MESSAGE

OF THE PRESIDENT OF THE UNITED STATES.

SPECIAL TELEGRAM TO THE HERALD.

WASHINGTON, Dec. 2, 1867.

The following is the President's Message in full, which will be laid before Congress to-morrow:—

FELLOW CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:—

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although before untried by ourselves, is not new in the experience of nations. Political science, perhaps, as highly perfected in our own time and country as in any other, has not yet disclosed any means by which civil wars can be absolutely prevented. An enlightened nation, however, with a wise and beneficent constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law. When civil war has been brought to a close it is manifestly the first interest and duty of a State to repair the injuries which war has inflicted and to secure the benefit of the lessons it teaches as fully and speedily as possible. This duty was upon the termination of the rebellion promptly accepted, not only by the Executive Department, but by the insurrectionary States themselves, and restoration in the first moment of peace was believed to be as easy and certain as it was indispensable. These expectations, however, then so reasonably and confidently entertained, were disappointed by legislation from which I felt constrained, by my obligations to the constitution, to withhold my assent. It is, therefore, a source of profound regret that, in complying with the obligation imposed upon the President by the constitution, to give to Congress from time to time information of the state of the Union, that I am unable to communicate any definite adjustment satisfactory to the American people of questions which since the close of the rebellion have agitated the public mind. On the contrary, candor compels me to declare that at this time there is no Union as our fathers understood the term, and as they meant it to be understood by us; the Union which they established can exist only where all States are represented in both houses of Congress; where one State is as free as another to regulate its internal concerns according to its own will, and where the laws of central government, strictly confined to matters of national jurisdiction, apply with equal force to all the people of every section. That such is not the present state of the Union is a melancholy fact; and we all must acknowledge that the restoration of the States to their proper legal relations with the federal government and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God in his kindest Providence could bestow upon this nation. It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation. The Union and constitution are inseparable; as long as one is obeyed by all parties the other will be preserved, and if one is destroyed both must perish together. The destruction of the constitution will be followed by other and still greater calamities. It was ordained not only to form a more perfect union between the States, but to "establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our prosperity." Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without that obedience we can look forward only to continual outrages upon individual rights, incessant breaches of public peace, national weakness, financial dishonor, the total loss of our prosperity, general corruption of morals and the final extinction of popular freedom. To save our country from evils so appalling as these we should renew our efforts again and again. To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the constitution and the laws. The execution of the laws is not now obstructed or opposed by physical force; there is no military or other necessity, real or pretended, which can prevent obedience to the constitution, either North or South. All rights and all obligations of the States and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The courts may be everywhere open, and if open then their process would be unimpeded, and crimes against the United States can be prevented or punished by proper judicial authorities in a manner entirely practicable and legal. There is, therefore, no reason why the constitution should be disregarded and violated at the mere naked will of this government, or of some one or more of its branches. Is there any obstacle that can exist to a perfect Union of all the States on this momentous question, and some of the measures growing out of it? I have had the misfortune to differ with Congress, and have expressed my conviction without reserve, though with becoming deference to the opinion of the legislative department. These convictions are not only unchanged, but strengthened by subsequent events and further reflection. The transcendant importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment. I hope that we may all finally concur in a mode of settlement consistent at once with our true interests and with our sworn duty to the constitution, which is too natural and too just to be easily relinquished. It is clear to my apprehension that the States lately in rebellion are still members of the national Union. When did they cease to be so? The ordinances of secession adopted by a portion—in most of them a very small portion—of their citizens were mere nullities. If we admit now that they were valid and effectual for the purpose intended by their authors, we sweep from under our feet the whole ground upon which we justified the war. Were those States afterwards expelled from the Union by war? The direct contrary was averred by this government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It cannot be that a successful war waged for the preservation of the Union had the legal effect of dissolving it. The victory of the nation's arms was not the disgrace of her policy; the defeat of secession on the battle field was no triumph of its lawless principle; nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other. To dissolve the Union is to repeal the constitution which holds it together, and that is a power which does not belong to any department of this government or to all of them united. This is so plain that it has been acknowledged by all branches of the federal government. The Executive (my predecessor as well as myself) and heads of all the departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble.

