WEEKLY SENTINEL.
MONDAY, - - - - - - - DEC. 14.

The Message.

The annual message of President LINCOLN is before the country. In the present crisis of our national affairs it will be regarded with deep interest. Its expositions of the state of the country, its suggestions and its recommendations should receive the careful consideration of every citizen. Our institutions rest upon the theory that man is capable of self government, that ours is a government of the people, hence both the right and the duty of the people to carefully scrutinize the acts and the recommendations of those who represent them—the servants or the should be servants of the public will.

The last message of the President is written in better taste than those which have preceded it. It is almost free from the idioms or the peculiar expressions of the President, and the exemption may be due to his reported physical disabilities. As a contemporary remarks, the varioloid may account for the absence of those quaint illustrations and expressions which have characterized the communications of the President, and which have lessened their dignity. There are many omissions in the message. It does not discuss those questions of political economy which deeply affect the prosperity of the people, individually and collectively. The tarriff question is not even alluded to, perhaps the President has not had time to study it, and the currency system has but brief mention. These vital questions which occupied the anxious consideration of his predecessors are subordinate to the single and absorbing idea of negro emancipation. The emancipation of the negro from his condition of servitude in what are termed the slave States, is regarded by the party in power as the panacea or remedy for all the troubles of the country. So the President states it. So he argues as the representative of the Republican party. If the message foreshadows any idea, it is that every interest of the country must be subordinate to the abrogation of negro slavery. The message of the President is abolition. The poliicy of the Administration is abolition. It is the purpose of the President and the party in power to force the country to yield or submit to that policy.

Our nation has prospered in a remarkable degree, and its power and greatness have been attained by accommodating itself to its diversified interests and institutions. This policy has been our strength, and if it had been continued, it would have given us increased power and greatness. But an effort is being made by the party in power to force a homogenety—to fasten an iron rule upon a people whose interists—the productions of its soil, climate and labor—are necessarily diverse, and can never be otherwise. No government can regulate the laws of climate and production, and the attempt to do so must result in failure. If the nation is ever split into fragments, that will be the error or delusion that will occasion it. The idea of the message, from beginning to end, is to centralize power. That is the object of the proclamation which accompanies the message. It proposes to give the control of a State Government to one tenth of its population upon the single condition that it is entirely subservient to the policy of the party in power. That is the test of loyalty which the message proclaims and insists upon. Need we say that it is in direct contradiction to the theory of our government? Popular governments and free institutions, such as we have enjoyed, cannot be maintained, if State rights are stricken down and power is centralized in the Federal government. The history of every empire will attest the fact that the effort to force a homogeneity of policy and institutions, when the interests of the different sections are necessarily antagonistic, has resulted in disintegration. And in the present instance, under similar circumstances, history will only repeat itself. This is the rock which we should avoid. And in conclusion we repeat the warning of one whose sagacity and patriotism none will now question. He said:

"It is well known there have always been those among us who wish to enlarge the powers of the General Government; and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created; all its powers being expressly enumerated, there can be no justification for advising beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed."

Interest on the State Debt.

We published a card from His Excellency, Governor MORTON, yesterday, announcing that he had made arrangements for the payment of the interest on the State debt due on the 1st of July last, and the interest which will fall due on the 1st of January next. The nature of the arraugement the Governor does not see proper to advise the people of the State. We have no objection to Governor MORTON, Messrs. WINSLOW, LANIER & Co., or anybody else paying the indebtedness of the State, but the payment of the interest in the way proposed, under the circumstances, is a gratuity. There was no necessity whatever for any individual, or number of individuals, assuming this obligation of the State. As the Governor says: "the failure to pay the interest on July was not caused by the want of money." But why the failure? At the instigation, and with the advice of the Governor, the Republican members of the House, at its last session, broke a quorum—seceded—so that the passage of the laws necessary to meet the obligations of the State to her creditors were defeated. This was done with the full knowledge that the action would involve the failure to meet the plighted faith of the State. The Democratic members remained in their seats until the last day that laws could be constitutionally passed by the Legislature, but the Republican members refused to return and discharge a duty which they had solemny sworn to perform. The Governor charges in his card that the State officers refused to remit the money to New York, "alleging the absence of a technical appropriation." There is a law upon our statue book which expressly forbids the Auditor and Treasurer from drawing any money from the public treasury but in pursuance of appropriations made by law. To remove all doubt as the duty of these officers in the payment of the interest on the public debt, in the absence of express legislative appropriations for that purpose, the question was submitted to the highest judicial tribunal in the State for its determination, and the decision of that body was, after a careful review of the laws bearing upon the subject, that the State officers had no legal authority to withdraw the money from the Treasury for that purpose. Certainly no good citizen will deny that this decision of the Court defined the duty and obligations of the Auditor and Treasurer. The opinion pronounced by the court made the case so clear that it has not and cannot be successfully controverted.

Under these circumstances what was the duty of a faithful Chief Magistrate, to whom is intrusted the duty of seeing that the laws are faithfully enforced? The Constitution had placed the remedy for the difficulty completely under the control of the Governor. He is empowered to convene the Legislature in extra session wherever, in his opinion, the public exigencies demand it. He had ample time to do so, after the decision of the Court had been rendered, which he, as well as every other citizen, is bound to respect, to promptly provide for the payment of the July interest by legislative appropriations. This he refused to do, notwithstanding he had the assurance of a large number of Democratic members that if the Legislature was assembled in extra session no other business would be attempted until the appropriations had been made for the payment of the interest and the other just indebtedness of the State. Could more than this be asked from an independent legislative body? The stubbornness, we may say mulishness, of the Governor, alone prevented his applying that remedy for the difficulties which had been occasioned by the secession of the Republican members of the Legislature. He says he has made arrangements to pay the interest, but those arrangements whatever they may be, are clearly in violation of the laws of the State. The money is in the Treasury to pay the interest, and the laws of the State provide how it shall be taken from the Treasury, and the officer by whom and the way in which it shall be paid.

