

UNITED STATES.

V E T O M E S S A G E !

To the House of Representatives of the United States.

It is with unfeigned regret that I find myself under the necessity of returning to the House of Representatives, with my objections, a Bill entitled "An Act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes."

The exercise of some independence of judgment in regard to all acts of legislation is plainly implied in the responsibility of approving them. At all times a duty—it becomes a peculiarly solemn and imperative one, when the subjects passed upon by Congress happen to involve, as in the present instance, the most momentous issues, to affect variously the various parts of a great country, and to have given rise in all quarters to such a conflict of opinion, as to render it impossible to conjecture, with any certainty, on which side the majority really is.

On the subject of distributing the proceeds of the sales of the public lands, in the existing state of the finances, it has been my duty to make known my settled convictions on various occasions during the present Session of Congress. At the opening of the extra session, upwards of twelve months ago, sharing fully in the general hope of returning prosperity and credit, I recommended such a distribution; but that recommendation was even then expressly coupled with the condition that the duties on imports should not exceed the rate of 20 per cent. provided by the compromise act of 1833.

These hopes were not a little encouraged and these views strengthened by the report of Mr. Ewing, then Secretary of the Treasury, which was shortly thereafter laid before Congress, in which he recommended the imposition of duties at the rate of 20 per cent. ad-valorem on all free articles, with specified exceptions, and stated, "if this measure be adopted, there will be received in the Treasury from customs, in the last quarter of the present year, (1841,) \$5,300,000; in all of the year 1842, about \$22,500,000; and in the year 1843, after the final reduction under the act of March 2, 1833, about \$20,000,000."

I was most happy that Congress, at the time, seemed entirely to concur in the recommendations of the Executive, and, anticipating the correctness of the Secretary's conclusions, and in view of an actual surplus, passed the distribution act of the 4th September last, wisely limiting its operation by two conditions, having reference, both of them, to a possible state of the Treasury different from that which had been anticipated by the Secretary of the Treasury, and to the paramount necessities of the public service.

It ordained, that "if at any time during the existence of that act, there should be an imposition of duties on the imports inconsistent with the provision of the act of the 2nd March, 1833, and beyond the rate of duties fixed by that act, to wit, 20 per cent. on the value of such imports, or any of them, then the distribution should be suspended, and should continue so suspended until that cause should be removed." By a previous clause it had, in a like spirit of wise and cautious patriotism, provided for another case in which all are even now agreed, that the proceeds of sales of the public lands should be used for the defence of the country.

Not long after the opening of the present session of Congress, the unprecedented and extraordinary difficulties that have recently embarrassed the finances of the country began to assume a serious aspect. It soon became quite evident that the hopes under which the act of 4th September was passed, and which alone justified it in the eyes either of Congress who imposed, or of the Executive who approved the first of the two conditions just cited, were not destined to be fulfilled.

The condition contemplated in it, as requiring a suspension of its operation, had occurred. It became necessary, in the opinion of all, to raise the rate of duties upon imports above 20 per cent., and with a view both to provide available means to meet present exigencies, and to lay the foundation for a successful negotiation of a loan, I felt it incumbent upon me to urge upon Congress to raise the duties accordingly, imposing them in the spirit of a wise discrimination, for the two fold object of affording ample revenue for the Government, and incidental protection to the various branches of domestic industry.

I also pressed, in the most emphatic but respectful language I could employ, the necessity of making the land sales available to the Treasury as the basis of public credit. I did not think that I could stand excused, much less justified, before the people of the United States, nor could I reconcile it to myself to recommend the imposition of additional taxes upon them, without, at the same time, urging the employment of all the legitimate means of the Government toward satisfying its wants.

These opinions were communicated in advance of any definitive action of Congress on the subject either of the tariff or land-sales, under a high sense of public duty, and in compliance with an express injunction of the constitution—so that if a collision, extremely to be deprecated as such collisions always are, has seemingly arisen between the Executive and Legislative branches of the government, it has assuredly not been owing to any capricious interference, or to any want of a plain and frank declaration, on the part of the former.

