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Proprietors.

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PRESIDENT'S MESSAGE.

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

Another year of health and of sufficiently abundant prosperity has passed For these, and especially for the improved condition of our national affairs, our renewed and profound gratitude to God is due.

FOREIGN RELATIONS.

We remain in peace and friendship with foreign nations. The efforts of disloyal citizens of the United States to involve us in foreign wars, and to aid in inexcusable designs, have been unavailing. Her Brittanic Majesty's government, as was justly expected, has exercised its authority to prevent the departure of new hostile expeditions from British ports. The Emperor of France has, by a like proceeding, promptly indicated the neutrality which he proclaimed at the beginning of the contest. Questions of great importance have arisen out of the blockade and other belligerent operations, between the Government and several of the maritime powers, but they have been discussed, and, so far as possible, accommodated in a spirit of frankness, justice and mutual good will. It is especially gratifying that our prize courts, by the impartiality of their adjudications, have commanded the respect and confidence of maritime powers.

THE AFRICAN SLAVE TRADE.

The supplemental treaty between the United States and Great Britain for the suppression of the African slave trade, made on the 17th day February last, has been duly ratified and carried into execution. It is believed that, so far as American ports and American citizens are concerned, that inhuman and barbarous trafic has been brought to an end.

POSSESSORY CLAIMS IN WASHINGTON TERRITORY.

I shall submit for the consideration of the Senate a convention for the adjustment of possessory claims in Washington Territory, arising out of the treaty of the 15th of June, 1846, between the United States and Great Britain, and which has been the source of some disquiet among the citizens of that now rapidly improving part of the country.

MARITIME JURISDICTION OF CUBA.

A novel and important question involving the extent of the maritime jurisdiction of Spain in the waters which surround the island of Cuba, has been debated without reaching an agreement, and it is proposed in an amicable spirit to refer it to the arbitrament of a friendly power. A convention for that purpose will be submitted to the Senate.

THE SCHELDT DUES.

I have thought it proper, with the approval of the Senate, to concur with the interested commercial powers in an agreement for the liquidation of the Scheldt dues upon the principles which have been heretofore upheld, in regard to the imposts upon navigation in the waters of Denmark.

CLAIMS AGAINST CHILI.

The long pending controversy between this Government and that of Chili, touching the seizure at Selans, in Peru, by Chilian officers, of a large amount in treasure belonging to citizens of the United States, has been brought to a close by the award of His Majesty, the King of the Belgians, to whose arbitration the question was referred by the parties. The subject was thoroughly and patiently examined by that justly respected magistrate, and although the sum awarded to the claimants may not have been as large as they expected, there is no reason to distrust the wisdom of His Majesty's decision. That decision was promptly complied with by Chili when intelligence in regard to it reached that country.

The Joint Commission, under the act of last session for carrying into effect the convention on the subject of claims, has been organized at Lima, Peru, and is engaged in the business intrusted to it. Difficulties concerning the inter oceanic transit through Nicaragua are in course of amacable adjustment.

THE UNITED STATES OF COLUMBIA.

In conformity with the principles set forth in my last annual message, I have received representatives from the United States of Columbia, and I have credited a Minister to that republic.

THE RIGHTS OF ALIENS, AND THE OBLIGATIONS OF NATURALIZED CITIZENS.

Incidents occurring in the progress of our civil war have forced upon my attention the uncertain state of international questions touching the rights of freemen in this country, and of United States citizens abroad. In regard to some governments these rights are at least partially defined by treaty. In no instance, however, is it expressly stipulated that in the instance of civil war a foreigner residing in this country, within the lines of the insurgents, is to be exempted from the rule which classes him as a belligerent, in whose behalf the government of his country cannot express any privilege or immunity from that character. I regret to say, however, that such claims have been put forward, and, in some instances, in behalf of foreigners who have lived in the United States the greater part of their lives. There is reason to believe that many persons born in foreign countries, who have declared their intention to become citizens, or who have been fully naturalized, have evaded the military duty required of them by denying the fact and throwing upon the Government the burden of proof. It has been found difficult or impracticable to obtain this proof, from the want of guides to the proper sources of information. These might be supplied by requiring the clerks of courts where declaration of intention may be made, or naturalization effected, to send periodically lists of the names of persons naturalized or declaring their intention to become citizens, to the Secretary of the Interior, in whose department these names must be arranged and printed for general information. There is also reason to believe that foreigners frequently become citizens of the United States for the sole purpose of evading the duties imposed by the laws of their native countries, to which, on becoming naturalized here, they at once repair, and though never returning to the United States, they still claim interposition of the Government as citizens. Many altercations and great prejudice have arisen out of this abuse; it is, therefore, submitted to your serious consideration. It might be advisable to fix a limit beyond which no citizen of the United States residing abroad may claim the interposition of this Government. The right of suffrage has often been assumed and exercised by aliens under pretense of naturalization, which they have disavowed when drafted into the military service. I submit the expediency of such an amendment of the laws as will establish the fact of an estoppel against claims of exemption from military service or civil obligation on the ground of alienage.

JAPAN.