And what reason does the Governor give for his failure, we may say his recreancy in discharging the duty thus imposed upon him? He is unwilling to trust the representatives of the people. He is unwilling that the Legislature should assemble, for fear that laws may be passed distasteful to him and his political friends. That is the reason why the wheels of legislation were blocked last winter, and it is likewise his apology for assuming or usurping powers forbidden by the Constitution and the laws which he has taken an oath to obey and enforce. Has OLIVER P. MORTON any more interest in maintaining the credit and redeeming the plighted faith of Indiana than any other citizen? He knows that there was not a Democratic member of the Legislature at its last session, but who was willing, nay anxious, to provide the means and make the appropriations to meet every obligation to the creditors of Indiana. Yet His Excellency claims a higher regard for her interests and honor than all the rest of her citizens. The policy of Gov. MORTON is dictated and controlled by selfishness. His only object is to promote his personal advancement. That is his study. That is the key note to all his public acts. If he had been a faithful public servant there would have been no failure in the State promptly meeting all her obligations to her creditors.

Another point. The Journal states that "no agreement whatever has been made with Messrs. WINSLOW, LENIER & Co. for the payment of any interest or compensation for the use of the money to be advanced by them in paying the interest on our State stocks. The whole matter is by them referred to the *good faith of the State* and there is no danger of their being allowed to suffer." If no agreement has been made to pay the interest upon this advance, they made it with the expectation that they would receive ample remuneration, and Governor MORTON is pledged to use his influence to that end. Here is an implied agreement to pay interest upon money to pay the interest upon the State debt when there is an abundance of money in the treasury, and intended for that purpose. The Governor has only to exercise the prerogatives intrusted to him, and the money can be withdrawn from the treasury in pursuance of law to pay that and all other obligations of the State. But His Excellency, while condemning the rebels for violating the laws of the land and their constitutional obligations, sets the example, or perhaps we may better say follows their example, by trampling the Constitution and the laws under his feet. What better is he in that regard than the meanest secessionist in South Carolina? It is just such acts as Governor MORTON is committing which brought the present terrible calamities upon the country, and we fear that the selfish and unhallowed ambition of just such men will destroy the best government upon which the sun ever shown.

The Proclamation—The Objects of the War.

On the 22d day of July, 1861, the Federal House of Representatives, by an almost unanimous vote, 122 to 2, solemnly declared to the country and to the world the purposes for which the civil war then and now being waged was to be prosecuted. The resolution as it passed that body reads as follows:

"*Resolved by the House of Representatives of the Congress of the United States*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion and resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with its dignities, equality, and the rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease."

A resolution of this character could not have passed the House with a large Republican majority, without its first having the sanction of the Administration and the leading men of that party. The policy set forth in the resolution was accepted by the President, by the Cabinet and by the dominant party in Congress as the policy of the Government, and the country was called upon to furnish men and money "to defend and maintain the supremacy of the Constitution and to preserve the Union with its dignities, equality and the rights of the several States unimpaired" Prompt and liberal was the response of the people to the call made upon them to furnish the sinews of war for these declared objects, and if the war had been waged in the spirit and for the purposes expressed in the CRITTENDEN resolution ere now the national authority would have been restored over the people in revolt against the Constitutional Government. Until the last message of the President, the Executive and the party in power had given no authoritative expression of the objects they proposed to accomplish in the prosecution of the war, or the line of policy they intended to pursue. There is no longer room to doubt in that regard. The proclamation which accompanies the message and the comments in the latter document upon the former, clearly reveals the schemes and intentions of the party in power. The President in his late manifesto presents the issue to the country and it is left to the people to acquiesce in the policy he advocates or repudiate it.

The Republican press represent that the terms of amnesty proposed by the President to those in rebellion against the government are exceedingly moderate and fair, and as exhibiting great kindness of heart. What are those terms? The President offers to all persons who have directly or by implication participated in the existing rebellion, excepting certain classes, a full pardon, with the restoration of all rights and property except *as to slaves, &c.*, upon condition that every person shall take and subscribe the following oath:

"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 the 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 far as not 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."

If the oath required nothing but a renewed obligation to support the Constitution and the Union of the States thereunder, it would have been fair. But the President sets up a new test of loyalty. It is not fealty to the Constitution and the Government under it alone, but likewise to all the edicts and proclamations of the President and the dominant party in Congress. This in fact demands of the people of the rebel States a submission to the very anticipated evils which they took up arms to avert. Are not these requirements entirely inconsistent with the CRITTENDEN resolution and the President's own declarations as to both his powers as Chief Magistrate and his intentions? In his first official communication to the country Mr. LINCOLN stated that he had no right or had he any intention of interfering with the domestic institutions of the States, or in other words with negro slavery. And the CRITTENDEN resolution says "this war is not waged for the purpose of overthrowing or interfering with the rights and established institutions of the States, but to preserve the Union with all its dignities, equality and the rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease." But Mr. LINCOLN makes a new test unknown to the Constitution. He is unwilling that any of the people of the revolted States shall return to their allegiance with the rights and established institutions of the States unimpaired, but he prescribes as one of the conditions that they shall "abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves." In 1861 the House of Representatives by almost an unanimous vote, its majority representing the President and the party in power, solemnly declared that the war is not waged to impair the rights of the States, yet he imposes conditions which unnecessarily disfranchises every citizen of the insurgent States, who, yielding allegiance to the Federal government and its constitutional authority at the same time upholds and maintains their rights and established institutions. If the President has no right to interfere with the domestic institutions of the States, as he declared he had not, what right has he to require an acknowledgment of his authority to do so as a test of loyalty? If the consent to an unconstitutional act is made a test of loyalty in South Carolina and Georgia, the same conditions may be demanded of the citizens of Indiana and Illinois, which would necessarily disfranchise a large, if not the larger portion of them.

