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I TNITED STATES CLAIM

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BY BRATTON & KENNEDY.

CARLISLE, PA., THURSDAY, DECEMBER 12, 1867.

PRESIDENT'S MESSAGE.

view of the case. The Judges of the Supreme Court have included the Southern States in their circuits, and they are constantly, in bane 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 Fellow-Citizens of the Senate and Ho of Representatives : .

> mportance, is yet of great weight. OBJECT OF THE LATE WAR.

ut a fraud.

fer 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

other civil functionaries of the State and appoint others without regard to State law; to organize and operate all the po-litical machinery of the States; to regu-late the whole administration of their domestic and local affairs according to

he mere will of strange and irrespon le agents sent among them for that pur-

erimes. By that crime the enemies of free government in all ages have worked out their designs against public liberty and private right. It leads directly and

and private right. It leads directly and immediately to the establishment of ab-

immediately to the establishment of ansolute 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 compands that a republican

Fellow-Cilizens 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 a civil war has been brought to a close, it is manifestly the first interest and duty of the State to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches, as fully and as 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.

The expectations, however, then so onsideration, which, though of minor

as easy and certain as it was indispensable.

The 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, I am unable to communicate any definitive adjustment satisfactory to the American people, of the questions which, since the close of the rebellion, have agitated the public mind. On the contrary candor compels me to on the contrary, candor compels me to eclare 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 the 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 the

to its own will," and where the laws of the 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 lations 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.

effect this most desirable consummation. The Union and the 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 treather selection.

greater calamities.
It was ordained not only to form a It was ordained not only to form a more perfect Union between the States, but to "establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." 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 the public peace, national weakness, financial dishonor, the total loss of our prosperity, the 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.

we should reads.

again.

To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the Constitution and laws. The executive planting the constitution and laws. Constitution and laws. The execu-tion of the laws is not now obstructed or opposed by physical force; there is no military or other necessity, real or preinitiary or other necessity, lead of pie-lended, which can provent obedience to the Constitution, either North or South, All the rights and all the obligations of State and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The ent with the

ent with the fundamental law. The courts may be everywhere open, and, if open, their process would be unimpeded. Crimes against the United States can be prevented or punished by the proper judicial authorities in a manner entirely practicable and legal.

There is, therefore, no reason why the Constitution should not be obeyed, unless those who exercise its powers have determined that it shall be disregarded and violated. The mere naked will of this Government, or of some one or more of lovernment, or of some one or more of its branches, is the only 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 from Congress, and have expressed my convictions without reserve, though with becoming deference to the opinion of the Legislative Department.

tive Department. Those convictions are not only unchanged, but strengthened by subsequent events and further reflection. The transscendent importance of the subject will be a sufficient excuse for calling your at-tention to some of the reasons whice be a sufficient excuse for eating your attention to some of the reasons which have so strongly influenced my own judenent. The hope that we may all finally concur in a mode of settlement consistent at once with our true interests, and with our sworn duties to the Constitution, is too natural and too just to be easily relin-

quisined.

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 Stresselon" adopted by a resident of the session. 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 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, It cannot be that a successful war, waged for the preservation or 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 not the Secession on the battle-field was not the 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 all of them united.

This is so plain that it has been acknowledged by all branches of the Federal Government. The Executive, my

would have the effect, directly or indistrictly 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 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 the heads of all the departments have uniformly acted upon the principle that the Union is not only undissolved, but indissolved. Congress submitted an amendment to the Constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest function. 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 content of the constitution to be ratified by the Southern States, and accepted their acts of their character and temper.

But these acts of Congress confound them all together in one common doom. 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 content of the Union would have been nugatory and Congress in asking it committed a political content of the Union would have been nugatory and Congress in asking it committed a political content of the Union would have been nugatory and Congress in asking it committed a political content of the Union would have been nugatory and the Union would have been of the Congress in asking it committed the source of the very departments to which the constitution which does who engaged in rebellion against the modes rebellion against the modes revealed in rebellion against the modes rebellion against the mode the Southern States, and accepter their acts of ratification as a necessary and lawful exercise of their highest function. 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 obsurdity.