Our relations in common with other Western Powers with Japan have been brought in serious jeopardy through the perverse opposition of the hereditary aristocracy of the Empire to the enlightened and liberal policy of the Tycoon, designed to bring the country in the circle of nations. It is to be hoped, although not with confidence, that these difficulties may be successfully overcome I ask your attention to the Minister residing there, for the damages he sustained in the destruction, by fire, of the residence of the Legation at Yeddo.

INTERNATIONAL TELEGRAPHS.

Satisfactory arrangements have been made with the Emperor of Russia which, it is believed, will result in effecting a continuous line of telegraph through that empire from our Pacific coast.

I recommend to your favorable consideration the subject of an international telegraph between this capital and the national forts along the Atlantic seaboard and the Gulf of Mexico. Such connections established with any reasonable outlay would be econimical as well as effective aids to diplomatic, military and naval service.

CONSULAR SYSTEMS.

The consular systems of the United States, under the enactments of the last Congress, begins to be self sustaining, and there is reason to hope that it may become entirely so with the increase of trade which will ensue whenever peace is restored.

Our Ministers abroad have been faithful in defending American rights in protecting our commercial interests. Our Consuls have necessarily had to encounter increased labors and responsibilities growing out of the war. These they have for the most part met and discharged with zeal and efficiency. This acknowledgement justly includes the Consuls, who, residing in Morocco, Egypt, China and other central countries, are charged with complications and extraordinary powers.

THE TERRITORIES.

The condition of the several organized territories is generally satisfactory, although the Indian disturbances in New Mexico have not been entirely suppressed. The mineral resources of Colorado, Nevada, Idahoe, New Mexico and Arizona are proving far richer than heretofore understood. I lay before you communications on this subject from the Governor of New Mexico

ENCOURAGEMENT OF EMIGRATION.

I again submit to your consideration the expediency of establishing a system for the encouragement of emigration. Although this source of national wealth is again following with greater freedom than for several years before the insurrection occurred, there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well as of iron and coal as of precious metals. While demand for labor is thus increased here, tens of thousands of persons, destitute of remunerative occupation, are thronging our foreign Consulates and offering to emigrate to the United States if essential but very cheap assistance can be afforded to them. It is easy to see that under the sharp discipline of civil war, the nation is beginning a new life. This noble effort demands the aid and ought to receive the attention and support of the Government.

INJURIES TO FOREIGNERS IN PUBLIC SERVICE.

Injuries unforeseen by the Government and unintended may in some cases have been inflicted upon the subjects or citizens of foreign countries, both at sea and on land, by persons in the service of the United States. As this Government expects redress from other powers when similar injuries are inflicted by persons in their service upon citizens of the United States, we must be prepared to do justice to foreigners. If the existing judicial tribunals are inadequate to this purpose, a special court may be authorized, with power to hear and decide such claims of the character referred to as may have arisen under treaties and public law. Conventions for adjusting claims by your commission have been proposed to some governments, but no definite answer to these propositions has yet been received from any. In course of the session, I shall probably have occasion to request you to provide indemnification to claimants. Decrees of restitution have been rendered and damages awarded by the Admiralty Court, and in other cases where this Government may be acknowledged to be liable in principle and where the amount of that liability has been ascertained by an informal arbitration.

TAXING FOREIGN CONSULS.

The proper officers of the Treasury have deemed themselves required by the law of the United States upon the subject to demand a tax upon the incomes of foreign Consuls in this country. While such a demand may not be an indication of public law or perhaps of any existing treaty between the United States and a foreign country, the expediency of so far modifying the act as to exempt from tax the income of such Consuls as are not citizens of the United States, derived from the emoluments of their office, or from property not situated in the United States, is submitted to your generous consideration. I make this suggestion upon the ground that a comity which ought to be reciprocated exempts our Consuls in all other countries from taxation. To the extent thus indicated the United States, I think, ought not to be exceptionally illiberal to international trade and commerce.

THE NATIONAL BANKING SYSTEM.

The operations of the Treasury during the last year have been successfully conducted. The enactment by Congress of a national banking law has proved a valuable support to the public credit, and the general legislation in relation to loans has fully answered the expectations of its favorers. Some amendments may be requried to perfect existing laws, but no change in their principles, or general scope, is believed to be needed. Since these measures have been in operation all demands on the treasury, including the pay of the army and navy have been promptly met and fully satisfied. No considerable body of troops, it is believed, were ever more amply provided, more liberally and punctually paid, and it may be added that by no people were the burdens incident to a great war more cheerfully borne.

CONDITION OF THE TREASURY.