In the proclamation Mr. LINCOLN quotes that clause of the Constitution which says, "The United States shall guarantee to every State in the Union a republican form of government." In a republican form of government, under its Constitution, the will of the majority governs. But it appears from the proclamation that the rebel States cannot return to the Union unless they abide by and support the edicts of one man. And then Mr. LINCOLN further proclaims that one tenth of the voters in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Florida, South Carolina and North Carolina, who have taken the prescribed oath, can re-establish State government and shall be recognized as the true State government, and this he calls guaranteeing a republican form of government. One tenth of the population of a State, and they the minions of a dominant party, are to rule nine-tenths. Is this republican?

The proclamation throughout in spirit and purpose is anti-Republican and unconstitutional. It is fanatical and radical. The argument and scheme is specious—cunningly devised to decieve the people with an appearance of moderation and fairness. It will require but a little penetration to discern the sophistry, hypocricy and injustice of the proclamation. It is not made with any hope that it will restore the rebel States to their allegiance, but to stimulate the prosecution of the war for the purposes of subjugation, conquest and emancipation, which the House of Representatives in 1861 solemnly declared were not the objects for which the war was to be waged.

Address of Mr. Colfax, the Speaker Elect.

Gentlemen of the House of Representatives:

To-day will be marked in American history as the opening of a Congress destined to face and settle the most important questions of the country, and during whose existence the rebellin, which has passed its culmination, will, beyond all question—thanks to our army, and navy and Administration—die a deserved death.

Not only will your constituents watch with the strictest scrutiny your deliberations here, but the friends of liberty, to the most distant lands, will be interested spectators of your acts.

In this greater than Roman forum, I invoke you to approach these grave questions with the calm thoughtfulness of statesmen, freeing your discussions from that acerbity which mars instead of advances legislation, and with unshaken reliance on the Divine power which gave victory to those who formed this Union, and can give even greater victory to those who are seeking to save it from destruction by the hand of the parricide and traitor. I invoke you also to remember that sacred truth which all history verifies, that "They who rule not in righteousness shall perish from the earth."

Thanking you, with a greatful heart, for this distinguished mark of your confidence and regard, and appealing to you all for that support and forbearance, by the aid of which alone I can hope to succeed, I am now ready to take the oath of office, and enter upon the duties you have assigned me.

Mr. Washburne, being the oldest conservative member, was requested by the Clerk to administer the customary oath, and also the oath of allegiance, which having been performed, the Speaker, desiring to preserve the decorum of the House, said if persons in the galleries should indulge in manifestations either of approbation or dissent, the seargeant-at-arms and doorkeeper would be instructed to take such persons into custody.

The members were then sworn in, advancing by delegations as their names were called.

The Vote for Speaker of the House of Representatives.

We publish below the vote for Speaker of the House of Representatives. The following was the vote in detail:

FOR MR. COLFAX—Messrs. Alley, Ames, Allison, Anderson, Arnold, Ashley, J. D. Baldwin, Baxter, Beaman, Blaine, J. Blair, Blow, Boutwell, Boyd, Brandeger, Broomall, W. J. Brown, A. W. Clark, F. Clark, Clay, Cobb, Cole, Cresswell, Henry Winter Davis, T. T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Farnsworth, Fenton, Frank, Garfield, Gooch, Hotchkiss, A. W. Hubbard, J. H. Hubbard, C. J. Hubbard, Jenks, Julian, Kasson, Kelly, F. W. Kellogg, O. Kellogg, Littlejohn, Loan, Longyear, Lovejoy, Marvin, McBride, McClurg, McIndoe, S. F. Miller, Morehead, Morrill, D. Morris, A. Meyers, Leonard Myers, Norton C. O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, W. H. Randall, A. H. Rice, J. H. Rice, E. H. Rollins, Schenck, Schofield, Shannon, Sloan, Smith, Smithers, Spaulding, Starr, Stevens, Thayer, Thomas, Tracey, Upson, Van Valkenburgh, E. B. Washburne, W. B. Washburne, Webster, Whaley, Williams, Wilder, Wilson, Windom, Woodbridge.

FOR MR COX—Messrs. C. Allen, W. J. Allen, A. C. Baldwin, Bliss, J. S. Brown, Cravens, Dawson, Eden, Edgarton, Eldridge, English, Fink, Harrington, C. M. Harris, Herrick, Holman, Hutchins, Wm. Johnson, Kalbfleisch, Knapp, Law, DeBlonde, Long, Marcy, McDowell, McKinney, Middleton, J. R. Morris, Morrison, Noble, John O'Neil, Pendleton, Perry, Robinson, Rogers, Ross, W. T. Steele, Sweet, Voorhees, Wheeler, C. A. White, J. W. White.

FOR MR. J. L. DAWSON—Messrs. Ancona, Baily, Coffroth, Cox, Dennison, Phillip Johnson, Lazear, McAllister, Wm. H. Miller, S. J. Randall, Stile, Strouse.

FOR MR. MALLORY—Messrs. Brooks, Grider, Harding, B Harris, King, J. S. Rollins, Stuart, Wadsworth, Ward and Yeaman.

FOR MR. KING—Messrs. Chandler, Hall, Mallory, Radford, Scott and Fernando Wood.

FOR MR. STEBBINS—Messrs. Granson, Griswold, Kernan, Nelson, Odell, Pruyn, J. B. Steele and Warfield.

