

Daily Telegraph.

HARRISBURG, PA.

Wednesday Morning, December 4, 1861.

OUR PLATFORM.

THE UNION—THE CONSTITUTION—AND THE ENFORCEMENT OF THE LAW.

FIRST ANNUAL MESSAGE OF ABRAHAM LINCOLN, PRESIDENT OF THE UNITED STATES.

Read in Congress Tuesday, December 3d, 1861.

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 nation which endures factious domestic division is exposed to disaster abroad, and one party, if not both, is sure, sooner or later, to invoke foreign intervention.

The revenues from all sources, including loans for the financial year, ending on the 30th of June, 1861, was \$86,835,900 2/3, and the expenditures for the same period, including payments on account of the public debt, were \$84,578,834 4/7, leaving a balance in the Treasury, on the 1st of July, of \$2,257,066 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 \$102,682,609 2/3, and the expenses \$98,239,738 09; leaving a balance on the 1st of October, 1861, of \$4,282,776 18.

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 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 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 completely 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 copy of which, properly addressed, has been delivered to each of the persons and at the dates, respectively 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 ever since. I therefore recommend that they be compensated at the same rates 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 resources.

Such have been the additions 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 recommendation 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; two by the decease of Justices Daniels and McLean, and one by the resignation of Justice Campbell. I have so far forbore 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 transfer to the North, one which has hitherto 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 6,161,405 in 1860. Besides this, the country generally has grown our present judicial system. If uniformly 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 present system, because the adding of Judges to the Supreme Court, enough for the accommodation of all parts of the country, would create a court, all together, too numerous for a judicial body of any size. And the evil, if it be not, will increase as new States come into the Union. Circuit Courts are useful, or they are not useful. If useful, no State should be denied them. If not useful, no State should have them. Let them come, or be abolished 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, and 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, displace 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 so constantly embarrass those engaged in the practical administration of them. Since the organization of 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 be 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 opinion 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 commercial use, 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.

The unavoidable consequences of the insurrection is the entire suspension, in many places, of all the ordinary means of administering civil justice by the officers and forms of existing law. This is the case in whole, or in part, in the insurgent States, and as our armies advance and take possession of parts of those States, it becomes more apparent.

There are no courts or officers to which the citizens of other States may apply for the enforcement of their lawful claims against the citizens of the insurgent States, and there vast amount of debt, constituting such claims, some have estimated as two hundred millions of dollars due, the 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 urged 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 the President, in such cases, are equal to the anomalous occasion, and I therefore 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, 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 effectual means 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 against private individuals—the investigation and adjudication of claims their hands belong to the judicial department. Besides, it is apparent that the attention of Congress will be more than usually engaged for 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 the business from the Hall of Congress. But while the Court has proved to be an effective and valuable means of investigation and redress, it is a great defect to effect the object of its creation or want of power to make its judgments final. Fully aware of the delicacy, not to say the danger, of this 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.

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