall of Charleston, he repaired to the Southern army as a military commissioner, to collect information as to its ability to rescue that portion of the union from the enemy. This duty was performed to the satisfaction of the governor by whom he was appointed.

He now commenced his career in the legislative councils of his country, being elected, in 1782, a member of the legislature of Virginia, and by that body shortly after chosen a member of the executive council. The next year, on the 9th of June, he was appointed to represent the state in the continental congress, and took his seat on the 13th of December, just in time to witness the illustrious commander of the revolutionary army surrender his commission into the hands of those by whom he had been appointed. From that time until 1786, Mr. Monroe continued to represent his native state in congress, and became entirely convinced of the inefficacy of that body to govern the country under the article of confederation. He accordingly sought an extension of its powers, and in 1785 moved to invest congress with the power of regulating trade. This resolution, together with another in favor of investing it with the power of levying an impost duty, of five per cent, were referred to a committee, Mr. Monroe being chairman.

A report was made, which com-

bined both the objects, and proposed such alterations in the articles of confederation as were necessary to vest in congress the powers required. These were among the preliminary steps which led to the convention at Annapolis, and consequently to the formation and adoption of the federal constitution. Mr. Monroe was also active and influential in devising a system for disposing of and settling the public lands, and warmly opposed the plan of selling each range of townships separately, before any other should be offered for sale.

On the 24th of December, 1784, Mr. Monroe was appointed, with eight other highly distinguished men of that period, members of a federal court, to decide the long pending controversy between Massachusetts and New York. He accepted of the appointment, but on the 15th of May, 1786, he resigned his commission, and the two states having, during the same year, adjusted the matter by mutual agreement, the court never met.

Mr. Monroe was induced to decline acting in this matter, from a conviction that the course he had been compelled to take, relative to the navigation of the Mississippi, had deprived him of the confidence of the commonwealths, upon whose contending claims he was appointed to decide.

In the infancy of our existence as an independent nation, Spain sought to take advantage of our weakness, and to obtain from us, as an equivalent for some trifling advantages, a relinquishment of our right to navigate the Mississippi. That river emptied itself into the ocean, through the territories of Spain, and that government claimed the right to debar our western citizens all access to the

ocean through its territories, with as uncompromising a spirit, as Great Britain now denies to the American citizens, who inhabit the shores of our northern lakes, the right to navigate the St. Lawrence. After a good deal of controversy, it was proposed by the Secretary of Foreign Affairs to agree to forbear the exercise of the right to navigate that river for 25 or 30 years. This proposal excited the most acrimonious dispute between the representatives of the northern and southern states; the former not foreseeing the rapid growth which awaited the west, assenting to the proposition; the latter vehemently opposing it. Mr. Monroe differed from both New York and Massachusetts on that question, and taking a leading part against any concession to Spain, felt that he could not possess the same influence and weight of character, that he had before the question was agitated; and, actuated by a delicacy of feeling highly creditable to his character, he resigned his appointment as one of the federal commission.

Towards the conclusion of the year 1786, Mr. Monroe's term of service in congress expired, and being ineligible for a second term, he established himself at Fredericksburg with the view of practising law. He had, during his attendance at New York, as a member of congress, married Miss Kortright, daughter of L. Kortright, a highly respectable family of that state. He was not, however, permitted long to remain in private life, being, almost immediately upon his return, elected a member of the state legislature, and the following year, 1788, chosen to the state convention, assembled to decide upon the adoption of the federal constitution.

Notwithstanding Mr. Monroe

was convinced of the inefficacy of the articles of confederation, and of the necessity of a radical change in the government of the Union, he was not altogether prepared to adopt the federal constitution as framed by the convention of 1787. He thought that certain amendments ought to be adopted previous to its adoption, and decidedly advocated that course in the convention.

That body, by a majority of 89 to 79 in the negative, resolved to adopt the constitution as it was, accompanied with a recommendation of certain amendments, which were afterwards accepted, and became part of that instrument.

