

California and Oregon Mean Time. California. Oregon.

The Freedmen's Bureau Bill.

Veto of President Johnson.

To the Senate of the United States: I have examined with care the bill which originated in the Senate and has been passed by both Houses of Congress to amend an Act entitled an Act to establish a Bureau for the relief of free men and refugees, and, for other purposes.

I might call to mind in advance of these objections that there is no immediate necessity for the proposed measure. The act to establish a Bureau for the relief of freed men and refugees, which was approved in the month of March last, has not yet expired.

I have, with Congress, the strongest desire to secure to freedmen the full enjoyment of their freedom and their property, and their entire independence and equality in making contracts for their labor.

The bill proposes to establish by authority of Congress military jurisdiction over all parts of the United States containing refugees and freedmen. It would by its very nature apply with most force to those parts of the United States in which the freedmen most abound, and it expressly extends the existing temporary jurisdiction of the Freedmen's Bureau, with greatly enlarged powers, over those States in which the ordinary course of judicial proceedings has been interrupted by the rebellion.

The source from whence this military jurisdiction is to emanate is none other than the President of the United States, acting through the War Department and the Commissioner of the Freedmen's Bureau. The agents to carry out this military jurisdiction are to be selected from either the army or from civil life.

The subjects over which this military jurisdiction is to extend in every part of the United States include protection to all employes, agents and officers of this Bureau. In the exercise of the duties imposed upon them by the bill in eleven States; it is further to extend over all cases affecting freedmen and refugees discriminated against by local law, custom or prejudice in those eleven States.

This military jurisdiction also extends to all questions that may arise respecting contracts. The agent who is thus to exercise the office of a military Judge may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgment to which all men are liable.

The trials having their origin under this bill are to take place without intervention of a jury and without any fixed rules of law or evidence. The rules on which offenses are to be heard and determined by the numerous agents are such rules and regulations as the President, through the War Department, shall prescribe.

A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution. Nor can any good reason be advanced why, as a permanent establishment, it should be used for one class or color of our people more than for another.

I cannot reconcile a system of military jurisdiction of this kind with the words of the Constitution, which declare that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger;" and that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed."

The safeguards which the wisdom and experience of ages taught our fathers to establish as securities for the protection of the innocent, punishment of the guilty, and the equal administration of justice, are to be set aside, and for the sake of a more vigorous interposition in behalf of justice we are to take the risk of the many acts of injustice that would necessarily follow from an almost countless number of agents, established in every parish or county in nearly a third of the States of the Union, over whose decision there is to be no supervisory control by the Federal Courts.

Let us not unnecessarily distract the commerce, credit and industry of the country by declaring to the American people and the world that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals should not work a forfeiture of rights of the whole community.

If in passing from general considerations we examine the bill in detail, it is open to weighty objections. In time of war it was eminently proper that we should provide for those who were passing suddenly from a condition of bondage to a state of freedom; but this bill proposes to make the Freedmen's Bureau, established by the Act of 1863 as one of the many great and extraordinary military measures to suppress a formidable rebellion, a permanent branch of the Administration, with its powers greatly enlarged.

I have no reason to suppose, and I do not understand it to be alleged, that the Act of March, 1865, has proved deficient for the purpose for which it was passed, although at that time and for a considerable period thereafter the Government of the United States remained unacknowledged in most of the States that had been involved in the rebellion.

The institution of slavery, for the military destruction of which the Freedmen's Bureau was called into existence as an auxiliary, has been already effectually and finally abrogated throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication has received the assent and concurrence of most of those States in which it at any time had existed. I am not, therefore, able to discern in the country anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau which were effective for the protection of freedmen and refugees during the actual continuance of hostilities and of African servitude, will now in a time of peace and after the abolition of slavery, prove inadequate to the same proper ends.

The third section of the bill authorizes a general and unlimited amount of support to the destitute and suffering refugees and freedmen and their wives and children. Succeeding sections make provision for the rent or purchase of lauded estates for freedmen, and for the erection for their benefit of suitable buildings for asylums and schools, the expenses to be defrayed from the treasury of the whole people.

The Congress of the United States has never heretofore thought itself competent to establish any laws beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, nor even for orphans of those who have fallen in defense of the Union, but has left the care of their education to the much more competent control of the States, of communities, of private associations and of individuals.

A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution. Nor can any good reason be advanced why, as a permanent establishment, it should be used for one class or color of our people more than for another. Pending the war, many refugees and freedmen received support from the Government, but it was never intended they should henceforth be fed, clothed, educated and

sheltered by the United States. The idea on which the slaves were assisted to freedom was that on becoming free they would become a self-sustaining population. Any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prosperity.

The appointment of an agent for every county and parish will create an immense patronage, and the expense of the numerous officers and their clerks to be appointed by the President will be great in the beginning, with a tendency steadily to increase.

The appropriations asked by the Freedmen's Bureau, as now established, for the year 1867, amount to \$11,745,000. It may be safely estimated the cost to be incurred under the pending bill will require double that amount—more than the entire sum expended in any one year under the administration of the second Adams.

If the presence of agents in every parish and county is to be considered as a war measure, opposition or even resistance, might be provoked, so that to give effect to their jurisdiction, troops would have to be stationed within reach of every one of them, and thus a large standing force be rendered necessary. Large appropriations would therefore be required to sustain and enforce military jurisdiction in every county and parish from the Potomac to the Rio Grande. The condition of our fiscal affairs is encouraging, but in order to sustain the present measure of public confidence it is necessary that we practice not merely customary economy, but as far as possible severe retrenchment.