Congress submitted an amendment of the constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest functions. If they were not States, or were States out of the Union, their consent to a change in the fundamental law of the Union would have been nugatory, and Congress in asking it committed a political absurdity. The Judiciary has also given the solemn sanction of its authority to the same view of the case. The Judges of the Supreme Court have included the Southern States in their circuits, and they are constantly in banc and elsewhere exercising jurisdiction which does not belong to them unless those States are States of the Union. If the Southern States are component parts of the Union, the constitution is the supreme law for them, as it is for all the other States. They are bound to obey it, and so are we. The right of the federal government, which is clear and unquestionable, to enforce the constitution upon them, implies correlative obligations on our part to observe its limitations and execute its guarantees. Without the constitution we are nothing; by, through and under the constitution we are what it makes us. We may doubt the wisdom of the law; we may not approve of its provisions, but we cannot violate it merely because it seems to confine our powers within limits narrower than we could wish. It is not a question of individual, or class or sectional interest, much less of party predominance, but of duty, of a high and sacred duty, which we are all sworn to perform. If we cannot support the constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants, who act under solemn obligations and commands which they dare not disregard.

There is another consideration which, though of minor importance, is yet of great weight. On the 22d of July, 1861, Congress declared, by an almost unanimous vote of both Houses, that the war should be conducted solely for the purpose of preserving the Union and maintaining the supremacy of the federal constitution and laws, without impairing the dignity and quality and rights of States or individuals, and that when this was done the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they voted. But it was a solemn public official pledge of national honor, and I cannot imagine upon what grounds repudiation of it is to be justified. If it be said that we are not bound to keep faith with the rebels, let it be remembered that this pledge was not made to the rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance, and believing that without it the war would end in disaster to our cause. Having given that assurance in the extremity of our peril, the violation of it now in the day of our power would be a rude rending of that good faith which holds the moral world together. Our country would cease to have any claim upon the confidence of men; it would make the war not only a failure, but a fraud.

Being sincerely convinced that these views are correct, I would be unfaithful to my duty if I did not recommend the repeal of the acts of Congress which place ten of the States under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that the acts referred to are not only a violation of the national faith, but in direct conflict with the constitution, I dare not permit myself to doubt that you will immediately strike them from the statute book. To demonstrate the unconstitutional character of those acts I need do no more than refer to their general provisions. It must be seen at once that they are not authorized. To dictate what alterations shall be made in the constitutions of the several States, to control elections of State legislators and State officers, members of Congress and electors of President and Vice President by arbitrarily declaring who shall vote and who shall be excluded from that privilege; to dissolve State Legislatures or prevent them from assembling; to dismiss judges and other civil functionaries of a State, and appoint others without regard to State law; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs, according to the mere will of strange and irresponsible agents sent among them for that purpose—these are powers not granted to the federal government or to any one of its franchises. Not being granted, we violate our trust by assuming them as palpably as we would by acting in the face of a positive interdict; for the constitution forbids us to do whatever it does not affirmatively authorize, either by express words or by clear implication. If the authority we desire to use does not come to us through the constitution we can exercise it only by the assumption of usurpation, which is the most dangerous of political crimes. By that crime enemies of free governments in all ages have worked out their designs against public liberty and private rights. It leads directly and immediately to the establishment of absolute rule; for undelegated power is always unlimited and unrestrained.

The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the constitution. The constitution commands that a republican form of government shall be guaranteed to all the States; that no person shall be deprived of life, liberty or property without due process of law, or arrested without a judicial warrant, or punished without a fair trial before an impartial jury, that the privilege of the habeas corpus shall not be denied in time of peace and that no bill of attainder shall be passed against a single individual; yet the system of measures established by these acts of Congress does totally subvert and destroy the form as well as the substance of republican government in ten States to which they apply. It binds them, hand and foot in absolute slavery, and subjects them to a strange and hostile power, more unlimited and more likely to be abused than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the habeas corpus and trial by jury; personal freedom, property and life, if assailed by passion, prejudice or rapacity of a ruler, have no security whatever. It has the effect of a bill of attainder or a bill of pains and penalties, not upon a few individuals, but upon the whole masses, including millions who inhabit the subjected States, and even their unborn children. These wrongs, being expressly forbidden, cannot be constitutionally inflicted upon any portion of our people, no matter how they may have come within our jurisdiction and no matter whether they live in States, territories or districts.