progress, that recourse to a punishment so cruel and unjust would meet with 'the condemnation of all unprejudiced and right-minded men. The punitive justice of this age, and especially of this country, does not consist in stripping whole States of their liberties and reducing all their people, without distinction, to the condition of slavery. It deals separately with each individual, confines itself to the forms of law, and vindicates its own puricy by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to 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 the 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 ovil 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 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. The intermitted exercise of its power brings no sense of security to its subjects, for they can never know what more they will be called upon to endure when its red right hand is arried to longe them again. Nor is it possible to conjecture how or where power unrestrained by law may seek its next victims. The States that are still free 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 negroes

stitution 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 so clear and unquestionable, to enforce the Constitution upon them, implies the corelative obligation on our part to observe its limitations and excente its guaranties. Without the Constitution we are nothing; by, through and under the Constitution we are what it makes us.

We may doubt the wisdom of 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 interests, much less of party predominance, but of duty—of 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 servonts who act under solemn obligations and commands which they dare not disregard. The constitutional duty is not the only one which requires the states to be restored; there is another consideration, which, though of minor importance, is yet of great weight.

It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting, and to disfranchise such a number of white citizens as chise such a numer of white citizens as will give the former a clear majority at all elections in 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

The morality is always false which ex-

importance, is yet of great weight.

OBJECT OF THE LATE WAR.

On the 22d day 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, equality and rights of the States or of 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 the national honor, and I cannot imagine upon what grounds the repudiation of it is to be justified.

If it be said that we are not bound to keep faith with rebels, let it be remembered that this promise was not made to 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 believed that without it the war would end in d saster 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 fixe any claim upon the confidence of men.— It would make the war not only a failure but a fraud.

Being sincerely convinced that these vicent are convect. I would be a profetite of the war not only a failure but a fraud. about.

The 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 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 the military officers were commanded to superintend the process of clothing the negro race with political priviliges torn from white men.

The blacks of 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

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 Southern 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. 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 State laws, elect Presidents and members of Congress, and shape, to a greater or lass 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 these 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 shall be made in the Constitutions of the several States; to control the elections of the 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 dispense of the second of t solve State legislatures or prevent them from assembling; to dismiss judges and other civil functionaries of the State and 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 abandoned, it must be acknowledged that in the progress of nations 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 doubtful 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 ble agents sent among them for that purpose.

These are powers not granted to the Federal Government or to any one of its branches; 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, even 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 usurpation, and usurpation is one of the most dangerous of political crimes. By that crime the enemies of free government in all ages have worked

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 and patriotism, and a proper appreciation of our free institutions, it constitutes the true basis of a Democratic form of Government, in which the soverign 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 if conferred upon persons who do not justly estimate its value, and who are indifferent as to its resuits, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventually end in the complete destruction of that liberty of which it should be the most powerful conservator. I have, therefore, heretofore, urged upon your attention the great danger to be apprehended from an untimely extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the 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 govern provisions are in conflict with the direct prohibitions of the Constitution. The Constitution 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 a judicial warrant, or punished without a judicial warrant im of peace, and that no bill of attainder shall be passed even 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 the 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 habcas corpus and trial by jury. Personal freedom, property and life, if assailed by the passion, the prejudice or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder, or bill of pains and penalties, not upon a few individuals, but upon whole masses, includconditions serviced as to the nature of our governments the intelligent foreign-er who makes our land the home of his

has the effect of a bill of attainder, or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject 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 In the case of the latter, neither a resi-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 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 persons are perfectly innocent. Many kept their fidelity to the Union untainted to the last. Many were intapable of any legal offence. A large proportion even of the persons able to bear arms were forced into rebellion against their will; and of those who are guilty with their own consent the degrees of guilt are as various as the shades of their character and teaper.

But these acts of Congress confound Indiscriminate veingeance upon classes, seets, and parties, or upon whole comminities for offences committed by a portion of them against the governments to which they owed obedience, was common in the larbarous ages of the world. But Christianity and civilization have made such

franchise, we weaken our system of gov-ernment instead of aiding strength and

eliment instead of aiding 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, wisely observed hitherto, which makes the ballot a privilege and a trust 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 the trust which it demands, is to degrade it, and finally destroy its power, for it may be safely assumed that no political truth is better established than such indiscriminate and all-embracing extension of popular suffrage must end at last in overthrow and destruction.