Congress differed in its views with those of the Executive, as it had undoubtedly a right to do, and passed a bill virtually for a time repealing the proviso of the act of the 4th September, 1841. The bill was returned to the House in which it originated, with my objections to its becoming a law. With a view to prevent, if possible, an open disagreement of opinion on a point so important, I took occasion to declare that I regarded it as an indispensable prerequisite to an increase of duties above 20 per cent., that the act of the 4th September should remain un repealed in its provisions. My reasons for that opinion were elaborately set forth in the message which accompanied the return of the bill—which no constitutional majority appears to have been found for passing into a law.

The bill which is now before me proposes, in its 27th section, the total repeal of one of the provisos in the act of September, and while it increases the duties above 20 per cent., directs an unconditional distribution of the land proceeds. I am therefore subjected a second time, in the period of a few days, to the necessity of either giving my approval to a measure which, in my deliberate judgment, is in conflict with great public interests, or of returning it to the House in which it originated, with my objections. With all my anxiety for the passage of a law which would replenish

an exhausted Treasury, and furnish a sound and healthy encouragement to mechanical industry, I cannot consent to do so at the sacrifice of the peace and harmony of the country, and the clearest convictions of public duty.

For some of the reasons which have brought me to this conclusion, I refer to my previous Messages to Congress, and briefly subjoin the following:—

1. The bill unites two subjects, which so far from having any affinity to one another, are wholly incongruous in their character. It is both a revenue and an appropriation bill. It thus imposes on the Executive, in the first place, the necessity of either approving that which he would reject, or rejecting that which he might otherwise approve. This is a species of constraint to which the judgment of the Executive ought not, in my opinion, to be subjected.

But that is not my only objection to the act in its present form. The union of subjects wholly dissimilar in their character in the same bill, if it grew into a practice, would not fail to lead to consequences destructive of all wise and conscientious legislation.—Various measures, each agreeable only to a small minority, might, by being thus united, and the more the greater chance of success, lead to the passing of laws, of which no single provision could, if standing alone, command a majority in its favour.

2. While the Treasury is in a state of extreme embarrassment, requiring every dollar which it can make available, and when the Government has not only to lay additional taxes, but to borrow money to meet pressing demands, the bill proposes to give away a fruitful source of revenue—which is the same thing as raising money by loan and taxation—not to meet the wants of the Government, but for distribution, a proceeding which I must regard as highly impolitic, if not unconstitutional.

A brief review of the present condition of the public finances will serve to illustrate the true condition of the Treasury, and exhibit its actual necessities.—On the 5th of August (Friday last,) there was in the Treasury, in round numbers, \$2,150,000

Table with 2 columns: Description and Amount. Includes items like 'Necessary to be retained, to meet trust funds, \$360,000', 'Interest on public debt, due in October, 80,000', 'To redeem Treasury notes and pay the interest, 100,000', 'Land distribution under the act of the 4th September, 1841, 640,000', and 'Leaving an available amount of \$970,000'.

The Navy Department had drawn requisitions on the Treasury, at that time, to meet debts actually due, among which are bills under protest for \$1,414,000, thus leaving an actual deficit of \$444,000.

There was on hand about \$100,000 of unissued Treasury notes, assisted by the accruing revenue, amounting to about \$150,000 per week, exclusive of receipts on unpaid bonds, to meet requisitions for the army, and the demands of the civil list.

The withdrawal of the sum of \$640,000, to be distributed among the states, so soon as the statements and accounts can be made up and completed, by virtue of the provisions of the act of the 4th September last, of which nearly a moiety goes to a few states, and only about \$383,000 is to be divided among all the states, while it adds materially to the embarrassments of the Treasury, affords to the states no decided relief.

No immediate relief from this state of things is anticipated, unless, what would most deeply be deplored, the Government could be reconciled to the negotiation of loans already authorized by law, at a rate of discount ruinous in itself, and calculated most seriously to affect the public credit. So great is the depression of trade, that even if the present bill were to become a law, and prove to be productive, some time would elapse before sufficient supplies would flow into the Treasury, while, in the mean time, its embarrassments would be continually augmented by the semi-annual distribution of the land proceeds.