The course which Mr. Monroe pursued on this occasion, did not deprive him of the confidence of Virginia, and in December, 1789, he was chosen to the senate of the United States, to fill the vacancy caused by the death of William Grayson. In this station he continued until May, 1794, when he was appointed by Washington minister to France, where he remained until his recall in the year 1796. Shortly after his return, he was chosen to the legislature, and soon afterwards governor of Virginia, where he served for the term, limited by the constitution, of three years.

In 1803, January 11, Mr. Monroe was appointed by Mr. Jefferson, Envoy Extraordinary to France, jointly with Mr. Livingston, then resident minister at that Court, and he was also associated with Mr. Charles Pinckney, then resident minister at Madrid, to negotiate the purchase of Louisiana. That country had been ceded a short time before by Spain to France, and every thing indicated that Napoleon intended to establish a military colony in the newly acquired province, with the view of extend-

ing his sway over the American continent. In case of a European war, the probability was, that he would be compelled to see it pass under the dominion of Great Britain. To prevent either of these unpleasant alternatives, and in the expectation of being able to obtain a transfer of that country upon favorable terms to the United States, this mission was instituted. Mr. Monroe, upon his arrival in France, found a most favorable conjuncture for the accomplishment of the mission.

War was on the point of breaking out between England and France, and Napoleon fearing that his new acquisition would fall into the possession of England, and wanting money for the prosecution of the contemplated war, entered into a treaty for the cession of Louisiana to the United States for the sum of \$15,000,000. The treaty was concluded within a fortnight after Mr. Monroe's arrival at Paris, and after the conclusion of this negotiation he proceeded to London, where he was also commissioned to act as successor to Mr. King, who had resigned.

Here he sought, pursuant to the timid policy followed by Mr. Jefferson, to obtain a convention for the protection of our seamen, against impressment, and for the protection of neutral rights, but in the midst of these discussions he was called away to the discharge of his mission to Spain.

In the transfer of Louisiana, first by Spain to France, and subsequently to the United States, the boundaries of the province were not defined. As between Spain and France, such a question, if it arose, would have been settled according to the lion's rule of distribution; but Spain was encouraged, after the cession to the United States, to dispute the extent of the

province, and she sought to reduce it to little more than the island of Orleans. A controversy which threatened an immediate appeal to arms arose between this country and Spain; and for the purpose of adjusting these difficulties, Mr. Monroe proceeded to Madrid. He there, in conjunction with Mr. Pinckney, maintained the rights of this country with great ability, but without procuring any adjustment of the controversy. The progress of the war between England and France had now seriously embroiled our affairs with England, and Mr. Monroe was recalled to his post at London, to maintain our rights as neutrals against the systematic encroachments of that country.

Mr. Monroe warmly protested against the detention and condemnation of American vessels by the court of Admiralty, under the new light which was imparted to the mind of Sir William Scott by the orders of his government; and when the British government passed into the hands of the great Whig minister, he obtained an order, releasing all American vessels which were still waiting for adjudication. Fox, however, did not feel at liberty to make compensation to those unfortunate claimants who had already undergone the sentence of Sir William Scott, and Mr. Pinckney was sent as Envoy Extraordinary to aid Mr. Monroe in adjusting these unsettled disputes. A treaty was prepared by them, which being clogged with an inadmissible condition appended to it by the British Plenipotentiaries after its signature, was sent back by Mr. Jefferson for revisal, with the view of providing more completely against the impressment of our seamen. Mr. Fox, however, no longer influenced the councils of the British government; and Mr. Canning, who had succeeded him

as secretary for foreign affairs, refused to resume the negotiation. The joint commission of Monroe and Pinckney was now at an end, and Mr. Monroe after a short detention in consequence of the outrage upon the frigate Chesapeake, (for which he was instructed to demand instant satisfaction,) returned to the United States, at the close of the year 1807. Shortly after his return he was again elected governor of Virginia, and upon the resignation of Robert Smith, in the spring of 1811, was appointed by Mr. Madison, secretary of state. This office he continued to hold during the whole of Mr. Madison's administration.