I have no desire to save from the proper and just consequences of their great crime those who engaged in the rebellion against the government; but as a mode of punishment the measures under consideration are the most unreasonable that could be invented. Many of those people are perfectly innocent; many kept their fidelity to the Union untainted to the last; many were incapable of any legal offence, a large portion even of persons able to bear arms were forced into the rebellion against their will; and of those who are guilty with their own consent their degrees of guilt are as various as the shades of their character and temper. But the acts of Congress confound them altogether in one common doom. Indiscriminate vengeance upon all classes, sects and parties, or upon whole communities for offences committed by a portion of them against the government to which they owed obedience was common in barbarous ages of the world; but Christianity and civilization have made such progress that a recourse to a punishment so cruel and unjust would meet with the condemnation of all unprejudiced and right minded men. Punitive justice of this age, and especially of this country, does not consist in stripping whole States of their liberties and reducing half their people without distinction to a condition of slavery. It deals separately with each individual, confines itself to forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to the Southern rebels, let us console ourselves by reflecting that a free constitution, triumphant in war and unbroken in peace, is worth far more to us and our children than a gratification of any present feeling. I am aware it is assumed that this system of government for the Southern States is not to be perpetual. It is true this military government is to be only provisional, but it is through this temporary evil that a greater evil is to be made perpetual. If the guarantees of the constitution can be broken provisionally to serve a temporary purpose, and in a part only of the country, we can destroy them everywhere and for all time. Arbitrary measures often change, but they generally change for the worse. It is the curse of despotism that it has no halting place. Intermitted exercise of its power brings no sense of security to its subjects; for they can never know what more they will be called to endure when its red right hand is armed to plague them again. Nor is it possible to conjecture how or where power unrestrained by law may seek its next victims. States that are still States may be enslaved at any moment; for if the constitution does not protect all it protects none.

It is manifestly and avowedly the object of these laws to confer upon the negroes the privilege of voting, and to disfranchise such number of white citizens as will give the former a clear majority at all elections in the Southern States. This, to the minds of some persons, is so important that a violation of the constitution is justified as a means of bringing it about. That morality is always false which excuses a wrong because it proposes to accomplish a desirable end. We are not permitted to do evil that good may come; but in this case the end itself is evil as well as the means. The subjugation of the States to negro domination would be worse than the military despotism under which they are now suffering. It was believed beforehand that the people would endure any amount of military oppression for any length of time rather than degrade themselves by subjection to the negro race. Therefore they have been left without a choice. Negro suffrage was established by act of Congress, and military officers were commanded to superintend the process of clothing the negro race with the political privileges torn from white men. The blacks in the South are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of person and property. If it were practicable at this time to give them a government exclusively their own, under which they might manage their own affairs in their own way, it would become a grave question whether we ought to do so, or whether common humanity would not require us to save them from themselves. But under the circumstances this is only a speculative point. It is not proposed merely that they shall govern themselves, but that they shall rule the white race, make and administer the State laws, elect Presidents and members of Congress, and shape to greater or less extent the future destiny of the whole country. Would such a trust and power be safe in such hands? The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great State have seldom been combined. It is the glory of white men to know that they have had their qualities in sufficient measure to build upon this continent a great political fabric, and to preserve its stability for more than ninety years, while in every other part of the world all similar experiments have failed; but if anything can be proved by known facts, if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations the negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism. In the Southern States, however, Congress has undertaken to confer upon them the privilege of the ballot. Just released from slavery, it may be doubted whether, as a class, they know more than their ancestors how to organize and regulate civil society. Indeed, it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen, and that when guided by virtue, intelligence, patriotism and a proper appreciation of our free institutions it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought, therefore, to be reposed in none except those who are fitted morally and mentally to administer it well; for it conferred upon persons who do not justly estimate its value, and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of the liberty of which it should be the most powerful conservator. I have, therefore, hitherto urged upon your attention the great danger to be apprehended from an unlimited extension of the election franchise to any new class in our country, especially when a large majority of that class, in wielding power thus placed in their hands, cannot be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, four millions of persons were held in a condition of slavery that had existed for generations. To-day they are freemen, and are assumed by law to be citizens. It cannot be presumed, from their previous condition of servitude, that, as a class, they are as well informed as to the nature of our government as an intelligent foreigner who makes our land his home by his choice. In the case of the latter neither a residence of five years and a knowledge of our institutions which it gives, nor attachment to principles of our constitution, are the only conditions upon which he can be admitted to citizenship. He must prove, in addition, a good moral character, and thus give reasonable ground for belief that he will be faithful to the obligations which he assumes as a citizen of a republic where a people, the source of all political power, speak by their suffrage through the instrumentality of the ballot box. It must be carefully guarded against those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor of healthy popular sentiment, when kept free from demoralizing influences, controlled through fraud and usurpation by designing men, when anarchy and despotism must inevitably follow. In the hands of patriotic and worthy men our government will be preserved upon the principles of a constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot box a new class of voters, not qualified for the exercise of elective franchise, we weaken our system of government instead of adding to its strength and durability.

