

THE OREGON SENTINEL

decisions of the majority was at the beginning of the century, enforced by Jefferson as the vital principle of republicanism, and the events of the last four years have established, we will hope forever, that there lies no appeal to force. The maintenance of the Union brings with it the support of the State Governments in all their rights, but it is not one of the rights of any State Government to renounce its own place in the Union, or to bully the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the Federal Government, but there is no appeal from its laws except to the various branches of that Government itself, or to the people who grant to the members of the Legislature and of the Executive Department, no tenure but a limited one, and in that manner always retain the power of redress. The sovereignty of the States is the language of the Confederacy, and not the language of the Constitution. The latter contains the emphatic words: "The Constitution and laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Certainly the Government of the United States is a limited Government. With all this limitation spreads through every form of administration, general, State and municipal, and rests on the great distinguishing principles of the recognition of the rights of man. The ancient republics absorbed the individual in the State, provided his religion and controlled his activity. The American system rests on the assertion of the equal rights of every man to life, liberty and the pursuit of happiness, on freedom of conscience and to the exercise and exercise of all his faculties. As a consequence the State Government is limited as the general Government in the interest of the Union, as the individual citizen is in the interest of freedom. The States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when we assumed a place among the Powers of the earth, the Declaration of Independence was adopted by the States, as also were the articles of Confederation, and when the people of the United States ordained and established the Constitution it was the assent of the States, one by one, which gave it vitality. In the event, then, of any amendment to the Constitution, the proposition of Congress needs the confirmation of the States. Without States, our great branch of the Legislative government would be wanting, and if we look beyond the letter of the Constitution to the character of our country, its capacity of comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the State is the supreme authority of the Constitution of the United States. The perpetuity of the Constitution brings with it the perpetuity of the States. Their mutual relation makes us what we are, and in our political system their connection is indissoluble. The whole cannot exist without the parts, nor the parts without the whole. So long as the Constitution of the United States endures the States will endure. The destruction of the one is the destruction of the other. The preservation of one is the preservation of the other. I have thus explained my views of the mutual relations of the Constitution and the States, because they unfold the principles on which I have sought to solve the momentous question and overcome the appalling difficulties that met me at the very commencement of my Administration. It has been my steadfast object to escape from the sway of momentary passions and to devise a healing policy from the fundamental and unchanging principles of the Constitution.

MILITARY RULE.

I found the States suffering from the effects of civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals. Their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory under military authority, emanating from the President as the head of the army was the first question that presented itself for decision. New military Governments, established for an indefinite period, would have offered no security for the early suppression of discontent, would have divided the people into the vanquished and the vanquisher, and would have sown hatred rather than have restored affection. Once established, no precise limits to their continuance was conceivable. They would have occasioned an insupportable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented. For what emigrant from abroad—what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have followed in the train of the army would have been dependents on the General Government, or men who expect to profit from the miseries of their erring fellow citizens. The powers

of patronage and rule which would have been exercised under the President, over a vast and populous and naturally wealthy region are greater than, unless under extreme necessity, I should be willing to intrust to any one man. They are such as for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such power, if continued through a period of years, would have endangered the purity of the general administration of the liberties of the States which remained loyal. Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion, had by the act of these inhabitants ceased to exist.

RECONSTRUCTION.

