

The President's Message

PROCLAMATION OF AMNESTY.

WASHINGTON, Dec. 9, 1863.

Fellow citizens of the Senate and House of Representatives:—Another year of health, and of sufficiently abundant harvests, has passed. For these, and especially for the improved condition of our National affairs, our renewed and profound gratitude to God is due. We remain in peace and friendship with foreign powers.

The efforts of disloyal citizens of the United States, to involve us in foreign wars, to aid an inexorable insurrection, have been unavailing. Her Britannic Majesty's Government, as was justly expected, has exercised their authority to prevent the departure of new hostile expeditions from British ports. The Emperor of France has, by a like proceeding, promptly vindicated the neutrality which he proclaimed at the beginning of the contest.

Questions of great intricacy and importance have arisen out of the blockade, and other belligerent operations between the Government and several of the maritime powers: but they have been discussed, and as far as was possible, accommodated in a spirit of frankness, justice and mutual good will.

It is especially gratifying that our prize courts, by the impartiality of their adjudications, have commanded the respect and confidence of maritime powers.

The supplemental treaty between the United States and Great Britain for the suppression of the African Slave Trade, made on the 17th day of February last, has been duly ratified and carried into execution.

It is believed that, so far as American ports and American citizens are concerned, that human and odious traffic has been brought to an end.

I shall submit, for the consideration of the Senate, a convention for the adjustment of possession claims in Washington Territory, arising out of the treaty of the 15th of June, 1846, between the United States and Great Britain, and which have been the source of some disquiet among the citizens of that now rapidly improving part of the country.

A novel and important question involving the extent of the maritime jurisdiction of Spain on the waters which surround the Island of Cuba, has been debated without reaching an agreement, and it is proposed in an amicable spirit to refer it to the arbitration of a friendly power. A convention for that purpose will be submitted to the Senate.

I have thought it proper, subject to the approval of the Senate, to confer with the interested commercial powers in an arrangement for the liquidation of the Scheidt dues, upon the principles which have been heretofore adopted in regard to the impost upon navigation in the waters of Denmark.

The long pending controversy between this Government and that of Chili, touching the seizure at Sitiza, in Peru, by Chilean officers of a large amount in treasure belonging to citizens of the United States, has been brought to a close by the award of His Majesty, the King of the Belgians, to whose arbitration the question was referred by the parties.—The subject was thoroughly and patiently examined by that justly respected magistrate, and although the sum awarded to the claimants may not have been as large as they expected, there is no reason to distrust the wisdom of His Majesty's decision. That decision was promptly complied with by Chili when intelligence in regard to it reached that country.

The joint commission, under the act of the last session, for carrying into effect the convention with Peru on the subject of claims, has been organized at Lima, and is engaged in the business entrusted to it.

Difficulties concerning the inter-oceanic transit through Nicaragua, are in course of amicable adjustment.

In conformity with the principles set forth in my last annual message, I have received a representative from the United States of Columbia, and have acceded a minister to that Republic.

Incidents occurring in the progress of our civil war have forced upon my attention the uncertain state of international questions touching the rights of foreigners in this country, and of United States citizens abroad, in regard to some governments. These rights are at least partially defined by treaties. In no instance, however, is it expressly stipulated that in the event of civil war a foreigner residing in this country within the lines of the insurgents is to be exempted from those which would otherwise be a benefit, in whose behalf the government of his country cannot expect any privileges or immunities distinct from that character.

I regret to say, however, that such claims have been put forward, and in some instances in behalf of foreigners who have lived in the United States the greater part of their lives. There is reason to believe that many persons born in foreign countries, who have declared their intention to become citizens, or who have been fully naturalized, have evaded the military duty required of them by denying the fact, and thereby throwing upon the government the burden of proof.