I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation; but there is a limit, nicely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation to give it indiscriminately to a new class wholly unprepared by previous habits and opportunities to perform a trust which it demands is to degrade it, and finally to destroy its power; for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its overthrow and destruction.

I repeat the expression of my willingness to join in any plan within the scope of our constitutional authority which promises to better the condition of the negroes in the South, by encouraging them in industry, enlightening their minds, improving their morals and giving protection to all their just rights as freedmen. But a transfer of our political inheritance to them would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children.

The plan of putting the Southern States wholly, and the general government partially, into hands of negroes is proposed at a time peculiarly unpropitious. Foundations of society have been broken up by civil war. Industry must be reorganized, justice re-established, public credit maintained and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally. I confidently believe that their descendants will be equal to the arduous task before them; but it is worse than madness to expect that negroes will perform it for us. Certainly we ought not to ask their assistance until we despair of our own competency. Great difference exists between the two races in physical, mental and moral characteristics, which will prevent an amalgamation or fusion of them together in one homogenous mass. If the inferior race obtains the ascendancy it will govern with reference only to its own interests, for it will recognize no common interest, and create such a tyranny as this continent has never yet witnessed. Already negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues it must become worse and worse until all order will be subverted, all industry cease and the fertile fields of the South grow up into a wilderness. Of all the dangers which our nation has yet encountered none are equal to those which must result from the success of an effort now making to Africanize half of our country. I would not put considerations of money in competition with justice and right; but expenses incident to "reconstruction," under the system adopted by Congress, aggravate what I regard as an intrinsic wrong in itself. It has cost uncounted millions already, and if persisted in will add largely to the weight of taxation, already too oppressive to be borne without just complaint, and may finally reduce the treasury of the nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army, and probably more than $200,000,000 per annum, to maintain the supremacy of negro governments after they are established. Sums thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years. It is vain to hope that negroes will maintain their ascendancy themselves. Without military power they are wholly incapable of holding in subjection the white people of the South. I submit to the judgment of Congress whether public credit may not be injuriously affected by a system of measures like this. With our debt and vast private interests, which are complicated with it, we cannot be too cautious of a policy which might, by possibility, impair the confidence of the world in our government. That confidence can only be retained by carefully inculcating principles of justice and honor on the popular mind, and by the most scrupulous fidelity to all our engagements of every sort. Any previous breach of organic law, persisted in for a considerable time, cannot but create fears for the stability of our institutions. Habitual violation of prescribed rules, which we bind ourselves to observe, must demoralize the people. Our only standard of civil duty being set at nought the sheet anchor of our political morality is lost, public conscience swings from its moorings and yields to every impulse, passion and interest. If we repudiate the constitution we will not be expected to care much for more pecuniary obligations. Violations of such a pledge as we made on the 22d of July, 1861, will assuredly diminish the market value of our other promises. Besides, if we now acknowledge that the national debt was created not to hold States in union, as taxpayers were led to suppose, but to expel them from it and hand them over to be governed by negroes, our moral duty to pay it may seem much less clear. I say it may seem so; for I do not admit that this or any other argument in favor of repudiation can be entertained as sound, but its influence on some classes of minds may well be apprehended. The financial honor of a great commercial nation, largely indebted and with a republican form of government administered by agents of popular choice, is a thing of such delicate texture the destruction of it would be followed by such unspeakable calamity that every true patriot must desire to avoid whatever might expose it to the slightest danger.

