

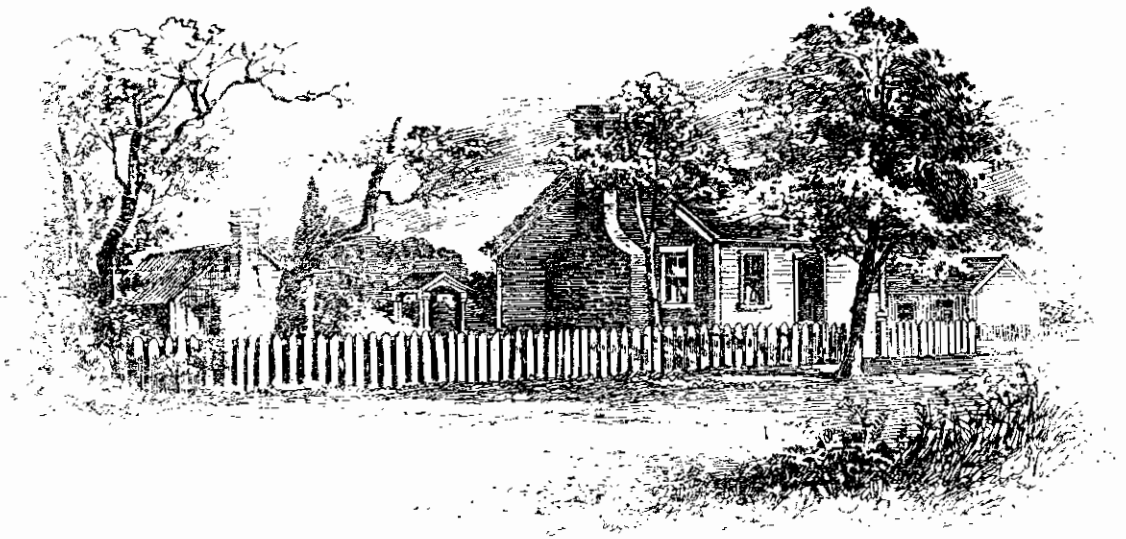


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# Andrew Johnson

April 13, 1863, to March 4, 1869



ANDREW JOHNSON

With official portrait engraved from copy of original in steel



ANDREW JOHNSON

# Andrew Johnson

ANDREW JOHNSON was born in Raleigh, N. C., December 29, 1808. His parents were very poor. When he was 4 years old his father died of injuries received in rescuing a person from drowning. At the age of 10 years Andrew was apprenticed to a tailor. His early education was almost entirely neglected, and, notwithstanding his natural craving to learn, he never spent a day in school. Was taught the alphabet by a fellow-workman, borrowed a book, and learned to read. In 1824 removed to Laurens Court-House, S. C., where he worked as a journeyman tailor. In May, 1826, returned to Raleigh, and in September, with his mother and stepfather, set out for Greeneville, Tenn., in a two-wheeled cart drawn by a blind pony. Here he married Eliza McCardle, a woman of refinement, who taught him to write, and read to him while he was at work during the day. It was not until he had been in Congress that he learned to write with ease. From Greeneville went to the West, but returned after the lapse of a year. In 1828 was elected alderman; was reelected in 1829 and 1830, and in 1830 was advanced to the mayoralty, which office he held for three years. In 1831 was appointed by the county court a trustee of Rhea Academy, and about this time participated in the debates of a society at Greeneville College. In 1834 advocated the adoption of a new State constitution, by which the influence of the large landholders was abridged. In 1835 represented Greene and Washington counties in the legislature. Was defeated for the legislature in 1837, but in 1839 was reelected. In 1836 supported Hugh L. White for the Presidency, and in the political altercations between John Bell and James K. Polk, which distracted Tennessee at the time, supported the former. Mr. Johnson was the only ardent follower of Bell that failed to go over to the Whig party. Was an elector for the State at large on the Van Buren ticket in 1840, and made a State reputation by the force of his oratory. In 1841 was elected to the State senate from Greene and Hawkins counties, and while in that body was one of the "immortal thirteen" Democrats who, having it in their power to prevent the election of a Whig Senator, did so by refusing to meet the

house in joint convention; also proposed that the basis of representation should rest upon white votes, without regard to the ownership of slaves. Was elected to Congress in 1843 over John A. Asken, a United States Bank Democrat, who was supported by the Whigs. His first speech was in support of the resolution to restore to General Jackson the fine imposed upon him at New Orleans; also supported the annexation of Texas. In 1845 was reelected, and supported Polk's Administration. Was regularly reelected to Congress until 1853. During this period opposed all expenditures for internal improvements that were not general; resisted and defeated the proposed contingent tax of 10 per cent on tea and coffee; made his celebrated defense of the veto power; urged the adoption of the homestead law, which was obnoxious to the extreme Southern element of his party; supported the compromise measures of 1850 as a matter of expediency, but opposed compromises in general as a sacrifice of principle. Was elected governor of Tennessee in 1853 over Gustavus A. Henry, the "Eagle Orator" of the State. In his message to the legislature he dwelt upon the homestead law and other measures for the benefit of the working classes, and earned the title of the "Mechanic Governor." Opposed the Know-nothing movement with characteristic vehemence. Was reelected governor in 1855, defeating Meredith P. Gentry, the Whig-American candidate, after a most remarkable canvass. The Kansas-Nebraska bill received his earnest support. In 1857 was elected to the United States Senate, where he urged the passage of the homestead bill, and on May 20, 1858, made his greatest speech on this subject. Opposed the grant of aid for the construction of a Pacific railroad. Was prominent in debate, and frequently clashed with Southern supporters of the Administration. His pronounced Unionism estranged him from the extremists on the Southern side, while his acceptance of slavery as an institution guaranteed by the Constitution caused him to hold aloof from the Republicans on the other. At the Democratic convention at Charleston, S. C., in 1860 was a candidate for the Presidential nomination, but received only the vote of Tennessee, and when the convention reassembled in Baltimore withdrew his name. In the canvass that followed supported John C. Breckinridge. At the session of Congress beginning in December, 1860, took decided and unequivocal grounds in opposition to secession, and on December 13 introduced a joint resolution proposing to amend the Constitution so as to elect the President and Vice-President by district votes, Senators by a direct popular vote, and to limit the terms of Federal judges to twelve years, the judges to be equally divided between slaveholding and non-slaveholding States. In his speech on this resolution, December 18 and 19, declared his unyielding opposition to secession and announced his intention to stand by and act under the Constitution. Retained his seat in the Senate until appointed by President Lincoln military governor of Tennessee, March 4, 1862. March 12 reached Nashville, and organized

a provisional government for the State; March 18 issued a proclamation in which he appealed to the people to return to their allegiance, to uphold the law, and to accept "a full and complete amnesty for all past acts and declarations;" April 5 removed the mayor and other officials of Nashville for refusing to take the oath of allegiance to the United States, and appointed others; urged the holding of Union meetings throughout the State, and frequently attended them in person; completed the railroad from Nashville to the Tennessee River; raised twenty-five regiments for service in the State; December 8, 1862, issued a proclamation ordering Congressional elections, and on the 15th levied an assessment upon the richer Southern sympathizers "in behalf of the many helpless widows, wives, and children in the city of Nashville who have been reduced to poverty and wretchedness in consequence of their husbands, sons, and fathers having been forced into the armies of this unholy and nefarious rebellion." Was nominated for Vice-President of the United States at the national Republican convention at Baltimore June 8, 1864, and was elected on November 8. In his letter of acceptance of the nomination Mr. Johnson virtually disclaimed any departure from his principles as a Democrat, but placed his acceptance upon the ground of "the higher duty of first preserving the Government." On the night of the 14th of April, 1865, President Lincoln was shot by an assassin and died the next morning. At 11 o'clock a. m. April 15 Mr. Johnson was sworn in as President, at his rooms in the Kirkwood House, Washington, by Chief Justice Chase, in the presence of nearly all the Cabinet officers and others. April 29, 1865, issued a proclamation for the removal of trade restrictions in most of the insurrectionary States, which, being in contravention of an act of Congress, was subsequently modified. May 9 issued an Executive order restoring Virginia to the Union. May 22 proclaimed all ports, except four in Texas, opened to foreign commerce on July 1, 1865. May 29 issued a general amnesty proclamation, after which the fundamental and irreconcilable differences between President Johnson and the party that had elevated him to power became more apparent. He exercised the veto power to a very great extent, but it was generally nullified by the two-thirds votes of both Houses. From May 29 to July 13, 1865, proclaimed provisional governors for North Carolina, Mississippi, Georgia, Texas, Alabama, South Carolina, and Florida, whose duties were to reorganize the State governments. The State governments were reorganized, but the Republicans claimed that the laws passed were so stringent in reference to the negroes that it was a worse form of slavery than the old. The thirteenth amendment to the Constitution became a law December 18, 1865, with Mr. Johnson's concurrence. The first breach between the President and the party in power was the veto of the Freedmen's Bureau bill, in February, 1866, which was designed to protect the negroes. March 27 vetoed the civil-rights bill, but it was passed over his veto. In a message of June 22, 1866, opposed the

joint resolution proposing the fourteenth amendment to the Constitution. In June, 1866, the Republicans in Congress brought forward their plan of reconstruction, called the "Congressional plan," in contradistinction to that of the President. The chief features of the Congressional plan were to give the negroes the right to vote, to protect them in this right, and to prevent Confederate leaders from voting. January 5, 1867, vetoed the act giving negroes the right of suffrage in the District of Columbia, but it was passed over his veto. An attempt was made to impeach the President, but it failed. In January, 1867, a bill was passed to deprive the President of the power to proclaim general amnesty, which he disregarded. Measures were adopted looking to the meeting of the Fortieth and all subsequent Congresses immediately after the adjournment of the preceding. The President was deprived of the command of the Army by a rider to the army appropriation bill, which provided that his orders should only be given through the General, who was not to be removed without the previous consent of the Senate. The bill admitting Nebraska, providing that no law should ever be passed in that State denying the right of suffrage to any person because of his color or race, was vetoed by the President, but passed over his veto. March 2, 1867, vetoed the act to provide for the more efficient government of the rebel States, but it was passed over his veto. It embodied the Congressional plan of reconstruction, and divided the Southern States into five military districts, each under an officer of the Army not under the rank of brigadier-general, who was to exercise all the functions of government until the citizens had "formed a constitution of government in conformity with the Constitution of the United States in all respects." On the same day vetoed the tenure-of-office act, which was also passed over his veto. It provided that civil officers should remain in office until the confirmation of their successors; that the members of the Cabinet should be removed only with the consent of the Senate, and that when Congress was not in session the President could suspend but not remove any official, and in case the Senate at the next session should not ratify the suspension the suspended official should be reinducted into his office. August 5, 1867, requested Edwin M. Stanton to resign his office as Secretary of War. Mr. Stanton refused, was suspended, and General Grant was appointed Secretary of War *ad interim*. When Congress met, the Senate refused to ratify the suspension. General Grant then resigned, and Mr. Stanton resumed the duties of his office. The President removed him and appointed Lorenzo Thomas, Adjutant-General of the Army, Secretary of War *ad interim*. The Senate declared this act illegal, and Mr. Stanton refused to comply, and notified the Speaker of the House. On February 24, 1868, the House of Representatives resolved to impeach the President, and on March 2 and 3 articles of impeachment were agreed upon by the House of Representatives, and on the 4th were presented to the Senate. The trial began on March 30. May 16 the test vote was had;

thirty-five Senators voted for conviction and nineteen for acquittal. A change of one vote would have carried conviction. A verdict of acquittal was entered, and the Senate sitting as a court of impeachment adjourned *sine die*. After the expiration of his term the ex-President returned to Tennessee. Was a candidate for the United States Senate, but was defeated. In 1872 was an unsuccessful candidate for Congressman from the State at large. In January, 1875, was elected to the United States Senate, and took his seat at the extra session of that year. Shortly after the session began made a speech which was a skillful but bitter attack upon President Grant. While visiting his daughter near Elizabethton, in Carter County, Tenn., was stricken with paralysis July 30, 1875, and died the following day. He was buried at Greeneville, Tenn.

## INAUGURAL ADDRESS.

[From the Sunday Morning Chronicle, Washington, April 16, 1865, and The Sun, Baltimore, April 17, 1865.]

GENTLEMEN: I must be permitted to say that I have been almost overwhelmed by the announcement of the sad event which has so recently occurred. I feel incompetent to perform duties so important and responsible as those which have been so unexpectedly thrown upon me. As to an indication of any policy which may be pursued by me in the administration of the Government, I have to say that that must be left for development as the Administration progresses. The message or declaration must be made by the acts as they transpire. The only assurance that I can now give of the future is reference to the past. The course which I have taken in the past in connection with this rebellion must be regarded as a guaranty of the future. My past public life, which has been long and laborious, has been founded, as I in good conscience believe, upon a great principle of right, which lies at the basis of all things. The best energies of my life have been spent in endeavoring to establish and perpetuate the principles of free government, and I believe that the Government in passing through its present perils will settle down upon principles consonant with popular rights more permanent and enduring than heretofore. I must be permitted to say, if I understand the feelings of my own heart, that I have long labored to ameliorate and elevate the condition of the great mass of the American people. Toil and an honest advocacy of the great principles of free government have been my lot. Duties have been mine; consequences are God's. This has been the foundation of my political creed, and I feel that in the end the Government will triumph and that these great principles will be permanently established.



In conclusion, gentlemen, let me say that I want your encouragement and countenance. I shall ask and rely upon you and others in carrying the Government through its present perils. I feel in making this request that it will be heartily responded to by you and all other patriots and lovers of the rights and interests of a free people.

APRIL 15, 1865.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas, by my direction, the Acting Secretary of State, in a notice to the public of the 17th, requested the various religious denominations to assemble on the 19th instant, on the occasion of the obsequies of Abraham Lincoln, late President of the United States, and to observe the same with appropriate ceremonies; but

Whereas our country has become one great house of mourning, where the head of the family has been taken away, and believing that a special period should be assigned for again humbling ourselves before Almighty God, in order that the bereavement may be sanctified to the nation:

Now, therefore, in order to mitigate that grief on earth which can only be assuaged by communion with the Father in heaven, and in compliance with the wishes of Senators and Representatives in Congress, communicated to me by resolutions adopted at the National Capitol, I, Andrew Johnson, President of the United States, do hereby appoint Thursday, the 25th day of May next, to be observed, wherever in the United States the flag of the country may be respected, as a day of humiliation and mourning, and I recommend my fellow-citizens then to assemble in their respective places of worship, there to unite in solemn service to Almighty God in memory of the good man who has been removed, so that all shall be occupied at the same time in contemplation of his virtues and in sorrow for his sudden and violent end.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 25th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation of the 25th instant Thursday, the 25th day of next month, was recommended as a day for special humiliation and prayer in consequence of the assassination of Abraham Lincoln, late President of the United States; but

Whereas my attention has since been called to the fact that the day aforesaid is sacred to large numbers of Christians as one of rejoicing for the ascension of the Savior:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby suggest that the religious services recommended as aforesaid should be postponed until Thursday, the 1st day of June next.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it appears from evidence in the Bureau of Military Justice that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Va., and Jacob Thompson, Clement C. Clay, Beverley Tucker, George N. Sanders, William C. Cleary, and other rebels and traitors against the Government of the United States harbored in Canada:

Now, therefore, to the end that justice may be done, I, Andrew Johnson, President of the United States, do offer and promise for the arrest of said persons, or either of them, within the limits of the United States, so that they can be brought to trial, the following rewards:

One hundred thousand dollars for the arrest of Jefferson Davis.

Twenty-five thousand dollars for the arrest of Clement C. Clay.

Twenty-five thousand dollars for the arrest of Jacob Thompson, late of Mississippi.

Twenty-five thousand dollars for the arrest of George N. Sanders.

Twenty-five thousand dollars for the arrest of Beverley Tucker.

Ten thousand dollars for the arrest of William C. Cleary, late clerk of Clement C. Clay.

The Provost-Marshal-General of the United States is directed to cause a description of said persons, with notice of the above rewards, to be published.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of May, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States, by his proclamation of the 19th day of April, 1861, did declare certain States therein mentioned in insurrection against the Government of the United States; and

Whereas armed resistance to the authority of this Government in the said insurrectionary States may be regarded as virtually at an end, and the persons by whom that resistance, as well as the operations of insurgent cruisers, was directed are fugitives or captives; and

Whereas it is understood that some of those cruisers are still infesting the high seas and others are preparing to capture, burn, and destroy vessels of the United States:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, hereby enjoin all naval, military, and civil officers of the United States diligently to endeavor, by all lawful means, to arrest the said cruisers and to bring them into a port of the United States, in order that they may be prevented from committing further depredations on commerce and that the persons on board of them may no longer enjoy impunity for their crimes.

And I do further proclaim and declare that if, after a reasonable time shall have elapsed for this proclamation to become known in the ports of nations claiming to have been neutrals, the said insurgent cruisers and the persons on board of them shall continue to receive hospitality in the said ports, this Government will deem itself justified in refusing hospitality to the public vessels of such nations in ports of the United States and in adopting such other measures as may be deemed advisable toward vindicating the national sovereignty.

In witness whereof I have hercunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of May, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the proclamation of the President of the 11th day of April last certain ports of the United States therein specified, which had previously been subject to blockade, were, for objects of public safety, declared, in conformity with previous special legislation of Congress, to be closed against foreign commerce during the national will, to be thereafter expressed and made known by the President; and

Whereas events and circumstances have since occurred which, in my judgment, render it expedient to remove that restriction, except as to the ports of Galveston, La Salle, Brazos de Santiago (Point Isabel), and Brownsville, in the State of Texas:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that the ports aforesaid, not excepted as above, shall be open to foreign commerce from and after the 1st day of July next; that commercial intercourse with the said ports may from that time be carried on, subject to the laws of the United States and in pursuance of such regulations as may be prescribed by the Secretary of the Treasury. If, however, any vessel from a foreign port shall enter any of the before-named excepted ports in the State of Texas, she will continue to be held liable to the penalties prescribed by the act of Congress approved on the 13th day of July, 1861, and the persons on board of her to such penalties as may be incurred, pursuant to the laws of war, for trading or attempting to trade with an enemy.

And I, Andrew Johnson, President of the United States, do hereby declare and make known that the United States of America do henceforth disallow to all persons trading or attempting to trade in any ports of the United States in violation of the laws thereof all pretense of belligerent rights and privileges; and I give notice that from the date of this proclamation all such offenders will be held and dealt with as pirates.

It is also ordered that all restrictions upon trade heretofore imposed in the territory of the United States east of the Mississippi River, save those relating to contraband of war, to the reservation of the rights of the United States to property purchased in the territory of an enemy, and to

the 25 per cent upon purchases of cotton be removed. All provisions of the internal-revenue law will be carried into effect under the proper officers.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL]. Done at the city of Washington, this 22d day of May, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States, on the 8th day of December, A. D. 1863, and on the 26th day of March, A. D. 1864, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had, directly or by implication, participated in the said rebellion; and

Whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and

Whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder by reason of their participation, directly or by implication, in said rebellion and continued hostility to the Government of the United States since the date of said proclamations now desire to apply for and obtain amnesty and pardon.

To the end, therefore, that the authority of the Government of the United States may be restored and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves and except in cases where legal proceedings under the laws of the United States providing for the confiscation of property of persons engaged in rebellion have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath (or affirmation) and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation and shall be of the tenor and effect following, to wit:

I, \_\_\_\_\_, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United

States and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God.

The following classes of persons are excepted from the benefits of this proclamation:

First. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended Confederate government.

Second. All who left judicial stations under the United States to aid the rebellion.

Third. All who shall have been military or naval officers of said pretended Confederate government above the rank of colonel in the army or lieutenant in the navy.

Fourth. All who left seats in the Congress of the United States to aid the rebellion.

Fifth. All who resigned or tendered resignations of their commissions in the Army or Navy of the United States to evade duty in resisting the rebellion.

Sixth. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service as officers, soldiers, seamen, or in other capacities.

Seventh. All persons who have been or are absentees from the United States for the purpose of aiding the rebellion.

Eighth. All military and naval officers in the rebel service who were educated by the Government in the Military Academy at West Point or the United States Naval Academy.

Ninth. All persons who held the pretended offices of governors of States in insurrection against the United States.

Tenth. All persons who left their homes within the jurisdiction and protection of the United States and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the rebellion.

Eleventh. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas and all persons who have made raids into the United States from Canada or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States.

Twelfth. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement or custody, or under bonds of the civil, military, or naval authorities or agents of the United States as prisoners of war, or persons detained for offenses of any kind, either before or after conviction.

Thirteenth. All persons who have voluntarily participated in said rebellion and the estimated value of whose taxable property is over \$20,000.

Fourteenth. All persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 8, A. D. 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation and who have not thenceforward kept and maintained the same inviolate.

*Provided*, That special application may be made to the President for pardon by any person belonging to the excepted classes, and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

The Secretary of State will establish rules and regulations for administering and recording the said amnesty oath, so as to insure its benefit to the people and guard the Government against fraud.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 29th day of May, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them in the enjoyment of a republican form of government:—

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose

of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint William W. Holden provisional governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of North Carolina in force immediately before the 20th day of May, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

~~Third. That the Secretary of the Treasury~~ proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United



States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which North Carolina is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of May, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil

executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Mississippi of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Mississippi in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint William L. Sharkey, of Mississippi, provisional governor of the State of Mississippi, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Mississippi to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Mississippi in force immediately before the 9th of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Mississippi is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

— ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation\* of the 29th of April, 1865, all restrictions upon internal, domestic, and commercial intercourse, with certain exceptions therein specified and set forth, were removed "in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River as shall be embraced within the lines of national military occupation;" and

Whereas by my proclamation of the 22d of May, 1865, for reasons therein given, it was declared that certain ports of the United States which had been previously closed against foreign commerce should, with certain specified exceptions, be reopened to such commerce on and after the 1st day of July next, subject to the laws of the United States, and in pursuance of such regulations as might be prescribed by the Secretary of the Treasury; and

Whereas I am satisfactorily informed that dangerous combinations against the laws of the United States no longer exist within the State of Tennessee; that the insurrection heretofore existing within said State has been suppressed; that within the boundaries thereof the authority of the United States is undisputed, and that such officers of the United States as have been duly commissioned are in the undisturbed exercise of their official functions:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade and upon the removal of products of States heretofore declared in insurrection, reserving and excepting only those relating to contraband of war, as hereinafter recited, and also those which relate to the reservation of the rights of the United States to property purchased in the territory of an enemy heretofore imposed in the territory of the United States east of the Mississippi River, are annulled, and I do hereby direct that they be forthwith removed; and that on and after the 1st day of July next all restrictions upon foreign commerce with said ports, with the exception and reservation aforesaid, be likewise removed; and that the commerce of said States shall be conducted under the supervision of the regularly appointed officers of the customs provided by law, and such officers of the customs shall receive any captured and abandoned property that may be turned over to them under the law by the military or naval forces of the United States and dispose of such property as shall be directed by the Secretary of the Treasury. The following articles, contraband of war, are excepted from the effect of this proclamation: Arms, ammunition, all articles from which ammunition is made, and gray uniforms and cloth.

