

Jeffersonian Republican.

THE WHOLE ART OF GOVERNMENT CONSISTS IN THE ART OF BEING HONEST.—JEFFERSON.

VOL. 2.

STROUDSBURG, MONROE COUNTY, PA., WEDNESDAY, DECEMBER 15, 1841.

No. 41.

PRINTED AND PUBLISHED BY
THEODORE SCHOCH.

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From the New York Tribune.

CONGRESS reassembled at Washington on Monday, and a quorum of each House was found to be present. The officers elected at the late Session continue, of course, but some change will in due season be made in the constitution of the leading Committees.

Mr. J. Q. ADAMS moved that the XXIst Rule of the House, (excluding Abolition Petitions,) be now rescinded. The resolution was defeated by a majority of three votes. [Yeas 84, Nays 87.] The subject will of course come up at a more favorable time.

The two Houses communicated to each other and to the President, the fact that they were duly organized and ready to receive communications. They then adjourned.

At 12 o'clock on Tuesday, both Houses re-assembled, and the President transmitted to each the following

MESSAGE.

Fellow-citizens of the Senate and House of Representatives:

In coming together, fellow-citizens, to enter again upon the discharge of the duties with which the People have charged us, severally, we find great occasion to rejoice in the general prosperity of the country.—We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge, and improvement. Through the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations; and although disease has visited some few portions of the land with distress and mortality, yet in general the health of the People has been preserved, and we are all called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surrounded us, and who has so signally crowned the year with His goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in every thing which promotes human and social happiness, let us ever remember our dependence, for all these, on the protection and merciful dispensations of Divine Providence.

Since your last adjournment, Alexander McLeod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgement of the Court, been regularly discharged.

Great Britain having made known to this Government that the expedition which was fitted out from Canada for the destruction of the steamboat *Caroline*, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British Government, in Canada, and demanding the discharge of McLeod upon the ground that, if engaged in that expedition, he did but fulfil the orders of his Government, has thus been answered in the only way in which she could be answered by a Government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual, arraigned for a criminal offence, before the Courts of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the Courts of both countries.

If in Great Britain a power exists in the Crown to cause to be entered a *nolle prosequi*, which is not the cause with the Executive power of the United States upon a prosecution pending in a State Court; yet there, no more than here, can the chief Executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge. The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other Government. In cases of this kind, a Government becomes politically responsible only when its tribunals of last resort are shown to have rendered unjust and injurious judgements in matters not doubtful. To the establishment and elucidation of this principle, no nation has lent its authority more efficiently than Great Britain. Alexander McLeod

having his option either to prosecute a writ of error from the decision of the Supreme Court of New-York, which had been rendered upon his application for a discharge, to the Supreme Court of the United States, or to submit his case to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation, and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English Government that the principles of justice will never fail to govern the enlightened decision of an American tribunal. I cannot fail, however to suggest to Congress the propriety, and, in some degree, the necessity, of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our internal obligations, from the State to the Federal Judiciary. This Government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the one and preserving the other. Whilst just confidence is felt in the Judiciary of the States, yet this Government ought to be competent in itself for the fulfilment of the high duties which have been devolved upon it under the organic law, by the States themselves.

In the month of September, a party of armed men from Upper Canada invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada. His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was to have been expected from a nation with whom we are at peace, and which was not more due to the rights of the United States, than to its own regard for justice. The correspondence which passed between the Department of State, and the British Envoy, Mr. Fox, and with the Governor of Vermont, as soon as the facts had been made known to this Department, are herewith communicated.

I regret that it is not in power to make known to you an equally satisfactory conclusion in the case of the *Caroline* steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the Province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the U. States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this Government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that Province, or was engaged by the owner in the business of transporting passengers to and from Navy Island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two Governments. This Government can never concede to any foreign Government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secured against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the *Caroline* was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this Government would feel itself bound to prosecute—since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice that each Government, in its turn, upon any sudden and unauthorized outbreak, which, on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in

a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority of either Government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood toward those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two Governments on this subject, will, at a future day of your session, be submitted to your consideration; and in the mean time I cannot but indulge the hope that the British Government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit the correspondence which has recently taken place between the American Minister at the Court of St. James, Mr. Stevenson, and the Minister of Foreign Affairs of that Government, on the right claimed by that Government to visit and detain vessels sailing under the American flag engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase and have become an object of much importance, and it is the duty of this Government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the Earth, without our consent. We claim to have a view in all amendments or alterations of that code—and when we are given to understand, as in this instance, by a foreign Government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, or susceptible of misconstruction. American citizens prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested or detained while on the ocean; and if thus molested or detained, while pursuing honest voyages, in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This Government has manifested its repugnance to the slave trade, in a manner which cannot be misunderstood. By its fundamental law, it prescribed limits in point of time to its continuance; and against its own citizens, who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most condign punishment. Many of the States composing this Union, had made appeals to the civilized world for its suppression long before the moral sense of other nations had become shocked by the iniquities of the traffic. Whether this Government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberation.—Certain it is that if the right to detain American ships on the high seas can be justified on the plea of a necessity for such detention, arising out of the existence of treaties between other nations, the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This Government will not cease to urge upon that of Great Britain full and ample remuneration for all losses, whether arising from detention or otherwise, to which American citizens have heretofore been, or may hereafter, be subjected, by the exercise of rights which this Government cannot reorganize as legitimate and proper. Nor will I indulge a doubt but that the sense of justice of Great Britain will constrain her to make retribution for any wrong, or loss, which any American citizen, engaged in the prosecution of lawful commerce, may have experienced at the hand of her cruisers, or other public authorities. This Government, at the same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trader, from molestation and injury; but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave-trade, and recommend all such alterations as may give to them greater force and efficacy. That the American flag is grossly abused by the abandoned and profligate of other nations, is but too probable. Congress has, not long since, had this subject under its consideration, and its importance well justifies renewed and anxious attention.