FOR MR. BLAIR OF MISSOURI—Messrs. Cottman and Field.

FOR MR. STILES—Mr. B. Wood.

The Clerk, therefore, declared Mr. Colfax legally and duly elected Speaker of the House for the Thirty-eighth Congress.

—The scarlet fever is prevailling to some extent among the children of New Albany.

The Difficulties Before Us.
II.

In our article of yesterday on the subject we presented in contrast the two plans for prosecuting and terminating this war, between which the people of this country will have to choose. We there endeavored to lay down the distinction between a civil and a foreign war known to the law of nations, and then proceeded to state the question whether the principles of that law, by which we must be bound if we mean to follow any rule whatever, will not oblige us to abstain from transcending the limits of the Federal Constitution by the acquisition of powers and authorities not embraced in that instrument.

Is, then, the proposed scheme of conquering the Southern States and treating them as conquered countries capable of being reconciled with rules of the law of nations which govern the conduct of sovereigns in civil wars? Or, to propound this question in another form—is a sovereign, in dealing with rebellious provinces or their inhabitants, at liberty to act without regard to the limitations which his own municipal law affixes to his authority, and to assume and exercise those full belligerent rights which accrue to a conqueror who has seized and detached a portion of the territory of another nation? To this question we conceive that there can be but one answer given by any jurist or publicist who understands the system which governs the rights of sovereigns and subjects, and who has the slightest regard for the moral laws on which that system is founded.

We take it to be an indisputable principle of the modern law of nations that a sovereign who has occasion to assume a belligerent attitude toward a portion of his own dominions, for the recovery of his legitimate authority, is restricted to the restoration of that authority as the result of his exercise of belligerent rights. If his own sovereignty is one of a limited character, while he may exercise all the ordinary rights of a belligerent during the progress of hostilities in order to restore his rightful authority, he cannot at the end of those hostilities legitimately compel the revolted province to submit to an unlimited sovereignty of his dictation. His military conquests differ in this respect from those of a sovereign who wages war against a foreign country. The latter has the right to acquire, as a legal consequence of his victory and possessions, the political allegiance of the inhabitants of the conquered territory, and may impose such government as he pleases, saving, however, the rights of private property. The former fights for the recovery of rights that have been withheld from him; but he cannot superadd to these any rights which he did not before possess. Nations, in other words, do not "conquer" their own dominions, in the full sense and with all the consequences of "conquest," when they have occasion to repress unlawful or rebellious combinations against the sovereign power, any more than they "conquer" individuals whom they punish by force, through the action of their public tribunals, for violations of law. They may use belligerent rights while the civil war is going on, but they do not merge their sovereign rights or their sovereign character in the belligerent capacity, but their sovereign character remains just what it was, no more and no less, when the contest is ended and the belligerent capacity no longer required.

From the principle which rendered it necessary to terminate a civil war by an amnesty, when the sovereign has prevailed so far as to compel the insurgents to sue for one, it follows that he cannot demand more than a submission to his lawful authority, as it existed when the civil war began. He cannot make it a condition of terminating hostilities on his own part that his rebellious subjects shall, as a body or community, forfeit all their political rights and submit to him as a foreign conqueror, for this would be the exact opposite of an amnesty. When they are ready to lay down their arms and to submit to his lawful authority, he is bound to grant an amnesty, with such exceptions as to individuals as he may see fit to make one of its conditions. He is bound to grant it, because the amnesty is granted in his own interest—because it becomes the means of restoring and preserving his authority; and because the limits of that authority are the limits of what he may rightfully exact.

There is also a further principle in reference to the termination of a civil war by an amnesty, which is not to be overlooked. An amnesty signifies a complete oblivion of past offenses, and sets aside all the legal consequences of rebellion. It may be granted by the successful sovereign, of his own motion, or it may be stipulated for by the insurgents, as a condition of their submission. When the latter is the case, the sovereign is bound by his agreement; for although there have been instances in former times in which such agreements have been disregarded by sovereigns, and the principle has been proclaimed and acted upon, that compacts between sovereigns and rebel subjects are void or voidable, it has been well said by an eminent foreign writer that "in the present day no civilized government would dare to profess such a principle."

In the same way it follows from the nature of a civil war, such as that in which we are engaged, that the party claiming sovereignty over the other party to the war cannot convert that war into a foreign war, and proceed to make territorial conquests as of the territory of a foreign nation, without admitting that other party to be, in law as well as in fact, an independent belligerent power. Military occupation of portions or of the whole of the insurgent country may be necessary in a civil war; but like all the other incidents of the belligerent character assumed by the sovereign for the purpose of compelling submission to his authority, this kind of occupation has a special and limited, and a general and unlimited purpose. It is not territorial conquest, drawing after it all the consequences which attach to the occupation and possession of portions of an enemy's country in a foreign war. In order to make those consequences attach to military occupation, it is necessary not only to continue the belligerent character, but to lay aside the pretensions and claims of constitutional sovereignty, and to put on the character of a belligerent waging a foreign instead of a civil war; for there is a broad distinction between the belligerent character assumed by a sovereign against his insurgent subjects, and the belligerent character assumed by a sovereign in a war with another sovereign. In the latter character, as we have seen, territorial conquests can be made; in the former they cannot be.

Are the people of the United States, then, prepared to admit that the people of the seceded States are foreign nations? If so, we must go back to the act or acts which they claim to have severed them from the Union, and must acknowledge the validity of those facts, and must give up our pretensions and claims of constitutional sovereignty over the inhabitants of those States. We must either adhere to the theory on which we began the war, or we must abandon it. We cannot sit upon two stools, or halt between two opinions. We cannot claim that we are out of the Union because we put them out. We must either admit that they took themselves out of the Union, or must deny that the facts had any validity or in any way changed their relations to the Federal Government. We must, therefore, deliberately look in the face all those consequences which will attend the adoption of the theory that we are to end this war by the conquest and political subjugation of the Southern States; imposing upon them the character of conquered countries, demanding changes in their internal policy as conditions of re-admissions into the Union, or keeping them out of the Union as territorial and subjugated provinces.