\* Executive order.

And I hereby also proclaim and declare that the insurrection, so far as it relates to and within the State of Tennessee and the inhabitants of the said State of Tennessee as reorganized and constituted under their recently adopted constitution and reorganization and accepted by them, is suppressed, and therefore, also, that all the disabilities and disqualifications attaching to said State and the inhabitants thereof consequent upon any proclamation issued by virtue of the fifth section of the act entitled "An act further to provide for the collection of duties on imports and for other purposes," approved the 13th day of July, 1861, are removed.

But nothing herein contained shall be considered or construed as in any wise changing or impairing any of the penalties and forfeitures for treason heretofore incurred under the laws of the United States or any of the provisions, restrictions, or disabilities set forth in my proclamation bearing date the 29th day of May, 1865, or as impairing existing regulations for the suspension of the *habeas corpus* and the exercise of military law in cases where it shall be necessary for the general public safety and welfare during the existing insurrection; nor shall this proclamation affect or in any way impair any laws heretofore passed by Congress and duly approved by the President or any proclamations or orders issued by him during the aforesaid insurrection abolishing slavery or in any way affecting the relations of slavery, whether of persons or property; but, on the contrary, all such laws and proclamations heretofore made or issued are expressly saved and declared to be in full force and virtue.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of June, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil

executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Georgia of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Georgia in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint James Johnson, of Georgia, provisional governor of the State of Georgia, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Georgia to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Georgia in force immediately before the 19th of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Georgia is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth. — — — — —

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Texas of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of the State of Texas in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint Andrew J. Hamilton, of Texas, provisional governor of the State of Texas, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Texas to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the



President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Texas in force immediately before the 1st day of February, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Texas is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

— Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws

relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Alabama of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Alabama in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint Lewis E. Parsons, of Alabama, provisional governor of the State of Alabama, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Alabama to

restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Alabama in force immediately before the 11th day of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial-district in which Alabama is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation,

and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the proclamations of the President of the 19th and 27th of April, 1861, a blockade of certain ports of the United States was set on foot; but

Whereas the reasons for that measure have ceased to exist:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare and proclaim the blockade aforesaid to be rescinded as to all the ports aforesaid, including that of Galveston and other ports west of the Mississippi River, which ports will be open to foreign commerce on the 1st of July next on the terms and conditions set forth in my proclamation of the 22d of May last.

It is to be understood, however, that the blockade thus rescinded was an international measure for the purpose of protecting the sovereign rights of the United States. The greater or less subversion of civil authority in the region to which it applied and the impracticability of at once restoring that in due efficiency may for a season make it advisable to employ the Army and Navy of the United States toward carrying the laws into effect wherever such employment may be necessary.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of June, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas it has been the desire of the General Government of the United States to restore unrestricted commercial intercourse between and in the several States as soon as the same could be safely done in view of resistance to the authority of the United States by combinations of armed insurgents; and

Whereas that desire has been shown in my proclamations of the 29th of April, 1865, the 13th of June, 1865, and the 23d of June, 1865; and

Whereas it now seems expedient and proper to remove restrictions upon internal, domestic, and coastwise trade and commercial intercourse between and within the States and Territories west of the Mississippi River:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade and upon the purchase and removal of products of States and parts of States and Territories heretofore declared in insurrection, lying west of the Mississippi River (excepting only those relating to property heretofore purchased by the agents or captured by or surrendered to the forces of the United States and to the transportation thereto or therein on private account of arms, ammunition, all articles from which ammunition is made, gray uniforms, and gray cloth), are annulled; and I do hereby direct that they be forthwith removed, and also that the commerce of such States and parts of States shall be conducted under the supervision of the regularly appointed officers of the customs, [who] shall receive any captured and abandoned property that may be turned over to them under the law by the military or naval forces of the United States and dispose of the same in accordance with instructions on the subject issued by the Secretary of the Treasury.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of June, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil

executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of South Carolina of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of South Carolina in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint Benjamin F. Perry, of South Carolina, provisional governor of the State of South Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of South Carolina to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of South Carolina in force immediately before the 17th day of November, A. D. 1860, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which South Carolina is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

—ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Florida of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Florida in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint William Marvin provisional governor of the State of Florida, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Florida to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: Provided, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed



the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Florida in force immediately before the 10th day of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Florida is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of July, A. D. 1865, and of the Independence of the United States the ninetyeth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamations of the 13th and 24th of June, 1865, removing restrictions, in part, upon internal, domestic, and coastwise intercourse and trade with those States recently declared in insurrection, certain articles were excepted from the effect of said proclamations as contraband of war; and

Whereas the necessity for restricting trade in said articles has now in a great measure ceased:

It is hereby ordered that on and after the 1st day of September, 1865, all restrictions aforesaid be removed, so that the articles declared by the said proclamations to be contraband of war may be imported into and sold in said States, subject only to such regulations as the Secretary of the Treasury may prescribe.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of August, A. D. 1865, and of the Independence of the United States of America the ninetyeth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a proclamation of the 5th day of July, 1864, the President of the United States, when the civil war was flagrant and when combinations were in progress in Kentucky for the purpose of inciting insurgent raids into that State, directed that the proclamation suspending the privilege of the writ of *habeas corpus* should be made effectual in

Kentucky and that martial law should be established there and continue until said proclamation should be revoked or modified; and

Whereas since then the danger from insurgent raids into Kentucky has substantially passed away:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the authority vested in me by the Constitution, do hereby declare that the said proclamation of the 5th day of July, 1864, shall be, and is hereby, modified in so far that martial law shall be no longer in force in Kentucky from and after the date hereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1865, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has pleased Almighty God during the year which is now coming to an end to relieve our beloved country from the fearful scourge of civil war and to permit us to secure the blessings of peace, unity, and harmony, with a great enlargement of civil liberty; and

Whereas our Heavenly Father has also during the year graciously averted from us the calamities of foreign war, pestilence, and famine, while our granaries are full of the fruits of an abundant season; and

Whereas righteousness exalteth a nation, while sin is a reproach to any people:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby recommend to the people thereof that they do set apart and observe the first Thursday of December next as a day of national thanksgiving to the Creator of the Universe for these great deliverances and blessings.

And I do further recommend that on that occasion the whole people make confession of our national sins against His infinite goodness, and with one heart and one mind implore the divine guidance in the ways of national virtue and holiness.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of October, A. D. 1865, and of the Independence of the United States of America the ninetieth.

—ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the proclamation of the President of the United States of the 15th day of September, 1863, the privilege of the writ of *habeas corpus* was, in certain cases therein set forth, suspended throughout the United States; and

Whereas the reasons for that suspension may be regarded as having ceased in some of the States and Territories:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the suspension aforesaid and all other proclamations and orders suspending the privilege of the writ of *habeas corpus* in the States and Territories of the United States are revoked and annulled, excepting as to the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, the District of Columbia, and the Territories of New Mexico and Arizona.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of December, A. D. 1865, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

EXECUTIVE ORDERS.

EXECUTIVE CHAMBER,

*Washington, April 29, 1865.*

Being desirous to relieve all loyal citizens and well-disposed persons residing in insurrectionary States from unnecessary commercial restrictions and to encourage them to return to peaceful pursuits—

*It is hereby ordered, I.* That all restrictions upon internal, domestic, and coastwise commercial intercourse be discontinued in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River as shall be embraced within the lines of national military occupation, excepting only such restrictions as are imposed by acts of Congress and regulations in pursuance thereof prescribed by the Secretary of the Treasury and approved by the President, and excepting

also from the effect of this order the following articles contraband of war, to wit: Arms, ammunition, all articles from which ammunition is manufactured, gray uniforms and cloth, locomotives, cars, railroad iron, and machinery for operating railroads, telegraph wires, insulators, and instruments for operating telegraphic lines.

II. That all existing military and naval orders in any manner restricting internal, domestic, and coastwise commercial intercourse and trade with or in the localities above named be, and the same are hereby, revoked, and that no military or naval officer in any manner interrupt or interfere with the same, or with any boats or other vessels engaged therein under proper authority, pursuant to the regulations of the Secretary of the Treasury.

ANDREW JOHNSON.

WAR DEPARTMENT,  
*Washington City, April 29, 1865.*

The Executive order of January 20, 1865, prohibiting the exportation of hay, is rescinded from and after the 1st day of May, 1865.

By order of the President:

EDWIN M. STANTON,  
*Secretary of War.*

EXECUTIVE CHAMBER,  
*Washington City, May 1, 1865.*

Whereas the Attorney-General of the United States hath given his opinion that the persons implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, and in an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors, are subject to the jurisdiction of and lawfully triable before a military commission—

*It is ordered:*

First. That the assistant adjutant-general detail nine competent military officers to serve as a commission for the trial of said parties, and that the Judge-Advocate-General proceed to prefer charges against said parties for their alleged offenses and bring them to trial before said military commission; that said trial or trials be conducted by the said Judge-Advocate-General, and as recorder thereof, in person, aided by such assistant or special judge-advocate as he may designate, and that said trials be conducted with all diligence consistent with the ends of justice; the said commission to sit without regard to hours.

Second. That Brevet Major-General Hartranft be assigned to duty as special provost-marshal-general for the purpose of said trial, and attendance upon said commission, and the execution of its mandates.

Third. That the said commission establish such order or rules of proceeding as may avoid unnecessary delay and conduce to the ends of public justice.

ANDREW JOHNSON.

Official copy:

W. A. NICHOLS,  
*Assistant Adjutant-General.*

WAR DEPARTMENT,  
*Washington, D. C., May 3, 1865.*

ORDER RESCINDING REGULATIONS PROHIBITING THE EXPORTATION  
OF ARMS, AMMUNITION, HORSES, MULES, AND LIVE STOCK.

The Executive order of November 21, 1862, prohibiting the exportation of arms and ammunition from the United States, and the Executive order of May 13, 1863,\* prohibiting the exportation of horses, mules, and live stock, being no longer required by public necessities, the aforesaid orders are hereby rescinded and annulled.

By order of the President of the United States:

EDWIN M. STANTON,  
*Secretary of War.*

EXECUTIVE MANSION,  
*Washington, May 4, 1865.*

This being the day of the funeral of the late President, Abraham Lincoln, at Springfield, Ill., the Executive Office and the various Departments will be closed at 12 m. to-day.

ANDREW JOHNSON,  
*President of the United States.*

SPECIAL ORDERS, NO. 211.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, May 6, 1865.*

\* \* \* \* \*

4. A military commission is hereby appointed to meet at Washington, D. C., on Monday, the 8th day of May, 1865, at 9 o'clock a. m., or as soon thereafter as practicable, for the trial of David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, ~~Samuel A. Mudd~~, and such other prisoners as may be brought before it, implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William

\* Order of Secretary of War.

H. Seward, Secretary of State, and in an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors.

*Detail for the court.*

Major-General David Hunter, United States Volunteers.

Major-General Lewis Wallace, United States Volunteers.

Brevet Major-General August V. Kautz, United States Volunteers.

Brigadier-General Albion P. Howe, United States Volunteers.

Brigadier-General Robert S. Foster, United States Volunteers.

Brevet Brigadier-General Cyrus B. Comstock,\* United States Volunteers.

Brigadier-General T. M. Harris, United States Volunteers.

Brevet Colonel Horace Porter, † aid-de-camp.

Lieutenant-Colonel David R. Clendenin, Eighth Illinois Cavalry.

Brigadier-General Joseph Holt, Judge-Advocate-General, United States Army, is appointed the judge-advocate and recorder of the commission, to be aided by such assistant or special judge-advocate as he may designate.

The commission will sit without regard to hours.

By order of the President of the United States:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

WAR DEPARTMENT, *Washington City, May 7, 1865.*

Brigadier-General Holt, Judge-Advocate-General, having designated the Hon. John A. Bingham as a special judge-advocate, whose aid he requires in the prosecution of Herold and others before the military commission of which Major-General Hunter is presiding officer:

*It is ordered,* That the said John A. Bingham be, and he is hereby, appointed special judge-advocate for the purpose aforesaid, to aid the Judge-Advocate-General, pursuant to the order of the President in respect to said military commission.

By order of the President:

EDWIN M. STANTON,  
*Secretary of War.*

SPECIAL ORDERS, NO. 216.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, May 9, 1865.*

\* \* \* \* \*

91. Brevet Brigadier-General Cyrus B. Comstock, United States Volunteers, and Brevet Colonel Horace Porter, aid-de-camp, are hereby relieved

\* Brevet Brigadier-General James A. Ekin substituted; see Special Orders, No. 216.

† Brevet Colonel C. H. Tompkins substituted; see Special Orders, No. 216.

from duty as members of the military commission appointed in Special Orders, No. 211, paragraph 4, dated "War Department, Adjutant-General's Office, Washington, May 6, 1865," and Brevet Brigadier-General James A. Ekin, United States Volunteers, and Brevet Colonel C. H. Tompkins, United States Army, are detailed in their places, respectively.

The commission will be composed as follows:

Major-General David Hunter, United States Volunteers.  
Major-General Lewis Wallace, United States Volunteers.  
Brevet Major-General August V. Kautz, United States Volunteers.  
Brigadier-General Albion P. Howe, United States Volunteers.  
Brigadier-General Robert S. Foster, United States Volunteers.  
Brevet Brigadier-General James A. Ekin, United States Volunteers.  
Brigadier-General T. M. Harris, United States Volunteers.  
Brevet Colonel C. H. Tompkins, United States Army.  
Lieutenant-Colonel David R. Clendenin, Eighth Illinois Cavalry.  
Brigadier-General Joseph Holt, judge-advocate and recorder.

By order of the President of the United States:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

EXECUTIVE CHAMBER,  
*Washington City, May 9, 1865.*

EXECUTIVE ORDER TO REESTABLISH THE AUTHORITY OF THE UNITED STATES AND EXECUTE THE LAWS WITHIN THE GEOGRAPHICAL LIMITS KNOWN AS THE STATE OF VIRGINIA.

*Ordered, first.* That all acts and proceedings of the political, military, and civil organizations which have been in a state of insurrection and rebellion within the State of Virginia against the authority and laws of the United States, and of which Jefferson Davis, John Letcher, and William Smith were late the respective chiefs, are declared null and void. All persons who shall exercise, claim, pretend, or attempt to exercise any political, military, or civil power, authority, jurisdiction, or right by, through, or under Jefferson Davis, late of the city of Richmond, and his confederates, or under John Letcher or William Smith and their confederates, or under any pretended political, military, or civil commission or authority issued by them or either of them since the 17th day of April, 1861, shall be deemed and taken as in rebellion against the United States, and shall be dealt with accordingly.

*Second.* That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the Department of State applicable to the geographical limits aforesaid.

*Third.* That the Secretary of the Treasury proceed without delay to



nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law, and shall put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable persons shall not be found residents of the districts, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General shall proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable persons are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge of said district proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation, and enforce the administration of justice within said State in all matters, civil and criminal, within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of War assign such assistant provost-marshal-general and such provost-m Marshals in each district of said State as he may deem necessary.

Seventh. The Secretary of the Navy will take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Eighth. The Secretary of the Interior will also put in force the laws relating to the Department of the Interior.

Ninth. That to carry into effect the guaranty by the Federal Constitution of a republican form of State government and afford the advantage and security of domestic laws, as well as to complete the reestablishment of the authority and laws of the United States and the full and complete restoration of peace within the limits aforesaid, Francis H. Peirpoint, governor of the State of Virginia, will be aided by the Federal Government so far as may be necessary in the lawful measures which he may take for the extension and administration of the State government throughout the geographical limits of said State.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.]

ANDREW JOHNSON.

By the President:

W. HUNTER,

*Acting Secretary of State.*

WAR DEPARTMENT,  
*Washington City, May 27, 1865.*

*Ordered,* That in all cases of sentences by military tribunals of imprisonment during the war the sentence be remitted and that the prisoners be discharged. The Adjutant-General will issue immediately the necessary instructions to carry this order into effect.

By order of the President of the United States:

EDWIN M. STANTON, *Secretary of War.*

EXECUTIVE OFFICE,  
*Washington, D. C., May 31, 1865.*

To-morrow, the 1st of June, being the day appointed for special humiliation and prayer in consequence of the assassination of Abraham Lincoln, late President of the United States, the Executive Office and the various Departments will be closed during the day.

ANDREW JOHNSON,  
*President of the United States.*

GENERAL ORDERS, NO. 107.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, June 2, 1865.*

*Ordered,* That all military restrictions upon trade in any of the States or Territories of the United States, except in articles contraband of war—to wit, arms, ammunition, gray cloth, and all articles from which ammunition is manufactured; locomotives, cars, railroad iron, and machinery for operating railroads; telegraph wires, insulators, and instruments for operating telegraphic lines—shall cease from and after the present date.

By order of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

DEPARTMENT OF STATE,  
*Washington, June 2, 1865.*

Whereas, pursuant to the order of the President and as a means required by the public safety, directions were issued from this Department, under date of the 17th of December, 1864, requiring passports from all travelers entering the United States, except immigrant passengers directly entering an American port from a foreign country; and

Whereas the necessities which required the adoption of that measure are believed no longer to exist:

Now, therefore, the President directs that from and after this date the order above referred to shall be, and the same is hereby, rescinded.

Nothing in this regulation, however, will be construed to relieve from

due accountability any enemies of the United States or offenders against their peace and dignity who may hereafter seek to enter the country or at any time be found within its lawful jurisdiction.

WILLIAM H. SEWARD.

EXECUTIVE MANSION,  
*Washington, D. C., June 2, 1865.*

Whereas by an act of Congress approved March 3, 1865, there was established in the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands, and to which, in accordance with the said act of Congress, is committed the supervision and management of all abandoned lands and the control of all subjects relating to refugees and freedmen from rebel States, or from any district of country within the territory embraced in the operations of the Army, under such rules and regulations as may be prescribed by the head of the Bureau and approved by the President; and

Whereas it appears that the management of abandoned lands and subjects relating to refugees and freedmen, as aforesaid, have been and still are, by orders based on military exigencies or legislation based on previous statutes, partly in the hands of military officers disconnected with said Bureau and partly in charge of officers of the Treasury Department: It is therefore

*Ordered,* That all officers of the Treasury Department, all military officers, and all others in the service of the United States turn over to the authorized officers of said Bureau all abandoned lands and property contemplated in said act of Congress approved March 3, 1865, establishing the Bureau of Refugees, Freedmen, and Abandoned Lands, that may now be under or within their control. They will also turn over to such officers all funds collected by tax or otherwise for the benefit of refugees or freedmen or accruing from abandoned lands or property set apart for their use, and will transfer to them all official records connected with the administration of affairs which pertain to said Bureau.

ANDREW JOHNSON.

GENERAL ORDERS, NO. 109.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, June 6, 1865.*

ORDER FOR THE DISCHARGE OF CERTAIN PRISONERS OF WAR.

The prisoners of war at the several depots in the North will be discharged under the following regulations and restrictions:

I. All enlisted men of the rebel army and petty officers and seamen of the rebel navy will be discharged upon taking the oath of allegiance.

II. Officers of the rebel army not above the grade of captain and of the rebel navy not above the grade of lieutenant, except such as have graduated at the United States Military or Naval academies and such as held a commission in either the United States Army or Navy at the beginning of the rebellion, may be discharged upon taking the oath of allegiance.

III. When the discharges hereby ordered are completed, regulations will be issued in respect to the discharge of officers having higher rank than captain in the army or lieutenant in the navy.

IV. The several commanders of prison stations will discharge each day as many of the prisoners hereby authorized to be discharged as proper rolls can be prepared for, beginning with those who have been longest in prison and from the most remote points of the country; and certified rolls will be forwarded daily to the Commissary-General of Prisoners of those so discharged. The oath of allegiance only will be administered, but notice will be given that all who desire will be permitted to take the oath of amnesty after their release, in accordance with the regulations of the Department of State respecting the amnesty.

V. The Quartermaster's Department will furnish transportation to all released prisoners to the nearest accessible point to their homes, by rail or by steamboat.

By order of the President of the United States:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

EXECUTIVE MANSION,  
*Washington, June 6, 1865.*

Whereas circumstances of recent occurrence have made it no longer necessary to continue the prohibition of the departure for her destination of the gunboat *Fusyama*, built at New York for the Japanese Government, it is consequently ordered that that prohibition be removed. The Secretary of the Treasury will therefore cause a clearance to be issued to the *Fusyama*, and the Secretary of the Navy will not allow any obstacle thereto.

ANDREW JOHNSON.

[From the Daily National Intelligencer, June 13, 1865.]

CIRCULAR.

ATTORNEY-GENERAL'S OFFICE,  
*Washington, June 7, 1865.*

By direction of the President, all persons belonging to the excepted classes enumerated in the President's amnesty proclamation of May 29, 1865, who may make special applications to the President for pardon are hereby notified that before their respective applications will be considered it must be shown that they have respectively taken and subscribed the

oath (or affirmation) in said proclamation prescribed. Every such person desiring a special pardon should make personal application in writing therefor, and should transmit with such application the original oath (or affirmation) as taken and subscribed before an officer authorized under the rules and regulations promulgated by the Secretary of State to administer the amnesty oath prescribed in the said proclamation of the President.

JAMES SPEED,  
*Attorney-General.*

EXECUTIVE OFFICE,  
*Washington, D. C., June 9, 1865.*

It is represented to me in a communication from the Secretary of the Interior that Indians in New Mexico have been seized and reduced into slavery, and it is recommended that the authority of the executive branch of the Government should be exercised for the effectual suppression of a practice which is alike in violation of the rights of the Indians and of the provisions of the organic law of the said Territory.

Concurring in this recommendation, I do hereby order that the heads of the several Executive Departments do enjoin upon the subordinates, agents, and employees under their respective orders or supervision in that Territory to discountenance the practice aforesaid and to take all lawful means to suppress the same.

ANDREW JOHNSON.

GENERAL COURT-MARTIAL ORDERS, No. 356.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, July 5, 1865.*

I. Before a military commission which convened at Washington, D. C., May 9, 1865, pursuant to paragraph 4 of Special Orders, No. 211, dated May 6, 1865, and paragraph 91 of Special Orders, No. 216, dated May 9, 1865, War Department, Adjutant-General's Office, Washington, and of which Major-General David Hunter, United States Volunteers, is president, were arraigned and tried David E. Herold, G. A. Atzerodt, Lewis Payne, Mary E. Surratt, Michael O'Laughlin, Edward Spangler, Samuel Arnold, and Samuel A. Mudd.

