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THE PRESIDENT'S MESSAGE.

Fellow-citizens of the Senate and House of Representatives:

In the midst of unprecedented political troubles, we have cause of great gratitude to God for unusual good health and most abundant harvests.

You will not be surprised to learn, that in the peculiar exigencies of the times, our intercourse with foreign nations has been attended with profound solicitude, chiefly turning upon our own domestic affairs. A disloyal portion of the American people have, during the whole year, been engaged in an attempt to divide and destroy the Union.

A nation which endures factious domestic division is exposed to disrespect abroad, and one party, if not both, is sure sooner or later, to invoke foreign intervention. Nations thus tempted to interfere are not always able to resist the counsels of seeming expediency and ungenerous ambition, although measures adopted under such influences seldom fail to be unfortunate, and injurious to those adopting them.

The disloyal citizens of the United States who have offered the ruin of our country in return for the aid and comfort which they have invoked abroad, have received less patronage and encouragement than they probably expected. If it were just to suppose, as the insurgents have seemed to assume, that foreign nations, in this case, discarding all moral, social and treaty obligations, would act solely and selfishly for the most speedy restoration of commerce including especially the acquisition of cotton, these nations appear as yet not to have seen their way to their object more directly or clearly through the destruction, than through the preservation of the Union.

If we could dare to believe that foreign nations are actuated by no higher principle than this, I am quite sure a sound argument could be made to show them that they can reach their aim more readily and easily by aiding to crush this rebellion than by giving encouragement to it. The principal lever relied on by the insurgents for exciting foreign nations to hostility against us, as already intimated, is the embarrassment of commerce. These nations, however, not improbably saw from the first that it was the Union which made as well our foreign as our domestic commerce. They can scarcely have failed to perceive that the effort for disunion produces the existing difficulty, and that one strong nation promises more durable peace and a more extensive and reliable commerce, than can the same nation broken into hostile fragments. It is not my purpose to review our discussions with foreign States, because whatever might be their wishes, or dispositions, the integrity of our country and the stability of our Government mainly depend not upon them, but on the loyalty, virtue, patriotism and intelligence of the American people.

The correspondence itself with the usual reservations is herewith submitted. I venture to hope it will appear that we have practised prudence and liberality toward foreign powers, averting causes of irritation and with firmness maintaining our own rights and honor. Since, however, it is apparent that here, as in every other State, foreign dangers necessarily attend domestic difficulties, I recommend that adequate and ample measures be adopted for maintaining the public defenses on every side.

While under this general recommendation provision for defending our seacoast line occurs to the mind.

Also, in the same connection, ask the attention of Congress to our great lakes and rivers. It is believed that some fortifications and depots of arms and munitions, with harbor and navigation improvements, all at well selected points upon these, would be of great importance to the national defence and preservation.

I ask attention to the views of the Secretary of War expressed in his report upon the same general subject. I deem it of importance that the loyal regions of East Tennessee and Western North Carolina should be connected with Kentucky and other faithful parts of the Union by a railroad. I therefore, recommend, as a military measure, that Congress provide for the construction of such road as speedily as possible. Kentucky, no doubt, will cooperate and, through her Legislature, make the most judicious selection of a line. The Northern terminus must connect with some existing railroad, and whether the route shall be from Lexington or Nicholasville to the Cumberland Gap, or from Lebanon to the Tennessee line in the direction of Knoxville or on some still different line can readily be determined. Kentucky and the General Government co-operating, the work can be completed in a very short time, and, when done, it will be not only of vast present usefulness, but also a valuable permanent improvement, with its cost, in all the future.

Some treaties designed chiefly for the interests of commerce, and having no grave political importance, have been negotiated, and will be submitted to the Senate for their consideration.

Although we have failed to induce some of the commercial powers to adopt a desirable melioration of the rigor of a maritime war, we have removed all obstructions from the way of this humane reform, except such as are merely of temporary and accidental occurrence.

I invite your attention to the correspondence between Her Britannic Majesty's Minister, accredited to this Government, and the Secretary of State relative to the detention of the British ship *Parish* in June last, by the United States steamer *Massachusetts*, for a supposed breach of the blockade. As this detention was occasioned by an obvious misapprehension of the facts, and as justice requires that we should commit no belliger-

ent act not founded in strict right as sanctioned by public law, I recommend that an appropriation be made to satisfy the reasonable demand of the owners of the vessel for her detention.