The receipts during the year from all sources, including the loans and the balance in the Treasury at its commencement were $901,125,674 86. The aggregate disbursements $895,796,630 65, leaving a balance on the 7th of July, 1863, of $532,904,421 Of the receipts, there were derived from customs, $69,059,642 40; from internal revenue, $37,640,767 95; from direct taxes, $148,510,361; from lands, $167,617 17; from miscellaneous sources, $304,661,535, and from loans, $776,682,361 57; making the aggregate of $901,112,648 86. Of the disbursements, there were $235,539,222 for pensions, &c; $421,652,059 for interest on public debt; $247,298,465 01 for war department; $599,298,600 83 for the navy department; $632,410,597 for the payment of funded and temporary debt; making an aggregate of $885,766,630 55, and leaving a balance of $538,904,421. But the payment of the funded and temporary debt having been made from moneys borrowed during the year, must be regarded as merely nominal payments, and the monies borrowed to make them as merely nominal receipts; and their amount, $181,086,635,07, should therefore be deducted from the receipts and disbursements. This being done, there remains as actual receipts $714,709,995.58—leaving the balance as already stated. The actual receipts and disbursements for the first quarter and the estimated receipts and disbursements for the remaining three quarters of the current fiscal year of 1864, will be shown in detail by the reports of the Secretary of the Treasury to which I invite your attention. It is sufficient to say here, that it is not believed that the actual results will exhibit a state of the figures less formidable to the country than the estimates of that officer heretofore submitted, while it is confidently expected that at the close of the year both disbursements and debts will be found very considerably less than has been anticipated.

MILITARY AFFAIRS—REPORT OF SECRETARY OF WAR.

The report of the Secretary of War is a document of great interest. It consists of—

1. The military operations of the year, detailed in the report of the General in Chief.
2. The organization of colored persons into the war service.
3. The exchange of prisoners is fully set forth in the letters of General Hitchcock.
4. Operations under the act of enrolling and calling out the national forces, detailed in the report of the Provost Marshal General.
5. The organization of the Invalid Corps.
6. The operation of the several departments of the Quartermaster General, Commissary General, Paymaster General, Chief of Engineers, Chief of Ordnance, and Surgeon General.

It has appeared impossible to make a valuable summary of this report, except such as would be too extended for this place, and hence I content myself in referring your attention to the report itself.

NAVAL AFFAIRS.

The duties devolving on the naval branch of the service during the year, and throughout the whole of this unhappy contest, have been discharged with fidelity and eminent success. The extensive blockade has been constantly increasing in efficiency as the navy has expanded, yet on so long a line it has so far been impossible to entirely suppress illicit trade. From the returns received at the Navy Department it appears that more than one thousand vessels have been captured since the blockade was instituted and that the value of the prizes already sent in for adjudication amounts to over thirteen million dollars. The naval force of the United States consists, at this time, of 588 vessels completed and in the course of completion, and of these, 75 are iron-clad armored steamers. The events of the war give an increased interest and importance to the navy which will probably extend beyond the war itself. The armored vessels in our navy, completed and in service, or which are under contract and approaching completion, are believed to exceed in number those of any other power, but while they may be relied upon for harbor defenses and sea coast service, others of greater strength and capacity will be necessary for cruising purposes and to maintain our rightful position on the ocean. The change that has taken place in naval vessels and naval warfare since the introduction of steam as a motive power for ships of war, demands either corresponding change in some of our existing navy yards, or the establishment of new ones for the construction and necessary repair of modern war vessels. No inconsiderable embarrassment, delay and public injury have been experienced from the want of such Government establishments. The necessity of such a navy yard, furnished at some suitable place upon the Atlantic seaboard, has on repeated occasions been brought to the attention of Congress by the Navy Department, and is again presented in the report of the Secretary, which accompanies this communication. I think it my duty to invite your special attention to this subject, and also that of establishing a yard and depot for naval purposes upon one of the western rivers. A naval force has been created on these interior waters, and under many disadvantages, within little more than two years, exceeding in numbers the whole naval force of the country at the commencement of the present Administration. Satisfactory and important as has been the performances of the heroic men of the navy, at this period they are scarcely more wonderful than the services of our mechanics and artizans in the production of war vessels which have created a new form of naval power. Our country has advantages superior to any other nation in our resources of iron and timber, with inexhaustible quantities of fuel in the immediate vicinity of both, and all accessible in and in close proximity to navigable waters, without the advantage of public risks. The resources of the nation have been developed and its power displayed in the construction of a navy of such magnitude, which has at the very period of its creation rendered signal service to the Union. The increase of the number of seamen in the public service from 7,000 men in the spring of 1861 to about 24,000 at the present time, has been accomplished without especial legislation or extraordinary bounties to promote that increase. It has been found, however, that the operations of the draft, with the high bounties paid for army recruits, is beginning to affect ungenerously the naval service, and will, if not corrected, be likely to impair its efficiency by detaching seamen from their proper avocation and inducing them to enter the army I therefore respectfully suggest that Congress might aid both the army and naval service by adequate provision on the subject, should at the same time be equable to the communities more especially interested. I commend to your consideration the suggestions of the Secretary of the Navy in regard to the policy of fostering and training seamen for naval service. The Naval Academy is rendering signal service in preparing Midshipmen for highly responsible duties, which in after life they will be required to perform, in order that the country should not be deprived of the proper quota of educated officers for which legal provision has been made at the Naval School. The vacancies caused by the neglect or omission to make nominations from the States in insurrection have been filled by the Secretary of the Navy. The School is now more full and complete than at any previous period, and in every respect entitled to the favorable consideration of Congress

POSTAL AFFAIRS.