I repeat the expression of my willing-

ular suffrage must end at last in 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 the 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 the hands of negroes, is
proposed at a time peculiarly unpropitious. The foundations of society have
been broken up by civil war. Industry
must be reorganized, justice re established, public credit maintained, and order
broughtout 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

our institutions originally. I confidently believe that their descendants will be tly 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 com-

petency.
The great difference between the two The great difference between the two races in physical, mental and moral characteristics will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferior obtains the ascendency over the other, it will govern with reference only to its own interestator it will recognize no common interestand createsuch atyranny as this Continent has never yet witnessed. Already the has never yet witnessed. Already the negroes are influenced by promises of confiscation and plunder; they are taught

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 the effort now making to African-

to those which must result from the success of the effort now making to Africanize the half of our country.

Iwould not put considerations of money in competition with justice and right,
but the expenses incident to reconstruction under the system adopted by Congress aggravate what I regard as the intrinsic wrong of the measure 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 require a strong standing army, and probably more than two hundred millions of dollars per anum to maintain the supremacy of negro governments after they are established. The sum thus

probably more than two hundred milions of dollars per anum to maintain the supremacy of negro governments after they are established. The sum 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 ascendency 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 the public credit may not be injuriously affected by a system of measures like this. With our debt, and the 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 the principles of justice and honor on the popular mind, and by the most scrupulous fidelity to allour engagements of every sort. Any serious breach of the 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 naught the sheet anchor of our political morality is lost, the public conscience swings from its moorings, and yields to every impulse of passion and interest. If we repudiate the Constitution we will not be expected to care much for made on the 22d day of July, 1861, will assuredly diminish the market value of our other promises; besides, if we now acknowledge that the national dept was created not to hold the States in the Union, as the tax-payers were led to suppose, but to expel them from it and hand them over to be goverened by negroes, the moral duty to pay it may seem much less clear. I say it may seem much less clear, I say it may seem no, for I do not admit that this or any other argument in favor of repudiation can be entertained as sound; but its influence on so

sire 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 the terror of confiscation and the dread of negro supremacy.

The 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 befettered by the arbitrary power whichmakes all its operations unsafe. Thatrich country, the rehest in national resorces the world ever saw, is worse thanlost, if it be not soon placed under theprotection of a free constitution. Instead of being as itou ght tobe, a source of wealth and power, it will become an intolerable burden upon the rest of the nation.

felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Consti-

conclusion. Where an act make the constitution, by the supreme legislative authority, and is regularly enrolled among
the public statutes of the country, Exceutive resistance to it, especially in time
of high party excitement, would be likely to produce violent collision between
the respective adherents of the two
branches of the government. This would
be simply civil war, and civil war must
be respected to only as the 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 the
public peace, and he will not adopt forcilie measures, or such as might lead to
force, as long as those which are peaceable remain open to him or to his constituents.

able remain open to him or to his considerents.

It is true that cases may occur in which the Executive would be compelled to stand on its rights, and maintain them regardless of all 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 the forms of law, to abolish a co-ordinate department of the govern-

Department should pass an act, even through all the 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.

The so-called Reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defence. In all the Northern States they still held in their hands the sacred rights of the ballot, and it was safe to believe that in due time they would come to the rescue of 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 collossal fortunes have been made at the public expense; this species of corruption has increased, is increasing, and, and if not diminished, will soon bring us into total ruin and disgrace. The public creditors and the tax-payers are alike interested in an honest administration of the finances, and neither class will long endure the large-handed robberies of the recent an nonest administration of the inances, and neither class will long endure the large-handed robberies of the recent past. For this discreditable state of things there are several causes. Some of the taxes are so laid as to present an irrethe taxes are so laid as to present an irre-sistible temptation to evade payment.— The 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 the open disregard of constitutional obligations avowed by some of the high-est and most influential men in the coun-try, has greatly weakened the moral

try, 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 empressions as well as extensity light 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 and unfaithful to the Constitution, but, under the law which I have named, the utmost he and of is to complain to the Senate, and can do is to complain to the Senate, and ask the privilege of supplying his place with a better man. If the Senate be rewith a better man. It the Senate be regarded as personally or politically hostile to the President, it is natural and not altogether unreasonable for the 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 guardor.

tive superior. The officer has other chances of impunity, arising from accidental defects of evidence, the mode of investigating it and the secrecy of the hearing. It is not wonderful that official malfeasance should become bold in proportion as the delinquents learn to think them-selves safe. I am entirely persuaded that the delinquents learn to think them-selves safe. I am entirely persuaded that under such a rule the President cannot perform the great duty assigned to him of seeing the laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the Bevenue laws.