I repeat the recommendation of my predecessor, in his annual message to Congress in December last, in regard to the disposition of the surplus which will probably remain after satisfying the claims of American citizens against China, pursuant to the awards of the Commissioners under the act of the 3d of March, 1859.

If, however, it should not be deemed advisable to carry that recommendation into effect, I would suggest that authority be given investing the principal over the proceeds of the surplus referred to in good securities, with a view to the satisfaction of such other just claims of our citizens against China as are not unlikely to arise hereafter in the course of our extensive trade with that empire.

By the act of the 5th of August last, Congress authorized the President to instruct the Commanders of naval vessels to defend themselves against and capture pirates. This authority has been exercised in a single instance only. For the more effectual protection of our extensive and valuable commerce in the Eastern sea, especially, it seems to me that it would also be advisable to authorize the commanders of sailing vessels to recapture any prizes which pirates may make of United States vessels and their cargoes, and the Cor. ular Courts now established by law in Eastern countries to adjudicate the cases, in the event that this should not be objected to by the local authorities. If any good reason exists why we should persevere longer in withholding our recognition of the independence and sovereignty of Hayti, I am unable to discover it.

Unwilling, however, to inaugurate a novel policy in regard to them without the approbation of Congress, I submit for your consideration the expediency of an appropriation for maintaining a charge d'affaires near each of those new States; it does not admit of a doubt that important commercial advantages might be secured by favorable treaties with them.

The operations of the treasury during the period which has elapsed since your adjournment, have been conducted with signal success. The patriotism of the people has placed at the disposal of the Government, the large means demanded by the public exigencies. Much of the National Loan has been taken by citizens of the industrial classes, whose confidence in their country's faith and zeal, for their country's deliverance from present peril have induced them to contribute to the support of the Government the whole of their limited acquisitions. This fact imposes peculiar obligations upon us to economy in disbursement and energy in action.

The revenues from all sources, including loans for the financial year ending on the 30th of June, 1861, was, \$86,855,900 27, and the expenditures for the same period, including payments on account of the public debt, were \$84,578,834 47, leaving a balance in the Treasury, on the 1st of July, of \$2,277,065 80. For the first quarter of the financial year, ending on the 30th of September, 1861, the receipts from all sources, including the balance of the 1st of July, were \$102,532,505 27, and the expenses \$98,239,774 09; leaving a balance on the 1st of October, 1861, of \$4,292,776 18.

Estimates for the remaining three quarters of the year, and for the financial year of 1863, together with his view of ways and means for meeting the demands contemplated by them, will be submitted to Congress by the Secretary of the Treasury.

It is gratifying to know that the expenditures made necessary by the rebellion are not beyond the resources of the loyal people, and to believe that the same patriotism which has thus far sustained the Government will continue to sustain it till peace and union shall again bless the land.

I respectfully refer to the report of the Secretary of War for information respecting the numerical strength of the army and for recommendations, having in view an increase of its efficiency and the well-being of the various branches of the service entrusted to his care. It is gratifying to know that the patriotism of the people has proved equal to the occasion, and that the number of troops tendered greatly exceeds the force which Congress authorized me to call into the field.

I refer with pleasure to those portions of his report which make allusion to the creditable degree of discipline already attained by our troops and to the excellent sanitary condition of the entire army.

The recommendation of the Secretary for an organization of the militia upon a uniform basis, is a subject of vital importance to the future safety of the country, and is commended to the serious attention of Congress.

The large addition to the regular army in connection with the defection that has so considerably diminished the number of its officers, gives peculiar importance to his recommendation for increasing the corps of Cadets to the greatest capacity of the Military Academy.

By mere omission, I presume, Congress has failed to provide Chaplains for hospitals occupied by volunteers. This subject was brought to my notice, and I was induced to draw up the form of a letter, one of which, properly addressed, has been delivered to each of the persons, and at the dates, respectfully named, and stated in a schedule containing also the form of the letter (letter marked A) and herewith transmitted.

The gentlemen I understood entered upon the duties designated at the times respectively stated in the schedule, and have labored faithfully there ever since. I therefore recommend that they be com-

pensated at the same rate as Chaplains in the Army, further suggesting that general provision be made for Chaplains to serve at hospitals as well as with regiments.