Our relations with the independent States of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within the past year. The incessant sanguinary conflicts in, or between

those countries, are to be greatly deplored, as necessarily tending to disable them from performing their duties as members of the community of nations, and rising to the destiny which the position and natural resources of many of them might lead them justly to anticipate, as constantly giving occasion, also, directly or indirectly, for complaints on the part of our citizens who resort thither for purposes of commercial intercourse, and as retarding reparation for wrongs already committed, some of which are by no means of recent date.

The failure of the Congress of Ecuador to hold a session, at the time appointed for that purpose, in January last, will probably render abortive a treaty of commerce with that Republic, which was signed at Quito on the 13th of June, 1839, and had been duly ratified on our part, but which required the approbation of that body, prior to its ratification by the Ecuadorian Executive.

A Convention which has been concluded with the Republic of Peru, providing for the settlement of certain claims of citizens of the United States, upon the Government of that Republic, will be duly submitted to the Senate.

The claims of our citizens against the Brazilian government, originating from captures, and other causes, are still unsatisfied. The United States have, however, so uniformly shown a disposition to cultivate relations of amity with that Empire, that it is hoped, the unequivocal tokens of the same spirit towards us, which an adjustment of the affairs referred to would afford, will be given without further avoidable delay.

The war with the Indian tribes on the peninsula of Florida has, during the last summer and fall, been prosecuted with untiring activity and zeal. A summer campaign was resolved upon, as the best mode of bringing it to a close. Our brave officers and men who have been engaged in that service, have suffered toils and privations, and exhibited an energy, which, in any other war, would have won for them unfading laurels. In despite of the sickness incident to the climate, they have penetrated the fastnesses of the Indians, broken up their encampments, and harassed them unceasingly. Numbers have been captured, and still greater numbers have surrendered, and have been transported to join their brethren on the lands elsewhere allotted to them by the Government,—and a strong hope is entertained that, under the conduct of the gallant officer at the head of the troops in Florida, that troublesome and expensive war is destined to a speedy termination. With all the other Indian tribes, we are enjoying the blessings of peace. Our duty, as well as our best interests, prompt us to observe, in all our intercourse with them, fidelity in fulfilling our engagements, the practice of strict justice, as well as the constant exercise of acts of benevolence and kindness. These are the great instruments of civilization, and through the use of them alone, can the tutored child of the forest be induced to listen to its teachings.

The Secretary of State, on whom the acts of Congress have devolved the duty of directing the proceedings for the taking of the Sixth Census, or enumeration of the inhabitants of the United States, will report to the two Houses the progress of that work. The enumeration of persons has been completed, and exhibits a grand total of 17,069,453; making an increase over the Census of 1830, of 4,202,646 inhabitants, and showing a gain in a ratio exceeding 32 1-2 per cent. for the last ten years.

From the report of the Secretary of the Treasury, you will be informed of the condition of the finances. The balance in the Treasury on the 1st of January last, as stated in the report of the Secretary of the Treasury, submitted to Congress at the Extra Session, was \$987,345 03. The receipts into the Treasury, during the first three quarters of this year, from all sources, amount to \$23,467,072 52. The estimated receipts for the fourth quarter, amount to \$5,943,095-25, amounting to \$30,410,167 77; and making, with the balance in the Treasury, on the first of January last, \$31,397,512 80. The expenditures for the first three quarters of this year, amount to \$24,734,346 97. The expenditures for the fourth quarter, as estimated, will amount to \$7,290,723 73; thus making a total of \$32,025,070 70; and leaving a deficit to be provided for, on the first of January next, of about \$627,557 90.

Of the loan of \$12,000,000, which was authorized by Congress at its late session, only \$5,432,726 88 have been negotiated.—The shortness of time which it had to run, has presented no inconsiderable impediment in the way of its being taken by capitalists at home, while the same cause would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to; and it is now submitted, whether it would not be advisable to amend the law by making what

The joint commission under the Convention with Texas, to ascertain the true boundary between the two countries, has concluded its labors; but the final report of the commissioner of the United States has not been received. It is understood, however, that the meridian line, as traced by the commission, lies somewhat farther East than the position hitherto generally assigned to it, and, consequently, includes in Texas some part of the territory which had been considered as belonging to the States of Louisiana and Arkansas.

The United States cannot but take a deep interest in whatever relates to this young, but growing Republic. Settled principally by emigrants from the United States, we have the happiness to know, that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws; and that, through its example, another evidence is to be afforded of the capacity of popular institutions, to advance the prosperity, happiness, and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States; and we can do no other than contemplate its farther exemplification by a sister Republic, with the deepest interest.

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