The first consequence to be considered is, that such an affirmation of the principles of secession by the people of the United States will work the most disastrous results in their future condition. It would establish the doctrine not only that a State *can* secede from the Union, but that, when it has undertaken to do so, it may be conquered as a foreign nation. Let such a doctrine be established by a great and important precedent, and we shall have the general government controlled by sectional combinations that will first apply unfriendly legislation to drive other States out of the Union, and will then turn round and subjugate those States as foreign countries. This process may go on, until the government of the United States is made to consist of a belt of powerful States, occupying the central region of the Union, extending from the Hudson river and the Chesapeake westward to the great lakes and the Rocky Mountains, and all the outlying States will be subjected to their absolute rule. Let not the imagination comfort itself with the idea that all danger of future secession can be prevented by making of the first one the example that is proposed by the theory referred to. We are all a proud, self relying people, independent in spirits and not easily terrified. The failure of one group of States to obtain their independence may not, and in all probability will not, deter all others from a like attempt, when they think they have received just provocation. That such provocations will come, if we create the enormous temptation to give them that will be opened by establishing the precedent of conquering a seceded State as a foreign country, no thoughtful American doubt. But the alternative of remaining in the Union from the fear of being subdued and treated as a conquered province would be even worse than the attempt to withdraw; for the existence of such a fear would operate as a bribe to oppression, and the spirit of fair and impartial legislation would cease to control the councils of the Union.

Besides, we may be sure that such an admission would hereafter give other nations a fair excuse and an apt occasion for interference. Let it once be established as the result of this, the first of our civil wars, that the secession of a State or States makes them in the chancery of our government foreign States, and subjects them to conquest as such, and future secession envoys will not stand waiting in the ante chambers of Europe, as their predecessors have stood soliciting admission and recognition in vain. The other nations of the world have an interest in this creation of new nations, and in the question of who shall conquer and subjugate them; and this interest will be asserted whenever we open for it a door of entrance. It is beyond doubt that we are indebted for the non-interference of foreign powers in this civil war mainly to the fact that we have constantly professed in our diplomacy to be fighting for the recovery of our just constitutional rights, and for nothing more. If we imagine that fear of our prowess has been the cause of that neutral attitude, we shall flatter our own vanity at the expense of our discernment. The world at large may have been more or less willing to have the Federal Government recover its rightful and constitutional supremacy over the people of the Southern States. But it will be altogether another question with foreign powers whether whole classes of the States of this Union are to be held by us as dependent fiefs, with no voice in the councils that are to shape our legislation or to govern our foreign policy. When we take such an attitude as that, even the ghost of what Mr. Seward has still left to us of the so called "Monroe Doctrine" will vanish into thin air.

If, then, it be true that the public law would oblige us to abstain from demanding that the Federal sovereignty over those States shall extend to anything over which it did not extend before the war, let us inquire whether we shall not be bound by that obligation. Passing by the question whether other nations would have a right to interfere and considering this as a purely domestic matter, it may be conceded that no external force will be applied to make us respect the requirements of the law of nations in this regard. But are those requirements then without other sanctions, which will yet control our mere wills? Clearly they are not; for we must look forward to a time when our own tribunals will be obliged to pass upon the fundamental questions arising out of any attempt to exercise powers not embraced in the Constitution, and supposed to result from territorial conquest; and we must act upon principles now, that can be carried into effect by an enlightened and independent judiciary hereafter. We assume that we shall so act; because we do not believe the people of this country are so lost to all sense of right and all perception of the highest public and social expediency, to their own standing among nations and to the good opinion of mankind, as to wish to make their judiciary the more subservient registrars of the popular will, or to require of their judges to sanction a particular act merely because it has emanated from the executive or legislative branches of their government. When the public understand this subject, and have freed their minds from the confusion produced by false views of what is called "war," they may be expected to act rightly. What then will be the view which the instructed judicial mind must take hereafter of the position that the Southern States have been conquered *as States*, and that they are, or were for any period of time, in the condition of conquered countries?

It will be seen that this claim is without any foundation in any system that belongs to the public law of modern times. Whatever consequences attach, in individual cases, to the rightful exercise of belligerent rights while the sovereign was obliged to resort to the exercise of such powers, as soon as the necessity ceases, the exercise of those powers must cease, and the power of the sovereign to effect the civil rights of men, either individually or collectively, must be measured by the municipal law which defines and regulates his powers as a sovereign. There is no other privilege that can be applied to the successful suppression of an insurrection, or to the recovery of municipal jurisdiction over a portion of territory that has been wrested for a time from the supremacy of municipal law, unless it be admitted that the government of a nation can conquer a part of its own dominions, and can affect foreign nations and its own people with all the consequences of conquest, just as if the territory were part of another nation. This can never be admitted in the case of a civil war, because such a war is waged for the recovery of a suspended authority, not, as in the case of foreign wars, for the acquisition of an authority that has not previously existed.