The report of the Secretary of the Navy presents in detail the operations of that branch of the service, the activity and energy which have characterized its administration, and the results of the measures to increase its efficiency and power. Such have been the difficulties by construction and purchase that it may almost be said a navy has been created and brought into service since our difficulties commenced. Besides blockading our extensive coast, squadrons larger than ever before assembled under our flag, have been put afloat, and performed deeds which have increased our naval renown.

I would invite special attention to the recommendations of the Secretary for a more perfect organization of the Navy, by introducing additional grades in the service. The present organization is defective and unsatisfactory, and the suggestions submitted by the Department, will, it is believed, if adopted, obviate the difficulties alluded to, promote harmony, and increase the efficiency of the Navy.

There are three vacancies on the bench of the Supreme Court; and by the decease of Justices Daniel and McLean, and one by the resignation of Justice Campbell, I have so far forgotten making nominations to fill these vacancies for reasons which I will now state: Two of the outgoing Judges resided within the States now overrun by revolt, so that if their successors were appointed in the same localities, they could not now serve upon their circuit, and many of the most competent men there probably would not take the personal hazard of accepting to serve, even here, upon the Supreme Bench. I have been unwilling to throw all the appointments Northward, thus disabling myself from doing justice to the South on the return of peace, although I may remark that to transfer to the North one which has heretofore been in the South, would not, with reference to territory and population, be unjust.

During the long and brilliant judicial career of Judge McLean, his circuit grew into an empire altogether too large for any one Judge to give the Courts therein more than a nominal attendance, rising in population from 1,470,018 in 1830, to 6,151,405 in 1860. Besides this, the country generally has outgrown our present judicial system. If uniformity was at all intended, the system requires that all the States shall be accommodated with Circuit Courts attended by Supreme Judges, while, in fact, Wisconsin, Minnesota, Iowa, Kansas, Florida, Texas, California and Oregon have never had any such Courts.

Nor can this well be remedied, without a change of the system, because the adding of Judges to the Supreme Court, enough for the accommodation of all parts of the country with Circuit Courts, would create a Court altogether too numerous for a judicial body of any sort. And the evil, if it be one, will increase as new States come into the Union. Circuit Courts are useful, or they are not useful. If useful, no State should be without them. If not useful, no State should have them. Let them be provided for all, or abolished for all.

Three modifications occur to me, either of which I think would be an improvement upon our present system. Let the Supreme Court be of convenient number in every event. Then first, let the whole country be divided into circuits of convenient size, the Supreme Judges to serve in a number of them corresponding to their own number, and independent Circuit Judges be provided for all the rest; or, secondly, let the Supreme Judges be relieved from Circuit duties, and Circuit Judges provided for all the Circuits; or, thirdly, dispense with the Circuit Courts altogether, leaving the Judicial functions wholly to the District Court and an independent Supreme Court.

I respectfully recommend to the consideration of Congress the present condition of the Statute Laws, with the hope that Congress will be able to find an easy remedy for many of the inconveniences and evils which constantly embarrass those engaged in the practical administration of them. Since the organization of the Government, Congress has enacted some five thousand acts and joint resolutions, which fill more than six thousand closely printed pages, and are scattered through many volumes.

Many of these acts have been drawn in haste and without sufficient caution, so that their provisions are often obscure in themselves or in conflict with each other; or, at least so doubtful as to render it very difficult for even the best informed person to ascertain precisely what the statute law really is. It seems to me very important that the statute laws should be made as plain and intelligible as possible, and be reduced to as small a compass as may consist with the fullness and precision of the Legislature, and the perspicuity of its language. This, well done, would, I think, greatly facilitate the labors of those whose duty it is to assist in the administration of the laws, and would be a lasting benefit to the people by placing before them, in a more acceptable and intelligible form, the laws which so deeply concern their interests and their duties. I am informed by some, whose opinions I respect, that all the acts of Congress now in force, and of a permanent and general nature, might be revised and rewritten, so as to be embraced in one volume, or, at most, in two volumes, of ordinary and convenient size, and I respectfully recommend to Congress to consider on the subject, and if my suggestion be approved, to devise such plan as to their wisdom shall seem most proper for the attainment of the end proposed.