The great interests of the country require immediate relief from these enactments. Business in the South is paralyzed by a sense of general insecurity, by terror of confiscation and dread of negro supremacy. Southern trade, from which the North would have derived so great a profit under a government of law, still languishes, and can never be revived until it ceases to be fettered by arbitrary power which makes all its operations unsafe. That rich country, the richest in natural resources the world ever saw, is worse than lost if it be not soon placed under the protection of a free constitution. Instead of being, as it ought to be, a source of wealth and power, it will become an intolerable burden upon the rest of nations. Another reason for retracing our steps will, doubtless, be seen by Congress in the late manifestation of public opinion upon this subject. We live in a country where popular will always enforces obedience to itself, sooner or later. It is vain to think of opposing it with anything short of legal authority, backed by overwhelming force. It cannot have escaped your attention that from the day on which Congress fairly and formally presented the proposition to govern Southern States by military force, with a view to the ultimate establishment of negro supremacy, every expression of general sentiment has been more or less adverse to it. The affections of this generation cannot be detached from the institutions of their ancestors. Their determination to preserve the inheritance of free government in their own hands, and transmit it undivided and unimpaired to their own posterity, is too strong to be successfully opposed. Every weaker passion will disappear before the love of liberty and law for which American people are distinguished above all others in the world. How far the duty of the President "to preserve, protect and defend the constitution" requires him to go in opposing an unconstitutional act of Congress is a very serious and important question on which I have deliberated much, and felt extremely anxious to reach a proper conclusion. Where an act has been passed, according to the forms of the constitution by supreme legislative authority, and is regularly enrolled among the public statutes of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce a violent collision between the respective adherents of the two branches of the government. This would be simply civil war, and civil war must be resorted to only as a last remedy for the worst of evils. Whatever might tend to provoke it should be most carefully avoided. A faithful and conscientious magistrate will concede very much to honest error, and something even to perverse malice, before he will endanger public peace, and he will not adopt forcible measures, or such as might lead to force, as long as those which are peaceable remain open to him or to his constituents. It is true that causes may occur in which the Executive would be compelled to stand on his rights, and maintain them regardless of consequences. If Congress should pass an act which is not only in palpable conflict with the constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic structure of the government, and if there be neither judicial remedy for the wrongs it inflicts, nor power in the people to protect themselves without the official aid of their elected defender—if, for instance, the legislative department should pass an act, even through all forms of law, to abolish a co-ordinate department of the government—in such a case the President must take the high responsibilities of his office and save the life of the nation at all hazards. So called reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. People were not wholly disarmed of power of self-defence. In all the Northern States they still hold in their hands the sacred right of ballot, and it was safe to believe that in due time they would come to rescue their own institutions. It gives me pleasure to add that the appeal to our common constituents was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced. It is well and publicly known that enormous frauds have been perpetrated on the Treasury, and that colossal fortunes have been made at the public expense. This species of corruption has increased, is increasing, and, if not diminished, will soon bring us into total ruin and disgrace. Public creditors and taxpayers are alike interested in an honest administration of the finances, and neither class will long endure the large handed robberies of the past. For this discreditable state of things there are several causes. Some of the taxes are so laid as to present an irresistible temptation to evade payment. Great sums which officers may win by connivance at fraud create a pressure which is more than the virtue of many can withstand, and there can be no doubt that open disregard of constitutional obligations avowed by some of the highest and most influential men in the country, has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision as well as systematic vigilance. The system never perfected was much disorganized by the "Tenure of Office bill," which has almost destroyed official accountability. The President may be thoroughly convinced that an officer