These principles apply with peculiar force to the political system known as the government of the United States. The domestic sovereignty that resides in that government is very far from being a general and unlimited sovereignty. It consists in a supreme right to make laws upon certain subjects, which shall bind the inhabitants of each State. Where there are no obstructions in any State to the executions of the laws of the United States within its limits, all the supremacy which rightfully belongs to the United States is completely enjoyed. Where any existing obstructions to the operation of the laws of the United States in any State have been removed, the United States have recovered all their sovereign rights. There has never been any justification for marching an army into any Southern State, excepting to recover that of which the United States have been deprived by an insurgent force. When the United States have fully re possessed themselves of what they have been forcibly deprived of for a time, they have recovered all for which they had any occasion or right to take up arms; and one of the obvious means by which they can finally obtain what they have sought is by an amnesty, when one is sought for by the insurgents, or when the United States are in a condition to offer one.

We have thus placed before our readers—we hope that we have done it clearly and dispassionately—some of the consequences that will manifestly flow from the adoption of a theory which will create another Poland or something even worse on this continent of North America. We shall endeavor to trace these consequences further in our next issue.—[New York World.

The Difficulties Before Us.
III.

We have sought in our previous articles under this head to point out some of the consequences in which the people of this country must involve themselves by undertaking to suppress the right of local self government, which, by the inevitable theory of the Union, belongs to each of the States, and which we maintain cannot be forfeited under any rational application of the supremacy that belongs to the Constitution and laws of the United States. We have invited the attention of our readers to this subject, because we are satisfied that the entire theory of conquest, as applied to the *States* which are the theatre of an armed insurrection, will result, if adopted, in embarrassments and difficulties from which we cannot extricate ourselves. We believe that we have assigned some good reasons for this opinion. But this plan of conquering the Southern States, as if they were foreign nations, and holding them for a longer or a shorter period as countries conquered from an enemy, has other consequences which demand the most serious attention of the American people. We have to consider whether it can be carried out without destroying, for ourselves as well as for the people of the Southern States, the Constitution for the sake of which we have fought. We do not now refer to the dangers arising from the institution of armies of sufficient magnitude to bring about such a result, or to the invasions of personal liberty that we know, from the experience we have already had, must attend such an enterprise. These are topics worthy of our gravest reflection; but we allude now to the disregard and overthrow of those features of our political system without which it cannot exist, and the removal of which will be of itself an instantaneous revelation of the most radical and far reaching character.

One of the most important and essential features of the Union consists in the fact that the people of each State, in respect to all matters of government not committed by the Federal Constitution to the jurisdiction of Congress, are a sovereign people. Each State—using the term as standing for the people of the State in their collected political capacity—is a sovereign power. We may have our individual opinions on the expediency or inexpediency of this condition of things; we may value more or may value less what are called State rights; we may differ about their extent; or we may think that the national sovereignty is endangered by the State sovereignties, or may entertain the opposite opinion. But no sane man will undertake to deny that, as a matter of right, and as a matter of fact, the people of his own State, and of any other, exist as a body politic possessed of a political sovereignty, whether he holds that the Constitution of the United States is a compact between such separate sovereignties, or whether he regards it as a national government formed by the grant of certain political powers proceeding from the people inhabiting each of the States. Whatever we may think on these subjects, it is plain that our political system, in respect to the principle of State sovereignty, can never be changed without a revolution that will shatter society to its very foundations.

It may please certain theorists to propound the idea that the sovereignty of a State, be it more or less, can be forfeited for the rebellion of a majority of its inhabitants against the authority of the United States. But the question instantly arises, to whom is it to be forfeited? The idea of a forfeiture, whether of a thing or a franchise, whether of a right of property or of a right of distinct political existence, implies a superior capable by paramount right of receiving and holding what is forfeited. Who is this superior in relation to the States of the Union? Is it the Federal government, or, in other words, is it the people of the remaining States in their collective or national capacity?

It will not help us to an answer to this question to refer to the rightful supremacy of the Constitution and laws of the United States. The Constitution and laws of the United States do not bind the States, but they do bind the individual inhabitants of the States, as the supreme law that is to govern their individual conduct. It was thought at the time of the establishment of the Constitution and has been believed ever since that this distinction was of great moment; and accordingly the whole operation of the supremacy of the national Constitution and laws has been secured and worked out by applying individual forfeitures and punishments to every form of rebellion, resistance or treason against the Federal authority. Now, if we are to go back and reverse all this, if we are to treat the Federal supremacy as applicable to States in their corporate capacity, and by that application set up a paramount right capable of receiving and holding or suppressing the State as a thing forfeited, we must unread the Constitution and overturn its characteristic principle.

If we look into the Constitution—the only bond or instrument that makes us in any respect a nation, or creates national rights—while we find that individuals may be judicially punished by forfeiture for the crime of treason, we do not find that a State can commit that crime or that Congress can punish it except as a personal crime. We find, moreover, that the Constitution everywhere assumes that the separate political existence of each State is an indestructible existence. The franchise involved in that existence is not derived by any grant from the people of the United States, and is therefore not capable of being resumed or extinguished by them by reason of any paramount right as grantor or creator. It follows therefore that the political existence known as a State can be extinguished by the people of the United States only by an act of mere force; and so the theory of conquering and holding the Southern States as conquered States will be obliged to proceed. In other words, it must step out of the Constitution, and, giving up the amenability of individuals to the laws of the United States, it must undertake to extinguish the government and political being of a State, just as a conqueror extinguishes by force the government and political being of a foreign territory which he has wrested from his enemy. can this be done without a total overthrow of the Constitution? To ask the question is to answer it. But let us follow the subject further. In the first place let us suppose that during a war with a foreign nation we have made a conquest of a portion of the enemy's territory. The government of the United States has the power of making war; but this power was not conferred for the purpose of acquiring foreign territory. It was given in order that the rights of the country or its citizens might be vindicated, when necessary, by arms. As one of the incidents of this power, military possession may be taken of a portion of an enemy's country, which amounts to conquest. But the country so conquered does not become the property of the United States until a treaty has made it so; and it has always been held by all our statesmen and parties that when a perfect title is thus obtained by treaty, at the conclusion of a foreign war, the country so acquired cannot be held indefinitely as a conquered dependency. It must be treated as part of the property of the United States, out of which new States are to be formed and admitted into the Union; for the United States has no machinery and no powers by which it can indefinitely hold and manage dependent and subjugated provinces. Here, then is one limitation upon the Federal power of conquest, even when applied to the dominions of foreign nations; for when we acquire foreign territory by conquest and treaty, we must hold it according to our own institutions and fundamental laws.