One of the unavoidable consequences of the present insurrection, is the entire suppression in many places of all the ordinary means of administering civil justice by the officers, in the form of existing law. This is the case, in whole or in part, in all

the insurgent States, and as our armies advance upon and take possession of parts of those States, the practical evil becomes more apparent.

There are no courts nor officers to whom the citizens of other States may apply for the enforcement of their lawful claims against citizens of the insurgent States, and there is a vast amount of debt constituting such claims. Some have estimated it as high as \$200,000,000 due in large part from insurgents in open rebellion to loyal citizens, who are even now making great sacrifices in the discharge of their patriotic duty to support the Government. Under these circumstances I have been urgently solicited to establish, by military power, courts to administer summary justice in such cases. I have thus far declined to do it; not because I had any doubt that the end proposed—the collection of the debts—was just and right in itself, but because I have been unwilling to go beyond the pressure of necessity in the unusual exercise of power. But the powers of Congress, I suppose, are equal to the anomalous occasion, and therefore I refer the whole matter to Congress, with the hope that a plan may be devised for the administration of justice in all such parts of the insurgent States and Territories as may be under the control of this Government, whether by a voluntary return to allegiance and order, or by the power of our arms.

This, however, is not to be a permanent institution, but a temporary substitute, and to cease as soon as the ordinary courts can be re-established in peace. It is important that some more convenient means should be provided, if possible, for the adjustment of claims against the Government, especially in view of their increased number by reason of the War. It is as much the duty of Government to render prompt justice against itself in favor of citizens, as it is to administer the same between private individuals. The investigation and adjustment of claims in their nature belong to the judicial department. Besides, it is apparent that the attention of Congress will be more than usually engaged some time to come with great national questions.

It was intended by the organization of the Court of Claims mainly to remove this branch of business from the halls of Congress, but while the Court has proved to be an effective and valuable means of investigation, it, in great degree, fails to effect the object of its creation for want of the power to make its judgment final. Fully aware of the delicacy, not to say the danger of the subject, I commend to your careful consideration whether this power of making judgments final, may not properly be given to the Court, reserving the right of appeal, on questions of law, to the Supreme Court, with such other provisions as experience may have shown to be necessary.

I ask attention to the report of the Postmaster General, the following being a summary statement of the condition of the Department. The revenue from all sources during the fiscal year, ending June 30, 1861, including the annual permanent appropriation of \$700,000 for the transportation of free mail matter, was \$9,017,462 40, being almost two per cent. less than the revenue, for 1860. The expenditures were \$13,606,759 11; showing a decrease of more than eight per cent. as compared with those of the previous year, and leaving an excess of expenditures over the revenue for the last fiscal year of 4,589,297 79. The gross revenue for the year ending June 30th, 1863, is estimated at an increase of four per cent. on that of 1861, making \$8,682,000, to which should be added the earnings of the Department in carrying free matter, viz: \$700,000, making \$9,382,000.

The total expenditures for 1863 are estimated at \$12,528,000, leaving an estimated deficiency of \$3,146,000, to be supplied from the Treasury, in addition to the permanent appropriation.

The present insurrection shows, I think, that the extension of this district across the Potomac river at the time of establishing the Capital here, was eminently wise, and consequently that the relinquishment of that portion of it which lies within the State of Virginia, was unwise and dangerous. I submit for your consideration the expediency of regaining that part of the district, and the restoration of the original boundaries thereof through negotiations with the State of Virginia.

The report of the Secretary of the Interior, with the accompanying documents, exhibits the condition of the several branches of the public business pertaining to that Department. The depressing influences of the insurrection have been especially felt in the operations of the Patent and General Land Offices.

The cash receipts from the sales of public lands, during the past year, have exceeded the expenses of our land system only about \$200,000. The sales have been entirely suspended in the Southern States, while the interruptions to the business of the country and the diversion of large numbers of men to military service, have restricted settlements in the new States and territories of the Northwest.

The receipts of the Patent Office have declined in nine months about \$100,000, rendering a large reduction of the force employed necessary, to make it self-sustaining.

The demands upon the Pension Office will be largely increased by the insurrection. Numerous applications for pensions, based upon the casualties of the present war, have already been made. There is reason to believe that many who are now upon the pension rolls, and in receipt of the bounty of the Government, are in the ranks of the insurgent army, or giving their aid and comfort. The Secretary of the Interior has directed a suspension of the payment of the pensions of such persons upon proof of their disloyalty.