is incapable, dishonest or unfaithful to the constitution; but under the law which I have named the utmost he can do is to complain to the Senate and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically hostile to the President, it is natural and not altogether unreasonable for an officer to expect that it will take his part as far as possible, restore him to his place and give him a triumph over his executive superior. An officer has other chances of impunity arising from accidental defects of evidence, mode of investigating it, and secrecy of hearing. It is not wonderful that official malfeasance should become bold in proportion as delinquents learn to think themselves safe. I am entirely persuaded that, under such a rule, the President cannot perform the great duty assigned to him of seeing laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the revenue laws. The constitution invests the President with authority to decide whether a removal should be made in any given case. The act of Congress declares, in substance, that he shall only accuse such as he supposes to be unworthy of their trust. The constitution makes him sole judge in the premises, but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious and sometimes impracticable duty of becoming a prosecutor. The prosecution is to be conducted before a tribunal whose members are not like him responsible to the whole people, but to separate constituent bodies, and who may hear his accusation with great disfavor. The Senate is absolute, without any known standard of decision applicable to such a case. Its judgment cannot be anticipated, for it is not governed by any rule. The law does not define what shall be deemed good cause for removal. It is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids clear proof. If the charge be incapacity, what evidence will support it? Fidelity to the constitution may be understood or misunderstood in a thousand different ways and by violent party men in violent party times, unfaithfulness to the constitution may even come to be considered meritorious. If an officer be accused of dishonesty, how shall it be made out? Will it be inferred from acts unconnected with public duty, from private history or from general reputation, or by awaiting the commission of an actual misdemeanor in office? Shall he in the meantime risk the character and interest of the nation in the hands of men to whom he cannot give his confidence? Must he forbear his complaint until mischief is done and cannot be prevented? If his zeal in public service should impel him to anticipate overt acts, must he move at peril of being tried himself for the offence of slandering his subordinates? In the present circumstances of the country some one must be held responsible for official delinquencies of every kind. It is extremely difficult to say where that responsibility should be thrown, if it be not left where it has been placed by the constitution. But all just men will admit that the President ought to be entirely relieved from such responsibility if he cannot meet it by reason of restrictions placed by law upon his actions. The unrestricted power of removal from office is a very great one to be trusted even to a magistrate chosen by the general suffrage of the whole people, and accountable directly to them for his acts. It is undoubtedly liable to abuse, and at some periods of our history, perhaps, has been abused. If it be thought desirable and constitutional that it should be so limited as to make the President merely a common informer against other public agents, he should at least be permitted to act in that capacity before some open tribunal, independent of party politics, ready to investigate the merits of every case, furnished with means of taking evidence and bound to decide according to established rules. This would guarantee the safety of an accuser when he acts in good faith, and at the same time secure the rights of the other party. I speak of course with all proper respect for the present Senate, but it does not seem to me that any legislative body can be so constituted as to insure its fitness for these functions. It is not the theory of this government that public offices are the property of those who hold them. They are given merely as a trust for public benefit, sometimes for a fixed period, sometimes during good behavior, but generally they are liable to be terminated at the pleasure of the appointing power which represents the collective majesty and speaks the will of the people. The forced retention in office of a single dishonest person may work great injury to public interest. Danger to the public service comes not from the power to remove, but from the power to appoint. For this it was that the framers of the constitution left the power of removal unrestricted while they gave the Senate a right to reject all appointments which, in its opinion, were not fit to be made. A little reflection on this subject will probably satisfy all who have the good of the country at heart, that our best course is to take the constitution for our guide, walk in the path marked out by the founders of the republic and obey the rules made sacred by the observance of our great predecessors.

