

Washington City, March 4, 1811

Sir,

The eleventh Congress having closed its third session, I proceed to the last duty. which as your representative, I have to perform, by giving you such a view of the posture of our public affairs, as their situation will warrant,

In relation to our foreign concerns, I can add but little to what I stated in my letter addressed to you some days ago. Assurances are yet satisfactory, that the late arrangement with France, for the revocation of her decrees, will be carried into effect, on the basis of the law of the 1st of May last, offering the same terms of friendship to both the belligerents. No information is yet received from Great Britain, of that power having acceded in like manner to the equitable terms of our law; to do so, her best interests seem to be strongly pledged, as are her honor and character, by the repeated declarations of her ministers. that the orders in council were only in retaliation for the decrees of France, now rescinded.

In closing my official duties, I shall be pardoned for taking a retrospect of the course which has been pursued, and I, as your representative have participated in, through the difficult scenes which the last four years have produced; and by doing so, it will be in my power to give you the better exposition of our present situation and prospects.

The occasional violations of our neutral rights. which previous to my election to congress had for several years been committed by England and France, assumed the character of a more regular system, about that time. To make a more proper estimate of the disposition of those two governments, it will not be necessary to go further back than the period of 1806, The system as of late matured and in operation, seems properly to take the date of its commencement, with the British orders in council of May of that year, declaring a coast of the continent of Europe, not less than a thousand miles in extent, and embracing the principal markets of the world for American produce, to be in a state of blockade, without having stationed or pretending to station, any force in situations competent to effect such an object, but which formed the pretence, and justified the commanders of British vessels, to seize our products destined to those ports.

This unprecedented infraction of neutral rights, was followed by France in November in the same year, by her edict, called the Berlin decree, declared to be in retaliation for British measures, and announcing to the astonished world, the island of Great Britain and her dependencies, to be in a state of blockade, and all connection with them unlawful. In January 1807, G. Britain issued another order in retaliation of the Berlin decree. This, in addition to the order of May 1806, forbade a neutral to sail from one port of her enemy to another; thereby rendering far more uncertain the chance of escaping from her cruizers. In this posture, commercial affairs remained, until November 1807, when the British government again acting on the subject, and premising that her former orders had not been sufficiently operative, issued those of that date, consisting of repeated declarations and provisions, interdicting to the use of the U. States, the whole of France and those countries in alliance with her, or from which the

British flag was excluded. This was followed up in December of the same year, by the Milan decree of France, properly stiled a rejoinder to the British orders in council. and closing completely all the avenues to American commerce, subject however by the terms of it, to annulment in fact, as soon as the prior orders of the British government were repealed.

To these several aggressions, the United States opposed a moderate, and so far as was in their power, the appropriate resistance. Whilst we felt only the evils commenced and inflicted by Great Britain, our efforts of opposition were directed solely against her; and there was a time when the merchants of the United States, were clamorous to their government for protection against her outrages. To those acts of outrage were opposed restrictions applying solely to articles of British manufacture, coming from British ports; but before this measure was suffered to go into operation, injuries had been so multiplied, and directed in so oppressive, and injurious a shape, that that would have been but a very inadequate remedy. Two additional circumstances had also marked the determined sprit of hostility on the part of Great Britain, in the year 1807 – the one In the attack of the Leopard on the frigate Chesapeake, and the other in the proclamation of the king of England of October in that year, in which he asserted and justified the principle of impressment on board neutral vessels, and again enjoined it as a duty on his naval commanders, to search for and impress into his service, all who should be considered as natives of Great Britain, wheresoever found; and the execution of these orders was confided to inferior officers, who, ignorant and insolent, cared as little for the correctness of their discrimination, as for the feelings, and distresses of our unfortunate fellow citizens, who were wantonly borne off, into captivity and wretchedness. Under the pressure of these complicated injuries, the tenth congress was assembled, the first in which I had the honor of a seat in the national councils.

To this intolerable state of things, there appeared but the alternative of war, or embargo. The latter was resorted to as the least evil. This measure afforded a protection so complete against the injuries we were subjected to, that the American community seemed almost to have forgotten them, while the belligerent which had been most offensive in enormity & the repetition of injury, groaned under the influence of the measure, and put in operation every machination which mercantile cupidity and her numerous friends and adherents among us gave her so favorable an opportunity to exert. The British subjects in this country, the tory interests of the revolution which had remained among us, the native American citizens who were the opponents of the party now in power, and the mercantile class of almost every political description, combined their interests and influence against the measure. The former classes took an open and decided part in favor of England. The British sovereign, valuing himself on this accession of strength in our country, and feeling the effects of our policy, issued orders to the captains of his cruizers offering indemnity and inviting the citizens of the United States to a breach of their own laws, by departing from our ports in despite of them, without the clearance of our custom house officers. The national councils, too confident of the integrity of a portion of our citizens, were lulled into security, and suffered their indisposition of the use of coercion to lose to the country the only wise and efficient measure which it was possible to have adopted. The embargo was raised – the wants of Britain were supplied – her distresses relieved, and the friends of monarchy exultingly exclaimed, that the experiment of republics had failed. We were pronounced in the British parliament, to be a divided and distracted people, and our government