During the past fiscal year, the financial condition of the Post Office Department has been one of increased prosperity, and I am gratified in being able to state that the receipt of postal revenue has nearly equalled the entire expenditure; the latter amounting to $11,314,000.84 and the former to $11,163,789 59—leaving a deficiency of but $250,417 25. In 1860, the year immediate preceding the rebellion, the deficiency amounted to $565,670,549. The postage receipts of that year were $264,572,219 less than those of 1863. The decrease since 1860, in the annual amount of transportation, has been only about 25 per cent, but the annual expenditures on account of the same has been reduced 35 per cent. It is manifest, therefore, that the Postoffic Department may become self sustaining in a few years, even with the restoration of the whole service. The international conference of Postal delegates from the principal countries of Europe and America, which was called at the suggestion of the Postmaster General, met at Paris on the 11th of May last, and concluded its deliberations on the 8th of June. The principles established by the conference, as best adapted to facilitate postal intercourse between nations, and as the basis of future conventions to inaugurate a general system of uniform international charges at reduced rates of postage cannot fail to produce beneficial results.

REPORT OF THE SECRETARY OF THE INTERIOR.

I refer you to the report of the Secretary of the Interior, which is herewith laid before you, for the useful and varied information in relation to the public lands, Indian affairs, patents, pensions and other matters of public concern, pertaining to this department. The quantity of lands disposed of during the last and the first quarters of the present fiscal year was three million eight hundred and fifty one thousand five hundred and fifty-nine acres, of which one hundred and sixty one thousand nine hundred and eleven acres were sold for cash; one million four hundred and fifty-six thousand five hundred and fourteen acres were taken up under the Homestead law and the residue disposed of under laws granting lands for military bounties, for railroads and other purposes. It also appears that the sale of public lands is largely in the increase. It has long been a cherished opinion of some of our wisest statesmen that the people of the Utates States had a higher and more enduring interest in the early settlement and substantial cultivation of the public lands than in the amount of direct revenue to be derived from the sale of them. This opinion has had a controling influence in shaping legislation upon the subject of our national domain. I may cite as an instance of this the liberal measures adopted in reference to actual settlers, the grant to the States of the overflowed lands within their limits, in order to their being reclaimed and rendered fit for cultivation. The grant to railroad companies of alternate sections of land upon the contemplated lines of their road when completed, will largely multiply the facilities of reaching our distant possessions. This policy has received its most signal and beneficent illustration in recent enactments granting homesteads to actual settlers. Since the first day of January last the before mentioned quantity of one million four hundred and fifty-six thousand five hundred and fourteen acres of land has been taken up under its provisions. This fact and the amount of sales furnish gratifying evidence of the increasing settlement upon the public lands, notwithstanding the great struggle in which the energies of the nation have been engaged, and which has required so large a withdrawal of our citizens from their accustomed pursuits.

I cordially concur in the recommendation of the Secretary of the Interior suggesting a modification of the act in favor of those engaged in the military and naval service of the United States. I doubt not that surveyors will cheerfully adopt such measures as will, without essentially changing the general features of the system, secure to the greatest possible extent its benefits to those who have left their homes in defense of the country in this arduous crisis.

THE MINERAL LANDS.

I invite your attention to the views of the Secretary of War as to the propriety of raising, by appropriation of legislation, a revenue from the mineral lands of the United States.

THE INDIAN TRIBES.

The measures provided at your last session for the removal of certain Indian tribes have been carried into effect. Sundry treaties have been negotiated which will in due time be submitted sor the constitutional action of the Senate. They contain stipulations for extinguishing the possessor's rights of the Indians to large and valuable tracts of land. It is probable that the effects of these treaties will result in the establishment of permanent friendly relations with such of those tribes as have been brought into frequent and bloody collision with our outlying settlements and emigrants. The sound policy of our imperative duty to these wards of the Government demand our anxious and constant attention to their material well-being, to their progress in the arts of civilization, and above all, to that moral training which under the blessings of divine Providence will confer upon them the elevated and sanctifying influence of the hopes and consolation of the Christain faith. I suggested in my last annual message the propriety of remedying our Indian system Subsequent events have satisfied me of its necessity The details set forth in the report of the Secretary will evince the urgent need for immediate legislative action

BENEVOLENT INSTITUTIONS OF THE DISTRICT OF COLUMBIA.

I commend the benevolent institutions established or patronized by the Government in this District to your generous and fostering care.

ENLARGED NAVIGATION BETWEEN THE WATERS OF THE MISSISSIPPI AND THE NORTHEASTERN SEABOARD.

The attention of Congress during the last session was engaged to some extent with a proposition for enlarging the water communication between the Mississippi river and the Northeastern seaboard, which proposition, however, failed for the time. Since then, upon a call of the greatest respectability, a convention has been held at Chicago upon the same subject, a summary of whose views is contained a memorial addressed to the President and Congress, and which I now have the honor to lay before you. That this interest is one which ere long will force its own way, I do not entertain a doubt; while it is submitted entirely to your wisdom as to what can be done now. Augmented interest is given to this subject by the actual commencement of work upon the Pacific railroad under auspices favorable to its rapid progress and completion. Enlarged navigation becomes a palpable need to this great road.

AGRICULTURAL DEPARTMENT.

I transmit the second annual report of the Commissioners of the Agricultural Department, asking your attention to the developments in that vital interest of the nation.

THE WAR—CONDITION OF THE REBELLION.