CHARGE I.

For maliciously, unlawfully, and traitorously, and in aid of the existing armed rebellion against the United States of America, on or before the 6th day of March, A. D. 1865, and on divers other days between that day and the 15th day of April, A. D. 1865, combining, confederating, and conspiring together with one John H. Surratt, John Wilkes Booth, Jefferson Davis, George N. Sanders, Beverley Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper, George Young, and

others unknown to kill and murder, within the Military Department of Washington, and within the fortified and intrenched lines thereof, Abraham Lincoln, late, and at the time of said combining, confederating, and conspiring, President of the United States of America and Commander in Chief of the Army and Navy thereof; Andrew Johnson, now Vice-President of the United States aforesaid; William H. Seward, Secretary of State of the United States aforesaid; and Ulysses S. Grant, Lieutenant-General of the Army of the United States aforesaid, then in command of the armies of the United States, under the direction of the said Abraham Lincoln; and in pursuance of and in prosecuting said malicious, unlawful, and traitorous conspiracy aforesaid, and in aid of said rebellion, afterwards, to wit, on the 14th day of April, A. D. 1865, within the Military Department of Washington aforesaid, and within the fortified and intrenched lines of said military department, together with said John Wilkes Booth and John H. Surratt, maliciously, unlawfully, and traitorously murdering the said Abraham Lincoln, then President of the United States and Commander in Chief of the Army and Navy of the United States as aforesaid; and maliciously, unlawfully, and traitorously assaulting, with intent to kill and murder, the said William H. Seward, then Secretary of State of the United States as aforesaid; and lying in wait, with intent maliciously, unlawfully, and traitorously to kill and murder the said Andrew Johnson, then being Vice-President of the United States, and the said Ulysses S. Grant, then being Lieutenant-General and in command of the armies of the United States as aforesaid.

## SPECIFICATION FIRST.

In this, that they, the said David E. Herold, Edward Spangler, Lewis Payne, Michael O'Laughlin, Samuel Arnold, Mary E. Surratt, George A. Atzerodt, and Samuel A. Mudd, together with the said John H. Surratt and John Wilkes Booth, incited and encouraged thereunto by Jefferson Davis, George N. Sanders, Beverley Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper, George Young, and others unknown, citizens of the United States aforesaid, and who were then engaged in armed rebellion against the United States of America, within the limits thereof, did, in aid of said armed rebellion, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 15th day of April, A. D. 1865, combine, confederate, and conspire together at Washington City, within the Military Department of Washington, and within the intrenched fortifications and military lines of the said United States there being, unlawfully, maliciously, and traitorously to kill and murder Abraham Lincoln, then President of the United States aforesaid and Commander in Chief of the Army and Navy thereof; and unlawfully, maliciously, and traitorously to kill and murder Andrew Johnson, now Vice-President of the said United States, upon whom, on the death of said Abraham Lincoln, after the 4th day of March, A. D. 1865, the office of President of the said United States and Commander in Chief of the Army and Navy thereof would devolve; and to unlawfully, maliciously, and traitorously kill and murder Ulysses S. Grant, then Lieutenant-General, and, under the direction of the said Abraham Lincoln, in command of the armies of the United States aforesaid; and unlawfully, maliciously, and traitorously to kill and murder William H. Seward, then Secretary of State of the United States aforesaid, whose duty it was by law, upon the death of said President and Vice-President of the United States aforesaid, to cause an election to be held for electors of President of the United States—the conspirators aforesaid designing and intending by the killing and murder of the said Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, and William H. Seward, as aforesaid, to deprive the Army and Navy of the said United States of a constitutional Commander in Chief, and to deprive the armies of the United States of their lawful commander, and to prevent a lawful election of President and Vice-President of the United States aforesaid, and by the means aforesaid to aid and comfort the insurgents engaged in armed rebellion against the

said United States as aforesaid, and thereby to aid in the subversion and overthrow of the Constitution and laws of the said United States.

And being so combined, confederated, and conspiring together in the prosecution of said unlawful and traitorous conspiracy, on the night of the 14th day of April, A. D. 1865, at the hour of about 10 o'clock and 15 minutes p. m., at Ford's Theater, on Tenth street, in the city of Washington, and within the military department and military lines aforesaid, John Wilkes Booth, one of the conspirators aforesaid, in pursuance of said unlawful and traitorous conspiracy, did then and there unlawfully, maliciously, and traitorously, and with intent to kill and murder the said Abraham Lincoln, discharge a pistol then held in the hands of him, the said Booth, the same being then loaded with powder and a leaden ball, against and upon the left and posterior side of the head of the said Abraham Lincoln, and did thereby then and there inflict upon him, the said Abraham Lincoln, then President of the said United States and Commander in Chief of the Army and Navy thereof, a mortal wound, whereof afterwards, to wit, on the 15th day of April, A. D. 1865, at Washington City aforesaid, the said Abraham Lincoln died; and thereby then and there, and in pursuance of said conspiracy, the said defendants and the said John Wilkes Booth and John H. Surratt did unlawfully, traitorously, and maliciously, and with the intent to aid the rebellion as aforesaid, kill and murder the said Abraham Lincoln, President of the United States as aforesaid.

And in further prosecution of the unlawful and traitorous conspiracy aforesaid and of the murderous and traitorous intent of said conspiracy, the said Edward Spangler, on said 14th day of April, A. D. 1865, at about the same hour of that day as aforesaid, within said military department and the military lines aforesaid, did aid and assist the said John Wilkes Booth to obtain entrance to the box in said theater in which said Abraham Lincoln was sitting at the time he was assaulted and shot, as aforesaid, by John Wilkes Booth; and also did then and there aid said Booth in barring and obstructing the door of the box of said theater, so as to hinder and prevent any assistance to or rescue of the said Abraham Lincoln against the murderous assault of the said John Wilkes Booth, and did aid and abet him in making his escape after the said Abraham Lincoln had been murdered in manner aforesaid.

And in further prosecution of said unlawful, murderous, and traitorous conspiracy, and in pursuance thereof, and with the intent as aforesaid, the said David E. Herold did, on the night of the 14th of April, A. D. 1865, within the military department and military lines aforesaid, aid, abet, and assist the said John Wilkes Booth in the killing and murder of the said Abraham Lincoln, and did then and there aid and abet and assist him, the said John Wilkes Booth, in attempting to escape through the military lines aforesaid, and did accompany and assist the said John Wilkes Booth in attempting to conceal himself and escape from justice after killing and murdering said Abraham Lincoln, as aforesaid.

And in further prosecution of said unlawful and traitorous conspiracy and of the intent thereof as aforesaid, the said Lewis Payne did, on the same night of the 14th day of April, A. D. 1865, about the same hour of 10 o'clock and 15 minutes p. m., at the city of Washington, and within the military department and the military lines aforesaid, unlawfully and maliciously make an assault upon the said William H. Seward, Secretary of State, as aforesaid, in the dwelling house and bedchamber of him, the said William H. Seward, and the said Payne did then and there, with a large knife held in his hand, unlawfully, traitorously, and in pursuance of said conspiracy, strike, stab, cut, and attempt to kill and murder the said William H. Seward, and did thereby then and there, and with the intent aforesaid, with said knife, inflict upon the face and throat of the said William H. Seward divers grievous wounds; and the said Lewis Payne, in further prosecution of said conspiracy, at the same time and place last aforesaid, did attempt, with the knife aforesaid and a pistol held in his hand, to kill and murder Frederick W. Seward, Augustus H. Seward, Emrick W.

Hansell, and George F. Robinson, who were then striving to protect and rescue the said William H. Seward from murder by the said Lewis Payne, and did then and there, with said knife and pistol held in his hands, inflict upon the head of said Frederick W. Seward and upon the persons of said Augustus H. Seward, Emrick W. Hansell, and George F. Robinson divers grievous and dangerous wounds, with intent then and there to kill and murder the said Frederick W. Seward, Augustus H. Seward, Emrick W. Hansell, and George F. Robinson.

And in further prosecution of said conspiracy and its traitorous and murderous designs, the said George A. Atzerodt did, on the night of the 14th of April, A. D. 1865, and about the same hour of the night aforesaid, within the military department and the military lines aforesaid, lie in wait for Andrew Johnson, then Vice-President of the United States aforesaid, with the intent unlawfully and maliciously to kill and murder him, the said Andrew Johnson.

And in the further prosecution of the conspiracy aforesaid and of its murderous and treasonable purposes aforesaid, on the nights of the 13th and 14th of April, A. D. 1865, at Washington City, and within the military department and military lines aforesaid, the said Michael O'Laughlin did then and there lie in wait for Ulysses S. Grant, then Lieutenant-General and commander of the armies of the United States as aforesaid, with intent then and there to kill and murder the said Ulysses S. Grant.

And in further prosecution of said conspiracy, the said Samuel Arnold did, within the military department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 15th day of April, A. D. 1865, combine, conspire with, and aid, counsel, abet, comfort, and support the said John Wilkes Booth, Lewis Payne, George A. Atzerodt, Michael O'Laughlin, and their confederates in said unlawful, murderous, and traitorous conspiracy and in the execution thereof, as aforesaid.

And in further prosecution of the said conspiracy, Mary E. Surratt did, at Washington City, and within the military department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 20th day of April, A. D. 1865, receive, entertain, harbor and conceal, aid and assist, the said John Wilkes Booth, David E. Herold, Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Samuel Arnold, and their confederates, with knowledge of the murderous and traitorous conspiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof and in escaping from justice after the murder of the said Abraham Lincoln, as aforesaid.

And in further prosecution of said conspiracy, the said Samuel A. Mudd did, at Washington City, and within the military department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 20th day of April, A. D. 1865, advise, encourage, receive, entertain, harbor and conceal, aid and assist, the said John Wilkes Booth, David E. Herold, Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Mary E. Surratt, and Samuel Arnold, and their confederates, with knowledge of the murderous and traitorous conspiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof and in escaping from justice after the murder of the said Abraham Lincoln, in pursuance of said conspiracy, in manner aforesaid.

To which charge and specification the accused, David E. Herold, G. A. Atzerodt, Lewis Payne, Mary E. Surratt, Michael O'Laughlin, Edward Spangler, Samuel Arnold, and Samuel A. Mudd, pleaded "not guilty."

#### FINDINGS AND SENTENCES.

1. In the case of David E. Herold, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; as to which part thereof, not guilty."



Of the charge, "Guilty, except the words of the charge that he combined, confederated, and conspired with Edward Spangler; as to which part of said charge, not guilty."

And the commission does therefore sentence him, the said David E. Herold, "To be hanged by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

2. In the case of George A. Atzerodt, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said George A. Atzerodt, "To be hung by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

3. In the case of Lewis Payne, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Lewis Payne, "To be hung by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

4. In the case of Mary E. Surratt, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except as to receiving, entertaining, harboring, and concealing Samuel Arnold and Michael O'Laughlin, and except as to combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except as to combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence her, the said Mary E. Surratt, "To be hung by the neck until she be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

5. In the case of Michael O'Laughlin, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except the words thereof as follows: 'And in the further prosecution of the conspiracy aforesaid and of its murderous and treasonable purposes aforesaid, on the nights of the 13th and 14th of April, A. D. 1865, at Washington City, and within the military department and military lines aforesaid, the said Michael O'Laughlin did then and there lie in wait for Ulysses S. Grant, then Lieutenant-General and commander of the armies of the United States, with intent then and there to kill and murder the said Ulysses S. Grant;' of said words, not guilty; and except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Michael O'Laughlin, "To be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate."

6. In the case of Edward Spangler, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Not guilty, except as to the words, 'The said Edward Spangler, on said 14th day of April, A. D. 1865, at about the same hour of that day as aforesaid, within said military department and the military lines aforesaid, did aid and abet him (meaning John Wilkes Booth) in making his escape after the said Abraham Lincoln had been murdered in manner aforesaid;' and of these words, guilty."

Of the charge, "Not guilty, but guilty of having feloniously and traitorously aided and abetted John Wilkes Booth in making his escape after having killed and murdered Abraham Lincoln, President of the United States, he the said Edward Spangler, at the time of aiding and abetting as aforesaid, well knowing that the said Abraham Lincoln, President as aforesaid, had been murdered by the said John Wilkes Booth, as aforesaid."

And the commission does therefore sentence him, the said Edward Spangler, "To be confined at hard labor for the period of six years at such penitentiary as the President of the United States shall designate."

7. In the case of Samuel Arnold, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Samuel Arnold, "To be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate."

8. In the case of Samuel A. Mudd, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty; and except receiving, entertaining, harboring, and concealing Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Mary E. Surratt, and Samuel Arnold; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Samuel A. Mudd, "To be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate."

II. The proceedings, findings, and sentences in the foregoing cases having been submitted to the President of the United States, the following are his orders:

EXECUTIVE MANSION, *July 5, 1865.*

The foregoing sentences in the cases of David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, and Samuel A. Mudd are hereby approved, and it is ordered that the sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, and Mary E. Surratt be carried into execution by the proper military authority, under the direction of the Secretary of War, on the 7th day of July, 1865, between the hours of 10 o'clock a. m. and 2 o'clock p. m. of that day. It is further ordered that the prisoners Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael

O'Laughlin be confined at hard labor in the penitentiary at Albany, N. Y., during the period designated in their respective sentences.

ANDREW JOHNSON, *President.*

III. Major-General W. S. Hancock, United States Volunteers, commanding Middle Military Division, is commanded to cause the foregoing sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, and Mary E. Surratt to be duly executed in accordance with the President's order.

EXECUTIVE MANSION, *July 15, 1865.*

IV. The Executive order dated July 5, 1865, approving the sentences in the cases of Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael O'Laughlin, is hereby modified so as to direct that the said Arnold, Mudd, Spangler, and O'Laughlin be confined at hard labor in the military prison at Dry Tortugas, Florida, during the period designated in their respective sentences.

The Adjutant-General of the Army is directed to issue orders for the said prisoners to be transported to the Dry Tortugas, and to be confined there accordingly.

ANDREW JOHNSON, *President.*

V. Major-General W. S. Hancock, United States Volunteers, commanding Middle Military Division, is commanded to send the prisoners Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael O'Laughlin, under charge of a commissioned officer, with a sufficient guard, to the Dry Tortugas, Florida, where they will be delivered to the commanding officer of the post, who is hereby ordered to confine the said Arnold, Mudd, Spangler, and O'Laughlin at hard labor during the periods designated in their respective sentences.

VI. The military commission of which Major-General David Hunter is president is hereby dissolved.

By command of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

WASHINGTON, *August 7, 1865.*

An impression seems to prevail that the interests of persons having business with the executive government require that they should have personal interviews with the President or heads of Departments. As this impression is believed to be entirely unfounded, it is expected that applications relating to such business will hereafter be made in writing to the head of that Department to which the business may have been assigned by law. Those applications will in their order be considered and disposed of by heads of Departments, subject to the approval of the President. This order is made necessary by the unusual numbers of

persons visiting the seat of Government. It is impracticable to grant personal interviews to all of them, and desirable that there should be no invidious distinction in this respect. Similar business of persons who can not conveniently leave their homes must be neglected if the time of the executive officers here is engrossed by personal interviews with others.

ANDREW JOHNSON.

[From the Daily National Intelligencer, August 26, 1865.]

DEPARTMENT OF STATE,

*Washington, August 25, 1865.*

Paroled prisoners asking passports as citizens of the United States, and against whom no special charges may be pending, will be furnished with passports upon application therefor to the Department of State in the usual form. Such passports will, however, be issued upon the condition that the applicants do not return to the United States without leave of the President. Other persons implicated in the rebellion who may wish to go abroad will apply to the Department of State for passports, and the applications will be disposed of according to the merits of the several cases.

By the President of the United States:

WILLIAM H. SEWARD.

EXECUTIVE OFFICE, *September 7, 1865.*

*It is hereby ordered,* That so much of the Executive order bearing date the 7th [2d] day of June, 1865, as made it the duty of all officers of the Treasury Department, military officers, and all others in the service of the United States to turn over to the authorized officers of the Bureau of Refugees, Freedmen, and Abandoned Lands all funds collected by tax or otherwise for the benefit of refugees or freedmen, or accruing from abandoned lands or property set apart for their use, be, and the same is hereby, suspended.

ANDREW JOHNSON,

*President.*

GENERAL ORDERS, NO. 138.

WAR DEPARTMENT,

ADJUTANT-GENERAL'S OFFICE,

*Washington, September 16, 1865.*

To provide for the transportation required by the Bureau of Refugees, Freedmen, and Abandoned Lands—

*It is ordered,* That upon the requisition of the Commissioner or the assistant commissioners of the Bureau transportation be furnished such destitute refugees and freedmen as are dependent upon the Government for support to points where they can procure employment and subsistence

and support themselves, and thus relieve the Government, provided such transportation be confined by assistant commissioners within the limits of their jurisdiction.

Second. Free transportation on Government transports and United States military railroads will be furnished to such teachers only of refugees and freedmen, and persons laboring voluntarily in behalf of refugees and freedmen, as may be duly accredited by the Commissioner or assistant commissioners of the Bureau.

All stores and schoolbooks necessary to the subsistence, comfort, and instruction of dependent refugees and freedmen may be transported at Government expense, when such stores and books shall be turned over to the officers of the Quartermaster's Department, with the approval of the assistant commissioners, Commissioner, or department commander, the same to be transported as public stores, consigned to the quartermaster of the post to which they are destined, who, after inspection, will turn them over to the assistant commissioners or Bureau agent for whom they are intended for distribution.

All army officers traveling on public duty, under the orders of the commissioners, within the limits of their respective jurisdictions, will be entitled to mileage or actual cost of transportation, according to the revised Army Regulations, when transportation has not been furnished them by the Quartermaster's Department.

By order of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

SPECIAL ORDERS, NO. 503.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, September 19, 1865.*

\* \* \* \* \*

It has been represented to the Department that commanders of military posts and districts in Georgia, and particularly Brevet Brigadier-General C. H. Grosvenor, provost-marshal-general, and Brevet Major-General King, commanding in the district of Augusta, have assumed to decide questions of contracts and conflicting claims of property between individuals, and to order the delivery, surrender, or transfer of property and documents of title as between private persons, in which the Government is not concerned.

All such acts and proceedings on the part of military authorities in said State are declared by the President to be without authority and null and void.

All military commanders and authorities within said State are strictly ordered to abstain from any such acts, and not in any way to interfere

with or assume to adjudicate any right, title, or claim of property between private individuals, and to suspend all action upon any orders heretofore made in respect to the ownership or delivery of property and the validity of contracts between private persons.

They are also forbidden from being directly or indirectly interested in any sales or contracts for cotton or other products of said State, and from using or suffering to be used any Government transportation for the transporting of cotton or other products of said State for or in behalf of private persons on any pretense whatever.

Military officers have no authority to interfere in any way in questions of sale or contracts of any kind between individuals or to decide any question of property between them without special instructions from this Department authorizing their action, and the usurpation of such power will be treated as a grave military offense.

Major-General Steedman, commanding the Department of Georgia, is specially charged with the enforcement of this order, and directed to make report as to any acts, proceedings, or orders of Brevet Major-General King and Brevet Brigadier-General Grosvenor, provost-marshal-general, in regard to contracts or conflicting claims of individuals in relation to cotton or other products, and to suspend all action upon any such orders until further instructions.

By order of the President of the United States.

F. D. TOWNSEND,  
*Assistant Adjutant-General.*

GENERAL ORDERS, No. 145.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, October 9, 1865.*

Whereas certain tracts of land, situated on the coast of South Carolina, Georgia, and Florida, at the time for the most part vacant, were set apart by Major-General W. T. Sherman's special field order No. 15 for the benefit of refugees and freedmen that had been congregated by the operations of war or had been left to take care of themselves by their former owners; and

Whereas an expectation was thereby created that they would be able to retain possession of said lands; and

Whereas a large number of the former owners are earnestly soliciting the restoration of the same and promising to absorb the labor and care for the freedmen:

*It is ordered, That Major-General Howard, Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, proceed to the several above-named States and endeavor to effect an arrangement mutually satisfactory to the freedmen and the landowners, and make report. And*

in case a mutually satisfactory arrangement can be effected, he is duly empowered and directed to issue such orders as may become necessary, after a full and careful investigation of the interests of the parties concerned.

By order of the President of the United States:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

EXECUTIVE OFFICE, *October 11, 1865.*

Whereas the following-named persons, to wit, John A. Campbell, of Alabama; John H. Reagan, of Texas; Alexander H. Stephens, of Georgia; George A. Trenholm, of South Carolina, and Charles Clark, of Mississippi, lately engaged in rebellion against the United States Government, who are now in close custody, have made their submission to the authority of the United States and applied to the President for pardon under his proclamation; and

Whereas the authority of the Federal Government is sufficiently restored in the aforesaid States to admit of the enlargement of said persons from close custody:

*It is ordered,* That they be released on giving their respective paroles to appear at such time and place as the President may designate to answer any charge that he may direct to be preferred against them, and also that they will respectively abide until further orders in the places herein designated, and not depart therefrom, to wit:

John A. Campbell, in the State of Alabama; John H. Reagan, in the State of Texas; Alexander H. Stephens, in the State of Georgia; George A. Trenholm, in the State of South Carolina; and Charles Clark, in the State of Mississippi. And if the President should grant his pardon to any of said persons, such person's parole will be thereby discharged.

ANDREW JOHNSON,  
*President.*

EXECUTIVE OFFICE,  
*Washington City, November 11, 1865.*

*Ordered,* That the civil and military agents of the Government transfer to the assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands for Alabama the use and custody of all real estate, buildings, or other property, except cotton, seized or held by them in that State as belonging to the late rebel government, together with all such funds as may arise or have arisen from the rent, sale, or disposition of such property which have not been finally paid into the Treasury of the United States.

ANDREW JOHNSON,  
*President.*

GENERAL ORDERS, NO. 164.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, November 24, 1865.*

*Ordered, That—*

I. All persons claiming reward for the apprehension of John Wilkes Booth, Lewis Payne, G. A. Atzerodt, and David E. Herold, and Jefferson Davis, or either of them, are notified to file their claims and their proofs with the Adjutant-General for final adjudication by the special commission appointed to award and determine upon the validity of such claims before the 1st day of January next, after which time no claims will be received.

II. The rewards offered for the arrest of Jacob Thompson, Beverley Tucker, George N. Sanders, William G. Cleary, and John H. Surratt are revoked.

By order of the President of the United States:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 4, 1865.*

*Fellow-Citizens of the Senate and House of Representatives:*

To express gratitude to God in the name of the people for the preservation of the United States is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of par-  
ricidal treason. The grief of the nation is still fresh. It finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union, and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfill my trust I need the support and confidence of all who are associated with me in the various departments of Government and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid. It is to state with frankness the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labors will in a great measure depend on your and their undivided approbation.

