

known, that whenever in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the laws of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican, and in no way contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or the executive, when the legislature cannot be convened, against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such State Government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive. And it is suggested as not improper, that, in continuing the loyal State Government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions heretofore stated, and such others, if any, not contravening said conditions, which may be deemed expedient by those forming the loyal State Government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained. And for the same reason, it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally, rests exclusively with the respective Houses and not to any extent with the Executive.

And still further, that this proclamation is intended to present the people of the States wherein the National authority has been subverted, and loyal State governments have been established, a mode in which the National authority and loyal State governments may be re-established within said States, or in any of them; and, while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington, the 8th day of December, A. D. one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-eighth. ABRAHAM LINCOLN.

By the President: WILLIAM H. SEWARD, Secretary of State.

By Telegraph.

LARGE FIRE AT NEW YORK.

OVER 20 VESSELS DESTROYED.

New York, Dec. 9. About half past one o'clock this afternoon, a fire broke out in the schooner Flora Temple, which was loaded with hay, and lying at the dock above Christopher street on the North River. The flames soon extended to a number of hay barges and schooners in the vicinity, and they were soon on burning flame. Barge after barge took fire, then followed sloops and schooners, all falling a prey to the burning element. The firemen worked manfully, but as they swept the flames, and quickly the brig General Barclay caught fire and was destroyed. The flames then crossed the street, and with unabated fury, setting the shipping there on fire, with the stationary barges at the docks, which were loaded with hay. The force of the firemen on hand finding that they could not check the flames, a great force arrived upon the ground. Despite their efforts, the fire kept sweeping on in its devastating progress. In half an hour all the vessels between Ferry and Christopher streets, four blocks, were on fire. So fierce at one time was the conflagration that the houses on West street opposite the fire were threatened with destruction. A number of them were on fire several times, but fortunately the firemen succeeded in putting out the flames, and thus saving them. The loss cannot fall short of 500,000 dollars.

FROM FORTRESS MONROE.

Fortress Monroe, Dec. 8. The steamer New York left this morning for City Point, with 522 boxes, bales, &c., from Baltimore Relief Fund Christian Commission Society; also, 500 boxes of commissary and 600 boxes and packages from the Express, all for our prisoners at Richmond. 100 additional boxes arrived this morning, for the same parties.

From Portland, Me.

Portland, Me., Dec. 9. The deputy collector has applied to Washington to send the gunboat Agawam after the Chesapeake, and in the meantime he is having her armed and manned with the intention to sail at six o'clock this evening. The citizens are volunteering as a crew. Two detachments of militia have been furnished for the expedition by Brig. Gen. Bowley from the recruit camps and Maj. Andrews from Fort Preble. She will sail about six o'clock this evening under the command of Capt. Webster, of the revenue cutter Dobbin.

FROM FORTRESS MONROE.

OUR PRISONERS AT RICHMOND.

Fortress Monroe, Dec. 6. Dr. Chas. S. Wright, of Ohio, captured at Chickamauga, September 20, has just arrived at Fortress Monroe, from Libby Prison, by the flag-of-truce boat. The doctor states that the articles of provisions, clothing, &c., sent to the prisoners at Richmond from their friends and various donations, have been received by them, except in a few cases. The doctor was requested by one of his friends to convey them to his friends at home, in addition to the necessity of conveying their property to the forwarding of articles of prime necessity, instead of luxuries as the rebel facilities of transportation are now taxed to their utmost capacity.

FATAL ACCIDENT ON THE STEAMER LOUISIANA.

A fireman belonging to the steamer Louisiana, named Henry Knight, whilst oiling the machinery on the downward trip, at an early hour this morning, was caught by the crank and instantly crushed to death. The remains of Mr. Knight, of the 9th Vermont regiment, arrived here yesterday from Newbern. He was shot by guerrillas.

XXXVIII Congress—First Session

WASHINGTON, Dec. 7.

SENATE.

The Vice President called the Senate to order at noon.

Rev. Mr. Sunderland offered a prayer, expressing the gratitude of the country, that through the storm drifts, the Republic still lives.

The credentials of Messrs. Wiley and Van Winkle, Senators elect from West Virginia, were presented by Mr. Coleman, of N. Y.