When Congress assembled a year ago. the war had already lasted nearly twenty months, and there had been many conflicts on both land and sea with varying results. The rebellion had been pressed back into reduced limits; yet the tone of public feeling and opinion at home and abroad was not satisfactory. With other signs, the popular elections, then just past, indicated uneasiness among ourselves, while amid much that was cold and menacing, the kindest words coming from England were uttered in accents of pity, but we were too blind to surrender. Our commerce was suffering greatly by a few armed vessels built upon and furnished from foreign shores, and we were threatened with such additions from the same quarter as would sweep our trade from the seas and raise our blockade. We had failed to elicit from European Governments anything hopeful upon this subject. The emancipation proclamation, which was issued in September, was running its assigned period to the beginning of the new year. A month later the final proclamation came, including the announcement that colored men of suitable condition would be received into the war service.

POLICY OF EMANCIPATION AND EMPLOYMENT OF NEGRO SOLDIERS.

The policy of emancipation and of employment of black soldiers, gave to the future a new aspect, about which hopes, fears and doubts contended in uncertain conflict, according to our political system, as a matter of civil administration. The General Government has no lawful power to effect emancipation in any State, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure. It was all the while deemed possible that necessity for it might come, and that, if it should, the crisis of the contest would then be presented. It came, and, as foreseen, it was followed by dark and doubtful days. Eleven months having been passed, we are permitted to take another review. The rebel borders are pressed still farther back, and, by the complete opening of the Mississippi River, the country dominated over by the rebelion is divided into distant parts. Practical communication between them and Tennessee and Arkansas has been substantially cleared of insurgent control and influence; and the citizens in each, and owners of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective States. Of those States not included in the emancipation, Maryland and Missouri (neither of which, years ago, would tolerate any restraints upon the extension of slavery into the Territories) only dispute now is as to the best mode of driving it from their own limits. Of those who were slaves at the beginning of the rebellion, fully one hundred thousand are now in the United States military service, about one-half of which number actually bear arms in the ranks, thus giving the double advantage of taking so much labor from the insurgent cause and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any. No servile insurrection or tendency to violence or cruelty has marked the measure of emancipation and arming the blacks. These measures have been much discussed in foreign countries, and contemporary with such discussions the tone of the public sentiment there is much improved. Where the same measures have been fully discussed, supported, criticised and denounced, the annual elections are highly encouraging to those whose special duty it is to bear the country through this great trial. Thus we have the reckoning; the crisis which threatened to divide the friends of the country is past.

PLAN FOR RECONSTRUCTION.

Looking now to the present and future and with reference to a resumption of the national authority within the States wherein that authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted. On examination of this proclamation it will appear, as is believed, amply justified by the Constitution. True the form of an oath is given, but no man is coerced to take it. A man is only promised a pardon in case he voluntarily takes the oath. The Constitution authorizes the Executive to grant it on terms as fully established by judicial and other authorities. It is also proffered that if any of the States name a seat of government it shall be in the mode prescribed set up. Such Government shall be recognized and guaranteed by the United States, and that under it the State shall, on subscribing to the constitutional conditions, be protected against invasion and domestic violence. The constitutional obligation of the United States to guarantee to every State in the Union a republican form of Government and to protect the State in the cases as stated, is explicit and full. But why tender the benefits of this provision only to a State government set up in this particular way? This section of the Constitution contemplates a case wherein the element within a State was favorable to a repulican government in this Union may be too feeble for an opposite and hostile element external to and even within the State, and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a revised state of government, constituted in whole or in preponderating part from the very element against whose hostility and violence it is to be protected, is simply absurd. There must be a test by which to separate opposing elements so as to build only from the sound, and that test a sufficient and liberal one, which accepts as sound whoever will make a sworn recantation of his former unsoundness, but if it be proper to require a list of admission to the political body, an oath of allegiance to the Constitution of the United States and to the Union under it, why not also to the laws and proclamation in regard to slavery? Those laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them the fullest effect, there had to be a pledge for their maintenance. In my judgment they have aided and will further aid the cause for which they were enlisted. To give up this principle would be not only to relinquish a lever of power, but it would also be a cruel and astounding breach of faith. I may add at this point that while I remain in my present position I shall not attempt to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is made free by the terms of the proclamation or by act of Congress. For these and other reasons it is thought best that the support of these provisions shall be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and the restoration of projected rights, which he has clear constitutional power to withhold altogether or grant upon the terms which he shall deem wisest for the public interest. It should be observed, also, that this part of the oath is subject to the modifying and abrogating powers of legislation. The proposed acquiescence of the National Executive in any honorable temporary State arrangement for the freed people is made with a view of possibly modifying the confusion and distressed destitution which must at last attend all classes by a total revolution of labor throughout the whole States. It is hoped that the already deeply afflicted people in those States may be somewhat more ready to give up the cause of their affliction, and to this extent this vital matter is left to themselves, while no power of the National Executive to prevent an abuse is abridged by this proposition.

THE CONDITIONS OF RECONSTRUCTION.