The present condition of our finances and circulating medium is one to which your early consideration is invited. The proportion which the currency of any country should bear to the whole value of annual produce circulated by its means, is a question upon which political economists have not agreed, nor can it be controlled by legislation, but must be left to irrevocable laws which everywhere regulate commerce and trade. A circulating medium will ever be to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of ocean, and indeed the currency, like the tides, has its ebbs and flows throughout the commercial world. At the beginning of the rebellion the bank note circulation of the country amounted to not much more than two hundred million dollars. Now the circulation of national bank notes and those known as legal tenders is nearly seven hundred millions. While it is urged by some that this amount should be increased others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions it may be well to ascertain the real value of our paper issues when compared with a metallic or controvertible currency. For this purpose let us inquire how much gold and silver could be purchased by seven hundred millions of paper money, now in circulation. Probably not more than half the amount of the latter, showing that when our paper currency is compared with gold and silver its commercial value is compressed into $350,000,000. This striking fact makes it the obvious duty of the government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holders of its notes and those of national banks to convert them without loss into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal tender and bank notes convertible into coin or its equivalent, the present specie value in the hands of their holders would be enhanced one hundred per cent. Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument the country had just emerged from the war of the revolution and was suffering from effects of a redundant and worthless paper currency. Sages of the period were anxious to protect their posterity from evils which they themselves had experienced. Hence, in providing a circulating medium they conferred upon Congress the power to coin money and regulate the value thereof; at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts. The present anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first—Notes of national banks, which are made receivable for all duties to government, excluding imports, and by all its creditors excepting in payment of interest upon its bonds and securities themselves. Second—Legal tender notes, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens of all government dues, excepting imports; and third—Gold and silver coin. By the operation of our own present system of finances, however, metallic currency, when collected, is reserved only for one class of government creditors, who, holding its bonds, semi-annually receive their interest in coin from the national Treasury. They are thus made to occupy an invidious position, which may be used to strengthen the arguments of those who would bring into disrepute the obligations of the nation. In payment of all its debts the plighted faith of the government should be inviolably maintained; but, while it acts with fidelity towards the bondholder who loaned his money that the integrity of the Union might be preserved, it should, at the same time, observe good faith with the great masses of people who, having rescued the Union from the perils of rebellion, now bear the burdens of taxation that government may be able to fulfil its engagements. There is no reason which will be accepted as satisfactory by the people why those who defend us on land and protect us on sea—pensioners upon the gratitude of the nation, bearing scars and wounds received while in its service; public servants in the various departments of the government who supplied the soldiers of the army and the sailors of the navy, artisans who toil in the nation's workshops, or mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard earned dues, receive depreciated paper, which another class of their countrymen, no more deserving, are paid in coin—gold or silver. Equal and exact justice requires that all creditors of the government should be paid in currency possessing a uniform value. This can only be accomplished by the restoration of currency to the standard established by the constitution, and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep-rooted and wide-spread, and imperil the national credit. The feasibility of making our currency correspond with the constitutional standard may be seen by reference to a few facts derived from our commercial statistics. The production of precious metals in the United States from 1849 to 1857, inclusive, amounted to $579,000,000. From 1858 to 1860, inclusive, to $137,500,000, and from 1861 to 1867, inclusive, to $457,500,000, making a grand aggregate of products since 1849, $1,174,000,000. The amount of specie coined from 1849 to 1857, inclusive, was $439,000,000; from 1858 to 1860, inclusive, $125,000,000, and from 1861 to 1867, inclusive, $310,000,000, making a total coinage since 1849, $874,000,000. From 1849 to 1857, inclusive, the net exports of specie amounted to $27,000,000; from 1858 to 1860, inclusive, to $148,000,000, and from 1861 to 1867, inclusive, to $322,000,000, making an aggregate of net exports since 1849 of $741,000,000. These figures show an excess of products over net exports of $433,000,000. There are in the Treasury $111,000,000 in coin, something more than $40,000,000 in circulation on the Pacific coast, and a few millions in national and other banks; in all about $160,000,000. This, however, taking into account the specie in the country prior to 1849, leaves more than $300,000,000, which have not been accounted for by exportation, and therefore may yet remain in the country. These are important facts and show how completely inferior currency will supersede coin, forcing it from circulation among masses and causing it to be exported as a mere article of trade to add to money capital in foreign lands. They show the necessity of retiring our paper money, that a return of gold and silver to the avenues of trade may be invited and a demand created which