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 the sole judge in the premises; but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but he odious, and sometimes impracticable, duty of becoming a prosecutor. The prosecution is to be conducted before a tribunal whose members are not, like him, recution 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 absolutely 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? Falelity to the foneting on may be understood or mis-Constitution may be understood or mis-understood in a thousand different ways; and by violent party men, in violent par-ty times, unfaithfulness to the Constitu-tion may even come to be considered monts. Business in the South is parally goed by a sense of general insecurity, by the terror of confiscation and the dread of the terror of confiscation and the dread of The Southern trade from which the North would have derived so great a profit under a government of law, still anguishes, and can never be revived until it ceases to befettered by the arbitrary ower whichmakes all its operations unsafe. Thatrich country, the relate in the terror in the terror of the strong that it it ceases to befettered by the arbitrary ower whichmakes all its operations unsafe. Thatrich country, the relate in the terror in the stands, if it is not soon placed under the protection of a free constitution. Instead of being a sitou glattobe, a source the mation. Instead of being a sitou glattobe, a source for wealth and power, it will become an intolerable burden upon the rest of the nation. Instead of being a sitou glattobe, a source for wealth and power, it will become an intolerable burden upon the rest of the nation. Another reason for retracing our steps will doubtless be seen by Congress in the state of the nation in the hands of the subject. We live in a country where the 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 a worewhelming force. It cannot have escaped your attention that, from the day on which Congress fairly and formally presented the proposition to govern the Southern States by military force, with a view to the ultimate establishment of regression will disappear before that love of fiberty and law for which the American people are distinguished above all others in the word.

How far the duty of the President to preserve the inheritance of free grovernment in their own hands, and transmit it undivided and quimpaired to the successfully opposed. Every weak or passion will disappear before that love of liberty and law for which the American people are distinguished above all others in the word.

How far the du

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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 the 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 the public interests. The danger to the public service comes not from the power to remove, but from the power to appoint. Therefore 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

lecessors.
The present condition of our finances 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 the 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 their revocable laws which everywhere regulate commerce and trace. must be left to the irrevocable laws which everywhere regulate commerce and trace. The circulating medium will ever irresistibly flow 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 the ocean; and indeed currency, like the tides, has its obbs and flows throughout the commercial

world.

At the beginning of the rebellion the At the beginning of the rebellion the bank-note circulation of the country amounted to not much more than two hundred millions of 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 inay be well to ascertain the real value of our paper issues, when compared with a metallic or convertible currency. For this purpose let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation? Probably not more than thalf the amount of the latter—showing that when our paper currency is comparative with relative and the rest of the relative paper. half the amount of the latter—showing that when our paper currency is compared with gold and silver, its commercial value is compressed into three hundred and fifty millions. 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 holder of its notes and those of the 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, their present specie val-

der and bank notes convertible into coin or its equivalent, their 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 formation of that instrument, the country had just emerged from the war of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the 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, and at the same time prohibiting the States from

same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the National Banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the 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 as of all Government dues, excepting imposts; all Government dues, excepting imposts; and, third, gold and silver coin. By the and, third, gold and sliver coin. By the operation of our present system of finance, however, the 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 the payment of all its debts, the plighted faith of the Government should be inviolably maintained. But while it acts with fidelity toward 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 the people, who, having rescued masses of the people, who, having rescued the Union from the perils of rebellion, now bear the burdens of taxation, that the Union from the perils of rebellion, now bear the burdens of taxation, that the 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 the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the sears and wounds received while in its service; the public servants in the various Departments of the Government; the farmer who supples the soldiers of the army and the saltors of the navy; the artisan who toils in the mation's workshops, or the mechanica and laborers who build its edifices and construct its forus and vessels of war—should in payment of their just and hard-carned struct its fores and vessels of war—should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restaration of the 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 imperit the national credit. eredit. The feasibility of making our currency

correspond with the constitutional stand-ard may be seen by reference to a few facts derived from our commercial sta-

facts derived from our commercial statistics.