The Union of the United States of America was intended by its authors



to last as long as the States themselves shall last. "The Union shall be perpetual" are the words of the Confederation. "To form a more perfect Union," by an ordinance of the people of the United States, is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the framing and the adopting of that instrument. It is beyond comparison the greatest event in American history, and, indeed, is it not of all events in modern times the most pregnant with consequences for every people of the earth? The members of the Convention which prepared it brought to their work the experience of the Confederation, of their several States, and of other republican governments, old and new; but they needed and they obtained a wisdom superior to experience. And when for its validity it required the approval of a people that occupied a large part of a continent and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention and long discussion, all feelings and all opinions were ultimately drawn in one way to its support? The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and insure domestic tranquillity. In case of the usurpation of the government of a State by one man or an oligarchy, it becomes a duty of the United States to make good the guaranty to that State of a republican form of government, and so to maintain the homogeneousness of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity by every patriotic Chief Magistrate—by Jefferson and Jackson not less than by Washington and Madison. The parting advice of the Father of his Country, while yet President, to the people of the United States was that the free Constitution, which was the work of their hands, might be sacredly maintained; and the inaugural words of President Jefferson held up "the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad." The Constitution is the work of "the people of the United States," and it should be as indestructible as the people.

It is not strange that the framers of the Constitution, which had no model in the past, should not have fully comprehended the excellence of their own work. Fresh from a struggle against arbitrary power, many patriots suffered from harassing fears of an absorption of the State governments by the General Government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehension of encroachments by the General Government. The subjects that come unquestionably within its juris-

diction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it. Were it otherwise the Executive would sink beneath the burden, the channels of justice would be choked, legislation would be obstructed by excess, so that there is a greater temptation to exercise some of the functions of the General Government through the States than to trespass on their rightful sphere. The "absolute acquiescence in the decisions of the majority" was at the beginning of the century enforced by Jefferson as "the vital principle of republics;" 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 nullify 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 legislative and of the executive departments no tenure but a limited one, and in that manner always retain the powers 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—

This Constitution and the 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, and so is every State government a limited government. With us this idea of limitation spreads through every form of administration—general, State, and municipal—and rests on the great distinguishing principle of the recognition of the rights of man. The ancient republics absorbed the individual in the state—prescribed his religion and controlled his activity. The American system rests on the assertion of the equal right of every man to life, liberty, and the pursuit of happiness, to freedom of conscience, to the culture and exercise of all his faculties. As a consequence the State government is limited—as to the General Government in the interest of union, as to the individual citizen in the interest of freedom.

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 States; so 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, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States one 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 for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States 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 can not 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 the 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 questions 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 derive a healing policy from the fundamental and unchanging principles of the Constitution.

I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals, and 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.

Now 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 vanquishers and the vanquished, and would have envenomed hatred rather than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable 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 expected 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 powers, if continued through a period of years, would have endangered the purity of the general administration and 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 those inhabitants ceased to exist. But the true theory is that all pretended acts of secession were from the beginning null and void. The States can not 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 neglects or refuses to perform its offices there is the more need that the General Government should maintain all its authority and as soon as practicable resume the exercise of all 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 provisional governors have been appointed for the States, conventions called, governors 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 reopened, so that the laws of the United States may be enforced through their agency. The blockade has been removed and the custom-houses reestablished in ports of entry, so that the revenue of the United States may be collected. The Post-Office Department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post-office renews the facilities of social intercourse and of business. And is it not happy for us all that the restoration of each one 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 those 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 smallest risk; and to diminish and if possible to remove all danger, I have felt it incumbent on me 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 which 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 public safety. For this great end there is need of a concurrence of all opinions and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. 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 the 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; this is the measure which 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 mutual 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 elections, returns, and qualifications of your own members.

The full-assertion of the powers of the General Government requires the holding of 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 those courts in any of the States where the rebellion has existed; and it was ascertained 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, nor until Congress should have "an opportunity to consider and act on the whole subject." To your deliberations the restoration of this branch of the civil authority of the United States is therefore necessarily referred, with the hope that 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 the laws may be fully vindicated, the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offense 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 the right to renounce its place in the Union.

The relations of the General Government toward the 4,000,000 inhabitants whom the war has called into freedom have engaged my most serious consideration. On the propriety of attempting to make the freedmen electors by the proclamation of the Executive I took for my counsel the Constitution itself, the interpretations 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 instructed the several States to institute governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise. During the period of the Confederacy there continued to exist a very great diversity in the qualifications of electors in the 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 recognizes these diversities when it enjoins 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 electors of the most numerous branch of the State legislature." After the formation of the Constitution it remained, as before, the uniform usage for each State to enlarge the body of its electors according to its own judgment, and under this system one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near it, is the general rule. So fixed was this reservation of power in the habits 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, much 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. Such an act would have created a new class of voters, and 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 manly virtues, will sooner obtain a participation in the elective franchise through the States than through the General Government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness 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.

But while I have no doubt that now, after the close of the 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 their property, their right to labor, and their right to claim the just return of their labor. I can not too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty assumptions of any natural impossibility for the two races to live side by side in a state of mutual benefit and good will. The experiment involves us in no inconsistency; let us, then, go on and make that experiment in good faith, and not be too easily disheartened. The country is in need of labor, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to honorable and useful industry, where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting 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 can not 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 the employer and the employed coincide. The employer desires in his workmen spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so

ought 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 acts on record to have brought 4,000,000 people into freedom. The career of free industry must be fairly opened to them, and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable 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, or near 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 incoming of free industry. Where labor was the property of the capitalist, the white man was excluded from employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. With the destruction of the monopoly free labor will hasten from all parts of the civilized world to assist in developing various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found 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 cultivated 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 laden 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 power of resistance to the establishment of inequalities. 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 privileges 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 that commerce should be free and unobstructed. No State can be justified in any device to tax the transit of travel and commerce between 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 States might be injuriously burdened, 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 sternly guarded against by appropriate legislation within the limits of the Constitution.

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, 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 1,160,533 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 payments in cash to the extent of from 40 to 50 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 vest. 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 solitude for future purchasers.

~~The lamentable events of the last four years and the sacrifices made~~ by the gallant men of our Army and Navy have swelled the records of the Pension Bureau to an unprecedented extent. On the 30th day of June

last the total number of pensioners was 85,986, requiring for their annual pay, exclusive of expenses, the sum of \$8,023,445. The number of applications that have been allowed since that date will require a large increase of this amount for the next fiscal year. The means for the payment of the stipends due under existing laws to our disabled soldiers and sailors and to the families of such as have perished in the service of the country will no doubt be cheerfully and promptly granted. A grateful people will not hesitate to sanction any measures having for their object the relief of soldiers mutilated and families made fatherless in the efforts to preserve our national existence.

The report of the Postmaster-General presents an encouraging exhibit of the operations of the Post-Office Department during the year. The revenues of 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 revenues of the four years immediately preceding the rebellion, was \$3,533,845. 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 the ocean mail steamship lines upon established routes and in favor of continuing the present system, which limits the compensation for ocean service to the postage earnings, are recommended to the careful consideration of Congress.

It appears from the report of the Secretary of the Navy that while at the commencement of the present year there were in commission 530 vessels of all classes and descriptions, armed with 3,000 guns and manned by 51,000 men, the number of vessels at present in commission is 117, with 830 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 reestablished, 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 ironclad vessels, is deserving of consideration, as is also the recommendation for a different location and more ample grounds for the Naval Academy.

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 bureaus of the War Department during the past year are detailed and an estimate made of the

appropriations that will be required for military purposes in the fiscal year commencing the 1st day of July, 1866. The national military force on the 1st of May, 1865, numbered 1,000,516 men. It is proposed to reduce the military establishment to a peace footing, comprehending 50,000 troops of all arms, organized so as to admit of an enlargement by filling up the ranks to 82,600 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 \$33,814,461, which amount, in the opinion of the Department, is adequate for a peace establishment. The measures of retrenchment in each bureau and branch of the service exhibit a 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 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 decision, but the paramount importance of the subject so presses itself on my own mind that I can not 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 this 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 meet 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 commend itself to those who come after us for its continuance. We must aim at nothing less than the complete effacement of the financial evils 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 persisted in, discharge it fully within a definitely fixed 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 nearly 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 on 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 two hundred millions; now the circulation, bank and national, exceeds seven hundred millions. 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 the only measure that can save the business 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 among political economists have not failed to remark that the public debt of a country is safe in proportion as its people are free; that the debt of a republic is the safest of all. Our history confirms and establishes the theory, and is, I firmly believe, destined to give it a still more signal illustration. The secret of this superiority springs not merely from the fact that in a republic the national obligations are distributed more widely through countless numbers in all classes of society; it has its root in the character of our laws. Here all men contribute to the public welfare and bear their fair share of the public burdens. During the war, under the impulses of patriotism, the men of the great body of the people, without regard to their own comparative want of wealth, thronged to our armies and filled our fleets of war, and held themselves ready to offer their lives for the public good. Now, in their turn, the property and income of the country should bear their just proportion of the burden of taxation, while in our impost system, through means of which increased vitality is incidentally imparted to all the industrial interests of the nation, the duties should be so adjusted as to fall most heavily on articles of luxury,

leaving the necessaries of life as free from taxation as the absolute wants of the Government economically administered will justify. No favored class should demand freedom from assessment, and the taxes should be so distributed as not to fall unduly on the poor, but rather on the accumulated wealth of the country. We should look at the national debt just as it is—not as a national blessing, but as a heavy burden on the industry of the country, to be discharged without unnecessary delay.

It is estimated by the Secretary of the Treasury that the expenditures for the fiscal year ending the 30th of June, 1866, will exceed the receipts \$112,194,947. It is gratifying, however, to state that it is also estimated that the revenue for the year ending the 30th of June, 1867, will exceed the expenditures in the sum of \$111,682,818. This amount, or so much as may be deemed sufficient for the purpose, may be applied to the reduction of the public debt, which on the 31st day of October, 1865, was \$2,740,854,750. Every reduction will diminish the total amount of interest to be paid, and so enlarge the means of still further reductions, until the whole shall be liquidated; and this, as will be seen from the estimates of the Secretary of the Treasury, may be accomplished by annual payments even within a period not exceeding thirty years. I have faith that we shall do all this within a reasonable time; that as we have amazed the world by the suppression of a civil war which was thought to be beyond the control of any government, so we shall equally show the superiority of our institutions by the prompt and faithful discharge of our national obligations.

The Department of Agriculture under its present direction is accomplishing much in developing and utilizing the vast agricultural capabilities of the country, and for information respecting the details of its management reference is made to the annual report of the Commissioner.

I have dwelt thus fully on our domestic affairs because of their transcendent importance. Under any circumstances our great extent of territory and variety of climate, producing almost everything that is necessary for the wants and even the comforts of man, make us singularly independent of the varying policy of foreign powers and protect us against every temptation to “entangling alliances,” while at the present moment the reestablishment of harmony and the strength that comes from harmony will be our best security against “nations who feel power and forget right.” For myself, it has been and it will be my constant aim to promote peace and amity with all foreign nations and powers, and I have every reason to believe that they all, without exception, are animated by the same disposition. Our relations with the Emperor of China, so recent in their origin, are most friendly. Our commerce with his dominions is receiving new developments, and it is very pleasing to find that the Government of that great Empire manifests satisfaction with our policy and reposes just confidence in the fairness which marks our intercourse. The unbroken harmony between the United States and

the Emperor of Russia is receiving a new support from an enterprise designed to carry telegraphic lines across the continent of Asia, through his dominions, and so to connect us with all Europe by a new channel of intercourse. Our commerce with South America is about to receive encouragement by a direct line of mail steamships to the rising Empire of Brazil. The distinguished party of men of science who have recently left our country to make a scientific exploration of the natural history and rivers and mountain ranges of that region have received from the Emperor that generous welcome which was to have been expected from his constant friendship for the United States and his well-known zeal in promoting the advancement of knowledge. A hope is entertained that our commerce with the rich and populous countries that border the Mediterranean Sea may be largely increased. Nothing will be wanting on the part of this Government to extend the protection of our flag over the enterprise of our fellow-citizens. We receive from the powers in that region assurances of good will; and it is worthy of note that a special envoy has brought us messages of condolence on the death of our late Chief Magistrate from the Bey of Tunis, whose rule includes the old dominions of Carthage, on the African coast.

Our domestic contest, now happily ended, has left some traces in our relations with one at least of the great maritime powers. The formal accordance of belligerent rights to the insurgent States was unprecedented, and has not been justified by the issue. But in the systems of neutrality pursued by the powers which made that concession there was a marked difference. The materials of war for the insurgent States were furnished, in a great measure, from the workshops of Great Britain, and British ships, manned by British subjects and prepared for receiving British armaments, sallied from the ports of Great Britain to make war on American commerce under the shelter of a commission from the insurgent States. These ships, having once escaped from British ports, ever afterwards entered them in every part of the world to refit, and so to renew their depredations. The consequences of this conduct were most disastrous to the States then in rebellion, increasing their desolation and misery by the prolongation of our civil contest. It had, moreover, the effect, to a great extent, to drive the American flag from the sea, and to transfer much of our shipping and our commerce to the very power whose subjects had created the necessity for such a change. These events took place before I was called to the administration of the Government. The sincere desire for peace by which I am animated led me to approve the proposal, already made, to submit the question which had thus arisen between the countries to arbitration. These questions are of such moment that they must have commanded the attention of the great powers, and are so interwoven with the peace and interests of every one of them as to have insured an impartial decision. I regret to inform you that Great Britain declined the arbitrament, but, on the other hand, invited us to the

formation of a joint commission to settle mutual claims between the two countries, from which those for the depredations before mentioned should be excluded. The proposition, in that very unsatisfactory form, has been declined.

The United States did not present the subject as an impeachment of the good faith of a power which was professing the most friendly dispositions, but as involving questions of public law of which the settlement is essential to the peace of nations; and though pecuniary reparation to their injured citizens would have followed incidentally on a decision against Great Britain, such compensation was not their primary object. They had a higher motive, and it was in the interests of peace and justice to establish important principles of international law. The correspondence will be placed before you. The ground on which the British minister rests his justification is, substantially, that the municipal law of a nation and the domestic interpretations of that law are the measure of its duty as a neutral, and I feel bound to declare my opinion before you and before the world that that justification can not be sustained before the tribunal of nations. At the same time, I do not advise to any present attempt at redress by acts of legislation. For the future, friendship between the two countries must rest on the basis of mutual justice.

From the moment of the establishment of our free Constitution the civilized world has been convulsed by revolutions in the interests of democracy or of monarchy, but through all those revolutions the United States have wisely and firmly refused to become propagandists of republicanism. It is the only government suited to our condition; but we have never sought to impose it on others, and we have consistently followed the advice of Washington to recommend it only by the careful preservation and prudent use of the blessing. During all the intervening period the policy of European powers and of the United States has, on the whole, been harmonious. Twice, indeed, rumors of the invasion of some parts of America in the interest of monarchy have prevailed; twice my predecessors have had occasion to announce the views of this nation in respect to such interference. On both occasions the remonstrance of the United States was respected from a deep conviction on the part of European Governments that the system of noninterference and mutual abstinence from propagandism was the true rule for the two hemispheres. Since those times we have advanced in wealth and power, but we retain the same purpose to leave the nations of Europe to choose their own dynasties and form their own systems of government. This consistent moderation may justly demand a corresponding moderation. We should regard it as a great calamity to ourselves, to the cause of good government, and to the peace of the world should any European power challenge the American people, as it were, to the defense of republicanism against foreign interference. We can not foresee and are unwilling to consider what opportunities might present themselves, what combinations might offer to protect

ourselves against designs inimical to our form of government. The United States desire to act in the future as they have ever acted heretofore; they never will be driven from that course but by the aggression of European powers, and we rely on the wisdom and justice of those powers to respect the system of noninterference which has so long been sanctioned by time, and which by its good results has approved itself to both continents.

The correspondence between the United States and France in reference to questions which have become subjects of discussion between the two Governments will at a proper time be laid before Congress.

When, on the organization of our Government under the Constitution, the President of the United States delivered his inaugural address to the two Houses of Congress, he said to them, and through them to the country and to mankind, that—

The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as *deeply*, as *finally*, staked on the experiment intrusted to the hands of the American people.

And the House of Representatives answered Washington by the voice of Madison:

We adore the Invisible Hand which has led the American people, through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty.

More than seventy-six years have glided away since these words were spoken; the United States have passed through severer trials than were foreseen; and now, at this new epoch in our existence as one nation, with our Union purified by sorrows and strengthened by conflict and established by the virtue of the people, the greatness of the occasion invites us once more to repeat with solemnity the pledges of our fathers to hold ourselves answerable before our fellow-men for the success of the republican form of government. Experience has proved its sufficiency in peace and in war; it has vindicated its authority through dangers and afflictions, and sudden and terrible emergencies, which would have crushed any system that had been less firmly fixed in the hearts of the people. At the inauguration of Washington the foreign relations of the country were few and its trade was repressed by hostile regulations; now all the civilized nations of the globe welcome our commerce, and their governments profess toward us amity. Then our country felt its way hesitatingly along an untried path, with States so little bound together by rapid means of communication as to be hardly known to one another, and with historic traditions extending over very few years; now intercourse between the States is swift and intimate; the experience of centuries has been crowded into a few generations, and has created an intense, indestructible nationality. Then our jurisdiction did not reach beyond the inconvenient boundaries of the territory which had achieved independence; now, through cessions of lands, first colonized by Spain and France, the country



U has acquired a more complex character, and has for its natural limits the chain of lakes, the Gulf of Mexico, and on the east and the west the two great oceans. Other nations were wasted by civil wars for ages before they could establish for themselves the necessary degree of unity; the latent conviction that our form of government is the best ever known to the world has enabled us to emerge from civil war within four years with a complete vindication of the constitutional authority of the General Government and with our local liberties and State institutions unimpaired.

The throngs of emigrants that crowd to our shores are witnesses of the confidence of all peoples in our permanence. Here is the great land of free labor, where industry is blessed with unexampled rewards and the bread of the workingman is sweetened by the consciousness that the cause of the country "is his own cause, his own safety, his own dignity." Here everyone enjoys the free use of his faculties and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteen-fold within a century. Here, through the easy development of boundless resources, wealth has increased with twofold greater rapidity than numbers, so that we have become secure against the financial vicissitudes of other countries and, alike in business and in opinion, are self-centered and truly independent. Here more and more care is given to provide education for everyone born on our soil. Here religion, released from political connection with the civil government, refuses to subserve the craft of statesmen, and becomes in its independence the spiritual life of the people. Here toleration is extended to every opinion, in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science, to collect stores of knowledge and acquire an ever-increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute in reality a people. Here exists the democratic form of government; and that form of government, by the confession of European statesmen, "gives a power of which no other form is capable, because it incorporates every man with the state and arouses everything that belongs to the soul."

Where in past history does a parallel exist to the public happiness which is within the reach of the people of the United States? Where in any part of the globe can institutions be found so suited to their habits or so entitled to their love as their own free Constitution? Every one of them, then, in whatever part of the land he has his home, must wish its perpetuity. Who of them will not now acknowledge, in the words of Washington, that "every step by which the people of the United States have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency"? Who will not join with me in the prayer that the Invisible Hand which has led

us through the clouds that gloomed around our path will so guide us onward to a perfect restoration of fraternal affection that we of this day may be able to transmit our great inheritance of State governments in all their rights, of the General Government in its whole constitutional vigor, to our posterity, and they to theirs through countless generations?

ANDREW JOHNSON.

## SPECIAL MESSAGES.

WASHINGTON, *December 11, 1865.*

*To the Senate and House of Representatives of the United States:*

I transmit a report of this date from the Secretary of State, and the papers referred to therein, concerning the Universal Exposition to be held at Paris in the year 1867, in which the United States have been invited by the Government of France to take part. I commend the subject to your early and favorable consideration.

ANDREW JOHNSON.

WASHINGTON, *December 13, 1865.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 11th instant, requesting information on the subject of a decree of the so-called Emperor of Mexico of the 3d of October last, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *December 14, 1865.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 11th instant, requesting information relative to a so-called decree concerning the reestablishment of slavery or peonage in the Republic of Mexico, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, D. C., *December 18, 1865.*

*To the Senate and House of Representatives of the United States:*

In compliance with the requirements of the third section of the act approved March 3, 1865, I transmit herewith a communication from the Secretary of War, with the accompanying report and estimates of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, December 18, 1865.

*To the Senate of the United States:*

In reply to the resolution adopted by the Senate on the 12th instant, I have the honor to state that the rebellion waged by a portion of the people against the properly constituted authority of the Government of the United States has been suppressed; that the United States are in possession of every State in which the insurrection existed, and that, as far as it could be done, the courts of the United States have been restored, post-offices reestablished, and steps taken to put into effective operation the revenue laws of the country.

As the result of the measures instituted by the Executive with the view of inducing a resumption of the functions of the States comprehended in the inquiry of the Senate, the people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee have reorganized their respective State governments, and "are yielding obedience to the laws and Government of the United States" with more willingness and greater promptitude than under the circumstances could reasonably have been anticipated. The proposed amendment to the Constitution, providing for the abolition of slavery forever within the limits of the country, has been ratified by each one of those States, with the exception of Mississippi, from which no official information has been received, and in nearly all of them measures have been adopted or are now pending to confer upon freedmen the privileges which are essential to their comfort, protection, and security. In Florida and Texas the people are making commendable progress in restoring their State governments, and no doubt is entertained that they will at an early period be in a condition to resume all of their practical relations with the General Government.

In "that portion of the Union lately in rebellion" the aspect of affairs is more promising than, in view of all the circumstances, could well have been expected. The people throughout the entire South evince a laudable desire to renew their allegiance to the Government and to repair the devastations of war by a prompt and cheerful return to peaceful pursuits, and abiding faith is entertained that their actions will conform to their professions, and that in acknowledging the supremacy of the Constitution and laws of the United States their loyalty will be unreservedly given to the Government, whose leniency they can not fail to appreciate and whose fostering care will soon restore them to a condition of prosperity. It is true that in some of the States the demoralizing effects of the war are to be seen in occasional disorders; but these are local in character, not frequent in occurrence, and are rapidly disappearing as the authority of civil law is extended and sustained. Perplexing questions are naturally to be expected from the great and sudden change in the relations between the two races; but systems are gradually developing themselves under which the freedman will receive the protection

to which he is justly entitled, and, by means of his labor, make himself a useful and independent member in the community in which he has a home.

From all the information in my possession and from that which I have recently derived from the most reliable authority I am induced to cherish the belief that sectional animosity is surely and rapidly merging itself into a spirit of nationality, and that representation, connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relation of the States to the National Union.

The report of Carl Schurz is herewith transmitted, as requested by the Senate. No reports from the Hon. John Covode have been received by the President. The attention of the Senate is invited to the accompanying report from Lieutenant-General Grant, who recently made a tour of inspection through several of the States whose inhabitants participated in the rebellion.