Indeed, there is but too much ground to apprehend that even if this bill were permitted to become a law, alienating as it does the proceeds of the land sales, an actual deficit in the Treasury would occur, which would more than probably involve the necessity of a resort to direct taxation.

Let it be also remarked, that \$5,500,000 of the public debt becomes redeemable in about two years and a half, which, at any sacrifice, must be met, while the Treasury is always liable to demands for payment of outstanding Treasury notes. Such is the gloomy picture which our financial Department now presents, and which calls for the exercise of a rigid economy in the public expenditures, and the rendering available of all the means within the control of the Government.

I most respectfully submit whether this is a time to give away the proceeds of the land sales, when the public lands constitute a fund which, of all others, may be made most useful in sustaining the public credit. Can the government be generous and munificent to others, when every dollar it can command is necessary to support its own wants? And if Congress would not hesitate to suffer the provisions of the act of 4th September last to remain un repealed, in case the country was involved in war, is not the necessity for such a course now just as imperative as it would be then.

3. A third objection remains to be urged, which would be sufficient in itself to induce me to return the bill to the House with my objections. But uniting two subjects so incongruous as tariff and distribution, it inevitably makes the fate of the one dependent upon that of the other in future contests of parties. Can any thing be more fatal to the merchant or manufacturer than such an alliance? What they most of all require is a system of moderate duties, so arranged as to withdraw the tariff question, as far as possible, completely from the arena of political contention. Their chief want is permanency and stability.

Such an increase of the tariff I believe to be necessary in order to meet the economical expenditures of Government. Such an increase, made in the spirit of moderation and judicious discrimination, would, I have no doubt, be entirely satisfactory to the great majority of the American people. In the way of accomplishing a measure so salutary and so imperatively demanded by every public interest, the Legislative Department will meet with a cordial co-operation on the part of the Executive. This is all that the manufacturer can desire, and it would be a burden readily borne by the people. But I cannot too earnestly repeat, that in order to be beneficial, it must be permanent, and in order to be permanent, it must command general acquiescence.

But can such permanency be justly hoped for if the Tariff question be coupled with that of Distribution, as to which a serious conflict of opinion exists among the states and the people, which enlists in its support a bare majority, if needed there be a majority, of the two Houses of Congress? What permanency or stability can attach to a measure which, warring upon itself, gives away a fruitful source of revenue at the moment it proposes a large increase of taxes on the people? Is the manufacturer prepared to stake himself and his interests upon such an issue?

I know that it is urged, but most erroneously, in my opinion, that instability is just as apt to be produced by retaining the public lands as a source of revenue as from any other cause, and this is ascribed to a constant fluctuation, as it is said, in the amount of sales. If there were any thing in this objection, it equally applies to every imposition of duties on imports. The amount of revenue annually derived from duties is constantly liable to change. The regulations of foreign governments, the varying productiveness of other countries, periods of excitement to trade, and a great variety of other circumstances, are constantly arising to affect the state of commerce, foreign and domestic, and of consequence the revenue levied upon it.

The sales of the public domain in ordinary times are regulated by fixed laws, which have their basis in a demand increasing only in the ratio of the increase of population. In recurring to the statistics connected with this subject, it will be perceived that for a period of ten years preceding 1834, the average amount of land sales did not exceed \$2,000,000.

For the increase which took place in 1834—5 and 6, we are to look to that peculiar condition of the country which grew out of one of the most extraordinary excitements in the history of commerce and currency. It was the fruit of a wild spirit of adventure, engendered by a vicious system of credits, under the evils of which the country is still labouring, and which it is fondly hoped will not soon recur.

Considering the vast amount of investments made by private individuals in the public lands, during those three years, and which equalled \$43,000,000, equal to more than 20 years' purchase, taking the average of sales of the ten preceding years, it may be safely asserted that the result of the public land sales can hold out nothing to alarm the manufacturer with the idea of instability in the revenues, and consequently in the course of the Government.

