

PRESIDENT'S MESSAGE.

WASHINGTON, DEC. 7, 1819.

This day, at 12 o'clock, the President of the United States transmitted to both Houses of Congress, by Mr. J. J. MONROE, the following

MESSAGE:

Fellow Citizens of the Senate and of the House of Representatives:

The public buildings being advanced to a stage to afford accommodation for Congress, I offer you my sincere congratulations on the commencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention, which have occurred since your last session, I regret to have to state that several of our principal cities have suffered by sickness; that an unusual drought has prevailed in the middle and western states; and that a derangement has been felt in some of our monied institutions, which has proportionally affected their credit. I am happily, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant than usual, will not only be amply sufficient to meet consumption, but also a large surplus for the supply of the wants of other nations; and that the derangement in the circulating paper medium, by being left to those remedies which its own causes suggested, and the good sense and virtue of our fellow citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity, settlement, and limits, had been concluded in this city, between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by his Catholic Majesty, with equal promptitude, and a like earnest desire to terminate, on the conditions of that treaty, the differences which had so long existed between the two countries. Every view which the subject admitted of, was thought to have included this conclusion. Great losses had been sustained by citizens of the United States, from Spanish cruelties, and more than twenty years' losses which had not been redressed. These losses had been acknowledged and provided for by a treaty, as far back as the year 1763, which, although concluded at Madrid, was not then ratified by the government of Spain, nor since, was the last year, when it was suspended by the treaty, a more satisfactory provision to both parties, as was proposed, having been made for them.

Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty itself was formed on great consideration, and a thorough knowledge of all circumstances, and subject matter of every nature, which had been for years under discussion, and repeated references having been made by the Minister of Spain to the government, on the points respecting which the greatest diversity of opinion prevailed. It was signed by a Minister distinguished for his talents, who had represented his government in the United States, and been employed in his long protracted negotiation several years, and who it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification. On the part of the United States this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them, without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory, of great value, to which our claim was believed to be well founded, was ceded by the United

States, and in a quarter more interesting to her. This cession was nevertheless received, as the means of indemnifying our citizens in a considerable sum, the presumed amount of their losses. Other considerations, of great weight, urged the cession of this territory by Spain. It was surrounded by the territories of the United States on every side, except on that of the ocean. Spain had lost her authority over it, and falling into the hands of adventurers connected with the savages, it was made the means of incessant annoyance and injury to our nation, in many of its most essential interests. By this cession then, Spain ceded a territory, in reality, of no value to her, and obtained concessions of the highest importance, by the settlement of long standing differences with the United States, affecting their respective claims and interests, and likewise relieved herself from the obligation of a treaty relating to it, which she had failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuse of her rights where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that his Catholic Majesty would have ratified it, without delay. I regret to have to state that this reasonable expectation has been disappointed; that the treaty was not ratified within the time stipulated, and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession, relating to it.

Anxious to prevent all future disagreement with Spain, by giving prompt effect to the treaty, which had been thus concluded, and particularly by the establishment of a government in Florida, which should preserve order there, the Minister of the U. States, who had been recently appointed to his Catholic Majesty, and to whom the ratification, by his government, had been committed, in the exchange of ratifications of Spain, was instructed to transmit the letter to the Government of Spain as soon as obtained by a public ship, subject to his order for the purpose. The expected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated in reply that the great importance of the subject, and a desire to obtain explanations on certain points, which were unspecified, had produced the delay, and that an Envoy would be dispatched to the U. States, to obtain such explanations of the government. The Minister of the United States, desiring to give full explanation on any point, on which it was desired, by which proposal was withheld. Having communicated this result to the department of State, in August last, he was instructed and understanding the disagreement, and inquired which it produced, to inform the government of Spain, though the treaty should be ratified, and transmitted here at any time before the meeting of Congress, it should be received, and have the same effect as if it had been ratified in the time. This offer was accepted, and authorized communication was made to the government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the ratification of the treaty by his Catholic Majesty.