I recommend that Congress authorize that officer to cause the names of such

persons to be stricken from the pension rolls.

The relations of the Government with the Indian tribes have been greatly disturbed by the insurrection, especially in Southern Superintendency and in that of New Mexico. The Indian country south of Kansas is in the possession of insurgents from Texas and Arkansas.

The agents of the United States Government, appointed since the 4th March for this superintendency, have been unable to reach their posts, while most of those who were in the office before that time, have espoused the insurrectionary cause, and assume to exercise the powers of agents by virtue of commissions from the insurgents.

It has been stated in the public press that a portion of these Indians have been organized as a military force, and are attached to the army of the insurgents. Although the Government has no official information upon this subject, letters have been written to the Comm'r of Indian Affairs by several prominent Chiefs, giving assurance of their loyalty to the United States, and expressing a wish for the presence of Federal troops to protect them. It is believed that upon the repossession of the country by the Federal forces, the Indians will readily cease all hostile demonstrations and resume their former relations to the government.

Agriculture, confessedly the largest interest of the nation, has not a Department nor a Bureau, but a clerkship only assigned to it in the government.

While it is fortunate that this great interest is so independent in its nature as to not have depended and extorted more from the government, I respectfully ask Congress to consider whether something more cannot be given voluntarily with general advantage. Annual reports exhibiting the condition of our agriculture, commerce and manufactures, would present a fund of information of great practical value to the country. While I make no suggestion as to details, I venture the opinion that an agricultural and statistical bureau might profitably be organized.

The execution of the laws for the suppression of the African slave trade has been confided to the Department of the Interior. It is a subject of gratulation that the efforts which have been made for the suppression of this inhuman traffic have been recently attended with unusual success. Five vessels being seized and condemned; two mates of vessels engaged in the trade, and one person in equipping a vessel as a slaver have been convicted and subjected to the penalty of fine and imprisonment; and one captain, taken with a cargo of Africans on board his vessel, has been convicted of the highest grade of offence under our laws, the punishment of which is death.

The Territories of Colorado, Dakota and Nevada, created by the last Congress, have been organized and civil administration has been inaugurated therein under auspices especially gratifying, when it is considered that the haven of treason was fond existing in some of these new countries when the Federal officers arrived there.

The abundant natural resources of these territories, with the security and protection afforded by organized governments, will doubtless invite to them a large immigration, when peace shall restore the business of the country to its accustomed channels.

I submit the resolutions of the Legislature of Colorado, which evidence the patriotic spirit of the people of that Territory. So far the authority of the United States has been upheld in all the Territories, as it is hoped it will be in the future. I commend their interests and defence to the enlightened and generous care of Congress.

I recommend to the favorable consideration of Congress the interests of the District of Columbia. The insurrection has been the cause of much suffering and sacrifice to its inhabitants, and as they have no representative in Congress, that body should not overlook their just claims upon the government.

At your late session a joint resolution was adopted authorizing the President to take measures for facilitating a proper representation of the industrial interests of the United States at the Exhibition of the industry of all Nations, to be held at London, in the year 1862.

I regret to say I have been unable to give personal attention to this subject—a subject at once so interesting in itself and so extensively and intimately connected with the material prosperity of the world. Through the Secretary of State and of the Interior, a plan or system has been devised, and partly matured, and which will be laid before you.

Under and by virtue of the act of Congress, entitled an act to confiscate property used for insurrectionary purposes, approved August 6, 1861, the legal claims of certain persons to the labor and services of certain other persons have become forfeited, and numbers of the latter, thus liberated, are already dependent on the United States, and must be provided for in some way.

Besides this, it is not impossible that some of the States will pass similar enactments for their own benefit respectively, and by operation of which, persons of the same class will be thrown upon them for disposal. In such case, I recommend that Congress provide for accepting such persons from such States, according to some mode of valuation, in lieu *pro tanto* of direct taxes; or upon some other plan to be agreed on, with such States respectively; that such persons, on such acceptance by the general government, be at once deemed free; and that, in any event, steps be taken for colonizing both classes, (or the one first mentioned if the other shall not be brought into existence), at some place or places in a climate congenial to them. It might be well to consider, too, whether

or the free colored people already in the United States could not, so far as individuals may desire, be included in such colonization.