The suggestion in the proclamation as to maintaining the political frame-work of the States, or what is called reconstruction, is made in the hope that it may do good without harm. It will favor labor and avoid great confusion. But why any proclamation now upon this subject? This question is beset with the conflicting views that the step might be delayed too long or be taken too soon. In some, elements for resumption have been ready for action, but remain inactive, apparently for want of a rallying point, a plan of action. Why shall A. adopt the plan of B. rather than B. that of A.? and if A. and B should agree, how can they know but the general government here will respect their plan? By the proclamation a plan is presented which may be accepted by them as a rallying point, and which they are assured in advance will not be rejected here. This may bring them to act sooner than they otherwise would. The objection to a premature presentation of a plan by the National Executive consists in the danger of committance in points which could be more safely left to further developments. Care has been taken to so shape the document as to avoid embarrassment from this source. In saying that on certain terms certain classes will be pardoned, with their rights restored, it is not said that other classes on other terms will never be included. In saying that a reconstruction will be accepted if presented in a specified way, it is not said that it will never be accepted in any other way. The movements by State actions for emancipations in several of the States not included in the emancipation proclamation, are matters of profound gratulation; and while I do not repeat in detail what I have heretofore so earnestly urged upon this subject, my general views and feelings remain unchanged, and I trust that Congress will omit no fair opportunity of aiding these important steps to the great consummation.

THE WAR POWER THE MAIN RELIANCE.

In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look, yet for a time, to give confidence to the people in contested regions that the insurgent power will not again overturn them. Until that confidence shall be established little can be done anywhere for what is called reconstruction. Hence our chiefest care must still be directed to our army and navy, who have thus far borne their harder part so nobly and so well, and it may be esteemed fortunate that in giving the greatest efficiency to their indispensable arms, we do also honorably encourage the gallant men, from commander to sentinel, who compose them, and to whom, more than all others, the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged and perpetuated.

ABRAHAM LINCOLN.

Washington, Dec. 8, 1863.

Proclamation.

The following proclamation accompanies the message:

Whereas, On and by the Constitution of the United States, it is provided that the President shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment; and,

Whereas, A rebellion now exists whereby the loyal States and the governments of the several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and,

Whereas, With reference to said rebellion and treason, laws have been enacted by Congress declaring the forfeiture and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon, and on such terms and conditions as he may deem expedient for the public welfare; and,

Whereas, The Congressional declaration for limited and conditional pardon accorded with well established expositions of the pardoning power; and,

Whereas, With reference to said rebellion the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves, and

Whereas, It is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and reinaugurate loyal State governments within and for their respective States; therefore I, Abraham Lincoln, President of the United States, do proclaim, declare and make known to all persons who have directly or by implication participated in the existing rebellion, except as herein after excepted, that a full pardon is granted to them and each of them, with a restoration of all rights, if third parties shall have intervened, and upon the condition that every such person shall take and subsribe an oath and thenceforward keep and maintain said oath inviolate and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit: "I do solemnly swear in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the Union of States thereunder; and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion, with reference to slaves, so long and so far as not yet repealed, modified, or held void by Congress or by decision of the Supreme Court; and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion, having reference to slaves, so long and so far as not modified, or declared void by decision of the Supreme Court. So help me God." The persons excepted from the benefits of the foregoing provisions are all who are or shall have been civil or diplomatic officers or agents of the so called Confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of the rank of Colonel in the army or Lieutenant in the navy; all who left seats in the United States Congress to aid in the rebellion; all who resigned their commissions in the army and navy of the United States and afterwards aided the rebellion, and all who have engaged in any way in treating colored persons or white persons in charge of such otherwise than lawfully as prisoners of war, and which persons may be found in the United States service as soldiers, seamen, or in any other capacity. And I do further proclaim, declare and make known that whoever in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina and North Carolina, a number of persons not less than one-tenth of the number of the votes cast in such State at the Presidential election of the year of our Lord 1860, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election laws of the State existing the January before the act of secession, and excluding all others, shall be established a State Government which shall be republican, and no wise contravening said oath. Such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision, which declares that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or the Executive when the Legislature cannot be convened, against domestic violence. And I do further proclaim, declare and make known that any provision which may be adopted by such State Government in relation to the freed people of such State which shall recognize and declare their permanent freedom and provide for their education, and which may yet be consistent, as temporary arrangement, with their present condition as a laboring, landless and homeless class, will not be objected to by the National Executive. And it is suggested as not improper that in constructing a loyal state government in any State, the name of the boundary, the subdivision, the constitution, and the federal code of laws as before the rebellion, be maintained, subject only to modifications made necessary by the conditions hereinbefore stated, and such others, if any, contravening said conditions, and which may be deemed expedient by those framing the new state government. To avoid misunderstanding, it may be proper to say that this proclamation so far as it relates to a State government, has no reference to States wherein loyal State governments have all the while been maintained, and for the same reason it may be proper to further say that whether members sent to Congress from any State, shall be admitted to seats constitutionally, rests exclusively with the respective Houses, not to any extent with the executive, and state further that this proclamation is intended to present, to the people of the States where the national authority has been suspended and loyal State governments have been subverted, a mode by which the national authority over every loyal State government may be established within said States or any of them, and when the mode presented is the best, the Executive can suggest with his present impression, it must not be understood that another possible mode would not be acceptable.

Given under my hand at the city of Washington this, the 8th day of December, A. D., 1863, and of the Independence of the United States of America, the eighty eighth.