The credentials of Mr. Conner, of California, were presented by Mr. Sumner, of Oregon, and the credentials of Mr. Henderson, of Mo., by Mr. Foster, of Va.

Messrs. Conner and Henderson were qualified and took the oath of loyalty prescribed at the last Congress.

Mr. Davis (Ky.) raised the question of order as to the right of the gentlemen from West Virginia to take their seats. He held that there was constitutionally and legally no such State as West Virginia State, and there could, therefore, be no Senator from such a State.

His object was simply to put on the record his objection. He did not believe that Virginia was like the pupas that could be separated into several segments, and yet each live and have a separate being. He believed the old State to be intact, and that this whole thing is in violation of the Constitution. He therefore desired to take the yeas and nays on the admission of the alleged Senators.

Mr. Foster asked what was the question before the body.

The President said there was none.

Mr. Davis then moved to refer the credentials of the gentlemen from West Virginia to the Judiciary Committee.

Mr. Trumbull said that there was no such committee.

Mr. Hall said that when the credentials were presented, that the question was on receiving and reading, and then qualifying the parties. In the case of Gen. Shields, the Senator from Minnesota, this was the course pursued, and then the credentials were referred.

Mr. Fessenden said he had made the motion in the case of Gen. Shields and the matter being referred to the committee he subsequently reported to them. In this case the motion could be made only to refer to a select committee.

Mr. Foster said the question had never been made as to Senators elect being sworn in.

The President said that the usual practice was to present the credentials and sign them by the readiness of the Senator elect to qualify. A motion could then be made to qualify or the subject postponed.

Mr. Fessenden said it was necessary to refer to the committee that the matter could be considered in the Senate.

After further debate, Mr. Davis, as a test question, moved that the oath of office be administered to the gentlemen from West Virginia.

The motion was carried—yeas 36, nays 5. The yeas being Messrs. Backus, of Pa., Hendrick, of Indiana, M'Dougall, of California, and Powell, of Kentucky.

Mr. Sherman submitted a resolution that the Committee on the Judiciary should inquire and report whether the Hon. Robert Wilson is still a Senator from Missouri.

Mr. G. Brown, having recently been elected a Senator by the Legislature of Missouri, but not appearing here yet, Mr. Wilson, who was appointed by the Governor, at the last session, of the vacancy, was still on his seat to day.

The resolution was not voted on.

On motion of Mr. Foran, a resolution was adopted appointing a committee of three to wait, in connection with a committee on the part of the House, upon the President of United States, and inform him of the readiness of Congress to receive his annual message.

Messrs. Foster, Trumbull and Sumner were appointed the committee on the part of the Senate.

Mr. Foran offered a resolution for the classification of the Senators from West Virginia, by the usual means of drawing by lot, which was adopted. To Mr. Van Winkle fell the long term, expiring in 1869, and Mr. Wiley the short term, expiring in 1868.

Mr. Lane (Ind.) gave notice of the introduction of bills to repeal the \$300 commutation feature of the enrollment act, and to increase the pay of non-commissioned officers and privates in the army fifty per cent.

The daily hour of meeting was fixed at 12 o'clock noon.

On motion of Mr. Fowler, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

In the House of Representatives at noon, precisely, Mr. Ehrhridge, the Clerk, rapped the members to order, and said: This being the time designated by the Constitution of the United States for the meeting of the Thirty-eighth Congress he would now proceed to call the roll of members, and of such only whose credentials show that they were regularly elected in accordance with the laws of the United States.

The Clerk then read the rolls of members from all the States excepting Maryland, Virginia, Oregon, Missouri and Kansas.

Mr. Fryess (Pa.) desired the credentials of those members whose names are not on the roll to be read.

The Clerk said he had placed on the roll the names of those whose certificates bore internal evidence of their election, in accordance with the law in March last.

Mr. Washburne (Ill.) asked whether there were any contestants of seats.

The Clerk replied that there were three or four from Missouri, one from Virginia and one from Kentucky, so far as he recollected.

Mr. Fryess repeated his request.

Mr. Henderson (Ohio) asked whether there were any rule requiring contestants, at the organization of the House, to file notices of their intention to contest the seats.

Mr. Fryess (Pa.) asked for the reading of the act of Congress, passed March 31, 1864. The act was then read.

At the request of Mr. Stevens the Clerk read the form of the credentials of the Maryland members, which he had ruled out because of their informality.