But the true theory is that all pretended acts of secession were, from the beginning until now, null and void. The States cannot commit treason, nor screen the individual citizens who may have committed treason, any more than they can make valid treaties or engage in lawful commerce with any foreign Power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished—their functions suspended but not destroyed; but if any State neglect or refuse to perform its offices, there is no need that the General Government should maintain its authority and as soon as practicable resume the exercise of its functions. On this principle I have acted and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end Presidential Governors have been appointed for the States, Conventions called, officers elected, Legislatures assembled and Senators and Representatives chosen to the Congress of the United States. At the same time, the Courts of the United States, as far as could be done, have been reorganized, so that the Federal Government might be sustained through their agency. The blockade has been removed and the Custom-house reestablished in ports of entry, so that the revenue of the United States may be collected. The Post Office Department resumes its extensive activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts being securely to persons and property. The opening of the ports invites the restoration of industry and commerce. The Post Office restores the facilities of social intercourse and business. Is it not happy for us all that the restoration of each of these functions of the General Government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union that, after all that has happened, the return of the General Government is known only as a beneficence? I know very well that this policy is attended with some risk, that for its success it requires at least the acquiescence of the States which it concerns, that it implies an invitation to these States, by renewing their allegiance to the United States to resume their functions as States of the Union; but it is a risk that must be taken. In the choice of difficulties it is the smaller risk, and to diminish and, if possible, to remove all danger, I have felt it incumbent to assert one other power of the General Government—the power of pardon. As no State can throw a defense over the crime of treason, the power of pardon is exclusively vested in the Executive government of the United States. In exercising that power I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States and an unqualified acknowledgment of the great social change of condition in regard to slavery, which has grown out of the war. The next step I have taken to restore the Constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with the public safety. For this great end there is need of a concurrence of all opinions and a spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony.

THE CONSTITUTIONAL AMENDMENT.

It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion; and that on the other, evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; it will most certainly call population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption. It heals the wound that is still imperfectly closed. It removes slavery, the element which has so long perplexed and divided the country. It makes of us

once more a united people, renewed and strengthened, bound more than ever to maintain affection and support. The Amendment to the Constitution being adopted, it would remain for the States whose powers have been so long in abeyance to resume their places in the two branches of the National Legislature and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the election returns and qualifications of your own members.

CRIMINAL COURTS.

The full assertion of the power of the General Government requires holding Circuit Courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs, strong objections have been urged to holding these Courts in any of the States where the rebellion has existed, and it was suggested by inquiry that the Circuit Court of the United States would not be held within the District of Virginia during the Autumn or early Winter, our next Congress should have an opportunity to consider and act on the whole subject. To your deliberations the restoration of this branch of civil authority of the United States is therefore necessarily referred, with the hope that an early provision will be made for the resumption of all its functions. It is manifest that treason most flagrant in character has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and laws may be fully vindicated and the truth clearly established and affirmed that treason is a crime that traitors should be punished and the offense be made infamous and at the same time that the question may be judicially settled finally and forever, that no State, of its own will, has a right to remove its place in the Union.

GENERAL SCHEMES.

The relations of the General Government toward four millions of inhabitants who during the war had suffered oppression, and engaged in civil strife, have been the property of attempting to make the freedmen citizens by proclamation of the Executive. I look for my countrymen to consider this, the interpretation of that instrument by its authors and their contemporaries, and recent legislation by Congress. When at the first movement toward independence, the Congress of the United States involved the several States to establish Governments of their own, they left each State to decide for itself the conditions for the enjoyment of the citizen franchise. During the period of the Civil War they continued to exist a great diversity in the qualifications of citizens. In several States, and even within a State a distinction of qualifications prevailed with regard to the officers who were to be chosen. The Constitution of the United States designated these diversities when it was that, in the choice of members of the House of Representatives of the United States, the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State Legislature. After the formation of the Constitution it remained as before. The uniform usage was for each State to enlarge the body of its electors according to its own judgment. Under this system one State after another proceeded to increase the number of its electors until now universal suffrage, something very near it, is the general rule. So fixed was the reservation of power in the hands of the people, and so unquestioned has been the interpretation of the Constitution, that during the civil war the late President never harbored the purpose certainly never avowed the purpose, of disregarding it and in the Acts of Congress during that period, nothing can be found which during the continuance of hostilities would have less after their close, would have sanctioned any departure by the Executive from a policy which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen by act of the President of the United States must have been extended to all colored men wherever found, and so must have established a change of suffrage in the Northern Middle and Western States, not less than in the Southern and Southwestern States. Such an act would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted. On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can each for itself decide on the measure and whether it is to be adopted at once and absolutely, or introduced gradually and with conditions. In my judgment, the freedmen, if they show patience and many virtues, will sooner obtain a participation in the elective franchise through the States than through the General Government, even if it had the power to enforce. When the tumult of emotions that have been raised by the subjugation of the social change shall have subsided, it may prove that they will receive the kindest usage from some of those on whom they have heretofore most closely depended.