ABRAHAM LINCOLN.

By the President:
Wm H. Seward, Secretary of State.

The Difficulties Before Us.

I.

It is not to be denied that since the commencement of this war, theories of a very opposite character, respecting its prosecution and termination, have claimed the attention and exceptance of the public mind. We have passed through several different phases of this subject, until we have at length reached the development of doctrines which challenge the scrutiny of every patriot, and may well awaken our deepest solicitude We are brought to an issue which is to determine, according as we embrace or as we reject it, whether the fundamental principles of the Union and the framework of the Constitution are to be preserved, or whether they are to give place to a system founded in mere force. Strong currents of public opinion, set in motion by the most radical and fanatical spirits among us, are apparently tending to objects that have not heretofore been recognized as the legitimate objects of the war; and to the influence of the radicals and fanatics in producing those currents of opinion is to be added the influence derived from some acts of the President of the United States who has certainly been led away from his earlier purposes and convictions by a faction of the party which placed him in the executive chair. What the new objects of the war, to which we seem to be tending are, is indicated by the sentiment, frequently heard now, but never entertained by the outset, that the war is not to end until slavery is extirpated. This idea, more or less vague in the minds of men, has of late received an impulse from the promulgation of a definite means by which it is to be carried out That means is offered to us in the announcement of a theory which presents the Southern States as communities which we have a right to conquer, and to treat as conquered countries when we have achieved the victory. This theory, as the opposite of that which regards these states as the locality of an armed insurrection of individuals against the authority of the Federal Union we purpose to examine with care and at some length It may not be convenient for us to place our discussions of this subject in successive issues of our paper; but our readers will preserve the continuity by looking at the heading which is placed at the commencement of the present article.

The most momentous question that is now before the American people relates to the mode in which a restoration of the Union can be effected consistently with their own future welfare and safety. On this question they must think as well as act, and must think before they act To aid them in the formation of their opinions by temperate and calm discussion should be the purpose of every patriotic journalist and every respectable press.

We assume that there are two, and but two, theories on which the people of the so called seceded States can ever be brought again into political relations with the people of the remaining States, as a result of war. If, indeed, it would become possible for the contending forces to agree upon a cessation of arms, and the people of all the States could meet in national convention, or other representative body, for the establishment of a new national or federative system, there might be several modes of reconstruction to be considered. But taking the supposition that we are to continue fighting for a restoration of the Union, and assuming further that the people of the North are to determine at what they are to aim, in the prosecution of the war, as a means of restoring the Union—or, in other words, that they desire to act upon definite ideas of what they wish to bring about—then we say that they must examine and compare to opposite plans, and must determine between them for weal or woe.

One of these plans is to conquer the Southern States, as States, and after the conquest has been effected to deal with them as conquered countries—admitting them again into the Union on such conditions as we may choose to impose, or holding them as dependent provinces. This is the real meaning of "prosecuting the war until slavery is exterminated." So long as the war is prosecuted by the Federal Government as a war against armed combinations of individuals who are in rebellion against the United States, and who have unlawfully seized upon the territory and political machinery of those States there can be no extermination of slavery, because as soon as the insurrection is quelled in any State its relation to the Union is restored, and all its institutions remain just what they were under its own constitution and the Constitution of the United States. To change the institutions, therefore, of any Southern State, the State, as a political corporation or self existing body-politic and member of the Union, must be supressed; and if this can be done at all, it can be done only by a territorial conquest, which substitutes the conqueror in the place of the former government of the conquered territory. This is well understood by those who favor the prosecution of the war until slavery has been destroyed by it, and hence their desire to have the war directed against the States of the Southern Confederacy as if they were foreign countries, instead of being a part of the United States, where there is an armed insurrection and an usurped authority.

The other plan is to claim, and to enforce the claim by arms, that all resistance to the operation of the Constitution and laws of the United States in any part of the Union shall cease; leaving the people of the States in which the Federal Constitution and laws have been suspended to resume their connection with the Government and their participation in its functions when they choose to do so, affording them in the meantime all the assistance and protection that may be needful, and which may be consistent with the powers and duties of the Federal Government, but interfering in no way with the institutions of those States. This was the plan on which the President and Congress of the United States began, and for some time conducted the war; and perhaps it is needless for us to say that if this plan had not been abandoned, the war, in our opinion, would have ended before now. How near we are to the adoption of the first mentioned of these two plans; how far we are advanced on the road to the former by having departed from the latter, we do not propose to consider. Neither do we propose to draw into this present discussion the particular opinions, acts, views or conduct of individuals. We discuss solely now a theory which our countrymen are asked to adopt in the prosecution and termination of this war; and in discussing it we deal with principles and not with the men who propound them.