Mr. Dawes (Mass.) offered a resolution that the names of the Maryland delegation be placed on the roll of the House, and moved the previous question, which was seconded.

Mr. J. C. Allen (Illa.) moved to lay the resolution on the table.

Mr. Stevens asked whether the resolution was in order.

The Clerk replied that it was clearly in order as pertaining to the organization.

Mr. Cox (Ohio) wished to know the reason why the names were not placed on the rolls.

He was called to order from the Republican side of the House, while others demanded that the roll should be called.

The Clerk said that Mr. Cox was not in order, as the previous question was pending.

The question was then taken on Mr. J. C. Allen's motion, to lay Mr. Dawes' resolution on the table, and it was decided in the negative—yeas 94.

The result of the vote was greeted with applause in the galleries and on the floor of the House.

Mr. Dawes demanded a vote on the resolution.

Mr. Washburne hoped that the rules would be enforced as to the preservation of order.

Mr. Dawes' resolution was adopted, followed by applause. So the names of the Maryland members will be placed on the rolls.

Mr. Davis (Md.) offered a resolution directing that the names of the Missouri members be placed on the rolls.

Mr. HOLMAN (Ind.) raised a question of order, that the resolution proposed to instruct the Clerk to act contrary to the law of Congress.

Mr. STAYES asked that the credentials of the Louisiana members, Messrs. Beale, Colman and Baker, be read. They state that the election was in accordance with the provisions of the Constitution and laws of said State, that the election was held on the second of November last, and signed by J. S. Riddell, Governor of Louisiana.

Mr. STAYES submitted a resolution in that the names of these gentlemen be stricken from the rolls.

Mr. CHAYES (Indiana) moved to lay the resolution on the table. The point was decided to be well taken.

Mr. STAYES appealed from the decision.

Mr. PAXTON (Ohio) moved to lay the appeal on the table.

Mr. BROOKS (N. Y.) said the House could elect a Speaker without the names being stricken off.

Mr. STAYES protested against their admission, but in order to facilitate the organization of the House he would withdraw his resolution for the present, and again offer it when the numbers had been sworn in.

The credentials of the members from Virginia were read. At the instance of Mr. Lovsboro (Ill.) a resolution was offered that their names be called on the roll.

Mr. J. C. Allen raised the point that the credentials were certified to merely by the county clerk. He moved to lay the resolution on the table.

Mr. YARMAN (Kentucky) asked and was excused from voting, feeling a delicacy, as his seat was contested.

On motion of Mr. GARFIELD (Ohio) that the credentials of the representative from Oregon be read, that gentleman's name was entered on the rolls.

On motion of Mr. PIKE (Maine), a similar course was adopted in regard to the member from Kansas.

On motion of Mr. STAYES (Pa.) the same course was taken with regard to West Virginia. The Clerk said that the credentials, as he understood the question, were in accordance with the laws of Virginia.

Mr. J. R. Allen insisted on his motion.

At half past one o'clock the House proceeded to the election of a Speaker.

The yeas and nays were as follows: Colfax 101; Cox 42; Dawson 12; King 6; Malory 10; Stebbins 8; Blair 2; Sillies 1.

The Clerk thereupon declared Mr. Colfax legally and duly elected Speaker of the House for the 38th Congress.

The announcement was greeted with vociferous applause.

Mr. STAYES (Pa.) objected to the members from Kentucky being sworn in. In this instance the credentials were signed by men never heard of before and stamped with a private seal only. He was assured that there was no pretense of an election being held. It had not been customary to swear in members until it was determined that the persons presenting themselves were entitled to seats, as questions of salary and mileage were involved. Men have come from Kentucky and presented themselves for the purpose of getting the mileage. He did not say that those gentlemen were so influential, but last year two gentlemen came from the same State asking for admission, and the House pursued in their case the course which he now suggested.

Mr. Cox replied, saying that he well remembered that at the extra session of the last Congress Mr. Hutton, of Virginia, presented himself for a seat, when he objected to his being sworn in, because he was not a citizen of Virginia, but a citizen and voter in Ohio. The gentleman from Pennsylvania and his friends allowed Mr. Upton to take his seat, which he retained for six months, in the meanwhile drawing his salary. He was then turned out of the House, and Mr. Upton's name was still on a member without the shadow of a pretense.

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