ANDREW JOHNSON.

WASHINGTON, *December 20, 1865.*

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 19th instant, requesting that the President, if not inconsistent with the public service, communicate to the Senate the "report of General Howard of his observations of the condition of the seceded States and the operation of the Freedmen's Bureau therein," I have to state that the report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands was yesterday transmitted to both Houses of Congress, as required by the third section of the act approved March 3, 1865.

ANDREW JOHNSON.

WASHINGTON, *December 21, 1865.*

*To the Senate:*

In compliance with the resolution of the Senate of the 11th instant, respecting the occupation by the French troops of the Republic of Mexico and the establishment of a monarchy there, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 19th ultimo, requesting information in regard to any plans to induce the immigration of dissatisfied citizens of the United States into Mexico, their organization there with the view to create disturbances in the United States, and especially in regard to the plans of Dr. William M. Gwin and M. F. Maury, and to the action taken by the Government of the United States

to prevent the success of such schemes, I transmit a report from the Acting Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

*To the Senate of the United States:*

I have received the following preamble and resolution, adopted by the Senate on the 21st ultimo:

Whereas the Constitution declares that "in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed;" and

Whereas several months have elapsed since Jefferson Davis, late president of the so-called Confederate States, was captured and confined for acts notoriously done by him as such, which acts, if duly proved, render him guilty of treason against the United States and liable to the penalties thereof; and

Whereas hostilities between the Government of the United States and the insurgents have ceased, and not one of the latter, so far as is known to the Senate, is now held in confinement for the part he may have acted in the rebellion except said Jefferson Davis: Therefore,

*Resolved*, That the President be respectfully requested, if compatible with the public safety, to inform the Senate upon what charges or for what reasons said Jefferson Davis is still held in confinement, and why he has not been put upon his trial.

In reply to the resolution I transmit the accompanying reports from the Secretary of War and the Attorney-General, and at the same time invite the attention of the Senate to that portion of my message dated the 4th day of December last which refers to Congress the questions connected with the holding of circuit courts of the United States within the districts where their authority has been interrupted.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 18th ultimo, requesting information in regard to steps taken by the so-called Emperor of Mexico or by any European power to obtain from the United States a recognition of the so-called Empire of Mexico, and what action has been taken in the premises by the Government of the United States, I transmit a report from the Acting Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 10, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 8th instant, asking for information in regard to the alleged kidnaping in

Mexico of the child of an American lady, I transmit a report from the Acting Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 12, 1866.*

*To the Senate and House of Representatives:*

I transmit herewith a communication addressed to me by Messrs. John Evans and J. B. Chaffee as "United States Senators elect from the State of Colorado," together with the accompanying documents.

Under authority of the act of Congress approved the 21st day of March, 1864, the people of Colorado, through a convention, formed a constitution making provision for a State government, which, when submitted to the qualified voters of the Territory, was rejected.

In the summer of 1865 a second convention was called by the executive committees of the several political parties in the Territory, which assembled at Denver on the 8th of August, 1865. On the 12th of that month this convention adopted a State constitution, which was submitted to the people on the 5th of September, 1865, and ratified by a majority of 155 of the qualified voters. The proceedings in the second instance for the formation of a State government having differed in time and mode from those specified in the act of March 21, 1864, I have declined to issue the proclamation for which provision is made in the fifth section of the law, and therefore submit the question for the consideration and further action of Congress.

ANDREW JOHNSON.

EXECUTIVE OFFICE, *January 20, 1866.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, the several treaties\* with the Indians of the Southwest referred to in the accompanying communication from the Secretary of the Interior.

ANDREW JOHNSON.

EXECUTIVE OFFICE, *January 20, 1866.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, the several treaties with bands of the Sioux Nation of Indians which are referred to in the accompanying communication from the Secretary of the Interior.

ANDREW JOHNSON.

\* With the confederated tribes of the Arapahoe and Cheyenne Indians, concluded October 14, 1865; with the Apache, Cheyenne, and Arapahoe tribes, respectively, concluded October 17, 1865; with the several bands of the Comanche tribe, concluded October 18, 1865.

EXECUTIVE MANSION *January 20, 1866.*

*To the Senate of the United States:*

I communicate to the Senate herewith, for its constitutional action thereon, the treaties with the Omaha and Winnebago Indians referred to in the accompanying communication from the Secretary of the Interior.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 11th instant, requesting information in regard to a negotiation for the transit of United States troops in 1861 through Mexican territory, I transmit a report from the Acting Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Empire of Japan for the reduction of import duties, which was signed at Yedo the 28th of January, 1864.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the Empire of Japan and the Governments of the United States, Great Britain, France, and Holland, providing for the payment to said Governments of the sum of \$3,000,000 for indemnities and expenses, which was signed by the respective parties at Yokohama on the 22d of October, 1864.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 17th instant, requesting the President "to communicate to the Senate, if in his opinion not inconsistent with the public interest, any letters from Major-General Sheridan, commanding the Military Division of the Gulf, or from any other officer of the Department of Texas, in regard to the present condition of affairs on the southeastern frontier of the United States, and especially in regard to any violation of neutrality on the part of the army now occupying the right bank of the Rio Grande," I transmit herewith a report from the Secretary of War, bearing date the 24th instant.

Concurring in his opinion that the publication of the correspondence at this time is not consistent with the public interest, the papers referred to in the accompanying report are for the present withheld.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 22d instant, requesting the communication of any correspondence or other information in regard to a demonstration by the Congress of the United States of Colombia, or any other country, in honor of President Juarez, of the Republic of Mexico, I transmit herewith a report from the Acting Secretary of State, with the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 8th instant, asking for information in regard to the reported surrender of the rebel pirate vessel called the *Shenandoah*, I transmit a report from the Acting Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, *January 30, 1866.*

*To the Senate and House of Representatives:*

Believing that the commercial interests of our country would be promoted by a formal recognition of the independence of the Dominican Republic, while such a recognition would be in entire conformity with the settled policy of the United States, I have with that view nominated to the Senate an officer of the same grade with the one now accredited to the Republic of Hayti; and I recommend that an appropriation be made by Congress toward providing for his compensation.

ANDREW JOHNSON.

WASHINGTON, *February 1, 1866.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 10th ultimo, requesting information in regard to the organization in the city of New York of the "Imperial Mexican Express Company" under a grant from the so-called Emperor of Mexico, I transmit a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.



WASHINGTON, *February 2, 1866.**To the Senate of the United States:*

The accompanying correspondence is transmitted to the Senate in compliance with its resolution of the 16th ultimo, requesting the President, "if not inconsistent with the public interest, to communicate to the Senate any correspondence which may have taken place between himself and any of the judges of the Supreme Court touching the holding of the civil courts of the United States in the insurrectionary States for the trial of crimes against the United States."

ANDREW JOHNSON.

WASHINGTON, *February 2, 1866.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 30th ultimo, requesting the President, "if not incompatible with the public interests, to communicate to the Senate a copy of the late report of Major-General Sherman upon the condition of the States in his department, in which he has lately made a tour of inspection," I transmit herewith a copy of a communication, dated December 22, 1865, addressed to the Headquarters of the Army by Major-General Sherman, commanding the Military Division of the Mississippi

ANDREW JOHNSON.

WASHINGTON, *February 9, 1866.**To the House of Representatives:*

In reply to the resolution of the House of Representatives of the 10th ultimo, requesting the President of the United States, "if not incompatible with the public interest, to communicate to the House any report or reports made by the Judge-Advocate-General or any other officer of the Government as to the grounds, facts, or accusations upon which Jefferson Davis, Clement C. Clay, jr., Stephen R. Mallory, and David L. Yulee, or either of them, are held in confinement," I transmit herewith reports from the Secretary of War and the Attorney-General, and concur in the opinion therein expressed that the publication of the papers called for by the resolution is not at the present time compatible with the public interest.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1866.**To the Senate and House of Representatives:*

I transmit, for the consideration of Congress, a correspondence between the Secretary of State and the minister of France accredited to this Government, and also other papers, relative to a proposed international conference at Constantinople upon the subject of cholera.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1866.*

*To the House of Representatives:*

I transmit the accompanying report from the Secretary of War, in answer to the resolution of the House of Representatives of the 27th ultimo, requesting information in regard to the distribution of the rewards offered by the Government for the arrest of the assassins of the late President Lincoln.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1866.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 27th ultimo, I transmit herewith a communication from the Secretary of War, together with the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1866.*

*To the Senate of the United States:*

In answer to the resolutions of the Senate of the 5th of January and 27th of February last, requesting information in regard to provisional governors of States, I transmit reports from the Secretary of State and the Secretary of War, to whom the resolutions were referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 6, 1866.*

*To the Senate of the United States:*

I transmit to the Senate, for its constitutional action thereon, a treaty with the Utah, Yampah-Ute, Pah-Vant, San-Pete-Ute, Tim-p-nogs, and Cum-um-bah bands of the Utah Indians, referred to in the accompanying papers from the Secretary of the Interior.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 12th of January last, requesting information in regard to provisional governments of certain States, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 27th ultimo, requesting certain information in relation to President Benito Juarez, of Mexico, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, March 8, 1866.

*To the Senate of the United States:*

I transmit, for the consideration of the Senate, a copy of a letter of the 21st ultimo from the governor of the Territory of Colorado to the Secretary of State, with the memorial to which it refers, relative to the location of the Pacific Railroad.

ANDREW JOHNSON.

WASHINGTON, March 12, 1866.

*To the Senate and House of Representatives:*

I transmit, for your consideration, a copy of two communications from the minister of the United States at Paris, in regard to a proposed exhibition of fishery and water culture, to be held at Arcachon, near Bordeaux, in France, in July next.

ANDREW JOHNSON.

WASHINGTON, March 15, 1866.

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 5th instant, upon the subject of the supposed kidnaping of colored persons in the Southern States for the purpose of selling them as slaves in Cuba, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., March 19, 1866.

*To the House of Representatives:*

In answer to the resolution of the House of Representatives dated January 5, 1866, requesting information as to the number of men and officers in the regular and volunteer service of the United States, I transmit a report from the Secretary of War, with the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, March 20, 1866.

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 11th of December last, requesting information upon the present condition of affairs in the Republic of Mexico, I transmit a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, March 21, 1866.

*To the Senate of the United States:*

I transmit to the Senate, for its constitutional action thereon, a treaty made with the Great and Little Osage Indians on the 29th September, 1865, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *March 21, 1866.*

*To the Senate of the United States:*

I transmit to the Senate, for its constitutional action thereon, a treaty made with the Woll-pah-pe tribe of Snake Indians on the 12th of August, 1865, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 26, 1866.*

*To the Senate of the United States:*

I transmit to the Senate a memorial of the legislature of Alabama, asking an extension of time for the completion of certain railroads in said State.

ANDREW JOHNSON.

WASHINGTON, *March 30, 1866.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, a treaty negotiated with the Shawnee Indians, dated March 1, 1866, with supplemental article, dated March 14, 1866, with accompanying communications from the honorable Secretary of the Interior and Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, *April 3, 1866.*

*To the Senate of the United States:*

I transmit herewith a report by the Secretary of War, in compliance with the Senate resolution of the 7th March, 1866, respecting the improvement of the Washington City Canal, to promote the health of the metropolis.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 3, 1866.*

*To the House of Representatives:*

I transmit a communication from the Secretary of the Treasury, dated the 22d ultimo, together with a letter addressed to him by the governor of Alabama, asking that the State of Alabama may be allowed to assume and pay in State bonds the direct tax now due from that State to the United States, or that delay of payment may be authorized until the State can by the sale of its bonds or by taxation make provision for the liquidation of the indebtedness.

I concur in the opinion of the Secretary of the Treasury "that it is desirable that the State of Alabama and the other Southern States should be allowed to assume and pay their proportion of the direct taxes now due," and therefore recommend the necessary legislation by Congress.

ANDREW JOHNSON.

WASHINGTON, *April 4, 1866.**To the Senate and House of Representatives:*

I transmit to Congress a report from the Secretary of State, with the accompanying papers, relative to the claim on this Government of the owners of the British vessel *Magicienne*, and recommend an appropriation for the satisfaction of the claim, pursuant to the award of the arbitrators.

ANDREW JOHNSON.

WASHINGTON, *April 5, 1866.**To the Senate and House of Representatives:*

I herewith transmit communications from the Secretary of the Treasury and the Postmaster-General, suggesting a modification of the oath of office prescribed by the act of Congress approved July 2, 1862. I fully concur in their recommendation, and as the subject pertains to the efficient administration of the revenue and postal laws in the Southern States I earnestly commend it to the early consideration of Congress.

ANDREW JOHNSON.

WASHINGTON, *April 6, 1866.**To the Senate of the United States:*

I transmit, for the constitutional action of the Senate, a supplemental article to the Pottawatomie treaty of November 15, 1861, concluded on the 29th ultimo, together with the accompanying communications from the Secretary of the Interior and Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 7, 1866.**To the House of Representatives of the United States:*

I transmit a communication from the Secretary of the Interior, with the accompanying papers, in reference to grants of land made by acts of Congress passed in the years 1850, 1853, and 1856 to the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana, to aid in the construction of certain railroads. As these acts will expire by limitation on the 11th day of August, 1866, leaving the roads for whose benefit they were conferred in an unfinished condition, it is recommended that the time within which they may be completed be extended for a period of five years.

ANDREW JOHNSON.

WASHINGTON, *April 11, 1866.**To the Senate of the United States:*

In compliance with the resolution of the Senate of the 27th ultimo, in relation to the seizure and detention at New York of the steamship

*Meteor*, I transmit herewith a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1866.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, a treaty concluded with the Bois Forte band of Chippewa Indians on the 7th instant, together with the accompanying communications from the Secretary of the Interior and Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 10th instant, requesting information in regard to the rights and interests of American citizens in the fishing grounds adjacent to the British Provinces, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, *April 20, 1866.*

*To the Senate of the United States:*

In compliance with the Senate's resolution of the 8th January, 1866, I transmit herewith a communication from the Secretary of War of the 19th instant, covering copies of the correspondence respecting General Orders, No. 17,\* issued by the commander of the Department of California, and also the Attorney-General's opinion as to the question whether the order involves a breach of neutrality toward Mexico.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 20, 1866.*

*To the House of Representatives:*

In reply to the resolution of the House of Representatives of the 2d instant, requesting information respecting the collection of the remains of officers and soldiers killed and buried on the various battlefields about Atlanta, I transmit herewith a report on the subject from the Secretary of War.

ANDREW JOHNSON.

\*Instructing commanders on the southern frontiers within the Department of California "to take the necessary measures to preserve the neutrality of the United States with respect to the parties engaged in the existing war in Mexico, and to suffer no armed parties to pass the frontier from the United States, nor suffer any arms or munitions of war to be sent over the frontier to either belligerent," etc.

WASHINGTON, *April 21, 1866.*

*To the Senate of the United States:*

I transmit herewith a communication of this date from the Secretary of War, covering a copy of the proceedings of a board of officers in relation to brevet appointments in the Regular Army, requested in the Senate's resolution of the 18th April, 1866.

ANDREW JOHNSON.

WASHINGTON, *April 23, 1866:*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention which was signed at Tangier on the 31st of May last between the United States and other powers on the one part and the Sultan of Morocco on the other part, concerning the administration and maintenance of a light-house on Cape Spartel.

ANDREW JOHNSON.

WASHINGTON, *April 23, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 16th instant, requesting information relative to the proposed evacuation of Mexico by French military forces, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

EXECUTIVE MANSION,  
*Washington, D. C., April 24, 1866.*

*To the Senate and House of Representatives:*

I submit herewith, for the consideration of Congress, the accompanying communication from the Secretary of the Interior, in relation to the Union Pacific Railroad Company, eastern division.

It appears that the company were required to complete 100 miles of their road within three years after their acceptance of the conditions of the original act of Congress. This period expired December 22, 1865. Sixty-two miles had been previously accepted by the Government. Since that date an additional section of 23 miles has been completed. Commissioners appointed for that purpose have examined and reported upon it, and an application has been made for its acceptance.

The failure to complete 100 miles of road within the period prescribed renders it questionable whether the executive officers of the Government are authorized to issue the bonds and patents to which the company would be entitled if this as well as the other requirements of the act had been faithfully observed.

This failure may to some extent be ascribed to the financial condition of the country incident to the recent civil war. As the company appear to be engaged in the energetic prosecution of their work and manifest a disposition to comply with the conditions of the grant, I recommend that the time for the completion of this part of the road be extended and that authority be given for the issue of bonds and patents on account of the section now offered for acceptance notwithstanding such failure, should the company in other respects be thereunto entitled.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 28, 1866.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, a treaty this day concluded with the Choctaw and Chickasaw nations of Indians.

ANDREW JOHNSON.

WASHINGTON, *April 30, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 25th instant, requesting information in regard to the rebel debt known as the cotton loan, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 2, 1866.*

*To the House of Representatives:*

In reply to the resolution of the House of Representatives of the 23d ultimo, I transmit a report from the Secretary of War, from which it will be perceived that it is not deemed compatible with the public interests to communicate to the House the report made by General Smith and the Hon. James T. Brady of their investigations at New Orleans, La.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 4, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 5th of March, 1866, requesting the names of persons worth more than \$20,000 to whom special pardons have been issued, and a statement of the amount of property which has been seized as belonging to the enemies of the Government, or as abandoned property, and returned to those who claimed to be the original owners, I transmit herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of



War, and the Attorney-General, together with a copy of the amnesty proclamation of the 29th of May, 1865, and a copy of the warrants issued in cases in which special pardons are granted. The second, third, and fourth conditions of the warrant prescribe the terms, so far as property is concerned, upon which all such pardons are granted and accepted.

ANDREW JOHNSON.

WASHINGTON, *May 4, 1866.*

*To the Senate and House of Representatives:*

Referring to my message of the 12th of March last, communicating information in regard to a proposed exposition of fishery and water culture at Arcachon, in France, I communicate a copy of another dispatch from the minister of the United States in Paris to the Secretary of State, and again invite the attention of Congress to the subject.

ANDREW JOHNSON.

WASHINGTON, *May 7, 1866.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 19th ultimo, I transmit herewith a report from Benjamin C. Truman, relative to the condition of the Southern people and the States in which the rebellion existed.

ANDREW JOHNSON.

WASHINGTON, *May 9, 1866.*

*To the Senate and House of Representatives:*

I transmit to Congress a copy of a correspondence between the Secretary of State and the acting chargé d'affaires of the United States at Guayaquil, in the Republic of Ecuador, from which it appears that the Government of that Republic has failed to pay the first installment of the award of the commissioners under the convention between the United States and Ecuador of the 25th November, 1862, which installment was due on the 17th of February last.

As debts of this character from one government to another are justly regarded as of a peculiarly sacred character, and as further diplomatic measures are not in this instance likely to be successful, the expediency of authorizing other proceedings in case they should ultimately prove to be indispensable is submitted to your consideration.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 10, 1866.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of the Treasury, in answer to the resolution of the House of Representatives of the 3d instant,

requesting information concerning discriminations made by the so-called Maximilian Government of Mexico against American commerce, or against commerce from particular American ports.

ANDREW JOHNSON.

WASHINGTON, *May 11, 1866.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, in answer to that part of the resolution of the House of Representatives of the 7th instant which calls for information in regard to the clerks employed in the Department of State.

ANDREW JOHNSON.

WASHINGTON, *May 16, 1866.*

*To the Senate and House of Representatives:*

I transmit to Congress a copy of the correspondence between the Secretary of State and Cornelius Vanderbilt, of New York, relative to the joint resolution of the 28th of January, 1864, upon the subject of the gift of the steamer *Vanderbilt* to the United States.

ANDREW JOHNSON.

EXECUTIVE MANSION,

*Washington, May 17, 1866.*

HON. SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

SIR: I have the honor to submit herewith a communication of the Secretary of War, inclosing one from the Lieutenant-General, relative to the necessity for legislation upon the subject of the Army.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 17, 1866.*

*To the House of Representatives:*

In further response to the resolution of the House of Representatives of the 7th instant, calling for information in regard to clerks employed in the several Executive Departments, I transmit herewith reports from the Secretary of the Navy and the Secretary of the Interior and the Postmaster-General.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 22, 1866.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of the Treasury, made in compliance with the resolution of the House of Representatives of the 7th instant, calling for information in respect to clerks employed in the several Executive Departments of the Government.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 22, 1866.**To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 27th ultimo, requesting a collation of the provisions in reference to freedmen contained in the amended constitutions of the Southern States and in the laws of those States passed since the suppression of the rebellion, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 24, 1866.**To the House of Representatives:*

I transmit herewith a report from the Postmaster-General, made in answer to the resolution of the House of Representatives of the 14th instant, calling for information relative to the proposed mail steamship service between the United States and Brazil.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 25, 1866.**To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 21st instant, I transmit herewith a report from the Secretary of War, with the accompanying papers, in reference to the operations of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, *May 30, 1866.**To the Senate and House of Representatives:*

With sincere regret I announce to Congress that Winfield Scott, late Lieutenant-General in the Army of the United States, departed this life at West Point, in the State of New York, on the 29th day of May instant, at 11 o'clock in the forenoon. I feel well assured that Congress will share in the grief of the nation which must result from its bereavement of a citizen whose high fame is identified with the military history of the Republic.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 30, 1866.**To the House of Representatives:*

I transmit a communication from the Secretary of War, covering a supplemental report to that already made to the House of Representatives, in answer to its resolution of the 21st instant, requesting the reports of General Steedman and others in reference to the operations of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, *June 5, 1866.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Republic of Venezuela on the subject of the claims of citizens of the United States upon the Government of that Republic, which convention was signed by the plenipotentiaries of the parties at the city of Caracas on the 25th of April last.

ANDREW JOHNSON.

WASHINGTON, *June 9, 1866.*

*To the House of Representatives:*

I transmit herewith a report from the Acting Secretary of the Interior, communicating the information requested by a resolution of the House of Representatives of the 21st ultimo, in relation to the removal of the Sioux Indians of Minnesota and the provisions made for their accommodation in the Territory of Nebraska.

ANDREW JOHNSON.

WASHINGTON, *June 9, 1866.*

*To the Senate of the United States:*

In compliance with a call of the Senate, as expressed in a resolution adopted on the 6th instant, I transmit a copy of the report of the Board of Visitors to the United States Naval Academy for the year 1866.

ANDREW JOHNSON.

WASHINGTON, *June 11, 1866.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 10th ultimo, calling for information relative to the claims of citizens of the United States against the Republic of Venezuela, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *June 11, 1866.*

*To the Senate and House of Representatives:*

It is proper that I should inform Congress that a copy of an act of the legislature of Georgia of the 10th of March last has been officially communicated to me, by which that State accepts the donation of lands for the benefit of colleges for agriculture and the mechanic arts, which donation was provided for by the acts of Congress of the 2d of July, 1862, and 14th of April, 1864.