In addition to the objections already stated, the fifth section of the bill proposes to take away land from its former owners without any legal proceedings being first had, contrary to that provision of the Constitution which declares that no person shall be deprived of life, liberty and property without the process of law. It does not appear that the lands to which this section refers may not be owned by minors or persons of unusual mind, or by those who have been faithful to all their obligations as citizens of the United States.

There are still further objections to the bill on grounds seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the mind of the freedmen in a state of unnatural expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension. Undoubtedly the freedmen should be protected, but they should be protected by the civil authorities, especially by the exercise of the constitutional powers of the Courts of the United States and of the States. His condition is not so exposed as may at first be imagined. He is in a portion of the country where his labor cannot well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, or from capitalists in his vicinity, or from other States, will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode, and if, therefore, he does not find in one community or State a mode of life suited to his desires, or proper remuneration for his labor, he can move to another where labor is more esteemed and better rewarded.

In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby.

There is no danger that the great demand for labor will not operate in favor of the laborer; neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. If there is more than justice to them to believe that, as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry, and they will feel and soon show the world that in a condition of freedom they are self-sustaining, and capable of selecting their own employment and their own places of abode—of insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools.

It is earnestly hoped that instead of wasting away, they will by their own efforts, establish for themselves a condition of respectability and prosperity. It is certain they can attain to that condition only through their own merits and exertions.

In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support and control of four millions of emancipated slaves to agents, overseers or taskmasters, who, appointed at Washington, are to be located in every county and parish throughout the United States consulting freedmen and refugees. Such a system would inevitably tend to such a concentration of power in the Executive which would enable him, if so disposed, to control the action of a numerous class, and

use them for the attainment of his own political ends.

I cannot but add another very grave objection to this bill. The Constitution imperatively declares in connection with taxation that each State shall have at least one Representative, and fixes the rule for the number to which in future times each State shall be entitled. It also provides that the Senate of the United States shall be composed of two Senators from each State and adds with peculiar force that no State, without its consent, shall be deprived of its suffrage in the Senate. The original Act was necessarily passed in the absence of the States chiefly to be affected, because their people were continuously engaged in the rebellion. Now the case is changed, and some at least, of the States are attending Congress by loyal representatives, and soliciting the allowance of the constitutional right of representation. At the time, however, of the consideration and passage of the bill there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions.

The very fact that reports were and are made against the good disposition of the country, is an additional reason why they need and should have representatives of their own in Congress to explain their condition, reply to accusations, and assist by their local knowledge in the perfecting of measures immediately affecting themselves. While the liberty of deliberation would then be free, and Congress would have full power to decide according to its judgment, there could be no objection urged that the States most interested have not been permitted to be heard.

The principle is firmly fixed in the minds of the American people that there could be no taxation without representation. Great burdens are now to be borne by all the country, and we may best demand that they be borne without a murmur when they are voted by a majority of the representatives of all the people.

I would not interfere with the unquestionable right of Congress to judge, each house for itself, of the election returns and qualifications of its own members, but that authority cannot be construed as including the right to put out, in time of peace, any State from the representation to which it is entitled by the Constitution.

At present all the people of eleven States are excluded. Those who were most faithful during the war, not less than others; the States of Tennessee, for instance, whose authorities were engaged in rebellion, was restored to all her constitutional rights to the Union by the patriotism and energy of her betrayed people before the war was brought to a termination. They had placed themselves in relations with the general Government, had established a State Government of their own, and as they were not included in the emancipation proclamation, they have by their own act amended their Constitution so as to abolish slavery within the limits of their State.

I know no reason why the State of Tennessee, for example, should not fully enjoy her constitutional relations to the United States. The President of the United States stands towards the country in a somewhat different attitude from that of any member of Congress, chosen from any single District or State. The President is chosen by the people of all the States. Eleven States are not at this time represented in either branch of Congress. It would seem to be his duty on all proper occasions to present their just claims to Congress.

There always will be differences of opinion in the community, and individuals may be guilty of a violation of the law, but these do not constitute valid objections against the right of a State to representation. It would be no wise interference with the discretion of Congress with regard to the qualifications of members. But I hold it my duty to recommend to you, in the interests of peace and interests of the Union, the abolition of every State to its share of public legislation, when, however in subordinate, insubordinate or rebellious its people have been, it presents itself in an attitude of loyalty and harmony, but in the persons of representatives whose loyalty cannot be questioned under existing constitutional or legal tests; it is plain that an individual or permanent exclusion of any part of the country from representation must be attended by a spirit of disquiet and complaint.

It is unwise and dangerous to pursue a course of measures which will unfairly and largely portion of the country against another section of the country, no matter how much the latter may prod-minate.

The course of immigration, development of industry and business, and natural causes, will raise up men at the South as devoted to the Union as those of any other part of the land. But if they are all excluded from Congress—if in a permanent statute they are declared not to be in full constitutional relations to the country, they may think they have cause to become a unit in feeling and sentiment against the Government. Under the political education of the American people the idea is inherent and irradicable, that the consent of the majority of the whole people is necessary to secure a willing submission in legislation. The bill under consideration refers to certain of the States as though they had not been fully restored to the United States, if they have not, let us at once act together to secure that desired end at the earliest possible moment.

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