unfit for the purposes of civil association. It was indeed a crisis of humiliation to the friends of that measure, to find themselves constrained to relinquish it for the alternative of the non-intercourse, or a silent, unqualified submission to the aggressions of the belligerents. Such however was our situation. and we were told by the Eastern friends of the administration, that they must desert us, and the repeal of the embargo would be unqualified, unless we should concur in the substitute. So nearly were parties divided, that without its Eastern friends, the government would be in the minority – we were compelled to do the best to keep up even a semblance of opposition: an effort was made to authorise hostility against the belligerents; that too failed, and at the latter period of the last session of the tenth Congress, the non-intercourse was enacted, accompanied with the apparently partial, but in reality total dissolution, of the embargo system.

Whilst this result was unknown in England, terms of accommodation, such as it was honorable to accept, were authorized and accordingly proposed by the British minister here, and accepted by our government. Great Britain however found her altered situation with this country required no such sacrifice to justice. The British interests had triumphed among us. She disavowed the act of her minister. refused to abide by his agreement, recalled Mr. Erskine, and sent a person whose character was obnoxious to every civilized nation, without giving him the authority even to offer an explanation to our government for the breach of faith practised on us.

The second session of the eleventh congress convened under circumstances of peculiar difficulty. An official communication was made of the rupture of the British negotiation, and the subsequent conduct of the British cabinet and her new minister at Washington. In the mean time, France had become dissatisfied with the law of congress of March 1809. That law placed the vessels of both belligerents on equal terms of exclusion from our waters, although there had not then been committed by France any outrage within our waters, on the property, the liberty, or the lives of our citizens which rendered such an exclusion applicable to her, as it was, for those causes, to England. Both, however, were placed under the same restrictions, and the vessels and property of both nations, which should be brought within our ports, subjected to seizure and confiscation.

The effects of this have been indeed severely felt by the American interests. In every port on the continent of Europe where the influence of France predominated, have our vessels and their cargoes been retaliated on, and subjected to seizure and sequestration.

The second session of the eleventh congress was nearly wasted with discussions on the conduct of our executive with the British envoy: after, however, many fruitless propositions on the subject of our foreign relations, we passed the law of the 1st of May 1810, and it came into operation at the time the non-intercourse expired. By this law, the exclusion was continued to British and French armed vessels. It provided, however, as I stated in my letter at the close of that session, that in case England or France should revoke their edicts violating neutral commerce, that fact should be announced by the President, and in three months thereafter, the non-intercourse should stand revived against the nation refusing or neglecting to revoke.

France has accepted our proposal, and on the 5th of August, in the most formal and precise terms, made the required revocation, by the act of her prime minister at Paris. The fact of revocation has been announced by the President of the United States, and we have, accordingly, acted with that good faith which has ever characterised the American government.

What may be the course Great Britain will pursue, it is impossible to foresee: her friends here have, as usual, been active in endeavoring to produce a rupture of the equitable negotiation with France. They see in an adherence to it, either a state of hostility, or the humiliation of England, if indeed that can be called humiliation which may induce her to yield to the principles of justice towards our neutral rights. Neither she, nor her friends here, are blind to the importance of her intercourse at this moment with this country: – shut out from the continent of Europe, the U. States are almost the only quarter of the world left for her exportations. She can only by a similar revocation to that which France has made, or by success, in again obtaining, a triumph over our national councils, accomplish a removal of the non- intercourse as now modified. It is possible she may hazard the latter chance, her former success may embolden her to the measure; but a few days will inform us whether she has suffered the term appointed for her occlusion from our ports to arrive, without replying to the repeated and earnest solicitations lately made by our minister at London on the subject.

France may Indeed, prove as faithless in the execution of her agreement as England did; if she does the same power will recur to the executive department, to annul the arrangements made on our part to carry it into effect with good faith, and we shall return to the position in which we stood before the 5th of August.