While I have no doubt now, after the close of war, it is not competent for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security

of the freedmen in their liberty and property—their right to labor, and their right to claim the just return for their labor—I cannot too strongly urge a disposition to treat of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty assumptions of any national impossibility for the two States to live side by side in a state of mutual benefit and good will. The experiment involves us in no inconsistencies. Let us then go in and make that experiment in good faith, and not to be too easily discouraged. The country is in need of honest labor, and the freedmen are in need of employment and protection. While their right of voluntary migration and exit participation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to be industrious, useful and industrious where it may be beneficial to themselves and to the country. Instead of hasty assumptions of the certainty of failure, let there be seeking waiting to the fair trial of the experiment. The change in their condition is the substitution of labor by contract for the status of slavery. The freedman cannot fairly be accused of unwillingness to work so long as a doubt remains about his freedom of choice in his pursuits, and the certainty of his recovering his stipulated wages. In this the interests of employer and employed coincide. The employer desires in his workman spirit and ability, and these can be permanently secured in no other way (and if the one single he is able to endure the contract, as much the other. The public interest will be best promoted if the several States will provide adequate protection and remedies for the freedmen. Until this is in some way accomplished, there is no chance for the advantageous use of their labor, and the blame of ill success will not rest on them. I know that sincere philanthropy is earnest for the immediate realization of its remotest aims, but time is always an element in reform. It is one of the greatest aids to reform to have brought four millions of people into freedom. The career of free industry must be fairly opened to them and their future prosperity and happiness must after all, rest mainly upon themselves. If they fail and as persons away, let us be careful that the failure shall not be attributed to any denial of justice. In all that relates to the destiny of the freedmen, we need not be too anxious to read the future. Many incidents, which, from a speculative point of view might raise alarm, will quietly settle themselves. Now that slavery is at an end, and at its end, the greatness of its evil in the point of view of public economy becomes more and more apparent. Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the working of free industry. Where labor was the property of the capitalist, the white man was excluded from employment or had but the degraded lot of slave finding it, and then the foreign emigrant turned away from the region where his condition would be no improvement. With the destruction of the monopoly, free labor will issue from all parts of the civilized world to assist in developing the various and immeasurable resources which have hitherto lain dormant.

The eight or nine States nearest the Gulf of Mexico have a soil of enormous fertility, a climate friendly to long life and can sustain a denser population than is based as yet in any part of our country, and the future influx of population to them will be mainly from the North or from the most civilized nations in Europe. From the sufferings that have attended them during our late struggle let us look away to the future which is sure to be labored for them, with greater prosperity than has ever before been known. The removal of the monopoly of slave labor is a pledge that those regions will be peopled by a numerous and enterprising population which will vie with any in the Union in compactness, inventive genius, wealth and industry.

Our Government springs from and was made for the people, not the people for the Government. To them it owes allegiance—from them it must derive its courage, strength and wisdom. But while the government is thus bound to defer to the people from whom it derives its existence, it should, from the very consideration of its origin, be strong in its powers of resistance to the establishment of inequality. Monopolies, perpetuities and class legislation are contrary to the genius of free government and ought not to be allowed. Here there is no room for favored classes or monopolies. The principle of our government is that of equal laws and freedom of industry. Wherever monopoly attains a foothold, it is sure to be a source of danger, discord and trouble. We shall but fulfill our duties as legislators by according equal and exact justice to all men—special privilege to none. The government is subordinate to the people, but, as the agent and representative of the people, it must be held superior to monopolies, which, in themselves ought never to be granted, and which, where they exist, must be subordinate and yield to the government. The Constitution confers on Congress the right to regulate commerce among the several States. It is of the first necessity for the maintenance of the Union that commerce should be free and unobstructed. No State can be justified in any device to tax the transit of travel and commerce be-