Let us assume, then, that the Southern States are to be proceeded against as States: to be conquered, and to be held as conquered countries until we may see fit to readmit them into, or to incorporate them with the Union on such terms as we may impose; or, in other words, that we are to hold them as conquered provinces for an indefinite period. The first observation to be made upon this plan is, that its adoption will place the government of the United States obviously under the necessity of acting according to the requirements of public law: for we assume that it is to act, not arbitrarily and capriciously, but according to established principles, so that its course may stand justified to the civilized world, and so that individual rights and interests, as they may be effected by the result, may hereafter be found to rest upon principles capable of being administered in the tribunals of civilized justice. If, indeed, we are to throw aside all regard for principle, and to act upon the barbarous doctrine that men have no rights because they happen to be in a portion of the country where a usurped authority has made it necessary for them to submit for a time to a rule which we say is unlawful, we have no occasion to consider anything beyond the maxim that "might makes right." But if we propose to remain in our place among the nations of the earth which govern their conduct by the great rules of public morality, then we have something more to consider than questions of physical power.

We remark, therefore, as a necessary consequence of the plan which regards the United States as a future belligerent conqueror of the Southern States, that under its adoption our Government must proceed according to the law of nations, and must be bound by what that law requires. The advocates of this plan will scarcely dispute this position, unless they mean to make this war an exertion of mere victorious force unregulated by any rule whatever. Unless they mean to do this, they must accept the public law as a rule; for if they resort to a theory derived from the rights of belligerents, and speak of conquests obtained in war, they must take the law of nations as it exists, in its normal application to such cases, according to the general acceptance of mankind.

The first thing, then, we have to do is to settle the question definitely whether this is a civil or a foreign war. Whether it is the one or the other, the law of nations must be looked to as the source of the rules which are to govern its prosecution and termination; although those rules may be different in some respects according as the war is to be considered as belonging to one or the other of these two kinds. To the one or the other of these two kinds of war the present war must belong, since the usages of nations, the principles of action and adjudication, and the use of public force admit of no other descriptions of war when waged by governments.

The established distinctions between civil and foreign wars fully show what the character of the present war necessarily is. It is a civil, and not a foreign war, for the conclusive reason that the latter is a war waged against a foreign nation. A civil war exists when a nation is practically divided into two parties, who acknowledge no common judge, and who carry on their dispute by recourse to arms. Although the subject of that dispute may be the dependence or independence of a territorial portion of the nation, it is still a civil war; and while the contest is raging it must be conducted according to the laws of war which are applicable to the situation of the parties, who are in many important senses belligerents toward each other and toward other nations.

But there is an important difference in the modes of terminating a civil and a foreign war. The latter is terminated by a treaty of peace. there being two independent parties capable of settling their differences by a contract which is to govern their future relations. But when a sovereign has subdued a party among his own subjects whom he was obliged temporarially to treat as belligerent—or, in other words, when he has prevailed in a civil war—the condition of hostilities must be terminated by an amnesty, from which, however, the sovereign may except any of the authors or chiefs of the revolt, whom he may punish according to the laws of his government. If the sovereign does not prevail, but is obliged to consent to the dismemberment of his dominions, the war is terminated by acknowledging the independence of the insurgents, who thus become a nation with whom a treaty of peace can be made. This was the case between Great Britain and ourselves at the end of the revolutionary war.

This, then, being a civil war, the next inquiry is, does the law of nations establish any limitations as to the objects which may rightfully be accomplished by it? Since it is not only a civil war, but a civil war waged (on our part) by a government whose authority over the insurgent peoples or provinces is limited by a written constitution, it becomes of the utmost importance to ascertain whether the public law will admit of our setting aside all the principles, guarantees, and fundamental ideas of that Constitution, or whether it will require us to proceed no further than to the restoration of its original authority. This question—whether we are to confine ourselves to a restoration of that authority—is often treated as a question of expediency or policy, by public speakers or writers who oppose or favor any enlargement of the objects or ends of the war beyond the simple restoration of the authority of the Federal Union as defined by the Constitution.

We desire now, however, to examine it from a different point of view; being firmly persuaded that the law of nations—which is an embodiment of the principles of public mortality acknowledged by civilized nations as of binding authority—will not admit of our acting in disregard of the powers of the Federal Constitution and of the nature of our national sovereignty, in the mode of terminating this war. We do not, indeed, undervalue or wish to depreciate the argument that is derived from expediency. Our affairs are in no situation to admit of any disparagement of any of the grounds on which the defenders of the Union and Constitution may plant themselves. Thick darkness encompasses us on every side, and there is extreme danger that the public mind may go astray in its search after a pathway of escape from its terrible environment. Certainly, therefore, we shall not overlook the considerations which render it of infinite moment to the American people not to lose their hold upon the Federal Constitution, or upon a single one of its fundamental principles.

But for the present portion of this discussion, we confine the inquiry to what the principles of public law, applicable to the case, will plainly require of us. This inquiry we shall resume in a future article.—[N. Y. World.

☞The Quincy (Ill.) Herald favors General McClellan for President, and General Grant for Vice President. It says:

With the popularity of McClellan in the Eastern and Middle States, and with the Army of the Potomac, and with Grant's popularity with the people of the Northwest and the great army of the West, and with the Constitution and the Union as their rallying shout and their battle-cry, the Democracy will be absolutely invincible. The people want no change in their form of government as it has existed for nearly a century past, but they want a change in the men who now administer it, and who have failed to comprehend its spirit, its object or its heaven-born destiny.

☞The three principal hotels at Washington are said to have cleared from $30,000 to $100,000 a year since December, 1861.

—General Anderson, of Fort Sumter fame, is said to be much grieved at his summary retirement by the Administration.