will cause the retention at home of so much of the productions of our rich and inexhaustible gold bearing fields, as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency, so long as the government, by continuing to issue irredeemable notes, fills the channels of circulation with depreciated paper, notwithstanding the coinage by our own mints since 1849 of $874,000,000. People are now strangers to the currency which was designed for their use and benefit and specimens of the precious metals bearing the national devise are seldom seen except when produced to gratify interest, excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, all our coin is to become a mere article of traffic and speculation to the enhancement in price of all that is indispensable to the comfort of the people. It would be wise economy to abolish our mint, thus saving the nation the care and expense incident to such establishments, and let our precious metals be exported in bullion. Time has come, however, when government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments at the earliest practical period. Specie payments having been once resumed by the government and the banks, all notes or bills of paper issued by either of a less denomination than $20 should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency, which in all their business transactions will be uniform and of value at home and abroad. Every man of property or industry, every man who desires to preserve what he honestly possesses or to obtain what he has honestly earned, has a direct interest in maintaining a safe circulating medium, such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system and encourages properties destructive of its happiness. It wars against industry, frugality and economy, and it fosters the evil spirits of extravagance and speculation. It has been asserted by one of our profound and most gifted statesmen that of all contrivances for cheating the laboring classes of mankind none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of a community, compared with a fraudulent currency and robberies committed by depreciated paper. Our own history has recorded for our instruction enough and more than enough of demoralizing tendency, injustice and intolerable oppression on the virtuous and well disposed, of a degraded paper currency authorized by law or in any way countenanced by the government. It is one of the most successful devices in times of peace or war, expansions or revulsions, to accomplish the transfer of all precious metals from the great mass of the people into the hands of a few, where they are hoarded in secret places or deposited in strong boxes, under bolt and bars, while the people are left to endure all the inconvenience and sacrifice and demoralization resulting from the use of a depreciated and worthless paper money. The condition of our finances and the operations of our revenue system are set forth and fully explained in the able and instructive report of the Secretary of the Treasury. On the 30th of June, 1866, the public debt amounted to $2,783,425,879; on the 30th of June last it was $2,692,199,215, showing a reduction during the fiscal year of $91,226,664. During the fiscal year ending June 30, 1867, the receipts were $490,634,010, and expenditures $346,729,129, leaving an available surplus of $143,904,880. It is estimated that the receipts for the fiscal year ending June 30, 1868, will be $417,161,928, and that the expenditures will reach the sum of $393,269,226, leaving in the Treasury a surplus of $23,892,702. For the fiscal year ending June 30, 1869, it is estimated that the receipts will amount to $381,000,000, and that the expenditures will be $372,000,000, showing an excess of $9,000,000 in favor of the government. The attention of Congress is earnestly invited to the necessity of a thorough revision of our revenue system. Our internal revenue laws and import system should be so adjusted as to bear most heavily on articles of luxury, leaving the necessaries of life as free from taxation as may be consistent with the real wants of the government economically administered. Taxation would not then fall unduly on the man of moderate means, and while none would be entirely exempt from assessment, all, in proportion to their pecuniary abilities, would contribute towards the support of the State. A modification of the internal revenue system by a large reduction in a number of articles now subject to tax, would be followed by results equally advantageous to citizen and government. It would render the execution of the law less expensive and more certain, remove obstructions to industry, lessen temptation to evade the law, diminish violations and frauds perpetrated upon its provisions, make its operations less inquisitional and greatly reduce in numbers the army of tax gatherers created by the system, who take from the mouth of honest labor the bread it has earned. Retrenchment, reform and economy should be carried into every branch of the public service, that the expenditures of the government may be reduced and the people relieved from oppressive taxation. A sound currency should be restored and public faith in regard to the national debt sacredly observed. The accomplishment of these important results, together with the restoration of the United States upon the principles of the constitution, would inspire confidence at home and abroad in the stability of our institutions, and bring to the nation prosperity, peace and good will.

The reports of the Secretary of War and Attorney General exhibit the operations of the army and several bureaus of the War Department. The aggregate strength of the military force on the 30th of September last was 56,315. The total estimate for military appropriations is $77,124,707, including deficiencies in last year's appropriations of $13,600,000. Payments at the Treasury on account of military service from January 1 to October 29, 1867—a period of ten months—amounted to $109,807,000. The expenses of the military establishment, as well as the numbers of the army, are now three times as great as they have ever been in time of peace, while discretionary power is vested in the Executive to add millions to the expenditure by an increase of the army to the maximum strength allowed by law