between the States. The position of many States is such that if they were allowed to take advantage of it for purposes of local revenue, the commerce between the States might be injuriously checked, or even virtually prohibited. It is best while the country is still young, and while the tendency to dangerous monopolies of this kind is still feeble, to use the power of Congress so as to prevent any selfish impediment to the free circulation of men and merchandise. A tax on travel and merchandise, in their transit, constitutes one of the worst forms of monopoly, and the evil is increased if coupled with a denial of the choice of route. When the vast extent of our country is considered, it is plain that every obstacle to the free circulation of commerce between the States ought to be guarded against by appropriate legislation within the limits of the Constitution.

REPORT OF THE SECRETARY OF INTERIOR.

The report of the Secretary of the Interior explains the condition of the public lands, the transactions of the Patent Office and the Pension Bureau, the management of our Indian Affairs, and the progress made in the construction of the Pacific Railroad, and furnishes information in reference to matters of local interest in the District of Columbia. It also presents evidence of the successful operation of the Homestead Act, under the provisions of which 1,160,530 acres of the public lands were entered during the last fiscal year—more than one-fourth of the whole number of acres sold or otherwise disposed of during that period. It is estimated that the receipts derived from this source are sufficient to cover the expenses incident to the survey and disposal of the lands entered under this Act, and that payment in cash to the extent of forty or fifty per cent. will be made by settlers, who may thus, at any time, acquire title before the expiration of the period at which it would otherwise rest. The homestead policy was established only after long and earnest resistance. Experience proves its wisdom. The lands in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a saltpetre for future purchasers.

POSTMASTER GENERAL'S REPORT.

The report of the Postmaster General presents an encouraging exhibit of the operations of the Post Office Department during the year. The revenue for the past year from the loyal States alone exceeded the maximum annual receipts from all the States previous to the rebellion in the sum of \$6,038,091, and the annual average increase of revenue during the last four years, compared with the revenue of the four years immediately preceding the rebellion, was \$1,533,845. The revenues of the last fiscal year amounted to \$14,556,158, and the expenditures to \$13,694,728, leaving a surplus of receipts over expenditures of \$861,430. Progress has been made in restoring the postal service in the Southern States. The views presented by the Postmaster General against the policy of granting subsidies to ocean mail steamship lines upon established routes, and in favor of continuing the present system, which limits the compensation to the postage earnings, are recommended to the careful consideration of Congress.

NAVAL AFFAIRS.

It appears from the Report of the Secretary of the Navy that while at the commencement of the present year there were in commission five hundred and thirty vessels of all classes and descriptions, armed with three thousand guns, and manned by 51,000 men, the number of vessels at present in commission is one hundred and seventeen, with eight hundred and thirty guns and 12,128 men. By this prompt reduction of the naval forces the expenses of the government have been largely diminished and a number of vessels purchased for naval purposes from the merchant marine have been returned to the peaceful pursuits of commerce. Since the suppression of active hostilities our foreign squadrons have been re-established, and consist of vessels much more efficient than those employed on similar service previous to the rebellion. The suggestion for the enlargement of the navy yards, and especially for the establishment of one in fresh water for iron clad vessels, is deserving of consideration, as is also the recommendation for a different location and more ample grounds for the Naval Academy.

REPORT OF THE SECRETARY OF WAR.