We have introduced some new modifications into the law, not as we considered, inconsistent with the spirit and meaning of the negotiation with France, and calculated to obviate losses and secure conveniences to our own citizens. France having fixed the second of February to carry into complete effect the negotiation in her ports, we have also extended the term of exportations of our property from England to that day: and as by the terms of the law, and the agreement consequent of it, we have only stipulated to oppose the British orders by the application of what is called the non-intercourse to her, we have still continued in the President the power to annul it, as soon as Great Britain shall rescind her orders in council; among which, has always obviously been considered the blockade of May the 16th 1806, not less partaking of that character, (altho' not equal in extent) than what may be called the orders of universal blockade, issued by England in November 1807, all of them being orders of council, and all of them denominated blockades, and therefore being similar in principle. and in the description of our laws.

The system then, as it at present stands, called the non-intercourse, provides, that all British vessels are prohibited the use of our waters and ports, and all articles the growth, produce, or manufacture of Great Britain, her colonies, or dependencies, (excepting such, the property of American citizens, as shall have left England before the second of February,) are prohibited from importation, until the British government shall have so revoked or modified their orders, as that they shall cease to violate our neutral rights. American vessels are not prohibited from clearing out for any ports whatever, and exporting any kind of cargo our country may afford. All

the markets of the world continue open, so far as respects the acts of congress, for the export of our produce. The system therefore, called the non-intercourse, stands at this time so modified, as to be in fact a non-importation law, applying only to British commodities; and that only so long as Great Britain may continue her violations of our commercial rights.

Thus stands the commercial state of our foreign relations at this time, what it may be hereafter, the ever changing course of belligerent policy forbids even a conjecture on.

The character of domestic policy which has for the last four years of the government been pursued, I flatter myself, may be looked on with sensations of great satisfaction. The disposition to discharge the national debt, which the republican administration brought with it into office, has been unremittingly persevered in, under all the pressure & disadvantages of the times, My former letters have referred to particulars on this subject. A spirit of liberality and justice towards the remaining unsettled claims for the revolutionary services which were barred by the act of limitation, carried finally into operation In the year 1798, has certainly evinced itself to have gained ground, particularly In the house of representatives; and I think the time may not be reckoned far distant, when the government will cease to avail itself of that disgraceful subterfuge for refusing the discharge of its most sacred obligations.

The spirit of the government seems to be awakened to the policy of internal improvements. The subject of canals and roads have been attended to, and useful enquiries instituted relative to them. We have every reason to hope that on the return of a settled state of things, as it regards our foreign concerns, those great and useful works will receive the most marked attention of the national legislature, and its most powerful patronage. For my own part, I regard it as a primary part of federal policy, and one which will serve under proper encouragement, more than anything else yet left to be done, to secure the permanency, strength. and independent resources of the union.

The hazardous situation in which our peace with the European nations has been constantly placed has tended to promote in a great degree, the disposition to perfect the means of our safety. Much of the public funds has been appropriated to the erection of fortifications of a durable nature, and the procurement of sufficient supplies of arms and munitions of war. They have been amply provided, and remain ready for national purposes, in case they should be unfortunately required.

The policy of cultivating friendship and promoting civilization among the Indian tribes, has been most earnestly and successfully pursued; and those numerous and savage hordes, which but a few years ago waged a doubtful war against us, have been overawed by our power, and subdued by the arts of civilization, and the evidence of our friendship.

In reviewing the general course which political sentiment seems to have pursued during this period, we have cause to congratulate ourselves on the growth and stability of republican opinions; on a rigid adherence to constitutional principles as marked out and prescribed by the governmental compact; and an unremitting attention to the economical administration of the funds of the country.

It remains that I should take a further notice of the principal subjects which have occupied the attention of the last session. Among the first in importance, was the proposition to renew the charter of the United States bank company. My opposition to the renewal of that charter, was exhibited at the second session of the eleventh congress, and my efforts the more earnestly exerted at that time, from an apprehension, then apparently well founded, that a majority of the house of which I was a member, were not awakened to all the consequences of a decision its favor. The attempt at that session, was, after some discussion, withdrawn. I acknowledge I was then impressed with the necessity of a national bank of some description, and therefore advocated such an one as I conceived consistent with the letter and spirit of the constitution, placing its institution on the basis of the previous consent of the states in which it should be introduced, and establishing the mother Bank at the seat of government, under the immediate eye of the representatives of the people. Reflection has served, however, to produce doubts in my mind, of the safety of a banking institution, even checked as such an one would be by those provisions, while it would be supported by the patronage of the general government. The late institution has clearly demonstrated the immense energies of such an engine in the community, supported, as all national banks must be, by the deposits of our revenues. These reasons, which I am sorry the present opportunity does not permit me to enlarge on, induced me to decline renewing the proposition I presented at the second session of the eleventh congress, for the establishment of a national bank, to take place on the dissolution of that which has expired. At the last session, the question of renewing the charter of that company, has undergone a deep and able discussion, in which, as I had before taken so considerable a share, and almost solely occupied the time of the house on one side of the question I did not think it necessary again to participate. The limits which the nature of this address prescribes to me, will only permit that I should make a summary of my objections to the renewal of the charter, and present some of the reasons which influence my vote.