After the capture of Washington, he was appointed to the war department, without, however, resigning as secretary of state. In this station his conduct was beyond all praise. He found the treasury exhausted; the public credit prostrated; while the enemy, relieved from her war with France, was preparing to turn her numerous armies flushed with victory, over the legions of Napoleon, against this republic. His first duty was to prepare for the new campaign, and this he was enabled to do by the now excited spirit of the country. The army which had already risen to the number of 60,000, Mr. Monroe proposed to increase by the addition of 40,000, and in addition to the ordinary mode of enlistment to levy new recruits, by drafting from the militia. This proposition, which would inevitably have lost him the favor of the people, he felt it to be his duty to make, and had intended in case of the continuance of the war to withdraw his name from the presidential canvass.

Towards the end of the year 1814, Mr. Monroe's attention, as secretary of war, was most urgently

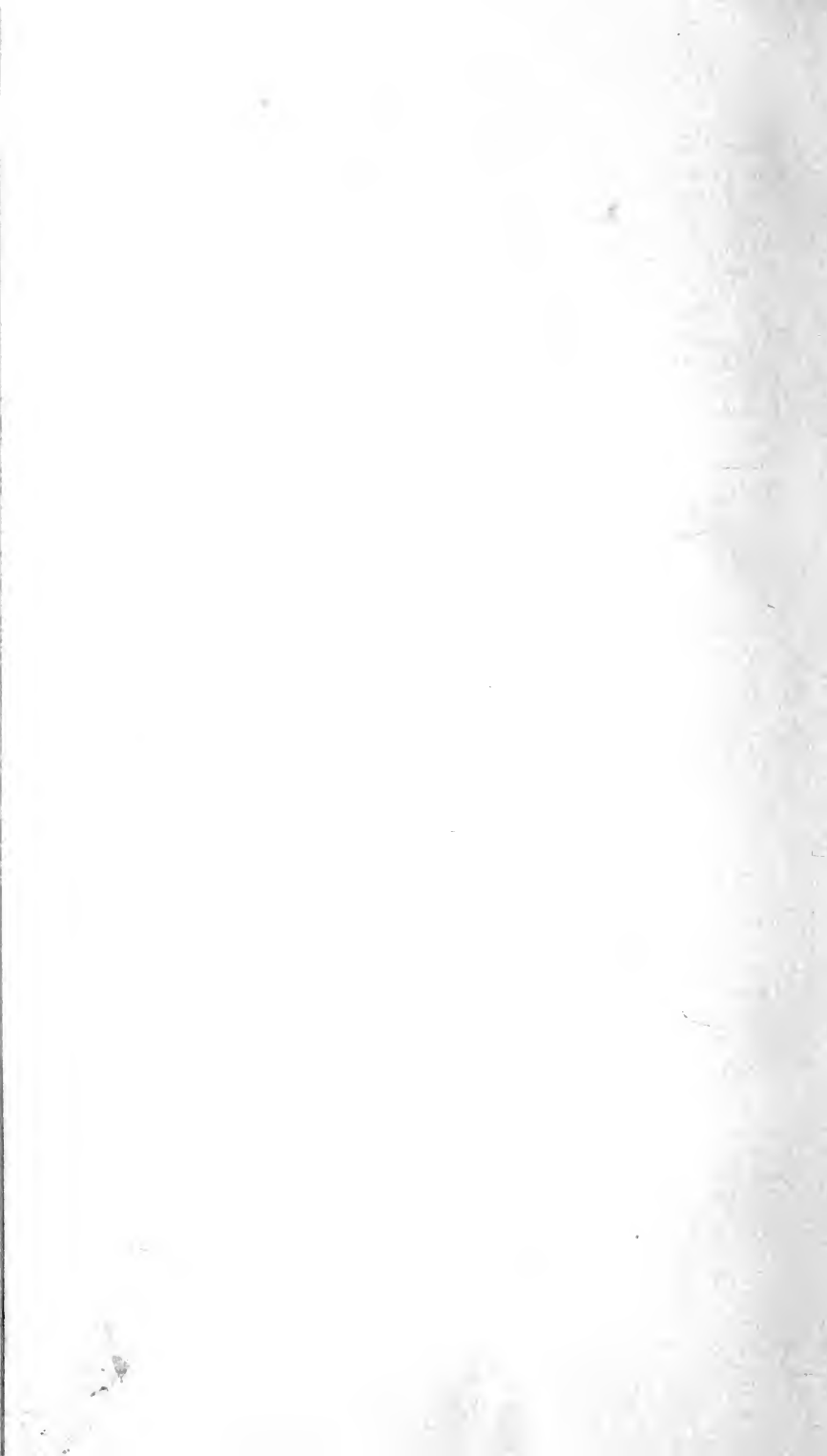
called to the defence of New Orleans, against which a powerful fleet and army had been despatched. To raise the funds for the defence of this important point, Mr. Monroe was compelled to pledge his private credit, as subsidiary to that of the government, which then was entirely destroyed. By this act of devotion he was enabled to furnish the necessary supplies; New Orleans was successfully defended, and the entire defeat of Packenham, and his army appropriately terminated a war, which had been forced upon this country by the insolent pretensions of Great Britain. A new series of duties now awaited Mr. Monroe. Upon the conclusion of peace he resumed his station in the department of state, and as the long tried friend and confidential adviser of Mr. Madison, he was called to the arduous task of deciding upon those measures, which aimed at the re-establishment of the public credit, and to place the country in a better state of preparation in case she should be called upon again to assert her rights by an appeal to arms.