It is alleged by the Minister of Spain, that the government had attempted to add one of the principal articles of the treaty, by a declaration and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them, without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory, of great value, to which our claim was believed to be well founded, was ceded by the United

States, and in a quarter more interesting to her. This cession was nevertheless received, as the means of indemnifying our citizens in a considerable sum, the presumed amount of their losses. Other considerations, of great weight, urged the cession of this territory by Spain. It was surrounded by the territories of the United States on every side, except on that of the ocean. Spain had lost her authority over it, and falling into the hands of adventurers connected with the savages, it was made the means of incessant annoyance and injury to our nation, in many of its most essential interests. By this cession then, Spain ceded a territory, in reality, of no value to her, and obtained concessions of the highest importance, by the settlement of long standing differences with the United States, affecting their respective claims and interests, and likewise relieved herself from the obligation of a treaty relating to it, which she had failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuse of her rights where she could not support her authority. It being known that the treaty was formed under these circumstances, not a doubt was entertained that his Catholic Majesty would have ratified it, without delay. I regret to have to state that this reasonable expectation has been disappointed; that the treaty was not ratified within the time stipulated, and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession, relating to it. Anxious to prevent all future disagreement with Spain, by giving prompt effect to the treaty, which had been thus concluded, and particularly by the establishment of a government in Florida, which should preserve order there, the Minister of the U. States, who had been recently appointed to his Catholic Majesty, and to whom the ratification, by his government, had been committed, in the exchange of ratifications of Spain, was instructed to transmit the letter to the Government of Spain as soon as obtained by a public ship, subject to his order for the purpose. The expected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated in reply that the great importance of the subject, and a desire to obtain explanations on certain points, which were unspecified, had produced the delay, and that an Envoy would be dispatched to the U. States, to obtain such explanations of the government. The Minister of the United States, desiring to give full explanation on any point, on which it was desired, by which proposal was withheld. Having communicated this result to the department of State, in August last, he was instructed and understanding the disagreement, and inquired which it produced, to inform the government of Spain, though the treaty should be ratified, and transmitted here at any time before the meeting of Congress, it should be received, and have the same effect as if it had been ratified in the time. This offer was accepted, and authorized communication was made to the government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the ratification of the treaty by his Catholic Majesty. It is alleged by the Minister of Spain, that the government had attempted to add one of the principal articles of the treaty, by a declaration and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them, without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory, of great value, to which our claim was believed to be well founded, was ceded by the United

States, against the province of Texas. These two imputed acts are stated as the reasons which have induced his Catholic Majesty to withhold his ratification from the treaty, to obtain explanations respecting which it is repeated that an Envoy would be forthwith dispatched to the United States. How far these allegations justify the conduct of the government of Spain will appear on a view of the following facts, and the evidence which supports them.

It will be seen, by the documents transmitted herewith, that the declaration mentioned relates to a clause in the eighth article, concerning certain grants of land, recently made by his Catholic Majesty, in Florida, which it was understood had conveyed all the lands which she then had been ungranted. It was the intention of the parties to amend these latter grants, and that clause was drawn for that express purpose, and to none other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article; indeed it must be obvious to all, that, if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded and ratified by this government, no intimation was received that these grants were of anterior date to that fixed on by the treaty, and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties, and the meaning of the article, induced this government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this government had tolerated or protected an expedition against Texas, it is utterly without foundation. Every circumstance has invariably been given to every such attempt within the limits of the United States, as is fully evinced by the acts of the government, and the proceedings of the courts. There being cause however to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the proper whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind, that the government of Spain had no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory in good faith, in all its stipulations, according to the intention and meaning of the parties. Each party is bound to ratify it. If either could set it aside, without consent of the other, there would be no longer any thing applicable to such transactions, between nations. By this proceeding, the government of Spain has rendered to the United States a new and very serious injury. It has been stated that a minister would be sent, to ask certain explanations of this government. But, if such were desired, why were they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If it were done, in what consequences might it not lead? At what time and in what manner would a negotiation terminate? By this proceeding, Spain has formed a relation between the two countries which will justify any measure on the part of the United States, which a strong sense of injury, and a proper regard to the rights and interests of the nation may dictate. In the course to be pursued, these objects should be constantly held in view, and have their due weight. Our national honor must be maintained, and a new and a distinguished proof afforded, of that regard for justice and moderation which has invariably governed the councils of this free people. It must be ob-