Under what appears to me, therefore, the soundest consideration of public policy, and in view of the interests of every branch of domestic industry, I return you the bill with these my objections to its becoming a law.

I take occasion emphatically to repeat my anxious desire to co-operate with Congress in the passing of a law which, while it shall assist in supplying the wants of the Treasury, and re-establish public credit, shall afford to the manufacturing interests of the country all the incidental protection they require.

After all, the effect of what I do is substantially to call on Congress to reconsider the subject. If, on such reconsideration, a majority of two-thirds of both houses should be in favour of this measure, it will become a law, notwithstanding my objections.

In a case of clear and manifest error on the part of the President, the presumption of the Constitution is, that such majorities will be found. Should they be so found in this case, having conscientiously discharged my own duty, I shall cheerfully acquiesce in the result.

JOHN TYLER.

Washington, August 9th, 1842.

Washington, Tuesday, August 9, 1842.

Nothing of importance was done in the House this morning, before the veto was presented. After the journal was read, Cost Johnson called up the following memorial, which he presented yesterday:

To the Honorable the Senate and House of Representatives of the United States:

The subscribers, citizens of the United States, and resident in the State of Pennsylvania, by this their memorial, respectfully represent:—That although our nation is in full possession of health, peace, and abundant harvests, we are far from the enjoyment of that happiness which is the proper object of enlightened legislation. Our present distress arises from the non-fulfilment of contracts; extending from those of some of our most important sovereign States down to the smallest engagements of obscure individuals; and this by no means through lack of value in possession, but from want of that in which said obligations are dischargeable, viz: ready money. And we declare it as our firm belief, before God and our country, that honest debts cannot be paid—no noble industry is turned idle—private faith is broken up—and public credit is perishing—solely for want of a PROPER CURRENCY.

A sufficient currency we cannot have by coin; a sound currency we cannot have without a proper basis; this basis may be found in the due appropriation of a small portion of the immense and unvalued national domain.

The public lands now unsold have been estimated, at Government price, to be worth \$2,000,000,000: we ask for the present anticipation of only one-tenth part of this vast property, by the creation of two hundred millions of national stock, at such interest as shall at once command capital at par; and the immediate distribution of this stock among the States, Territories, and the District of Columbia, by an equitable allotment, viz:

For each Senator, one million; this will appropriate fifty-two millions—leaving the balance to be divided on the basis of representation, as follows: assuming a Representative for the District of Columbia, and one also for each of the Territories, we shall have \$600,000 for each Representative, and a fractional balance of the whole of \$400,000, which balance might be divided equally between the three Territories and the District of Columbia, and the allotment would then stand thus:—

Table with 2 columns: State/Territory and Amount. Lists states like District of Columbia (700,000), Florida (700,000), Wisconsin (700,000), Iowa (700,000), Michigan (2,600,000), Arkansas (2,600,000), Maine (2,600,000), New Hampshire (2,600,000), Vermont (2,600,000), Massachusetts (5,000,000), Rhode Island (9,200,000), Connecticut (3,200,000), New York (5,600,000), New Jersey (26,000,000), Pennsylvania (5,600,000), Delaware (18,800,000), Maryland (2,600,000), Virginia (6,800,000), North Carolina (14,600,000), South Carolina (9,800,000), Georgia (7,400,000), Kentucky (7,400,000), Tennessee (9,800,000), Ohio (9,800,000), Louisiana (13,400,000), Alabama (3,800,000), Indiana (5,000,000), Illinois (6,200,000), Mississippi (3,800,000), Missouri (3,200,000), Missouri (3,200,000). Total: \$200,000,000.

In order to secure full confidence in the above, as an investment, we recommend an unconditional pledging of the avails of actual sales of the public lands for the regular foreign merchandise, to ensure payment of the interest with rigorous punctuality.

Mr. Johnson moved that this memorial be referred to a Select Committee, which motion, giving rise to a somewhat excited debate, the House resolved to lay the whole subject on the table, by a vote of 166 to 17.