Again, we do not, perhaps, need to remind our readers that the power to govern what in our system are technically called "territories," has been the subject of fierce disputes which have convulsed the country, and that even the people of the North are agreed upon its extent and nature, although it is universally admitted, as it necessarily must be, that this power is applicable only to acquisitions which have come to the United States by the cession of foreign nations or Indian tribes.

But now let us figure to ourselves that eleven States, by every just theory of this Union, excepting that of secession, still within its pale—four of them original parties to the establishment of the Constitution—are seized as foreign conquests, and their immediate and unconditional right to participate in the government of the Union is denied. To what part of the Constitution shall we resort for means of holding and governing them? We must resort to some part of that instrument, for it is among our settled public maxims that the government of the United States is not a general sovereign, capable of holding and managing dependent and conquered countries as other sovereigns can and do whose rights, authority and capacities are of a different nature. We must go to the Constitution of our country to find its power to do anything whatever. Shall we then resort to the war power for the means of governing the Southern States when we have conquered them? We shall find that this power embraces no conquests but those obtained in foreign wars, and that even these do not become the property of the United States until the possession is confirmed by treaty. And if we are to resort to the war power, the war must become chronic and perpetual; for if we are to govern from that source of power the source must beforever open, and all the doctrineswhich have been asserted as necessary attendants and conditions of a state of war, and which now press so heavily upon us, must be in perpetual activity. Or, shall we resort to the territorial clause of the Constitution, and endeavor to make it applicable to States whose sovereignties we have suppressed? We shall find that the power which it confers extends only to property which the United States has acquired from a foreign nation, and that Virginia or Georgia cannot be so acquired until we have first made the people of those States foreign nations, and then compel them to cede their country to the United States.

Further, the idea of conquest and subsequent readmission into the Union implies the right and power to divide or consolidate those States; for the power of a conqueror over the *mere* political *status* of a conquered territory is unlimited. But what is the theory of the Union in respect to representation in the Senate? By that theory each State is called to be represented by two Senators, and it holds this as an absolute right, to which no conditions are or can be attached. The theory of conquest assumes that this right has been forfeited by a rebellion, or that it is extinguished by the intervention of a civil war. The precedent, then, will s and thus: That when the people of certain States of contiguous situation and similar interests have, in a period of passion and excitement, undertaken to leave the Union, and it has been necessary to repress by military power the combinations they have formed for the purpose, and they then find themselves again in practical connection with the Federal government, their several rights of representation in the Senate, as fixed by the Constitution are gone, and they must take such representation as the pleasure of the remaining States may accord to them.

But if the Southern States are out of the Union, and are to undergo a process of re-admission, what are we to do with the third section of article four of the Constitution?

"New States may be admitted by the Congress into the Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any other State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

We must either adhere to this provision of the Constitution, or we must disregard it. It was placed in the Constitution in order to act as one of the means of perpetuating the identity and indissoluble political existence of each of the States. If the theory of conquest and re-admission is not to be resorted to for the purpose of evading this provision, it is not wanted. If it is to be used as the means of forcing partition or consolidation, the great purpose of the Constitution will be frustrated, and thereafter a numerical majority of the people of the United States will make and unmake what States they please. Let the people of New England look well to the precedent which they may patronize or assist in making on this momentous occasion. When that popular majority has suppressed the line of States for the cause of rebellion, other occasions will be easily made and other causes found for a repetition of the process. Hostility to slavery will continue forever to be the bond of unity between the East and the West, or the centre.

In all that we have said in this discussion we have been careful to keep in view the doctrine that has been proclaimed and acted upon by the Supreme Court of the United States, in respect to the character and condition of the inhabitants of the Confederate States while the civil war is going on. It has been adjudicated, for example, that the property of a citizen of one of those States is liable to capture on the ocean as property of an enemy while hostilities are actually prosecuted, for the reason that there is a war between the two parties, who must be treated as opposit belligerents until the sovereign has prevailed or been defeated by the insurgents. But it is a great error to suppose that this decision affords any warrant to the idea that the victory of the sovereign over the insurgents will entail the consequences of territoral conquest upon the country which those insurgents have occupied and controlled. When the armies of the Confederates are beaten and dispersed, the United States will cease to stand in the character of a belligerent, and will occupy only the relation of a sovereign, as that relation is fixed by the Constitution.—[New York World.

Work for the Future.

We must not permit our enemies to misrepresent our real issues. We must not let them impress on the public mind, by dint of often repetition, false ideas in regard to what they call the "Peace" party.

We do not ask, or recognize as possible, constitutionally, what the Puritan abolitionists aim at. They aim, in the North, at the same thing that Jefferson Davis' party, at the South, are working for.