It has been found difficult, or impracticable, to obtain this proof from the great numbers to the proper sources of information. These might be supplied by requiring clerks of courts where declarations of intention may be made, or naturalizations effected to send periodically a list of the names of the persons naturalized or declaring their intention to become citizens, to the Secretary of the Interior, in whose department these names might be arranged and printed for general information. There is also reason to believe that foreigners frequently become citizens of the United States for the sole purpose of evading duties imposed by the laws of their native countries, to which on becoming naturalized here, they at once repair, and though never returning to the United States, they still claim the interposition of this government as citizens. Many alterations and great prejudice have heretofore arisen out of this abuse. It is therefore submitted to your serious consideration: It might be advisable to fix a limit beyond which no citizen of the United States residing abroad may claim the interposition of his government:

The right of suffrage has often been as-

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sumed and exercised by aliens, under pretences of naturalization, which they have disavowed when drafted into the military service. I submit the expediency of such an amendment of the law as will make the fact of voting an estoppel against any plea of exemption from military service or other civil obligation on the ground of alienage.

In common with other Western Powers, our relations with Japan have been brought into serious jeopardy, through the perverse opposition of the hereditary aristocracy of the empire to the enlightened and liberal policy of the Tycoon, designed to bring the country into the society of nations. It is hoped, although not with entire confidence, that these difficulties may be peacefully overcome. I ask your attention to the claim of the minister residing there for the damages sustained in the destruction by fire, of the Legation at Yedo.

Satisfactory arrangements have been made with the Emperor of Russia, which it is believed will result in effecting a continuous line of telegraph through that Empire from our Pacific coast. I recommend to your favorable consideration the subject of an international telegraph across the Atlantic Ocean, and also a telegraph between the Capital and the National Ports along the Atlantic seaboard and Gulf of Mexico. Such communications, established with any reasonable outlay, would be an economical as well as effective aid in the diplomatic, military and naval service.

The consular system of the United States, under the enactment of the last Congress, begins to be self-sustaining, and there is reason to hope that it may become entirely so with an increase of trade, which will ensue whenever peace is restored.

Our ministers abroad have been faithfully defending American rights. In protecting commercial interests, our consuls have necessarily had to encounter increased labors and responsibilities growing out of the war. These they have, for the most part, met and discharged with zeal and efficiency. This acknowledgment justly includes those consuls who reside in Morocco, Egypt, Turkey, Japan, China and other Oriental countries, and charged with complex functions and extraordinary powers.

The condition of the several organized Territories is generally satisfactory, although Indian disturbances in New Mexico have not been entirely suppressed.—The mineral resources of Colorado, Nevada, Idaho, New Mexico and Arizona are proving far richer than has been heretofore understood. I lay before you a communication on this subject from the Governor of New Mexico.

I again submit to your consideration the expediency of establishing a system for the encouragement of immigration.—Although this source of national wealth and strength is again flowing with greater freedom than for several years before the insurrection occurred, there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well of iron and coal as precious metals.

While the demand for labor is thus increased here, tens of thousands of persons destitute of remunerative occupation, are thronging our foreign consulates and offering to emigrate to the United States, if essential but very cheap assistance can be afforded them. It is easy to see that under the sharp discipline of civil war, the nation is beginning a new life. This noble effort demands the aid and ought to receive the attention and support of the government.

Injuries unforseen by the government and unintended, may in some cases have been inflicted on the subjects or citizens of foreign countries, both at sea and on land, by persons in the service of the United States. As this Government expects redress from other powers when similar injuries are inflicted by persons in their service upon citizens of the United States, we must be prepared to do justice to foreigners. If the existing judicial tribunals are inadequate to this purpose, a special court may be authorized with power to hear and decide such claims of the character referred to, as have arisen under treaties and the public law. Commission, have been proposed to some government, but no definite answer to the proposition has yet been received from any.

In the course of the session I shall probably have occasion to request you to provide indemnification to claimants where decrees of restitution have been rendered and damages awarded by Admiralty and in other cases where this Government may be acknowledged to be liable in principle, and where the amount of that liability has been ascertained by an informal arbitration.

The proper officers of the Treasury have deemed themselves required by the law of the United States upon the subject of demand a tax upon the incomes of foreign consuls in this country. While such a demand may not, in strictness, be in derogation of public law, or perhaps of any existing treaty between the United States and a foreign country, the expediency of so far modifying the act as to exempt from tax the incomes of such consuls as are not citizens of the United States, derived from the emoluments of their office, or from property not situated in the United States, is submitted to your serious consideration. I make this suggestion upon the ground that a country which ought to be reciprocated exempts our consuls in all other countries from taxation, to the extent thus indicated. The United States, I think, ought not to be exceptionally liberal to international trade and commerce.