In the Report of the Secretary of War a general summary is given of the military campaigns of 1864 and 1865, ending in the

suppression of armed resistance to the national authority in the insurgent States. The operations of the general administrative Bureau of the War Department during the past year are detailed and an estimate made of the appropriations required for military purposes in the fiscal year commencing the 30th day of June, 1866. The national military force on the 1st of May, 1865, numbered 1,000,510 men. It is proposed to reduce the military establishment to a peace footing, comprising 50,000 troops of all arms, organized so as to admit of an enlargement, by filling up the ranks to 82,500, if the circumstances of the country should require an augmentation of the army. The volunteer force has already been reduced by the discharge from service of over 800,000 troops, and the Department is proceeding rapidly in the work of further reduction. The war estimates are reduced from \$516,240,131 to \$233,814,401, which amount is the opinion of the Department, is adequate for a peace establishment. The measures of retrenchment in each Bureau and branch of the service exhibit diligent economy worthy of commendation. Reference is also made in the report to the necessity of providing for a uniform militia system, and to the propriety of making suitable provision for wounded and disabled officers and soldiers.

THE REVENUE AND FINANCE.

The revenue system of the country is a subject of vital interest to its honor and prosperity, and should command the earnest consideration of Congress. The Secretary of the Treasury will lay before you a full and detailed report of the receipts and disbursements of the last fiscal year of the first quarter of the present fiscal year, of the probable receipts and expenditures for the other three quarters and the estimates for the year following the 30th of June, 1866. I might content myself with a reference to that report, in which you will find all the information required for your deliberations and decisions; but the paramount importance of the subject as pressing itself on my own mind that I cannot but lay before you my views of the measures which are required for the good character, and I might almost say for the existence of the people. The life of a Republic lies certainly in the energy, virtue and intelligence of its citizens, but it is equally true that a good revenue system is the life of an organized government. I met you at a time when the nation has voluntarily burdened itself with a debt unprecedented in our annals. Vast as is its amount it fades away into nothing when compared with the countless blessings that will be conferred upon our country and upon man by the preservation of the nation's life. Now, on the first occasion of the meeting of Congress since the return of peace, it is of the utmost importance to inaugurate a just policy which shall at once be put in motion, and which shall command itself to those who come after us for its continuance. We must aim at nothing less than a complete effacement of the financial evil that necessarily followed a State of civil war. We must endeavor to apply the earliest remedy to the deranged State of the currency, and not shrink from devising a policy which, without being oppressive to the people, shall immediately begin to effect a reduction of the debt, and if permitted in discharge it fully within a definite number of years. It is our first duty to prepare in earnest for our recovery from the ever increasing evils of an irredeemable currency, without a sudden revulsion and yet without untimely procrastination. For that end we must each, in our respective positions, prepare the way. I hold it the duty of the Executive to insist upon frugality in the expenditures, and a sparing economy is itself a great national resource. Of the banks to which authority has been given to issue notes secured by bonds of the United States, we may require the greatest moderation and prudence, and the law must be rigidly enforced when its limits are exceeded. We may each one of us counsel our active and enterprising countrymen to be constantly on their guard to liquidate debts contracted in a paper currency, and by conducting business as near as possible on a system of cash payments or short credits, to hold themselves prepared to return to the standard of gold and silver. To aid our fellow citizens in the prudent management of their monetary affairs, the duty devolves upon us to diminish by law the amount of paper money now in circulation. Five years ago the bank note circulation of the country amounted to not much more than \$200,000,000. Now the circulation, bank and national, exceeds \$700,000,000. The simple statement of the fact recommends more strongly than any words of mine could do the necessity of our restraining this expansion. The gradual reduction of the currency is all that can save the balance of the country from disastrous calamities, and this can be almost imperceptibly accomplished by gradually funding the national circulation in securities that may be made redeemable at the pleasure of the Government. Our debt is doubly secure, first in the actual wealth and still greater undeveloped resources of the country, and next in the character of our institutions. The most intelligent observers have not failed to remark that the public debt of a country is not in proportion as its people are free, and in that the debt of a republic is the safest of all. Our history confirms and establishes the theory and I firmly believe, destined to give it a still more ample illustration.

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