To carry out the plan of colonization may involve the acquiring of territory and also the appropriation of money beyond that to be expended in the territorial acquisition. Having practised the acquisition of territory for nearly sixty years, the question of the Constitutional power to do so is no longer an open one with us. The power was questioned at first by Mr. Jefferson, who, however, in the purchase of Louisiana, yielded his scruples on the plea of great expediency.

If it be said that the only legitimate object of acquiring territory is to furnish homes for white men, this measure effects that object, for emigration of colored men leaves additional room for white men remaining or coming here. Mr. Jefferson, however, placed the importance of procuring Louisiana more on political and commercial grounds, than on providing room for his population.

On this whole proposition, including the appropriation of money, with the acquisition of territory, does not the expediency amount to absolute necessity without which the Government itself cannot be perpetuated if the war continues.

In considering the policy to be adopted for suppressing the insurrection, I have been anxious and careful that the inevitable conflict for this purpose shall not degenerate into a violent and remorseless revolutionary struggle. I have, therefore, in every case, thought it proper to keep the integrity of the Union prominent as the primary object of the contest on our part, leaving all questions which are not of vital military importance, to the more deliberate action of the legislature.

In the exercise of my best discretion I have adhered to the blockade of the ports held by the insurgents, instead of putting in force by proclamation the law of Congress enacted at the late session for closing these ports. So also, obeying the dictates of prudence as well as the obligations of law, instead of transcending I have adhered to the act of Congress to confiscate property used for insurrectionary purposes. If a new law upon the same subject shall be proposed, its propriety will be duly considered.

The Union must be preserved, and hence all indispensable means must be employed. We shall not be in haste to determine that radical and extreme measure, which may reach the loyal as well as the disloyal, are indispensable.

The inaugural address at the beginning of the Administration and the message to Congress at the late special session, were both mainly devoted to the domestic controversy out of which the insurrection and consequent war have sprung.

Nothing more occurs to add or subtract to or from the principles or general purposes stated and expressed in that document. The last ray of hope for preserving the Union, peaceably, expired at the assault upon Fort Sumter, and a general review of what has occurred since may not be unprofitable.

What was painfully uncertain then, is much better defined and more distinct now, and the progress of events is plainly in the right direction. The insurgents confidently claimed a strong support from North of Mason and Dixon's line, and the friends of the Union were not free from apprehension on that point. This, however, was soon settled definitely, and on the right side.

South of the line, noble little Delaware led off right from the first. Maryland was made to seem against the Union. Our soldiers were assaulted, bridges were burned, and railroads torn up within her limits, and we were many days, at one time, without the ability to bring a single regiment over her soil to the defence of the Capital.

Now her bridges and Railroads are repaired and open to the Government. She already gives seven regiments to the cause of the Union, and none to the enemy, and her people at a regular election have sustained the Union by a large majority, and a larger aggregate vote than they ever before gave to any candidate on any question.

Kentucky, too, for some time in doubt is now decidedly, and, I think, unchangeably on the side of the Union. Missouri is comparatively quiet, and I believe cannot be overrun by the insurrectionists.—These three States of Maryland, Kentucky and Missouri neither of which would promise a single soldier, at first, have now an aggregate of not less than forty thousand men in the field, for the Union, while of their citizens certainly not more a third of that number, and they of doubtful whereabouts, and doubtful existence, are in arms against it. After a somewhat bloody struggle of some months, winter closes on the Union people of Western Virginia, leaving them masters of their own country.

An insurgent force of about fifteen hundred for months dominating the narrow peninsular region of the counties of Accomac and Northampton, and known as the Eastern Shore of Virginia, together with some contiguous parts of Maryland, have laid down their arms and the people there have renewed their allegiance to and accepted the protection of the old flag. This leaves no real insurrection north of the Potomac or east of the Chesapeake.

Also, we have obtained a footing at each of the isolated points on the Southern coast of Hatteras, Fort Royal, Tybee Island, near Savannah, and Ship Island; and we likewise have some general accounts of popular movements in behalf of the Union, in North Carolina and Tennessee. These things demonstrate that the cause of the Union is advancing steadily southward.

Since your last adjournment, Lt. Gen. Scott has retired from the head of the army. During his long life the nation has

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