The operations of the Treasury during

the last year have been successfully conducted. The enactment by Congress of a National Banking Law, has proved a valuable support of the public credit; and the general legislation in relation to loans has fully answered the expectations of its favorers. Some amendments may be required to perfect existing laws.—But no change on their principles or general scope is believed to be needed.

Since these measures have been in operation, all demands on the Treasury, including the pay of the army and navy, have been promptly met and fully satisfied. No considerable body of troops, it is believed, were ever more amply provided and more liberally and punctually paid, and it may be added, that by no people were the burdens incident to a great war ever more cheerfully borne.—The receipts during the year from all sources, including those of the balance in the Treasury at its commencement, were \$901,125,674.86; and the aggregate disbursements, \$895,706,630.65, leaving a balance on the 1st of July, 1863, of \$5,329,044.21. Of the receipts, there were derived from customs \$59,059,612.46; from internal revenue, \$17,091,787.95; from direct tax, \$1,485,103.61; from lands, \$167,617.17; from miscellaneous sources, \$3,047,615.35; and from loans, \$776,782,361.67, making the aggregate \$901,125,674.86. Of the disbursements there were: For the civil service, \$23,253,922.08; for pensions and Indians, \$4,216,520.79; for interest on public debt, \$24,729,846.31; for the War Department, \$589,298,600.83; for the Navy Department, \$53,211,105.27; for payment of funded and temporary debt, \$191,081,635.07, making the aggregate \$895,706,630.65, and leaving the balance of \$5,329,044.21.—The payment of funded and temporary debt having been made from moneys borrowed during the year, must be regarded as merely nominal payments, and the moneys borrowed to make them as merely nominal receipts. Their amount, \$181,086,635.07, should therefore be deducted both from the receipts and disbursements. This being done, there remains as actual receipts, \$720,039,009.79, and the actual disbursements, \$714,709,995.58, leaving the balance as already stated.

The actual receipts and disbursements for the first quarter, and the estimated receipts and disbursements for the remaining three quarters of the current fiscal year, 1864, will be shown in detail by the report of the Secretary of the Treasury, to which I invite your attention.

It is sufficient to say here that it is not believed that actual results will exhibit a state of the finances less favorable to the country than the estimates of that officer heretofore submitted, while it is confidently expected that at the close of the year both disbursements and debt will be found pretty considerably less than has been anticipated.

The report of the Secretary of War is a document of great interest. It consists of—

First, The military operations of the year detailed in the report of the General-in-Chief.

Second, The organization of colored persons in the war service.

Third, The exchange of prisoners, fully set forth in the letter of Gen. Hitchcock.

Fourth, The operations under the Act for Enrolling and Calling Out the National Forces, detailed in the report of the Provost Marshal General.

Fifth, The organization of the Invalid Corps; and

Sixth, The operations of the several departments of the Quartermaster General, Commissary General, Paymaster General, Chief of Engineers, Chief of Ordnance, and Surgeon General. It has appeared impossible to make a valuable summary of this report, except such as would be too extended in this place, and hence I content myself by asking your careful attention to the report itself.

The duties devolving on the naval branch of the service during the year, and throughout the whole of this unpropitious contest, have been discharged with fidelity and eminent success. The extensive blockade has been constantly increasing in efficiency as the navy has expanded. Yet on so long a line, it has been so far possible to entirely suppress illicit trade. From returns received at the Navy Department, it appears that more than 1,000 vessels have been captured since the blockade was instituted, and that the value of prizes already sent for adjudication amounts to over \$13,000,000.

The naval force of the United States, consists at this time, of 533 vessels, completed and in the course of completion, and of these 75 are iron or armor-plated steamers. The events of the war gives an increased interest and importance to the navy which will probably extend beyond the war itself.

The armored vessels in our Navy, completed and in service, or which are under contract and approaching completion, are believed to exceed in number those of any other power. But while these may be relied upon for harbor defence and coast service, others of greater strength and capacity will be necessary for cruising purposes and to maintain our rightful position on the ocean.