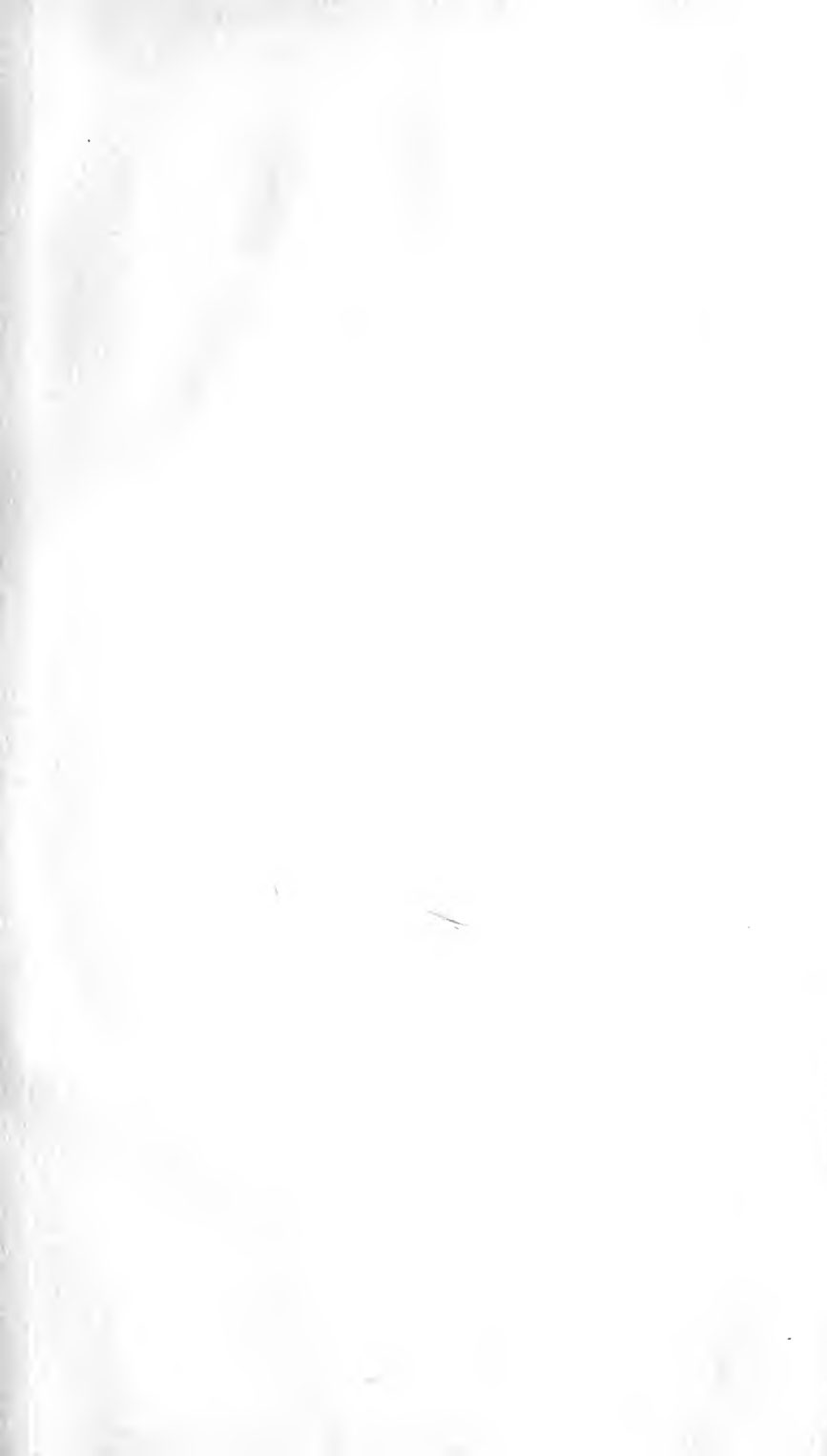
Our foreign relations, which had been partially suspended during the war, were to be renewed; and the domestic policy of the United States required to be modified so as to adopt it to the great changes which had been produced by the general pacification of Europe. In the performance of the arduous duties imposed upon him at this period, Mr. Monroe had the good fortune to be sustained by public opinion, and with that auxiliary he lent his zealous co-operation to Mr. Madison in establishing the system of internal policy, adopted after the close of the war, and continued it with new and enlarged features after his election as president of the United States in 1817.