ANDREW JOHNSON.

WASHINGTON, June 11, 1866.

*To the Senate and House of Representatives:*

I communicate and invite the attention of Congress to a copy of joint resolutions of the senate and house of representatives of the State of Georgia, requesting a suspension of the collection of the internal-revenue tax due from that State pursuant to the act of Congress of the 5th of August, 1861.

ANDREW JOHNSON.

WASHINGTON, June 13, 1866.

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 11th instant, requesting information concerning the provisions of the laws and ordinances of the late insurgent States on the subject of the rebel debt, so called, I transmit a report from the Secretary of State and the document by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, June 14, 1866.

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 28th of May, requesting information as to what progress has been made in completing the maps connected with the boundary survey under the treaty of Washington, with copies of any correspondence on this subject not heretofore printed, I transmit a report from the Secretary of State and the documents which accompanied it.

ANDREW JOHNSON.

WASHINGTON, June 15, 1866.

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 13th instant, calling for information in regard to the departure of troops from Austria to Mexico, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, June 16, 1866.

*To the Senate of the United States:*

I communicate herewith a report from the Acting Secretary of the Interior, furnishing, as requested by a resolution of the Senate of the 25th ultimo, information touching the transactions of the executive branch of the Government respecting the transportation, settlement, and colonization of persons of the African race.

ANDREW JOHNSON.

WASHINGTON, *June 18, 1866.*

*To the House of Representatives:*

In reply to a resolution of the House of Representatives of the 11th instant, requesting information in regard to the dispatch of military forces from Austria for service in Mexico, I transmit a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 20, 1866.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 21st ultimo, requesting information as to the collection of the direct tax in the States whose inhabitants participated in the rebellion, I transmit a communication from the Secretary of the Treasury, accompanied by a report from the Deputy Commissioner of Internal Revenue.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 22, 1866.*

*To the Senate and House of Representatives:*

I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th instant, respecting a submission to the legislatures of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the governors of the several States certified copies of the joint resolution passed on the 13th instant, proposing an amendment to the Constitution.

Even in ordinary times any question of amending the Constitution must be justly regarded as of paramount importance. This importance is at the present time enhanced by the fact that the joint resolution was not submitted by the two Houses for the approval of the President and that of the thirty-six States which constitute the Union eleven are excluded from representation in either House of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States in conformity with the organic law of the land, and have appeared at the national capital by Senators and Representatives, who have applied for and have been refused admission to the vacant seats. Nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important questions which the amendment involves. Grave doubts, therefore, may naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State legislatures, elected without reference to such an issue, should be called upon by Congress to decide respecting the ratification of the proposed amendment.

Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment or as to the merits of the article which it submits through the executive department to the legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of national order, harmony, and union, and a due deference for an enlightened public judgment may at this time well suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress and pressed upon the legislatures of the several States for final decision until after the admission of such loyal Senators and Representatives of the now unrepresented States as have been or as may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, *June 22, 1866.*

*To the Senate and House of Representatives:*

In further answer to recent resolutions of the Senate and House of Representatives, requesting information in regard to the employment of European troops in Mexico, I transmit to Congress a copy of a dispatch of the 4th of this month addressed to the Secretary of State by the minister of the United States at Paris.

ANDREW JOHNSON.

WASHINGTON, *June 22, 1866.*

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 18th instant, calling for information in regard to the arrest and imprisonment in Ireland of American citizens, I transmit herewith a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON CITY, *June 23, 1866.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of the Interior, communicating in part the information requested by a resolution of the House of Representatives of the 23d of April last, in relation to appropriations and expenditures connected with the Indian service.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 28, 1866.*

*To the Senate and House of Representatives:*

I transmit a communication from the Secretary of the Navy and the accompanying copy of a report and maps prepared by a board of examiners appointed under authority of the joint resolution approved June 1, 1866, "to examine a site for a fresh-water basin for ironclad vessels of the United States Navy."

ANDREW JOHNSON.

WASHINGTON, D. C., *June 28, 1866.*

*To the House of Representatives:*

I transmit herewith reports from the heads of the several Executive Departments, made in answer to the resolution of the House of Representatives of the 4th instant, requesting information as to whether any of the civil or military employees of the Government have assisted in the rendition of public honors to the rebel living or dead.

ANDREW JOHNSON.

WASHINGTON, *July 7, 1866.*

*To the Senate of the United States:*

The accompanying report of the Secretary of the Treasury is transmitted to the Senate in compliance with its resolution of the 20th ultimo, calling for a statement of the expenditures of the United States for the various public works of the Government in each State and Territory of the Union and in the District of Columbia from the year 1860 to the close of the year 1865.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1866.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, a treaty concluded with the Seminole Nation of Indians on the 21st day of March, 1866, together with the accompanying communications from the Secretary of the Interior and the Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1866.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, a treaty concluded with the Creek Nation of Indians on the 14th day of June, 1866, together with the accompanying communications from the Secretary of the Interior and the Commissioner of Indian Affairs.

ANDREW JOHNSON.



WASHINGTON, *July 17, 1866.**To the House of Representatives:*

In answer to a resolution of the House of Representatives of yesterday, requesting information relative to proposed international movements in connection with the Paris Universal Exposition for the reform of systems of coinage, weights, and measures, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *July 17, 1866.**To the Senate and House of Representatives:*

I herewith transmit to Congress a report, dated 12th instant, with the accompanying papers, received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1866.**To the Senate of the United States:*

I transmit, for the constitutional action of the Senate, certain articles of agreement made at the Delaware Agency, Kans., on the 4th instant between the United States and the Delaware Indians.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1866.**To the Senate:*

I herewith submit, for the constitutional action of the Senate, a treaty negotiated at the city of Washington, D. C., on the 19th instant, between the United States, represented by Dennis N. Cooley, Commissioner of Indian Affairs, and Elijah Sells, superintendent of Indian affairs for the southern superintendency, and the Cherokee Nation of Indians, represented by its delegates, James McDaniel, Smith Christie, White Catcher, L. H. Benge, J. B. Jones, and Daniel H. Ross.

The distracted condition of the Cherokee Nation and the peculiar relation of many of its members to this Government during the rebellion presented almost insuperable difficulties to treating with them. The treaty now submitted is a result of protracted negotiations. Its stipulations are, it is believed, as satisfactory to the contracting parties and furnish as just provisions for the welfare of the Indians and as strong guaranties for the maintenance of peaceful relations with them as under the circumstances could be expected.

ANDREW JOHNSON.

WASHINGTON, D. C., July 24, 1866.

*To the Senate of the United States:*

I hereby transmit, for the constitutional action of the Senate, a treaty concluded on the 15th of November, 1865, between the United States and the confederate tribes and bands of Indians of middle Oregon, the same being amendatory and supplemental to the treaty with said Indians of the 25th of June, 1855.

ANDREW JOHNSON.

WASHINGTON, D. C., July 24, 1866.

*To the House of Representatives:*

The following "Joint resolution, restoring Tennessee to her relations in the Union," was last evening presented for my approval:

Whereas in the year 1861 the government of the State of Tennessee was seized upon and taken possession of by persons in hostility to the United States, and the inhabitants of said State, in pursuance of an act of Congress, were declared to be in a state of insurrection against the United States; and

Whereas said State government can only be restored to its former political relations in the Union by the consent of the lawmaking power of the United States; and

Whereas the people of said State did, on the 22d day of February, 1865, by a large popular vote, adopt and ratify a constitution of government whereby slavery was abolished and all ordinances and laws of secession and debts contracted under the same were declared void; and

Whereas a State government has been organized under said constitution which has ratified the amendment to the Constitution of the United States abolishing slavery, also the amendment proposed by the Thirty-ninth Congress, and has done other acts proclaiming and denoting loyalty: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States in Congress assembled,* That the State of Tennessee is hereby restored to her former proper practical relations to the Union, and is again entitled to be represented by Senators and Representatives in Congress.

The preamble simply consists of statements, some of which are assumed, while the resolution is merely a declaration of opinion. It comprises no legislation, nor does it confer any power which is binding upon the respective Houses, the Executive, or the States. It does not admit to their seats in Congress the Senators and Representatives from the State of Tennessee, for, notwithstanding the passage of the resolution, each House, in the exercise of the constitutional right to judge for itself of the elections, returns, and qualifications of its members, may, at its discretion, admit them or continue to exclude them. If a joint resolution of this kind were necessary and binding as a condition precedent to the admission of members of Congress, it would happen, in the event of a veto by the Executive, that Senators and Representatives could only be admitted to the halls of legislation by a two-thirds vote of each of the Houses. —

Among other reasons recited in the preamble for the declaration contained in the resolution is the ratification by the State government of Tennessee of "the amendment to the Constitution of the United States

abolishing slavery, also the amendment proposed by the Thirty-ninth Congress." If, as is also declared in the preamble, "said State government can only be restored to its former political relations in the Union by the consent of the lawmaking power of the United States," it would really seem to follow that the joint resolution which at this late day has received the sanction of Congress should have been passed, approved, and placed on the statute books before any amendment to the Constitution was submitted to the legislature of Tennessee for ratification. Otherwise the inference is plainly deducible that while, in the opinion of Congress, the people of a State may be too strongly disloyal to be entitled to representation, they may nevertheless, during the suspension of their "former proper practical relations to the Union," have an equally potent voice with other and loyal States in propositions to amend the Constitution, upon which so essentially depend the stability, prosperity, and very existence of the nation.

A brief reference to my annual message of the 4th of December last will show the steps taken by the Executive for the restoration to their constitutional relations to the Union of the States that had been affected by the rebellion. Upon the cessation of active hostilities provisional governors were appointed, conventions called, governors elected by the people, legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time the courts of the United States were reopened, the blockade removed, the custom-houses reestablished, and postal operations resumed. The amendment to the Constitution abolishing slavery forever within the limits of the country was also submitted to the States, and they were thus invited to and did participate in its ratification, thus exercising the highest functions pertaining to a State. In addition nearly all of these States, through their conventions and legislatures, had adopted and ratified constitutions "of government whereby slavery was abolished and all ordinances and laws of secession and debts contracted under the same were declared void." So far, then, the political existence of the States and their relations to the Federal Government had been fully and completely recognized and acknowledged by the executive department of the Government; and the completion of the work of restoration, which had progressed so favorably, was submitted to Congress, upon which devolved all questions pertaining to the admission to their seats of the Senators and Representatives chosen from the States whose people had engaged in the rebellion.

All these steps had been taken when, on the 4th day of December, 1865, the Thirty-ninth Congress assembled. Nearly eight months have elapsed since that time; and no other plan of restoration having been proposed by Congress for the measures instituted by the Executive, it is now declared, in the joint resolution submitted for my approval, "that the State of Tennessee is hereby restored to her former proper practical relations to the Union, and is again entitled to be represented by Senators

and Representatives in Congress." Thus, after the lapse of nearly eight months, Congress proposes to pave the way to the admission to representation of one of the eleven States whose people arrayed themselves in rebellion against the constitutional authority of the Federal Government.

Earnestly desiring to remove every cause of further delay, whether real or imaginary, on the part of Congress to the admission to seats of loyal Senators and Representatives from the State of Tennessee, I have, notwithstanding the anomalous character of this proceeding, affixed my signature to the resolution. My approval, however, is not to be construed as an acknowledgment of the right of Congress to pass laws preliminary to the admission of duly qualified Representatives from any of the States. Neither is it to be considered as committing me to all the statements made in the preamble, some of which are, in my opinion, without foundation in fact, especially the assertion that the State of Tennessee has ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress. No official notice of such ratification has been received by the Executive or filed in the Department of State; on the contrary, unofficial information from the most reliable sources induces the belief that the amendment has not yet been constitutionally sanctioned by the legislature of Tennessee. The right of each House under the Constitution to judge of the elections, returns, and qualifications of its own members is undoubted, and my approval or disapproval of the resolution could not in the slightest degree increase or diminish the authority in this respect conferred upon the two branches of Congress.

In conclusion I can not too earnestly repeat my recommendation for the admission of Tennessee, and all other States, to a fair and equal participation in national legislation when they present themselves in the persons of loyal Senators and Representatives who can comply with all the requirements of the Constitution and the laws. By this means harmony and reconciliation will be effected, the practical relations of all the States to the Federal Government reestablished, and the work of restoration, inaugurated upon the termination of the war, successfully completed.

ANDREW JOHNSON.

WASHINGTON, *July 25, 1866.*

*To the Senate of the United States:*

I nominate Lieutenant-General Ulysses S. Grant to be General of the Army of the United States.

ANDREW JOHNSON,

— WASHINGTON, *July 26, 1866.*

*To the House of Representatives:*

In answer to two resolutions of the House of Representatives of the 23d instant, in the following words, respectively—

*Resolved,* That the House of Representatives respectfully request the President of

the United States to urge upon the Canadian authorities, and also the British Government, the release of the Fenian prisoners recently captured in Canada;

*Resolved*, That this House respectfully request the President to cause the prosecutions instituted in the United States courts against the Fenians to be discontinued, if compatible with the public interest—

I transmit a report on the subject from the Secretary of State, together with the documents which accompany it.

ANDREW JOHNSON.

## VETO MESSAGES.

WASHINGTON, *February 19, 1866.*

*To the Senate of the United States:*

I have examined with care the bill, which originated in the Senate and has been passed by the two Houses of Congress, to amend an act entitled "An act to establish a bureau for the relief of freedmen and refugees," and for other purposes. Having with much regret come to the conclusion that it would not be consistent with the public welfare to give my approval to the measure, I return the bill to the Senate with my objections to its becoming a law.

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 freedmen and refugees, which was approved in the month of March last, has not yet expired. It was thought stringent and extensive enough for the purpose in view in time of war. Before it ceases to have effect further experience may assist to guide us to a wise conclusion as to the policy to be adopted in time of peace.

I share with Congress the strongest desire to secure to the freedmen the full enjoyment of their freedom and property and their entire independence and equality in making contracts for their labor, but the bill before me contains provisions which in my opinion are not warranted by the Constitution and are not well suited to accomplish the end in view.

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 which 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 either from the Army or from civil

life; the country is to be divided into districts and subdistricts, and the number of salaried agents to be employed may be equal to the number of counties or parishes in all the United States where freedmen and refugees are to be found.

The subjects over which this military jurisdiction is to extend in every part of the United States include protection to "all employees, 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 the bill subjects any white person who may be charged with depriving a freedman of "any civil rights or immunities belonging to white persons" to imprisonment or fine, or both, without, however, defining the "civil rights and immunities" which are thus to be secured to the freedmen by military law. 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 exercise of power over which there is no legal supervision by so vast a number of agents as is contemplated by the bill must, by the very nature of man, be attended by acts of caprice, injustice, and passion.

The trials having their origin under this bill are to take place without the 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. No previous presentment is required nor any indictment charging the commission of a crime against the laws; but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court-martial may think proper; and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country.

While the territory and the classes of actions and offenses that are made subject to this measure are so extensive, the bill itself, should it become a law, will have no limitation in point of time, but will form a part of the permanent legislation of the country. I can not 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 and district wherein the crime shall have been committed." The safeguards

which the experience and wisdom of ages taught our fathers to establish as securities for the protection of the innocent, the 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 risks 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 decisions there is to be no supervision or control by the Federal courts. The power that would be thus placed in the hands of the President is such as in time of peace certainly ought never to be intrusted to any one man.

If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself whether we are still engaged in war. Let us not unnecessarily disturb the commerce and credit and industry of the country by declaring to the American people and to 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 the rights of whole communities. The country has returned, or is returning, to a state of peace and industry, and the rebellion is in fact at an end. The measure, therefore, seems to be as inconsistent with the actual condition of the country as it is at variance with the Constitution of the United States.

If, 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 1865 as one of many great and extraordinary military measures to suppress a formidable rebellion, a permanent branch of the public 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 whose inhabitants 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 an existence. I am not, therefore, able to discern in the condition of 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. If I am correct in these views, there can be no necessity for the enlargement of the powers of the Bureau, for which provision is made in the bill.

The third section of the bill authorizes a general and unlimited grant of support to the destitute and suffering refugees and freedmen, their wives and children. Succeeding sections make provision for the rent or purchase of landed 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 empowered to establish asylums 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, not even for the orphans of those who have fallen in the defense of the Union, but has left the care of education to the much more competent and efficient control of the States, of communities, of private associations, and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions, of the white race who are honestly toiling from day to day for their subsistence. 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 founded for one class or color of our people more than another. Pending the war many refugees and freedmen received support from the Government, but it was never intended that they should thenceforth 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 be 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 prospects.

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 1866, amount to \$11,745,000. It may be safely estimated that 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 or 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, or property without due process of law." It does not appear that a part of the lands to which this section refers may not be owned by minors or persons of unsound mind, or by those who have been faithful to all their obligations as citizens of the United States. If any portion of the land is held by such persons, it is not competent for any authority to deprive them of it. If, on the other hand, it be found that the property is liable to confiscation, even then it can not be appropriated to public purposes until by due process of law it shall have been declared forfeited to the Government.

There is still further objection 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 freedman in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension.

Undoubtedly the freedman should be protected, but he should be protected by the civil authorities, especially by the exercise of all 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 can not well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, and from capitalists in his vicinage 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 that 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 exceedingly 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. It is no 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 thrift, and soon show the world that in a condition of freedom they are self-sustaining, 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 that 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 4,000,000 emancipated slaves to agents, overseers, or taskmasters, who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and refugees. Such a system would inevitably tend to a concentration of power in the Executive which would enable him, if so disposed, to control the action of this numerous class and use them for the attainment of his own political ends.

I can not 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 equal suffrage in the Senate." The original act was necessarily passed in the absence of the States chiefly to be affected, because their people were then contumaciously engaged in the rebellion. Now the case is changed, and some, at least, of those States are attending Congress by loyal representatives, soliciting the allowance of the constitutional right for representation. At the time, however, of the consideration and the passing of this 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 people of that portion 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 had not been permitted to be heard. The principle is firmly fixed in the minds of the American people that there should be no taxation without representation.— Great burdens have now to be borne by all the country, and we may best demand that they shall be borne without 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 elections, returns, and qualifications of its own members;" but that authority can not be construed as including the right to shut 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 State of Tennessee, for instance, whose authorities engaged in rebellion, was restored to all her constitutional relations to the Union by the patriotism and energy of her injured and 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 by their own act had 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 "all her constitutional relations to the United States."

The President of the United States stands toward the country in a somewhat different attitude from that of any member of Congress. Each member of Congress is chosen from a single district or State; the President is chosen by the people of all the States. As 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 transgressions of the law, but these do not constitute valid objections against the right of a State to representation. I would in no wise interfere 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 the interests of union, the admission of every State to its share in public legislation when, however insubordinate, insurgent, or rebellious its people may have been, it presents itself, not only in an attitude of loyalty and harmony, but in the persons of representatives whose loyalty can not be questioned under any existing constitutional or legal test. It is plain that an indefinite 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 unite a very large section of the country against another section of the country, however much the latter may preponderate. The course of emigration, the development of industry and business, and natural causes will raise up at the South men 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 ineradicable that the consent

of the majority of the whole people is necessary to secure a willing acquiescence in legislation.

The bill under consideration refers to certain of the States as though they had not "been fully restored in all their constitutional relations to the United States." If they have not, let us at once act together to secure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress that in my own judgment most of those States, so far, at least, as depends upon their own action, have already been fully restored, and are to be deemed as entitled to enjoy their constitutional rights as members of the Union. Reasoning from the Constitution itself and from the actual situation of the country, I feel not only entitled but bound to assume that with the Federal courts restored and those of the several States in the full exercise of their functions the rights and interests of all classes of people will, with the aid of the military in cases of resistance to the laws, be essentially protected against unconstitutional infringement or violation. Should this expectation unhappily fail, which I do not anticipate, then the Executive is already fully armed with the powers conferred by the act of March, 1865, establishing the Freedmen's Bureau, and hereafter, as heretofore, he can employ the land and naval forces of the country to suppress insurrection or to overcome obstructions to the laws.

In accordance with the Constitution, I return the bill to the Senate, in the earnest hope that a measure involving questions and interests so important to the country will not become a law, unless upon deliberate consideration by the people it shall receive the sanction of an enlightened public judgment.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 27, 1866.*

*To the Senate of the United States:*

I regret that the bill, which has passed both Houses of Congress, entitled "An act to protect all persons in the United States in their civil rights and furnish the means of their vindication," contains provisions which I can not approve consistently with my sense of duty to the whole people and my obligations to the Constitution of the United States. I am therefore constrained to return it to the Senate, the House in which it originated, with my objections to its becoming a law.

By the first section of the bill all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of these races born in the United States is by the bill made a citizen of the United States. It does not purport to declare or confer any other right

of citizenship than Federal citizenship. It does not purport to give these classes of persons any status as citizens of States, except that which may result from their status as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of Federal citizenship is with Congress.

The right of Federal citizenship thus to be conferred on the several excepted races before mentioned is now for the first time proposed to be given by law. If, as is claimed by many, all persons who are native born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill can not be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself whether, when eleven of the thirty-six States are unrepresented in Congress at the present time, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States. Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill. Those rights are, by Federal as well as State laws, secured to all domiciled aliens and foreigners, even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the Government from its origin to the present time seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens as contemplated by the Constitution of the United States. The bill in effect proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have just now been suddenly opened. He must of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has, to some extent at least, familiarized himself with the principles of a Government to which he voluntarily intrusts "life, liberty, and the pursuit of happiness." Yet it is now proposed, by a single legislative enactment, to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States,

while persons of foreign birth who make our land their home must undergo a probation of five years, and can only then become citizens upon proof that they are "of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same."

The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes so made citizens "in every State and Territory in the United States." These rights are "to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property," and to have "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens." So, too, they are made subject to the same punishment, pains, and penalties in common with white citizens, and to none other. Thus a perfect equality of the white and colored races is attempted to be fixed by Federal law in every State of the Union over the vast field of State jurisdiction covered by these enumerated rights. In no one of these can any State ever exercise any power of discrimination between the different races. In the exercise of State policy over matters exclusively affecting the people of each State it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, Northern as well as Southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that—

Marriages between them and the whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are revolting, and regarded as an offense against public decorum.