BOSTON, August 11th.—FROST IN DOG DAYS.—The Wayne County (N. Y.) Herald of the 4th inst., says, on Monday and Tuesday mornings last, there was a frost in Honesdale, but we believe it was not severe enough to do any injury. The weather has been uncomfortably cool here for the last three days.

AUGUST 12th.—FUNERAL SERVICE IN HONOR OF THE DUKE OF ORLEANS.—Mass was celebrated yesterday in the Roman Catholic Cathedral, and the funeral service, after the forms of the Roman Catholic Church, performed, in memory of the late Duke of Orleans.

Agreeably to public notice, a procession was formed at the City Hall at 9 o'clock, A. M. to attend the ceremony. Almost all the resident civil, military and naval officers of the United States, of the officers of the State of Massachusetts, and the members of the several branches of the city government, were present. Most of the consuls of foreign governments were present, wearing their uniforms and badges of mourning. The French residents and a large number of other citizens also joined in the procession, and attended the services.

The interior of the church was hung with black, and the daylight being almost wholly excluded, a solemn effect was produced, quite in accordance with the nature of the ceremony. In front of the altar was a sarcophagus, covered with the French flag, and surrounded by the colors of the United States, of Great Britain, Spain, Austria, and other European nations, shrouded in mourning. The altar and sarcophagus were lighted by large candles burning around them.

Bishop Fenwick, and other priests of the Roman Catholic Church, arrayed in full pontificals, performed the services.

The building was crowded to its utmost capacity by an attentive congregation, anxious to show the sympathy of our citizens with the French people in the loss of a prince from whose life and reign so much was to be anticipated.

RESOLUTIONS adopted by the ladies from Rhode Island at the Great Clam Bake at Medbury Grove, Mass., on Thursday last:—

Whereas the men and women of Rhode Island have not an opportunity of assembling in that State for political or other purposes, but are prevented by martial law, and are compelled to withdraw into a foreign jurisdiction—therefore Resolved,—That having selected the spot first consecrated to freedom by Roger Williams, the apostle of civil and religious liberty, we deem it our duty to express our thanks to Almighty God that there still exists a spot where we may enjoy that freedom of thought and of speech which is denied to us in our own State.

Resolved,—That the act of the Charter Assembly of Rhode Island, calling a convention for the election of delegates to draft a constitution, is unjust and unequal.

Resolved,—That under these circumstances we earnestly recommend to our fathers, our husbands, and our brothers throughout that State, by every consideration of principle and expediency, to refrain from any participation in the election of delegates, to be held there on the last Tuesday of the present month, under the authority of the usurping government—and inasmuch as that government has had the exclusive control in originating that measure, so let it have the sole honor of carrying its unjust provisions into effect.

Resolved,—That we have confidence in Thomas Wilson Dorr, the rightful and constitutional Governor of Rhode Island; and that as all his acts have been directed by an ardent love of country and its free institutions, and for the honor and welfare of his native State, we firmly believe that we shall yet have the pleasure of beholding him in the chair of State, and dispensing the laws thereof, under a liberal constitution, in accordance with the Declaration of American Independence; and, further,

Resolved,—That Thomas Wilson Dorr, being himself the Governor of Rhode Island, cannot lawfully be claimed as the hands of any American Governor, by the usurper, Samuel W. King.

Resolved,—That the people have an unalienable and inalienable right to change, abolish, and institute government, and that the Suffrage Party, in abolishing the charter of King Charles, and adopting the new constitution, have pursued a course of action which is sanctioned by Washington, Jefferson, and Roger Williams—and by the Declarations of American Independence, the Constitution of the United States, and by the Bill of Rights of the oldest and largest States of the American Union.

Resolved,—That the People's Constitution of Rhode Island is the legitimate Constitution of the State, and we trust that the day is not far distant when it will be recognized as such by the Congress of the United States and the people of the Union.