The change that has taken place in naval vessels and naval warfare since the introduction of steam as a motive power for ships of war, demands either a corresponding change in some of our existing Navy Yards, or the establishment of new ones for the construction and necessary repair of modern naval vessels. No inconsiderable embarrassment, delay and public injury have been experienced from want of such governmental establishments.

The necessity of such a Navy Yard, so furnished, at some suitable place upon the Atlantic seaboard, has, on repeated occasions, been brought to the attention of Congress by the Navy Department, and is again presented in the report of the Secretary, which accompanies this communication. I think it my duty to invite your special attention to this subject, and also to that of establishing a yard and depot for naval purposes, upon one of the western rivers.

A naval force has been created on those interior waters, and under many disadvantages, within little more than two years, exceeding in numbers the whole naval force of the country at the commencement of the present administration.—Satisfactory and important as have been the performances of the heroic men of the navy at this interesting period, they are scarcely more wonderful than the success of our mechanics and artisans in the production of war vessels, which has created a new form of naval power. Our country has advantages superior to any other nation in its resources of iron and timber, with available quantities of fuel in all available and in close proximity to navigable waters. Without the advantage of public works, the resources of the nation have been developed and its power displayed in the construction of a navy of such magnitude, which has, at the very period of its creation, rendered signal service to the Union.

The increase of the number of seamen in the public service, from 7,500 men in the spring of 1861, to about 34,000 at the present time, has been accomplished without special legislation, or extraordinary bounties to promote that increase.—It has been found, however, that the operation of the draft, with the high bounties paid for army recruits, is beginning to affect injuriously the navy service, and will, if not corrected, be likely to impair its efficiency by detaching seamen from their proper calling, and inducing them to enter the army. I therefore respectfully suggest that Congress might both the army and naval services by a definite provision on this subject, which would at the same time be equitable to the communities more especially interested.

I commend to your consideration the suggestion of the Secretary of the Navy in regard to the policy of fostering and training seamen, and also the education of officers and engineers for the naval service. The Naval Academy is rendering signal service in preparing midshipmen for the highly responsible duties which, in after life, they will be required to perform. In order that the country should not be deprived of the proper quota of educated officers, for which legal provision has been made at the naval school, the vacancies caused by the neglect or omission to make nominations from the States in insurrection, have been filled by the Secretary of the Navy.—The school is now more full and complete than at any former period, and in every respect entitled to the favorable consideration of Congress.

During the past fiscal year the financial condition of the Post Office Department has been one of increasing prosperity, and I am gratified in being able to state that the actual postal revenue has nearly equaled the entire expenditures, the latter amounting to \$11,314,000.81, and the former to \$11,163,789.59, leaving a deficiency of but \$150,417.25.

In 1860, the year immediately preceding the rebellion, the deficiency amounted to \$5,656,705.49, the postal receipts of that year being \$2,645,722.19, less than those of 1863.

The decrease in 1860 in the actual amount of transportation has been only about 25 per cent, but the annual expenditure on account of the same has been reduced 35 per cent. It is manifest, therefore, that the Post Office Department may become self-sustaining in a few years, even with the restoration of the whole service.

The international conference of Postal Delegates from the principal countries of Europe and America, which was called at the suggestion of the Postmaster General, met at Paris on the 11th of May last, and concluded its deliberations on the 8th of June. The principles established by the conference as best adapted to facilitate postal intercourse between nations, and as the basis of future postal conventions, inaugurate a general system of uniform international charges at reduced rates of postage, and cannot fail to produce beneficial results.

I refer you to the report of the Secretary of the Interior, which is herewith laid before you, for useful and varied information in relation to the public lands, Indian affairs, patents, pensions, and other matters of public concern pertaining to this department.

The quantity of land disposed of during the last and first quarter of the present fiscal year was 3,841,549 acres, of which 161,911 acres were sold for cash. One million four hundred and fifty-six thousand five hundred and forty-four acres were taken up under the Homestead law, and the residue disposed of under the laws granting lands for military bounties, for railroad and other purposes. It also appears that the sale of the public lands is largely on the increase.