The establishment of a national bank, of the plan for the gradual discharge of the public debt, of the system of fortifying the coast, and increasing the navy, and of bringing forward, by legislative encouragement the rising arts and manufactures of the United States, formed essential parts of the policy then adopted. To this, Mr. Monroe, after long deliberation, and with the entire concurrence of his whole cabinet, determined to add a system of internal improvement. This was done on the 30th of April, 1824, when the act appropriating \$30,000 for the survey of such routes for canals and public roads as the president might direct, received his sanction. This appropriation has been annually made since that time, and the adoption of this policy promises to form a new era in the history of the country.

Among the measures which distinguished the administration of Mr. Monroe, was the negotiation of the treaty which added Florida to the United States. This cession secured to the United States all the territory north of Mexico, and it was negotiated with great propriety by one, who had borne so conspicuous a part in the acquisition of Louisiana itself. Mr. Monroe was re-elected without opposition, president of the United States, in 1821, and ended his career in the service of the federal government,

March 3d, 1825. He then retired to his residence in Loudon county, where he was shortly after appointed a county magistrate, the duties of which office he continued to discharge until his departure for the city of New York. He was also appointed curator of the university of Virginia, and in the winter of 1829, 1830, being elected a member of the convention, called to revise the constitution of that state, he was unanimously chosen to preside over its deliberations. Before the close of its labors, however, he was compelled by severe indisposition to retire, and in the succeeding summer removed to New York, to take up his abode with his son-in-law, Mr. S. L. Gouverneur. There he remained, surrounded by filial solicitude and tenderness, until, on the 55th anniversary of the nation's birth, he terminated his earthly career; furnishing another striking coincidence, which, as in the instance of the simultaneous death of Adams and Jefferson on the same day, five years previous, afforded occasion for grave reflection, and seemed pregnant with some mysterious moral lesson to a nation, whose attention was thus forcibly directed to the act, which, while it gave it birth as an independent community, also served to mark the commencement of a new era in the history of the world.





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