Resolved,—That we deeply and truly sympathize with all those who are now confined in the loathsome dungeons of Rhode Island, by the profligate and soulless usurpers who are permitted to exercise a brief and assassin-like authority over the free people of that State; that we deeply and truly sympathize with the families of all those who have been torn from their homes and thrust into jails, and that we will do all in our power to aid them through the present dark period of their trials and sorrows.

Resolved,—That John Tyler, the acting President of the United States, by his unwarrantable interference in behalf of the usurping government of Rhode Island, and in opposition to the republican form of government established by the Constitution, and which is solemnly guaranteed by the Constitution of the United States to each and every State in the Union—is deserving the indignant reprobation of every patriot and every friend of popular sovereignty.

Resolved,—That John Davis, Governor of Massachusetts, by his recent loan of 500 muskets, 50 pistols, and 120 sabres, to put down the working men and mechanics of Lowell, who are struggling for their just and inalienable rights, be permitted to retire to private life, and another elected to fill his place, who can sympathize with men who have not fared sumptuously every day.

Resolved,—That the thanks of this meeting be extended to M. Medbury, the lessee of this beautiful grove, for his generous kindness in allowing us to assemble, and to discuss those principles which so immediately concern our welfare and happiness.

On reading these resolutions, a lady present sent to the Chair the following, which was received with great enthusiasm:—

Resolved,—That we extend our heart-felt thanks to those who sympathized with us in Boston on the 18th of May last, in the spot of the Boston massacre, and that they deserve our most respectful respect and esteem.

The resolutions were then adopted by the meeting with three cheers, and it was then voted to have them published in the Bay State Democrat, the Boston Morning Post, and the Providence Herald. The assembly then quietly retired to take part in the pleasant picnic which was to come off, and to make arrangements for forming a procession of the ladies.—Bay State Democrat.

THE TIMES IN MISSOURI.—The following is from the St. Louis Republican of the 28th inst.:—

HARD TIMES.—We understand that a few days since the Sheriff of Crawford County, in this State, who is ex-officio collector of State and County revenue, returned his papers, books, &c., into the Court, and resigned his office. The reasons he assigned for resigning are, that there is not money enough in the hands of the people of the country to pay their taxes, saying nothing about the executions, &c., from the courts, and he would not be the instrument of distressing them and sacrificing their property; they have no circulating medium, and the taxes can only be paid in specie or the notes of the Bank of Missouri.

Good!—The First Municipality Council of New Orleans has passed an Ordinance subjecting every person who keeps any gambling table within the limits of the Municipality, after the 1st August, to a fine of \$100 per day.

(From the N. Y. Commercial Advertiser, Aug. 11.)

THE TREATY—SIGNED AND ON ITS WAY.

The Great Western is a fortunate ship! We have said in a subsequent article, previously written, that the treaty between the United States and Great Britain would probably be communicated to the Senate in all this week. It affords us unfeigned happiness, however, to say, that the treaty has been signed by the Ministers to whom its negotiation was wisely confined, and was communicated to the Senate on Tuesday. We are also enabled to add, further, that Captain Wright, one of H. B. M.'s Special Messengers, is on board the Great Western, and is the bearer of a copy of the treaty, complete, and requiring only the ratification of the respective Governments. Captain Wright left Washington yesterday morning, Prosperous gales and a good head of steam, to our friend Captain Hosken, with such a freight!

The Journal of Commerce says that Lord Ashburton and suite were to leave Washington on Thursday, for New York, thence homeward in the Warspite.

"DEATH'S DOINGS."—The fell destroyer, brought into the world with all our other woes by sin, is making fearful ravages among our friends and acquaintances the present season. Within a few days past we have chronicled the death of Mr. Gould Hoyt, long one of our most able merchants and estimable men—of Peter Sharpe, who, in the political affairs of our city and state, and also in our benevolent institutions, has filled a wide space—of John Rathbone, Jr., a gentleman of great urbanity and worth, who has ranked high among our financial citizens for thirty years past—and of Mr. J. K. Beekman, a gentleman of the old school, of retired habits, but of great worth and private estimation. We might add to the catalogue.—Com. Adv.