The production of precious metals in the United States from 1849 to 1858, inclusive, amounted to \$579,000,000; from 1858 to 1860, inclusive, to \$137,500,000; and from 1861 to 1867, inclusive, to \$137,500,000; and from 1861 to 1867, inclusive, to \$457,500,000—making the 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, \$319,000,000—making the total coincare since 1849, \$574,000,000.

From 1849 to 1857, inclusive, the net exports of specie amounted to \$271,000,000; from 1858 to 1860, inclusive, to \$148,000,000; from 1858 to 1860, inclusive, to \$148,000,000; and from 1861 to 1867, inclusive, \$322,000,000—making the aggregate of net exports since 1849, \$741,000,000. These affigures show an access of product over net overest of \$182,000,000. tigures show an access of product 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 the National and other Banks—in all

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about \$160,000,000. This, however, taking into account the specie in the country prior to 1849, leaves more than three hundred millions of dollars which have not been accounted for by exportation, and therefore may yet remain in the country.

hundred millions of dollars which have not been accounted for by exportation, and therefore may yet remain in the country.

These are important facts, and show how completely the inferior currency will supercede the better, foreing it from circulation among the masses, and causing it to be exported as a mere article of trade, to add to money capital of foreign lands. They show the necessity of retiring our paper money, that the 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 at least 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 sound currency so long as the Government by continuing to issue irredeemable notes, fills the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints, since 1849, of eight hundred and seventy-four millions of dollars, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency, and all our coin is to become a mere article of traffic and speculation, to the enchancement in price of all that is indispensable to the comfort of the people, it would be wise econcomy to abolish our mints, thus saving the nation the care and expense incident to such estabnents and let all our own precious metals be exported in bulllon. The time has come, however, when the 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 carliest practicable period. Specie payments having been once resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than twenty dollars should by law be exclu be excluded from circulation, so that the people may have the benefit and conve-nience of gold and silver currency which in all their business transactions will be

in all their business transactions will be uniform in value at home and abroad.

Every man of property or industry, every man who dosires to preserve what he honestly possesses, or to obtain what he can honestly earn, 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 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 prophusities 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 the 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 rioh man's fields by the sweat of the poor man's brow.— Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with a fraudulent currency, and the roberries committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough of the demoralizing tendency, the injustice and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency, authorized by law or in any way countenanced by Government." It is one of the most successful devices, in times of peace or war, expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are bearded in search please of deperted. miform in value at home and ab plish the transfer of all the precious met-als from the great mass of the people in-to the hands of the few, where they are hoarded in secret places or deposited in strong boxes under bolts and bars, while the people are left to endure all the in-convenience, sacrifice, and demoraliza-tion resulting from the use of a depreci-ated 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 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 the 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. 30, 1868, will be \$417,161,928, and that the expenditures will reach the sum of \$393,-269,220, 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 impost system should be so adjusted as to bear most heavily on articles of luxury, leaving the recessaries of life as free from taxation as nay 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 Sinte. their pecuniary abilities, would contrib-ute towards the support of the State. A modification of the internal revenue sysmodification of the internal revenue system, by a large reduction in the number of articles now subject to tax, would be followed by results equally advantageous to the citizen and the Government. It would render the execution of the law less expensive and more certain, remove obstruction to industry, lessen the temptations to evade the law, diminish the violations and frauds perpetrated upon its provisions, make its operated. minish the violations and frauds perpetrated upon its provisions, make its operations less inquisitorial, and greatly reduce in numbers the army of taxgatherers 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 the public faith in regard to the national debt sacredly observed. The accomplishment of these important results, together with the restoration of the Union of the 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 o the nation prosperity, peace, and good

to the nation prosperity, peace, and good will.

The report of the Secretary of War adiinterim exhibits the operations of the army and of the several Bureaus of the War Demartment. The aggregate strength of our military force, on the 30th of September last, was 36,315. The total estimate for military appropriation is \$77,124,707, including a deficiency in last year's appropriation of \$13,600,000.—
The payments at the Treasury on account of the service of the War Department 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 the discretionary power is vested in the Executive to add millions to this expenditure by an increase of the army expenditure by an increase of the army to the maxium strength allowed by the

law.

The menacing attitude of some of the warlike bands of Indians inhabiting the district of country between the Arkansas and Platte rivers, and portions of Dakota Territory, required the presence of a large

[CONTINUED ON SECOND PAGE.]