I do not say that this bill repeals State laws on the subject of marriage between the two races, for as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore can not under this bill enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally Congress may not also repeal the State laws as to the contract of marriage between the two races. Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not Federal restraints—as, for instance, in the State power

of legislation over contracts there is a Federal limitation that no State shall pass a law impairing the obligations of contracts; and, as to crimes, that no State shall pass an *ex post facto* law; and, as to money, that no State shall make anything but gold and silver a legal tender; but where can we find a Federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons, called corporations, and natural persons, in the right to hold real estate? If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal in the same way all State laws discriminating between the two races on the subjects of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and, finally, to vote "in every State and Territory of the United States." As respects the Territories, they come within the power of Congress, for as to them the lawmaking power is the Federal power; but as to the States no similar provision exists vesting in Congress the power "to make rules and regulations" for them.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares—

That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put or attempt to put them into execution. It means an official offense, not a common crime committed against law upon the persons or property of the black race. Such an act may deprive the black man of his property, but not of the *right* to hold property. It means a deprivation of the right itself, either by the State judiciary or the State legislature. It is therefore assumed that under this section members of State legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as

ministerial officers, execute processes sanctioned by State laws and issued by State judges in execution of their judgments could be brought before other tribunals and there subjected to **fine** and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, If you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount, and "under color" of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment. I do not apprehend that the conflicting legislation which the bill seems to contemplate is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality.

In the next place, this provision of the bill seems to be unnecessary, as adequate judicial remedies could be adopted to secure the desired end without invading the immunities of legislators, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be in this respect not only anomalous, but unconstitutional; for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that in cases of conflict with the Constitution and constitutional laws of the United States the latter should be held to be the supreme law of the land.

The third section gives the district courts of the United States exclusive "cognizance of all crimes and offenses committed against the provisions of this act," and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases "affecting persons who are denied or can not enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section." The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State." It stands, therefore, clear of doubt that the offense and the penalties provided in the second section are intended for the State judge who, in the clear exercise of his functions as a judge, not acting ministerially but judicially, shall decide contrary to this Federal law. In other words, when a State judge, acting upon a question involving a conflict between a State law and a Federal law, and bound, according to his own judgment and responsibility,



to give an impartial decision between the two, comes to the conclusion that the State law is valid and the Federal law is invalid, he must not follow the dictates of his own judgment, at the peril of fine and imprisonment. The legislative department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress.

It is clear that in States which deny to persons whose rights are secured by the first section of the bill any one of those rights all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of a State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the Federal courts. How is the criminal to be tried? If the offense is provided for and punished by Federal law, that law, and not the State law, is to govern. It is only when the offense does not happen to be within the purview of Federal law that the Federal courts are to try and punish him under any other law. Then resort is to be had to “the common law, as modified and changed” by State legislation, “so far as the same is not inconsistent with the Constitution and laws of the United States.” So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens and for the punishment of all persons who violate its criminal laws, Federal law, whenever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section. The Constitution expressly declares that the judicial power of the United States “shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.” Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the Federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above-recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within

the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States, for the bill applies alike to all of them—as well to those that have as to those that have not been engaged in rebellion.

It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that—

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

It can not, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be, any attempt to revive it by the people or the States. If, however, any such attempt shall be made, it will then become the duty of the General Government to exercise any and all incidental powers necessary and proper to maintain inviolate this great constitutional law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes circuit courts of the United States and the superior courts of the Territories to appoint, without limitation, commissioners, who are to be charged with the performance of *quasi* judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint in writing, under their hands, one or more suitable persons from time to time to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, "as may be necessary to the performance of the duty with which they are charged." This extraordinary power is to be conferred upon agents irresponsible to the Government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression, and fraud. The general statutes regulating the land and naval forces of the United States, the militia, and the execution of the laws are believed to be adequate for every emergency which can occur in time of peace. ~~If it should prove otherwise,~~ Congress can at any time amend those laws in such manner as, while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

The seventh section provides that a fee of \$10 shall be paid to each

commissioner in every case brought before him, and a fee of \$5 to his deputy or deputies "for each person he or they may arrest and take before any such commissioner," "with such other fees as may be deemed reasonable by such commissioner," "in general for performing such other duties as may be required in the premises." All these fees are to be "paid out of the Treasury of the United States," whether there is a conviction or not; but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

By the eighth section of the bill the United States courts, which sit only in one place for white citizens, must migrate with the marshal and district attorney (and necessarily with the clerk, although he is not mentioned) to any part of the district upon the order of the President, and there hold a court, "for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;" and there the judge and officers of the court must remain, upon the order of the President, "for the time therein designated."

The ninth section authorizes the President, or such person as he may empower for that purpose, "to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act." This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave—capital owning labor. Now, suddenly, that relation is changed, and as to ownership capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and if left to the laws that regulate capital and labor it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence, but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

This bill frustrates this adjustment. It intervenes between capital and labor and attempts to settle questions of political economy through the agency of numerous officials whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

In all our history, in all our experience as a people living under Federal and State law, no such system as that contemplated by the details

of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the General Government has ever provided for the white race. In fact, the distinction of race and color is by the bill made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the General Government which, if acquiesced in, must sap and destroy our federative system of limited powers and break down the barriers which preserve the rights of the States. It is another step, or rather stride, toward centralization and the concentration of all legislative powers in the National Government. The tendency of the bill must be to resuscitate the spirit of rebellion and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

My lamented predecessor, in his proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated were and thenceforward should be free; and further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guaranty has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

Entertaining these sentiments, it only remains for me to say that I will cheerfully cooperate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, in conformity with the provisions of the Federal Constitution.

I now return the bill to the Senate, and regret that in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval I am compelled to withhold my assent from a second measure that has received the sanction of both Houses of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 15, 1866.*

*To the Senate of the United States: —*

I return to the Senate, in which House it originated, the bill, which has passed both Houses of Congress, entitled “An act for the admission of the State of Colorado into the Union,” with my objections to its becoming a law at this time.

First. From the best information which I have been able to obtain I do not consider the establishment of a State government at present necessary for the welfare of the people of Colorado. Under the existing Territorial government all the rights, privileges, and interests of the citizens are protected and secured. The qualified voters choose their own legislators and their own local officers, and are represented in Congress by a Delegate of their own selection. They make and execute their own municipal laws, subject only to revision by Congress—an authority not likely to be exercised unless in extreme or extraordinary cases. The population is small, some estimating it so low as 25,000, while advocates of the bill reckon the number at from 35,000 to 40,000 souls. The people are principally recent settlers, many of whom are understood to be ready for removal to other mining districts beyond the limits of the Territory if circumstances shall render them more inviting. Such a population can not but find relief from excessive taxation if the Territorial system, which devolves the expenses of the executive, legislative, and judicial departments upon the United States, is for the present continued. They can not but find the security of person and property increased by their reliance upon the national executive power for the maintenance of law and order against the disturbances necessarily incident to all newly organized communities.

Second. It is not satisfactorily established that a majority of the citizens of Colorado desire or are prepared for an exchange of a Territorial for a State government. In September, 1864, under the authority of Congress, an election was lawfully appointed and held for the purpose of ascertaining the views of the people upon this particular question. Six thousand one hundred and ninety-two votes were cast, and of this number a majority of 3,152 was given against the proposed change. In September, 1865, without any legal authority, the question was again presented to the people of the Territory, with the view of obtaining a reconsideration of the result of the election held in compliance with the act of Congress approved March 21, 1864. At this second election 5,905 votes were polled, and a majority of 155 was given in favor of a State organization. It does not seem to me entirely safe to receive this, the last-mentioned, result, so irregularly obtained, as sufficient to outweigh the one which had been legally obtained in the first election. Regularity and conformity to law are essential to the preservation of order and stable government, and should, as far as practicable, always be observed in the formation of new States.

Third. The admission of Colorado at this time as a State into the Federal Union appears to me to be incompatible with the public interests of the country. While it is desirable that Territories, when sufficiently matured, should be organized as States, yet the spirit of the Constitution seems to require that there should be an approximation toward equality among the several States composing the Union. No State can have less

or more than two Senators in Congress. The largest State has a population of 4,000,000; several of the States have a population exceeding 2,000,000, and many others have a population exceeding 1,000,000. A population of 127,000 is the ratio of apportionment of Representatives among the several States.

If this bill should become a law, the people of Colorado, 30,000 in number, would have in the House of Representatives one member, while New York, with a population of 4,000,000, has but thirty-one; Colorado would have in the electoral college three votes, while New York has only thirty-three; Colorado would have in the Senate two votes, while New York has no more.

Inequalities of this character have already occurred, but it is believed that none have happened where the inequality was so great. When such inequality has been allowed, Congress is supposed to have permitted it on the ground of some high public necessity and under circumstances which promised that it would rapidly disappear through the growth and development of the newly admitted State. Thus, in regard to the several States in what was formerly called the "Northwest Territory," lying east of the Mississippi, their rapid advancement in population rendered it certain that States admitted with only one or two Representatives in Congress would in a very short period be entitled to a great increase of representation. So, when California was admitted, on the ground of commercial and political exigencies, it was well foreseen that that State was destined rapidly to become a great, prosperous, and important mining and commercial community. In the case of Colorado, I am not aware that any national exigency, either of a political or commercial nature, requires a departure from the law of equality which has been so generally adhered to in our history.

If information submitted in connection with this bill is reliable, Colorado, instead of increasing, has declined in population. At an election for members of a Territorial legislature held in 1861, 10,580 votes were cast; at the election before mentioned, in 1864, the number of votes cast was 6,192; while at the irregular election held in 1865, which is assumed as a basis for legislative action at this time, the aggregate of votes was 5,905. Sincerely anxious for the welfare and prosperity of every Territory and State, as well as for the prosperity and welfare of the whole Union, I regret this apparent decline of population in Colorado; but it is manifest that it is due to emigration which is going on from that Territory into other regions within the United States, which either are in fact or are believed by the inhabitants of Colorado to be richer in mineral wealth and agricultural resources. If, however, Colorado has not really declined in population, another census or another election under the authority of Congress would place the question beyond doubt, and cause but little delay in the ultimate admission of the Territory as a State if desired by the people.

The tenor of these objections furnishes the reply which may be expected to an argument in favor of the measure derived from the enabling act which was passed by Congress on the 21st day of March, 1864. Although Congress then supposed that the condition of the Territory was such as to warrant its admission as a State, the result of two years' experience shows that every reason which existed for the institution of a Territorial instead of a State government in Colorado at its first organization still continues in force.

The condition of the Union at the present moment is calculated to inspire caution in regard to the admission of new States. Eleven of the old States have been for some time, and still remain, unrepresented in Congress. It is a common interest of all the States, as well those represented as those unrepresented, that the integrity and harmony of the Union should be restored as completely as possible, so that all those who are expected to bear the burdens of the Federal Government shall be consulted concerning the admission of new States; and that in the meantime no new State shall be prematurely and unnecessarily admitted to a participation in the political power which the Federal Government wields, not for the benefit of any individual State or section, but for the common safety, welfare, and happiness of the whole country.

ANDREW JOHNSON.

WASHINGTON, D. C., June 15, 1866.

*To the Senate of the United States:*

The bill entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market" is herewith returned to the Senate, in which it originated, with the objections which induce me to withhold my approval.

By the terms of this bill the New York and Montana Iron Mining and Manufacturing Company are authorized, at any time within one year after the date of approval, to *preempt* two tracts of land in the Territory of Montana, not exceeding in the aggregate twenty sections, and not included in any Indian reservation or in any Government reservation for military or other purposes. Three of these sections may be selected from lands containing *iron ore and coal*, and the remainder from *timber* lands lying near thereto. These selections are to be made under regulations from the Secretary of the Interior and be subject to his approval. The company, on the selection of the lands, may acquire immediate possession by permanently marking their boundaries and publishing description thereof in any two newspapers of general circulation in the Territory of Montana. Patents are to be issued on the performance, within two years, of the following conditions: -

First. The lands to be surveyed at the expense of the company, and each tract to be "as nearly in a square form as may be practicable."

Second. The company to furnish evidence satisfactory to the Secretary of the Interior that they have erected and have in operation in one or more places on said lands iron works capable of manufacturing at least 1,500 tons of iron per annum.

Third. The company to have paid for said lands the minimum price of \$1.25 per acre.

It is also provided that the "patents shall convey no title to any mineral lands except iron and coal, or to any lands held by right of possession, or by any other title, *except Indian title*, valid at the time of the selection of the said lands." The company are to have the privileges of *ordinary preemptors* and be subject to the same restrictions as such preemptors with reference to wood and timber on the lands, with the exception of so much as may be necessarily used in the erection of buildings and in the legitimate business of manufacturing iron.

The parties upon whom these privileges are conferred are designated in the bill as "The New York and Montana Iron Mining and Manufacturing Company." Their names and residence not being disclosed, it must be inferred that this company is a corporation, which, under color of corporate powers derived from some State or Territorial legislative authority, proposes to carry on the business of mining and manufacturing iron, and to accomplish these ends seeks this grant of public land in Montana. Two questions thus arise, viz, whether the privileges the bill would confer should be granted to any person or persons, and, secondly, whether, if unobjectionable in other respects, they should be conferred upon a corporation.

The public domain is a national trust, set apart and held for the general welfare upon principles of equal justice, and not to be bestowed as a special privilege upon a favored class. The proper rules for the disposal of public land have from the earliest period been the subject of earnest inquiry, grave discussion, and deliberate judgment. The purpose of *direct* revenue was the first object, and this was attained by public sale to the highest bidder, and subsequently by the right of private purchase at a fixed minimum. It was soon discovered that the surest and most speedy means of promoting the wealth and prosperity of the country was by encouraging actual settlement and occupation, and hence a system of preemption rights, resulting most beneficially, in all the Western Territories. By progressive steps it has advanced to the homestead principle, securing to every head of a family, widow, and single man 21 years of age and to every soldier who has borne arms for his country a lauded estate sufficient, with industry, for the purpose of independent support.

Without tracing the system of preemption laws through the several stages, it is sufficient to observe that it rests upon certain just and plain principles, firmly established in all our legislation. The object of these laws is to encourage the expansion of population and the development of agricultural interests, and hence they have been invariably restricted



to settlers. Actual residence and cultivation are made indispensable conditions; and, to guard the privilege from abuses of speculation or monopoly, the law is rigid as to the mode of establishing claims by adequate testimony, with penalties for perjury. Mining, trading, or any pursuit other than culture of the soil is interdicted, mineral lands being expressly excluded from preemption privileges, excepting those containing coal, which, in quantities not exceeding 160 acres, are restricted to individuals in actual possession and commerce, with an enhanced minimum of \$20 per acre.

For a quarter of a century the quantity of land subject to agricultural preemption has been limited so as not to exceed a quarter section, or 160 acres; and, still further to guard against monopoly, the privilege of preemption is not allowed to any person who owns 320 acres of land in any State or Territory of the United States, nor is any person entitled to more than one preemptive right, nor is it extended to lands to which the Indian usufruct has not been extinguished. To restrict the privilege within reasonable limits, credit to the ordinary preemptor on *offered* land is not extended beyond twelve months, within which time the minimum price must be paid. Where the settlement is upon *unoffered* territory, the time for payment is limited to the day of public offering designated by proclamation of the President; while, to prevent depreciation of the land by waste or destruction of what may constitute its value, penal enactments have been made for the punishment of persons depredating upon public timber.

Now, supposing the New York and Montana Iron Mining and Manufacturing Company to be entitled to all the preemption rights which it has been found just and expedient to bestow upon natural persons, it will be seen that the privileges conferred by the bill in question are in direct conflict with every principle heretofore observed in respect to the disposal of the public lands.

The bill confers preemption right to *mineral lands*, which, excepting coal lands, at an enhanced minimum, have heretofore, as a general principle, been carefully excluded from preemption. The object of the company is not to cultivate the soil or to promote agriculture, but is for the sole purpose of mining and manufacturing iron. The company is not limited, like ordinary preemptors, to one preemptive claim of a quarter section, but may preempt two bodies of land, amounting in the aggregate to twenty sections, containing 12,800 acres, or eighty ordinary individual preemption rights. The timber is not protected, but, on the contrary, is devoted to speedy destruction; for even before the consummation of title the company are allowed to consume whatever may be necessary in the erection of buildings and the business of manufacturing iron. For these special privileges, in contravention of the land policy of so many years, the company are required to pay only the minimum price of \$1.25 per acre, or one-sixteenth of the established minimum, and

are granted a credit of two years, or twice the time allowed ordinary preemptors on offered lands.

Nor is this all. The preemption right in question covers three sections of land containing iron ore and *coal*. The act passed on the 1st of July, 1864, made it lawful for the President to cause tracts embracing coal beds or coal fields to be offered at public sale in suitable legal subdivisions to the highest bidder, after public notice of not less than three months, at a minimum price of \$20 per acre, and any lands not thus disposed of were thereafter to be liable to private entry at said minimum. By the act of March 3, 1865, the right of preemption to coal lands is granted to any citizen of the United States who at that date was engaged in the business of coal mining on the public domain for purposes of commerce; and he is authorized to enter, according to legal subdivisions, at the minimum price of \$20 per acre, a quantity of land not exceeding 160 acres, to embrace his improvements and mining premises. Under these acts the minimum price of three sections of coal lands would be thirty-eight thousand four hundred dollars (\$38,400).

By the bill now in question these sections containing *coal and iron* are bestowed on this company at the nominal price of \$1.25 per acre, or two thousand four hundred dollars (\$2,400), thus making a gratuity or gift to the New York and Montana Iron Mining and Manufacturing Company of thirty-six thousand dollars (\$36,000).

On what ground can such a gratuity to this company be justified, especially at a time when the burdens of taxation bear so heavily upon all classes of the people?

Less than two years ago it appears to have been the deliberate judgment of Congress that tracts of land containing coal beds or coal fields should be sold, after three months' notice, to the bidder at public auction who would give the highest price over \$20 per acre, and that a citizen engaged in the business of actual coal mining on the public domain should only secure a tract of 160 acres, at private entry, upon payment of \$20 per acre and formal and satisfactory proof that he in all respects came within the requirements of the statute. It can not be that the coal fields of Montana have depreciated nearly twentyfold in value since July, 1864. So complete a revolution in the land policy as is manifested by this act can only be ascribed, therefore, to an inadvertence, which Congress will, I trust, promptly correct.

Believing that the preemption policy—so deliberately adopted, so long practiced, so carefully guarded with a view to the disposal of the public lands in a manner that would promote the population and prosperity of the country—should not be perverted to the purposes contemplated by this bill, I would be constrained to withhold my sanction even if this company were, as natural persons, entitled to the privileges of ordinary preemptors; for if a corporation, as the name and the absence of any designation of individuals would denote, the measure before me is liable to another fatal objection.

Why should incorporated companies have the privileges of individual preemptors? What principle of justice requires such a policy? What motive of public welfare can fail to condemn it? Lands held by corporations were regarded by ancient laws as held in mortmain, or by "dead hand," and from the time of Magna Charta corporations required the royal license to hold land, because such holding was regarded as in derogation of public policy and common right. Preemption is itself a special privilege, only authorized by its supposed public benefit in promoting the settlement and cultivation of vacant territory and in rewarding the enterprise of the persons upon whom the privilege is bestowed. "Preemption rights," as declared by the Supreme Court of the United States, "are founded in an enlightened public policy, rendered necessary by the enterprise of our citizens. The adventurous pioneer, who is found in advance of our settlements, encounters many hardships, and not unfrequently dangers from savage incursions. He is generally poor, and it is fit that his enterprise should be rewarded by the privilege of purchasing the spot selected by him, not to exceed 160 acres."

It may be said that this company, before they obtain a patent, must prove that within two years they "have erected and have in operation in one or more places on the said lands iron works with a capacity for manufacturing at least 1,500 tons of iron per annum." On the other hand, they are to have possession for two years of more than 12,000 acres of the choice land of the Territory, of which nearly 2,000 acres are to contain *iron ore and coal* and over 10,000 acres to be of *timber* land selected by themselves. They will thus have the first and exclusive choice. In fact, they are the only parties who at this time would have any privilege whatever in the way of obtaining titles in that Territory. Inasmuch as Montana has not yet been organized into a land district, the general preemption laws for the benefit of individual settlers have not yet been extended to that country, nor has a single acre of public land in the Territory yet been surveyed. With such exclusive and extraordinary privileges, how many companies would be willing to undertake furnaces that would produce 5 tons per day in much less time than two years?

It is plain the pretended consideration on which the patent is to issue bears no just proportion to that of the ordinary preemptor, and that this bill is but the precursor of a system of land distribution to a privileged class, unequal, unjust, and which ought not to receive the sanction of the General Government. Many thousand pioneers have turned their steps to the Western Territories, seeking, with their wives and children, homesteads to be acquired by sturdy industry under the preemption laws. On their arrival they should not find the timbered lands and the tracts containing iron ore and coal already surveyed and claimed by corporate companies, favored by the special legislation of Congress, and with boundaries fixed even in advance of the public surveys—a departure from the salutary provision requiring a settler upon unsurveyed lands to limit the

boundaries of his claim to the lines of the public survey after they shall have been established. He receives a title only to a legal subdivision, including his residence and improvements. The survey of the company may not accord with that which will hereafter be made by the Government, while the patent that issues will be descriptive of and confer a title to the tract as surveyed by the company.

I am aware of no precedent for granting such exclusive rights to a manufacturing company for a nominal consideration. Congress have made concessions to railway companies of alternate sections within given limits of the lines of their roads. This policy originated in the belief that the facilities afforded by reaching the parts of the country remote from the great centers of population would expedite the settlement and sale of the public domain. These incidental advantages were secured without pecuniary loss to the Government, by reason of the enhanced value of the reserved sections, which are held at the double minimum. Mining and manufacturing companies, however, have always been distinguished from public-improvement corporations. The former are, in law and in fact, only private associations for trade and business on individual account and for personal benefit. Admitting the proposition that railroad grants can stand on sound principle, it is plain that such can not be the case with concessions to companies like that contemplated by this measure. In view of the strong temptation to monopolize the public lands, with the pernicious results, it would seem at least of doubtful expediency to lift corporations above all competition with actual settlers by authorizing them to become purchasers of public lands in the Territories for any purpose, and particularly when clothed with the special benefits of this bill. For myself, I am convinced that the privileges of ordinary pre-emptors ought not to be extended to incorporated companies.

A third objection may be mentioned, as it exemplifies the spirit in which special privileges are sought by incorporated companies.

Land subject to Indian occupancy has always been scrupulously guarded by law from preemption settlement or encroachment under any pretext until the Indian title should be extinguished. In the fourth section of this act, however, lands held by "Indian title" are excepted from prohibition against the patent to be issued to the New York and Montana Iron Mining and Manufacturing Company.

The bill provides that the patent "shall convey no title to any mineral lands *except iron and coal*, or to any lands held by right of possession, or by any other title, *except Indian title*, valid at the time of the selection of the said lands." It will be seen that by the first section lands in "Indian reservations" are excluded from individual preemption right, but by the fourth section the patent may cover any Indian title except a *reservation*; so that no matter what may be the nature of the Indian title, unless it be in a reservation, it is unprotected from the privilege conceded by this bill.