It has long been a cherished opinion of some of our wisest statesmen that the people of the United States had a higher and more enduring interest in the early settlement and substantial cultivation of the public lands than in the amount of direct revenue to be derived from the sale of them. This opinion has had a controlling influence in shaping legislation upon the subject of our National domain. I may cite as evidence of this the liberal

measures adopted in reference to actual settlers; the grant to the States of the overflowed lands within their limits in order to their being reclaimed and rendered fit for cultivation. The grants to railway companies of alternate sections of land upon the contemplated lines of their roads, which, when completed, will so largely multiply the facilities for reaching our distant possessions.

This policy has received its most signal and beneficent illustration in the recent enactment granting homesteads to actual settlers. Since the first day of January last, the heretofore mentioned quantity of one million four hundred and fifty thousand five hundred and forty-four acres of land has been taken up under its provisions. This fact, and the amount of sales, furnish gratifying evidence of increasing settlement upon the public lands. Notwithstanding the great struggle in which the energies of the nation have been directed, which has required so large a withdrawal of our citizens from their accustomed pursuits, I cordially concur in the recommendation of the Secretary of the Interior, suggesting a modification of the act in favor of those engaged in the military and naval service, which has required the removal of certain Indian tribes have been carried into effect. Sundry treaties have been negotiated, which will in due time be submitted for the constitutional action of the Senate. They contain stipulations for extinguishing the claims of the Indians to large and valuable tracts of land. It is hoped that the effects of these treaties will result in the establishment of permanent friendly relations with such of these tribes as have been brought into such and liberal relations with our settlements and civilization. Some of our impetuous duty to these wards of the Government, demand our anxious and constant attention to their material well-being, to their progress in the arts of civilization, to their moral and religious training, and under the blessing of Divine Providence, will center upon them the elevated and sanctifying influence, the hopes and consolations, of the Christian faith.

I suggested, in my last annual message, the propriety of renouing our Indian system. Subsequent events have satisfied me of its necessity. The details set forth in the report of the Secretary will evince the urgent need for immediate legislative action.

I commend the benevolence of the institutions established and patronized by the Government in this District to your generous and fostering care.

The attention of Congress during the last session was engaged, to some extent, with proposition for enlarging the water course of the Mississippi River, and the northwestern extension of which proposition, however, failed for the time. Since then, upon a call of the greatest respectability, a convention has been called at Chicago upon the same subject, a summary of whose views is contained in a memorial addressed to the President and Congress, and which I now have the honor to lay before you. That this interest is one which, ere long, will force its own way, I do not entertain a doubt, while it is submitted entirely to your wisdom as to what can be done now.

It is now under consideration of Congress, and I am gratified in being able to state that the actual postal revenue has nearly equaled the entire expenditures, the latter amounting to \$11,314,000.81, and the former to \$11,163,789.59, leaving a deficiency of but \$150,417.25.

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are now in the United States military service—about one-half of which number actually bear arms in the ranks—thus giving the double advantage of taking so much labor from the insurgent cause and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say that they are not as good soldiers as any. No servile insurrection or tendency to violence or cruelty has marked the measures of emancipation and arming the blacks. These measures have been more discussed in foreign countries, and contemporary with such discussion the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticised and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial.

Thus we have the new reckoning. The crisis which threatened to divide the friends of the Union is past.

Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein such authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted. On the assumption of this proclamation, it will appear, as is believed, that nothing is attempted beyond what is justified by the Constitution. True, the form of an oath is given, but no man is coerced to take it. A man is only promised a pardon in case he voluntarily takes the oath. The Constitution authorizes the Executive to grant or withhold the pardon at his own absolute discretion, and this includes the power to grant on such terms as are fully established by judicial and other authorities. It is also preferred that if any of the States named, a State Government shall be in the mode prescribed set up, such government shall be recognized and governed by the United States, and that under it the State may lawfully tender conditions, be protected against invasion and domestic violence.