The first in magnitude, was the unconstitutionality of the measure, in reference to its particular delegations of authority, and the principles of monopoly engrained in it. Secondly, dangers arising from the magnitude of its delegated powers, controlled as they had been, and would continue to be, by a foreign influence, being owned in the proportion of more than seven tenths by foreigners. This objection is strongly illustrated by the language of their memorial, in which they say that they had had it in their power to balance the trade of the states by the operations of their capital. A high and paramount exercise of power indeed! and expressly confided to congress alone; and although fairness compels the admission of the accompanying statement, that they had exercised this power impartially, and had given a proper direction, in their opinions, to commercial enterprise, that they had exercised this high investiture of authority benevolently! yet these statements cannot obscure or conceal from the American eye, the invasion of political principle, which here does not confide in the benevolence or impartiality of those who are intrusted with great powers but to the checks and means of control reserved to those delegating them. With the efficient means which they professed to have in every important part of the union, of operating at the same moment, and of course, by previous concert, on trade, it was natural to believe they would favor that species of commerce which was congenial to the interests of those foreigners who composed the company; but this power is presented in a still more inadmissible point of view, when we see in the acknowledged means of operating on

trade, that of regulating the markets of our native products, by occasional pressures on the mercantile community, & thus, in fact, fixing the price of labor, and regulating the profits of the agricultural citizen. The proof of the fact that the managers of this institution had exercised on a memorable occasion. an influence of a political kind, in favor of a foreign nation, did not fail to produce disgust, but the reflection that they would be able to exert this dangerous influence again, could but excite apprehensions unfavorable to a renewal.

A third objection with me was, that one of the provisions in the charter committed an indecent invasion on the sovereignty of the states. It authorised the directors resident in Philadelphia, or any seven of them to erect a bank, within the limits of any of the states, although many of them were so averse on principle to the introduction of banks, as not to sanction it on their own authority, and many of those who did sanction the principle, had thought it necessary to reserve to their legislatures themselves an efficient control over the institutions, So highly objectionable was the renewal of this power, that I should not have been without well founded expectations, that the states would have refused the exercise of the power so delegated, and that a dangerous collision of authority between the states, and the United States might have been the consequence.

To these, and other Insurmountable objections, which might be urged I could not see any competent answer, on the principles of inconvenience or even temporary distress, if such was to follow the refusal to renew. The supposed necessity for a bank In the conduct of our fiscal concerns, is now acknowledged to be reduced to a question of convenience alone; for however powerfully this argument might have influenced the early operations of our government, the state Banks, now every where established, where there is a deposit of revenue or an expenditure of treasure, supply that necessity and under perfect safety to the government. Taking those banks in the aggregate, which will be employed in the states by the government, they are more safe, because they form in an aggregate, a far larger capital than the United States Bank Company possesses. The temporary convulsions in trade, which have been depicted by the over zealous friends of this institution, in the then uncertain event of its non-renewal, it may in some measure depend on the disappointed owners of it to realize. I do not however believe in the certainty of this temporary evil. The shipments made to England by our merchants, last spring and summer, to an amount very far exceeding the wants in that country, or the possibility of sales for them, has produced the return of bills to the amount of many millions, which had been drawn on account of those shipments, which could not be paid in England, and has overwhelmed the great sea port towns with bankruptcy & distress – nor have the effects of the sequestration of American property in France been less severely felt. All these evils will with the accustomed virulence of spirit in party prints, be attributed to the dissolution of the bank. For my conduct however on this question, I appeal in justification to the sincerity of my convictions, and the calm decision of your judgment.

Few laws of a general nature have been enacted of such importance as to require explanation. The territory of Orleans has been admitted into the union as a state – a measure which I thought not only just as it respected the people of that territory, but in a great degree necessary, in order to add energy to the means of public safety.

A further loan of money has been authorized, to the amount of five millions of dollars, although it is not expected that in a common course of events, it will be wanted, as we have now a considerable surplus in the treasury. which will, under any circumstances of restricted commerce, continue to increase for twelve months to come.

No other important changes have taken place in the general system of laws: a further appropriation has been made towards completing the fortifications on our sea board, and some subordinate regulations enacted on other subjects.

I cannot conclude without again expressing the regret I feel in separating myself from a district whose confidence I have had the happiness to enjoy and to which I must continue to feel the strongest attachments. Be pleased to accept the acknowledgments which flow from a grateful sense of the honors you have conferred on me, and to believe that I shall ever continue, with the greatest respect, your most obedient servant,

John Love.