Jefferson Davis and his partisans do not want the war to stop soon, even by the recognition of their Confederacy. We know, from men devoted to the Southern cause, active in their battle-fields and influential among the Southern people, that, were the Northern war on them to be stopped—were the Democratic principle to be acknowledged by the North that the war ought not to be made on States—were the Southern people to feel sure that no more war was to be waged on their institutions, in the name of the Federal power of the United States—the domination of Jefferson Davis' Government could be counted by months. Having achieved once more their common independence as States, which was the sole object of their forming the Southern Confederacy, each State would cheerfully resume the temporary powers delegated to Mr. Davis' Confederacy. States' rights is the political genius of the people of the Southern States. Jefferson Davis knows it so well that he desires to protract the contest till the Southern States will have become, as he hopes, accustomed by usage to a centralized rule. Hence he fosters and endorses Generals like Bragg and Pemberton, while geniuses like Beauregard and Price are thrown into bye plays. The incomparable Jackson he kept, till the day of his death, in a subordinate position; and Lee, whom he trammels, he would still keep, as he once tried to do, as a partisan fighter, with men armed with squirrel rifles, on impracticable mountains, except that Virginia would not submit to such caprice.

We fully believe now, what we have long suspected, that it is Jefferson Davis's policy to protract the war, despite of indescribable sufferings of the Southern people, in order to consolidate his new rule—to cement it in Southern blood.

The Puritan abolition game, as revealed by Seward in his cups and hiccoughs at Auburn, is substantially parallel. The Puritan game is to protract the war till the period of another Presidential election is passed, which is to be decided not by the people, but by the army. Then to recognize the Southern Confederacy, on whatever terms, and to employ the army, now become a veteran machine, in the subjugation and enslavement of the people of the North.

North and South, this is the one inevitable result of protracting the war.

The sole Democratic plan would defeat the conspirators in both sections. Stop the war at once! How? By recognizing the Confederacy? The Federal Government have no power to do this. The Federal Generals have no such power except by a revolutionary act. This is what Davis's organs ask. They want Lincoln to recognize the Davis Confederacy, when the time comes.

We want the military power, on both sides, to agree to stop fighting. To agree to respect, in the meantime, the respective buntings, called flags, till the people of each sovereign State shall have, by their decision, agreed to some compromise, or else pronounced for a renewal of war for reasons that rational men can understand.

Let us not permit our unreasonable but malicious enemies to misrepresent true Democrats. It is not war that we oppose, but an unreasonable, an illogical, an unconstitutional, an un-American war. The Federal Constitution refused to the Federal Government any power to coerce, or to make war on States. Let us look the fact in the face, that except as an intruder and a usurper, the Federal Government has lapsed, and that the dissolution of the Union has been followed, as all great statesmen saw it must be followed, by a war between the States. In this war Southern States combined and called themselves Confederate States. Northern States, holding, by virtue of a flagitious sectional election, the machinery of the late Union, cling to the name of United States. It is an old name, but a new thing. It means the States that unite on New England ideas. Its true name would be "the Puritan Commonwealth."

Now, it is of prime importance to have the minds of the people of the different States enlightened on the true issues. By and bye, if we, if our friends, do not bestir themselves in the propagation of the truth, it will be too late. The "Puritan Commonwealth," when fully established, will permit no views to be published not emanating from themselves. We have been befogged, and betrayed, by trusting to professed, not real friends. The men with whom Governor Seymour is now acting are part and parcel of the threatened "Puritan Commonwealth." They quarrel bitterly with their Puritan brethren. Puritans always do. But they are "War Democrats"—as thoroughly so as John A. Dix, John Cochran, John Van Buren, and the rest of the free soil Johns that lift their eyes to the orient of New Englandism. The quarrel between them is not about the butchery, but about who shall have the hides and tallow of the Federal butcher shop. In this the people can have no interest. Let the butchers settle their disputes among themselves.

In this, Democratic principles have no interest, and true Democrats can only mourn that they have been betrayed.

Dark days are before us. But, yet, courage! Human society is the work of God, and He protects His own. On this soil the principles of American Democracy, and they only, can succeed. Once more, we cry, *Enroll, organize, educate!* No man, now, is to be trusted as a Democrat, till you have taken him apart, read to him the simple political catechism of Democracy, be sure that he understands it, and then require from him the avowal and promise that he will be faithful to it, and maintain it. When he has done this, enroll his name. As names multiply thus, organize your men by tens, in hundreds. Then call these hundreds often together, in their hundreds and instruct them, and fortify them, in Democratic principles. There is an association engaged in doing this. It is widely spread. It operates quietly anddeterminedly, in many of these Northern States. It invites, now, the co operation of all like-minded. "In union is strength," and it will be well for all Democratic organizations throughout the country, who appreciate the thoroughness of the work to be done, and have the earnestness to engage in it, to act on a common plan. This will be at the same time a safeguard against excesses and unlawful acts, provoked by oppression, but foolish, because profitless to any public good.—[N. Y. Freeman's Journal.

The Southern Account of the Late Battles.

The Southern account of the recent battles near Chattanooga discloses a singular fact. A portion of the Confederate army, it is conceded, was not animated with that spirit of gallantry which has hitherto characterized it. While the right wing, under Gen. Hardee, made a stout and successful fight, the left, under Gen. Breckinridge, gave way after a feeble resistance and retreated in disorder and confusion. It is asserted in the report to which we refer that this was no fault of Gen. Bragg or his subordinate officers, but merely because of the disinclination of the men to fight.

This is perhaps the solution: Gen. Breckenridge's command is composed principally of Kentuckians and Tennesseans, who, it is said, cordially detest General Bragg, and have detested him since his Kentucky campaign of last year. This feeling was doubtless aggravated by the Murfreesboro affair, where, in obedience to an order of the Commanding General, Gen. Breckenridge led his division into the very jaws of death—losing 1,750 men out of 6,700. To this may be added the entire want of confidence of Gen. Breckenridge in the ability of Gen Bragg as a field officer, which distrust was likewise entertained by the officers and men of his command. It seems, then, that they had simply determined to fight no longer under the banners of General Bragg, and, all other means failing, adopted this mode to relieve themselves of his presence. It is a curious phase in the war.—[New York News.