The constitutional obligation of the United States to guarantee to every State in the Union a republican form of government, and to protect the States in the exercise of such rights as are not expressly delegated to the Federal Government, is explicit and full. But by the provisions of this provision only to a State Government set up in this particular way? This section of the Constitution contemplates a case wherein the element within a State favorable to a republican form of government in the Union may lawfully be set up in opposition and hostile element, external to and even within the State; and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a despotic State government, constructed in whole or in part of the blood and violence of its people, is simply absurd. There must be a test by which to separate the opposing elements, so as to give to the people of the State a sufficiently large and loyal element to sound whoever will make a sworn recantation of his former un soundness.

But if it be proper to require as a test of admission to the political body an oath of allegiance to the Constitution of the United States, and to the laws and proclamations in relation to slavery? These laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them their full effect, there had to be a pledge for their maintenance on my judgment they have aided, and will further aid, the cause for which they were enacted.

To give up this principle would be not only to relinquish a lever of power, but would also be a cruel and astounding breach of faith on the part of the President, who would remain in my present position, and yet attempt to retract, or modify the emancipation proclamation. Nor shall I return to slavery any person who is free by the terms of the proclamation or by any act of Congress.

For these and other reasons, it is thought best that the support of these measures should be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights which he has a clear constitutional power to tender, and which he will tender if the terms which he shall deem wisest for the public interest.

It should be observed, also, that this part of the oath is subject to the modifying and abrogating power of legislative and supreme judicial decisions.

The proposed a quietude of the National Executive in any reasonable temporary State arrangement for the freed people, is made with the view of possibly modifying the confusion and destitution which must, at best, attend all changes by a total revulsion of labor throughout the whole States. It is hoped that the already deeply afflicted people in those States may be somewhat more ready to give up the cause of their affliction, if, to this extent, this vital matter be left to the wisdom of the people of the States. Executive to prevent an abuse as forbidden by the proposition.

The suggestion in the proclamation, as to maintaining the political framework of the States on what was called reconstruction, is made in the hope that it may do good, without the danger of committing to the States a large and deep confusion. But why any proclamation now upon the subject? This question is beset by the conflicting views that the step might be delayed too long or be taken too soon. In some States the elements of reconstruction seem ready for action, but remain inactive, apparently, for want of a rallying point—a plan of action. Why shall A adopt the plan of B rather than B that of A? and if A and B should agree, how can they know but that the General Government will reject their plan? By the proclamation the President is authorized to accept of them as a rallying point, and which, they are assured in advance, will not be rejected here. This may bring them to accept sooner than they otherwise would.

The rebel rulers are pressed still further back, and by the public opening of the Mississippi River, the country dominated by the rebellion is divided into distant parts, with no practical communication between them. Tennessee and Arkansas have been substantially cleared of insurgent control, and the loyal citizens of each, openers of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective States. Of those States not included in the emancipation proclamation, Maryland and Missouri—neither of which, three years ago, would tolerate any restraint upon the extension of slavery into the Territories—only dispute now as to the best mode of rousing it within their own limits.

Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service—about one-half of which number actually bear arms in the ranks—thus giving the double advantage of taking so much labor from the insurgent cause and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say that they are not as good soldiers as any. No servile insurrection or tendency to violence or cruelty has marked the measures of emancipation and arming the blacks. These measures have been more discussed in foreign countries, and contemporary with such discussion the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticised and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial.

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my general views and feelings remain unchanged, and I trust that Congress will omit no fair opportunity of aiding these important steps to the great consummation. In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance; to that power alone can we look yet for a time to give confidence to the people in the contending regions that the insurgent power will not again overrun them. Until that confidence shall be established, there can be done anywhere for what is called reconstruction; hence our chief care must still be directed to the army and navy, who have thus far borne their harder part so nobly and well.

And it may be esteemed fortunate that, in giving the greatest efficiency to those in dispensable arms, I do not have to honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom, more than to others, the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged, and perpetuated.

DECEMBER 8, 1863.

The following Proclamation is appended to the Message:

PROCLAMATION.