vious to all, that if the United States had been desirous of making concessions, or had been even willing to acquiesce themselves in that way, they could have had no inducement to form this treaty. They would have much cause for gratulation at the course which has been pursued by Spain. An ample field for ambition is open before them. But such a career is not consistent with the principles of their government nor the interests of the nation. From a full view of all circumstances, it is submitted to the consideration of Congress, whether it will not be proper for the United States to carry the conditions of the treaty into effect, in the same manner as if it had been ratified by Spain, claiming on their part all its advantages, and yielding to Spain those secured to her. By pursuing this course, we shall rest on the sacred ground of right, sanctioned in the most solemn manner by Spain herself, by a treaty which she was bound to ratify, for refusing to do which she must incur the censure of other nations, even those most friendly to her; while, by continuing ourselves within that limit, we cannot fail to obtain their well merited approbation. We must have peace on a frontier where we have been long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable. But his Catholic Majesty has twice declared his determination to send a Minister to the United States, to ask explanations on certain points, and to give them, respecting his delay to ratify the treaty. Shall we not, by taking the ceded territory, and proceeding to execute the other conditions of the treaty, before this Minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity and honor of this people. Much is due to courtesy between nations. By a short delay we shall lose nothing, for resting on the ground of immutable truth and justice, we cannot be diverted from our purpose. It ought to be presumed, that the explanations, which may be given to the Minister of Spain, will be satisfactory, and produce the desired result. In any event, the delay for the purpose mentioned, being a further manifestation of the sincere desire to terminate, in the most friendly manner, all differences with Spain, cannot fail to be duly appreciated by his Catholic Majesty, as well as by other powers. It is admitted, therefore, whether it will not be proper to make the ratification proposed for carrying the conditions of the treaty into effect, should it be adopted contingent, to suspend its operation upon the responsibility of the Executive, in such manner as to afford an opportunity for such friendly explanations as may be desired, during the present session of Congress.

I communicate to Congress a copy of the treaty and the instructions to the Minister of the United States, at Madrid respecting it, of his correspondence with the Minister of Spain, and such other documents as may be necessary to give a full view of the subject.

be equally open to both parties, and on the same conditions, and our citizens have been equally vested from interfering in favor of either, to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains, with them, the independence which it declared in 1763, and has enjoyed since 1810. Like success has also lately attended Chili and the provinces north of the La Plata, bordering on the South Sea and the Pacific.

This contest has, from its commencement, been very interesting to other powers, and to none more so than to the United States. A numerous people may and will confer themselves within the limits of a strict neutrality, but it is not their power or to uphold a contest so vitally important to their neighbors, without the possibility and sympathy which naturally belong to such a case. It has been the steady purpose of this government, to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state, that so strong has been the sense throughout the whole community, of what was due to the character and obligations of the nation, that few examples of a contrary kind have occurred. The distance of the colonies from the parent country, and the great extent of their population and resources, gave them advantages which it was anticipated, at a very early period, it would be difficult for Spain to surmount. The steadiness, consistency, and success, with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently gave them a strong claim to the favorable consideration of other nations. These sentiments on the part of the United States, have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world, that the efforts of Spain to subdue those provinces will be fruitless, it may be presumed that the Spanish government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinion of friendly powers, who have taken no part in the controversy, will have their merited influence.

It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws, no opportunity afforded to any who may be disposed to take advantage of it, to compromise the interest or honor of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws, with a view to this desirable result.

It is admitted, also, whether it may not be advisable to designate, by law, the several ports or places along the coast at which, only, foreign ships of war and privateers may be admitted. The difficulty of establishing the regulations of our commerce, and of other important interests, from above, without such designation, furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the Commercial Convention between the United States and Great Britain, a hope had been entertained that an article might have been agreed upon, mutually satisfactory to both countries, regulating, upon principles of justice and reciprocity, the commercial intercourse between the United States, and the British possessions, as well in the West Indies as upon the continent of North America. The plenipotentiaries of the two governments, not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this government the proposals which had been presented to them as the ultimate offer on the part of the British government, and which they were not authorized

to make. In the event which has since taken place, the British plenipotentiaries have been unable to come to an agreement on this important interest, those of the United States reserved for the consideration of this government the proposals which had been presented to them as the ultimate offer on the part of the British government, and which they were not authorized

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