WHEREAS, In and by the Constitution of the United States, it is provided that the President shall have power to grant reprieves and pardons, except in cases of impeachment, and whereas, a rebellion now exists whereby the loyal State Governments of several States have, for a long time, been subverted, and many persons have committed and are now committing treason against the United States; and whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeiture and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized, at any time thereafter, to extend to persons who may have participated in the existing rebellion in any State or part thereof pardon and amnesty, with such exceptions, and at such times and on such conditions as he may deem expedient for the public welfare; and whereas, the Congressional declaration of the United States, and the laws therein enacted, have been fully executed and put into effect following the said laws, and the President has deemed it his duty to issue a proclamation, a copy of which is herewith transmitted. On the assumption of this proclamation, it will appear, as is believed, that nothing is attempted beyond what is justified by the Constitution.

True, the form of an oath is given, but no man is coerced to take it. A man is only promised a pardon in case he voluntarily takes the oath. The Constitution authorizes the Executive to grant or withhold the pardon at his own absolute discretion, and this includes the power to grant on such terms as are fully established by judicial and other authorities. It is also preferred that if any of the States named, a State Government shall be in the mode prescribed set up, such government shall be recognized and governed by the United States, and that under it the State may lawfully tender conditions, be protected against invasion and domestic violence.

The constitutional obligation of the United States to guarantee to every State in the Union a republican form of government, and to protect the States in the exercise of such rights as are not expressly delegated to the Federal Government, is explicit and full. But by the provisions of this provision only to a State Government set up in this particular way? This section of the Constitution contemplates a case wherein the element within a State favorable to a republican form of government in the Union may lawfully be set up in opposition and hostile element, external to and even within the State; and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a despotic State government, constructed in whole or in part of the blood and violence of its people, is simply absurd. There must be a test by which to separate the opposing elements, so as to give to the people of the State a sufficiently large and loyal element to sound whoever will make a sworn recantation of his former un soundness.

But if it be proper to require as a test of admission to the political body an oath of allegiance to the Constitution of the United States, and to the laws and proclamations in relation to slavery? These laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them their full effect, there had to be a pledge for their maintenance on my judgment they have aided, and will further aid, the cause for which they were enacted.

To give up this principle would be not only to relinquish a lever of power, but would also be a cruel and astounding breach of faith on the part of the President, who would remain in my present position, and yet attempt to retract, or modify the emancipation proclamation. Nor shall I return to slavery any person who is free by the terms of the proclamation or by any act of Congress.

For these and other reasons, it is thought best that the support of these measures should be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights which he has a clear constitutional power to tender, and which he will tender if the terms which he shall deem wisest for the public interest.

It should be observed, also, that this part of the oath is subject to the modifying and abrogating power of legislative and supreme judicial decisions.

The proposed a quietude of the National Executive in any reasonable temporary State arrangement for the freed people, is made with the view of possibly modifying the confusion and destitution which must, at best, attend all changes by a total revulsion of labor throughout the whole States. It is hoped that the already deeply afflicted people in those States may be somewhat more ready to give up the cause of their affliction, if, to this extent, this vital matter be left to the wisdom of the people of the States. Executive to prevent an abuse as forbidden by the proposition.

The suggestion in the proclamation, as to maintaining the political framework of the States on what was called reconstruction, is made in the hope that it may do good, without the danger of committing to the States a large and deep confusion. But why any proclamation now upon the subject? This question is beset by the conflicting views that the step might be delayed too long or be taken too soon. In some States the elements of reconstruction seem ready for action, but remain inactive, apparently, for want of a rallying point—a plan of action. Why shall A adopt the plan of B rather than B that of A? and if A and B should agree, how can they know but that the General Government will reject their plan? By the proclamation the President is authorized to accept of them as a rallying point, and which, they are assured in advance, will not be rejected here. This may bring them to accept sooner than they otherwise would.

The rebel rulers are pressed still further back, and by the public opening of the Mississippi River, the country dominated by the rebellion is divided into distant parts, with no practical communication between them. Tennessee and Arkansas have been substantially cleared of insurgent control, and the loyal citizens of each, openers of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective States. Of those States not included in the emancipation proclamation, Maryland and Missouri—neither of which, three years ago, would tolerate any restraint upon the extension of slavery into the Territories—only dispute now as to the best mode of rousing it within their own limits.