Without further pursuing the subject, I return the bill to the Senate

without my signature, and with the following as prominent objections to its becoming a law:

First. That it gives to the New York and Montana Iron Mining and Manufacturing Company preemption privileges to iron and coal lands on a large scale and at the ordinary minimum—a privilege denied to ordinary preemptors. It bestows upon the company large tracts of *coal* lands at one-sixteenth of the minimum price required from ordinary preemptors. It also relieves the company from restrictions imposed upon ordinary preemptors in respect to *timber lands*; allows double the time for payment granted to preemptors on offered lands; and these privileges are for purposes not heretofore authorized by the preemption laws, but for trade and manufacturing.

Second. Preemption rights on such a scale to private corporations are unequal and hostile to the policy and principles which sanction preemption laws.

Third. The bill allows this company to take possession of land, use it, and acquire a patent thereto before the Indian title is extinguished, and thus violates the good faith of the Government toward the aboriginal tribes.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 16, 1866.*

*To the House of Representatives:*

A careful examination of the bill passed by the two Houses of Congress entitled "An act to continue in force and to amend 'An act to establish a bureau for the relief of freedmen and refugees, and for other purposes'" has convinced me that the legislation which it proposes would not be consistent with the welfare of the country, and that it falls clearly within the reasons assigned in my message of the 19th of February last, returning, without my signature, a similar measure which originated in the Senate. It is not my purpose to repeat the objections which I then urged. They are yet fresh in your recollection, and can be readily examined as a part of the records of one branch of the National Legislature. Adhering to the principles set forth in that message, I now reaffirm them and the line of policy therein indicated.

The only ground upon which this kind of legislation can be justified is that of the war-making power. The act of which this bill is intended as amendatory was passed during the existence of the war. By its own provisions it is to terminate within one year from the cessation of hostilities and the declaration of peace. It is therefore yet in existence, and it is likely that it will continue in force as long as the freedmen may require the benefit of its provisions. It will certainly remain in operation as a law until some months subsequent to the meeting of the next session of Congress, when, if experience shall make evident the necessity of additional legislation, the two Houses will have ample time to mature

and pass the requisite measures. In the meantime the questions arise, Why should this war measure be continued beyond the period designated in the original act, and why in time of peace should military tribunals be created to continue until each "State shall be fully restored in its constitutional relations to the Government and shall be duly represented in the Congress of the United States"?

It was manifest, with respect to the act approved March 3, 1865, that prudence and wisdom alike required that jurisdiction over all cases concerning the free enjoyment of the immunities and rights of citizenship, as well as the protection of person and property, should be conferred upon some tribunal in every State or district where the ordinary course of judicial proceedings was interrupted by the rebellion, and until the same should be fully restored. At that time, therefore, an urgent necessity existed for the passage of some such law. Now, however, war has substantially ceased; the ordinary course of judicial proceedings is no longer interrupted; the courts, both State and Federal, are in full, complete, and successful operation, and through them every person, regardless of race and color, is entitled to and can be heard. The protection granted to the white citizen is already conferred by law upon the freedman; strong and stringent guards, by way of penalties and punishments, are thrown around his person and property, and it is believed that ample protection will be afforded him by due process of law, without resort to the dangerous expedient of "military tribunals," now that the war has been brought to a close. The necessity no longer existing for such tribunals, which had their origin in the war, grave objections to their continuance must present themselves to the minds of all reflecting and dispassionate men. Independently of the danger, in representative republics, of conferring upon the military, in time of peace, extraordinary powers—so carefully guarded against by the patriots and statesmen of the earlier days of the Republic, so frequently the ruin of governments founded upon the same free principles, and subversive of the rights and liberties of the citizen—the question of practical economy earnestly commends itself to the consideration of the lawmaking power. With an immense debt already burdening the incomes of the industrial and laboring classes, a due regard for their interests, so inseparably connected with the welfare of the country, should prompt us to rigid economy and retrenchment, and influence us to abstain from all legislation that would unnecessarily increase the public indebtedness. Tested by this rule of sound political wisdom, I can see no reason for the establishment of the "military jurisdiction" conferred upon the officials of the Bureau by the fourteenth section of the bill.

By the laws of the United States and of the different States competent courts, Federal and State, have been established and are now in full practical operation. By means of these civil tribunals ample redress is afforded for all private wrongs, whether to the person or the property of the citizen, without denial or unnecessary delay. They are open to all, without regard

to color or race. I feel well assured that it will be better to trust the rights, privileges, and immunities of the citizen to tribunals thus established, and presided over by competent and impartial judges, bound by fixed rules of law and evidence, and where the right of trial by jury is guaranteed and secured, than to the caprice or judgment of an officer of the Bureau, who it is possible may be entirely ignorant of the principles that underlie the just administration of the law. There is danger, too, that conflict of jurisdiction will frequently arise between the civil courts and these military tribunals, each having concurrent jurisdiction over the person and the cause of action—the one judicature administered and controlled by civil law, the other by the military. How is the conflict to be settled, and who is to determine between the two tribunals when it arises? In my opinion, it is wise to guard against such conflict by leaving to the courts and juries the protection of all civil rights and the redress of all civil grievances.

The fact can not be denied that since the actual cessation of hostilities many acts of violence, such, perhaps, as had never been witnessed in their previous history, have occurred in the States involved in the recent rebellion. I believe, however, that public sentiment will sustain me in the assertion that such deeds of wrong are not confined to any particular State or section, but are manifested over the entire country, demonstrating that the cause that produced them does not depend upon any particular locality, but is the result of the agitation and derangement incident to a long and bloody civil war. While the prevalence of such disorders must be greatly deplored, their occasional and temporary occurrence would seem to furnish no necessity for the extension of the Bureau beyond the period fixed in the original act.

Besides the objections which I have thus briefly stated, I may urge upon your consideration the additional reason that recent developments in regard to the practical operations of the Bureau in many of the States show that in numerous instances it is used by its agents as a means of promoting their individual advantage, and that the freedmen are employed for the advancement of the personal ends of the officers instead of their own improvement and welfare, thus confirming the fears originally entertained by many that the continuation of such a Bureau for any unnecessary length of time would inevitably result in fraud, corruption, and oppression. It is proper to state that in cases of this character investigations have been promptly ordered, and the offender punished whenever his guilt has been satisfactorily established.

As another reason against the necessity of the legislation contemplated by this measure, reference may be had to the "civil-rights bill," now a law of the land, and which will be faithfully executed so long as it shall remain unrepealed and may not be declared unconstitutional by courts of competent jurisdiction. By that act it is enacted—

That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States;

and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding.

By the provisions of the act full protection is afforded through the district courts of the United States to all persons injured, and whose privileges, as thus declared, are in any way impaired; and heavy penalties are denounced against the person who willfully violates the law. I need not state that that law did not receive my approval; yet its remedies are far more preferable than those proposed in the present bill—the one being civil and the other military.

By the sixth section of the bill herewith returned certain proceedings by which the lands in the "parishes of St. Helena and St. Luke, South Carolina," were sold and bid in, and afterwards disposed of by the tax commissioners, are ratified and confirmed. By the seventh, eighth, ninth, tenth, and eleventh sections provisions by law are made for the disposal of the lands thus acquired to a particular class of citizens. While the quieting of titles is deemed very important and desirable, the discrimination made in the bill seems objectionable, as does also the attempt to confer upon the commissioners judicial powers by which citizens of the United States are to be deprived of their property in a mode contrary to that provision of the Constitution which declares that no person shall "be deprived of life, liberty, or property without due process of law." As a general principle, such legislation is unsafe, unwise, partial, and unconstitutional. It may deprive persons of their property who are equally deserving objects of the nation's bounty as those whom by this legislation Congress seeks to benefit. The title to the land thus to be portioned out to a favored class of citizens must depend upon the regularity of the tax sales under the law as it existed at the time of the sale, and no subsequent legislation can give validity to the right thus acquired as against the original claimants. The attention of Congress is therefore invited to a more mature consideration of the measures proposed in these sections of the bill.

In conclusion I again urge upon Congress the danger of class legislation, so well calculated to keep the public mind in a state of uncertain expectation, disquiet, and restlessness and to encourage interested hopes and fears that the National Government will continue to furnish to classes of citizens in the several States means for support and maintenance regardless of whether they pursue a life of indolence or of labor, and regardless also of the constitutional limitations of the national authority in times of peace and tranquillity.



The bill is herewith returned to the House of Representatives, in which it originated, for its final action.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 28, 1866.*

*To the House of Representatives:*

I herewith return, without my approval, the bill entitled "An act erecting the Territory of Montana into a surveying district, and for other purposes."

The bill contains four sections, the first of which erects the Territory into a surveying district and authorizes the appointment of a surveyor-general; the second constitutes the Territory a laud district; the third authorizes the appointment of a register and receiver for said district; and the fourth requires the surveyor-general to—

select and survey eighteen alternate odd sections of nonmineral timber lands within said district for the New York and Montana Iron Mining and Manufacturing Company, incorporated under the laws of the State of New York, which lands the said company shall have immediate possession of on the payment of \$1.25 per acre, and shall have a patent for the same whenever, within two years after their selection, they shall have furnished evidence satisfactory to the Secretary of the Interior that they have erected and have in operation on the said lands iron works with a capacity for manufacturing 1,500 tons of iron per annum: *Provided*, That the said lands shall revert to the United States in case the above-mentioned iron works be not erected within the specified time: *And provided*, That until the title to the said lands shall have been perfected the timber shall not be cut off from more than one section of the said lands.

To confer the special privileges specified in this fourth section appears to be the chief object of the bill, the provisions of which are subject to some of the most important objections that induced me to return to the Senate with my disapproval the bill entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market." That bill authorized the same corporation to select and survey in the Territory of Montana, in square form, twenty-one sections of land, three of which might contain coal and iron ore, for which the minimum rate of \$1.25 per acre was to be paid. The present bill omits these sections of mineral lands, and directs the surveyor-general to select and survey the timber lands; but it contains the objectionable feature of granting to a private mining and manufacturing corporation exclusive rights and privileges in the public domain which are by law denied to individuals. The first choice of timber land in the Territory is bestowed upon a corporation foreign to the Territory and over which Congress has no control. The surveyor-general of the district, a public officer who should have no connection with any purchase of public land, is made the agent of the corporation to select the land, the selections to be made in the absence of all competition; and over 11,000 acres are bestowed at the lowest price of public lands. It is by

no means certain that the substitution of alternate sections for the compact body of lands contemplated by the other bill is any less injurious to the public interest, for alternate sections stripped of timber are not likely to enhance the value of those reserved by the Government. Be this as it may, this bill bestows a large monopoly of public lands without adequate consideration; confers a right and privilege in quantity equivalent to seventy-two preemption rights; introduces a dangerous system of privileges to private trading corporations; and is an unjust discrimination in favor of traders and speculators against individual settlers and pioneers who are seeking homes and improving our Western Territories. Such a departure from the long-established, wise, and just policy which has heretofore governed the disposition of the public funds [lands] can not receive my sanction. The objections enumerated apply to the fourth section of the bill. The first, second, and third sections, providing for the appointment of a surveyor-general, register, and receiver, are unobjectionable if any necessity requires the creation of these offices and the additional expenses of a new surveying land district. But they appear in this instance to be only needed as a part of the machinery to enable the "New York and Montana Iron Mining and Manufacturing Company" to secure these privileges; for I am informed by the proper Department, in a communication hereto annexed, that there is no public necessity for a surveyor-general, register, or receiver in Montana Territory, since it forms part of an existing surveying and land district, wherein the public business is, under present laws, transacted with adequate facility, so that the provisions of the first, second, and third sections would occasion needless expense to the General Government.

ANDREW JOHNSON.

## PROCLAMATIONS.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all whom it may concern:*

An exequatur, bearing date the 13th day of October, 1864, having been issued to Esteban Rogers, recognizing him as consul *ad interim* of the Republic of Chile for the port of New York and its dependencies and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Chile and the United States; but as it is deemed advisable that the said Esteban Rogers should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said

Esteban Rogers as consul *ad interim* of the Republic of Chile for the port of New York and its dependencies and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, this 12th day of February, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all whom it may concern:*

An exequatur, bearing date the 7th day of October, 1864, having been issued to Claudius Edward Habicht, recognizing him as consul of Sweden and Norway at New York and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Sweden and Norway and the United States; but as it is deemed advisable that the said Claudius Edward Habicht should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said Claudius Edward Habicht as consul of Sweden and Norway at New York and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, the 26th day of March, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

-- By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all whom it may concern:*

An exequatur, bearing date the 1st day of July, 1865, having been issued to S. M. Svenson, recognizing him as vice-consul of Sweden and Norway at New Orleans and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to vice-consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Sweden and Norway and the United States; but as it is deemed advisable that the said S. M. Svenson should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said S. M. Svenson as vice-consul of Sweden and Norway at New Orleans and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, the 26th day of March, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by proclamations of the 15th and 19th of April, 1861, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law; and

Whereas by another proclamation, made on the 16th day of August, in the same year, in pursuance of an act of Congress approved July 13, 1861, the inhabitants of the States of Georgia, South Carolina, Virginia,

North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains and of such other parts of that State and the other States before named as might maintain a loyal adherence to the Union and the Constitution or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents) were declared to be in a state of insurrection against the United States; and

Whereas by another proclamation, of the 1st day of July, 1862, issued in pursuance of an act of Congress approved June 7, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia; and

Whereas by another proclamation, made on the 2d day of April, 1863, in pursuance of the act of Congress of July 13, 1861, the exceptions named in the proclamation of August 16, 1861, were revoked and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia and the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina) were declared to be still in a state of insurrection against the United States; and

Whereas the House of Representatives, on the 22d day of July, 1861, adopted a resolution in the words following, namely:

*Resolved by the House of Representatives of the Congress of the United States,* That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

And whereas the Senate of the United States, on the 25th day of July, 1861, adopted a resolution in the words following, to wit:

*Resolved,* That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

And whereas these resolutions, though not joint or concurrent in form, are substantially identical, and as such may be regarded as having expressed the sense of Congress upon the subject to which they relate; and

Whereas by my proclamation of the 13th day of June last the insurrection in the State of Tennessee was declared to have been suppressed, the authority of the United States therein to be undisputed, and such United States officers as had been duly commissioned to be in the undisturbed exercise of their official functions; and

Whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

Whereas, in view of the before-recited premises, it is the manifest determination of the American people that no State of its own will has the right or the power to go out of, or separate itself from, or be separated from, the American Union, and that therefore each State ought to remain and constitute an integral part of the United States; and

Whereas the people of the several before-mentioned States have, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity; and

Whereas it is believed to be a fundamental principle of government that people who have revolted and who have been overcome and subdued must either be dealt with so as to induce them voluntarily to become friends or else they must be held by absolute military power or devastated so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and to freedom; and

Whereas the Constitution of the United States provides for constituent communities only as States, and not as Territories, dependencies, provinces, or protectorates; and

Whereas such constituent States must necessarily be, and by the Constitution and laws of the United States are, made equals and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united; and

Whereas the observance of political equality, as a principle of right and justice, is well calculated to encourage the people of the aforesaid States to be and become more and more constant and persevering in their renewed allegiance; and

Whereas standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus*

are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed except in cases of actual necessity for repelling invasion or suppressing insurrection or rebellion; and

Whereas the policy of the Government of the United States from the beginning of the insurrection to its overthrow and final suppression has been in conformity with the principles herein set forth and enumerated:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida is at an end and is henceforth to be so regarded.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of April, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all whom it may concern:*

Whereas the exequatur of Claudius Edward Habicht, recognizing him as consul of Sweden and Norway at New York, and that of S. M. Svenson as vice-consul of Sweden and Norway at New Orleans were formally revoked on the 26th day of March last; and

Whereas representations have been made to me since that date which have effectually relieved those gentlemen from the charges of unlawful and unfriendly conduct heretofore entertained against them:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do hereby annul the revocation of the exequaturs of the said Claudius Edward Habicht and S. M. Svenson and restore to them the right to exercise the functions and privileges heretofore granted as consular officers of the Government of Sweden and Norway.

In testimony whereof I have hereunto signed my name and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of May, A. D. 1866, and of the Independence of the United States the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot and have provided and prepared, and are still engaged in providing and preparing, means for a military expedition and enterprise, which expedition and enterprise is to be carried on from the territory and jurisdiction of the United States against colonies, districts, and people of British North America, within the dominions of the United Kingdom of Great Britain and Ireland, with which said colonies, districts, and people and Kingdom the United States are at peace; and

Whereas the proceedings aforesaid constitute a high misdemeanor, forbidden by the laws of the United States as well as by the law of nations:

Now, therefore, for the purpose of preventing the carrying on of the unlawful expedition and enterprise aforesaid from the territory and jurisdiction of the United States and to maintain the public peace as well as the national honor and enforce obedience and respect to the laws of the United States, I, Andrew Johnson, President of the United States, do admonish and warn all good citizens of the United States against taking part in or in any wise aiding, countenancing, or abetting said unlawful proceedings; and I do exhort all judges, magistrates, marshals, and officers in the service of the United States to employ all their lawful authority and power to prevent and defeat the aforesaid unlawful proceedings and to arrest and bring to justice all persons who may be engaged therein.

And, pursuant to the act of Congress in such case made and provided, I do furthermore authorize and empower Major-General George G. Meade, commander of the Military Division of the Atlantic, to employ the land and naval forces of the United States and the militia thereof to arrest and prevent the setting on foot and carrying on the expedition and enterprise aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 6th day of June, A. D. 1866, and of the Independence of the United States the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a war is existing in the Republic of Mexico, aggravated by foreign military intervention; and

Whereas the United States, in accordance with their settled habits and



policy, are a neutral power in regard to the war which thus afflicts the Republic of Mexico; and

Whereas it has become known that one of the belligerents in the said war, namely, the Prince Maximilian, who asserts himself to be Emperor in Mexico, has issued a decree in regard to the port of Matamoras and other Mexican ports which are in the occupation and possession of another of the said belligerents, namely, the United States of Mexico, which decree is in the following words:

The port of Matamoras and all those of the northern frontier which have withdrawn from their obedience to the Government are closed to foreign and coasting traffic during such time as the empire of the law shall not be therein reinstated.

ART. 2. Merchandise proceeding from the said ports, on arriving at any other where the excise of the Empire is collected, shall pay the duties on importation, introduction, and consumption, and, on satisfactory proof of contravention, shall be irremissibly confiscated. Our minister of the treasury is charged with the punctual execution of this decree.

Given at Mexico, the 9th of July, 1866.

And whereas the decree thus recited, by declaring a belligerent blockade unsupported by competent military or naval force, is in violation of the neutral rights of the United States as defined by the law of nations as well as of the treaties existing between the United States of America and the aforesaid United States of Mexico:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the aforesaid decree is held and will be held by the United States to be absolutely null and void as against the Government and citizens of the United States, and that any attempt which shall be made to enforce the same against the Government or the citizens of the United States will be disallowed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 17th day of August, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by proclamations of the 15th and 19th of April, 1861, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary

course of judicial proceedings or by the powers vested in the marshals by law; and

Whereas by another proclamation, made on the 16th day of August, in the same year, in pursuance of an act of Congress approved July 13, 1861, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains, and except also the inhabitants of such other parts of that State and the other States before named as might maintain a loyal adhesion to the Union and the Constitution or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents) were declared to be in a state of insurrection against the United States; and

Whereas by another proclamation, of the 1st day of July, 1862, issued in pursuance of an act of Congress approved June 7, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia; and

Whereas by another proclamation, made on the 2d day of April, 1863, in pursuance of the act of Congress of July 13, 1861, the exceptions named in the proclamation of August 16, 1861, were revoked and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia and the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina) were declared to be still in a state of insurrection against the United States; and

Whereas by another proclamation, of the 15th day of September, 1863, made in pursuance of the act of Congress approved March 3, 1863, the rebellion was declared to be still existing and the privilege of the writ of *habeas corpus* was in certain specified cases suspended throughout the United States, said suspension to continue throughout the duration of the rebellion or until said proclamation should, by a subsequent one to be issued by the President of the United States, be modified or revoked; and

Whereas the House of Representatives, on the 22d day of July, 1861, adopted a resolution in the words following, namely:

*Resolved by the House of Representatives of the Congress of the United States,* That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

And whereas the Senate of the United States, on the 25th day of July, 1861, adopted a resolution in the words following, to wit:

*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

And whereas these resolutions, though not joint or concurrent in form, are substantially identical, and as such have hitherto been and yet are regarded as having expressed the sense of Congress upon the subject to which they relate; and

Whereas the President of the United States, by proclamation of the 13th of June, 1865, declared that the insurrection in the State of Tennessee had been suppressed, and that the authority of the United States therein was undisputed, and that such United States officers as had been duly commissioned were in the undisturbed exercise of their official functions; and

Whereas the President of the United States, by further proclamation, issued on the 2d day of April, 1866, did promulgate and declare that there no longer existed any armed resistance of misguided citizens or others to the authority of the United States in any or in all the States before mentioned, excepting only the State of Texas, and did further promulgate and declare that the laws could be sustained and enforced in the several States before mentioned, except Texas, by the proper civil authorities, State or Federal, and that the people of the said States, except Texas, are well and loyally disposed and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States;

And did further declare in the same proclamation that it is the manifest determination of the American people that no State, of its own will, has a right or power to go out of, or separate itself from, or be separated from, the American Union; and that, therefore, each State ought to remain and constitute an integral part of the United States;

And did further declare in the same last-mentioned proclamation that the several aforementioned States, excepting Texas, had in the manner aforesaid given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity; and

Whereas the President of the United States in the same proclamation did further declare that it is believed to be a fundamental principle of

government that the people who have revolted and who have been overcome and subdued must either be dealt with so as to induce them voluntarily to become friends or else they must be held by absolute military power or devastated so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and to freedom; and

Whereas the President did in the same proclamation further declare that the Constitution of the United States provides for constituent communities only as States, and not as Territories, dependencies, provinces, or protectorates;

And further, that such constituent States must necessarily be, and by the Constitution and laws of the United States are, made equals and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united;

And did further declare that the observance of political equality, as a principle of right and justice, is well calculated to encourage the people of the before-named States, except Texas, to be and to become more and more constant and persevering in their renewed allegiance; and

Whereas the President did further declare that standing armies, military occupation, martial law, military tribunals, and the suspension of the writ of *habeas corpus* are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed except in cases of actual necessity for repelling invasion or suppressing insurrection or rebellion;

And the President did further, in the same proclamation, declare that the policy of the Government of the United States from the beginning of the insurrection to its overthrow and final suppression had been conducted in conformity with the principles in the last-named proclamation recited; and —

Whereas the President, in the said proclamation of the 13th of June, 1865, upon the grounds therein stated and hereinbefore recited, did then and thereby proclaim and declare that the insurrection which heretofore existed in the several States before named, except in Texas, was at an end and was henceforth to be so regarded; and

Whereas subsequently to the said 2d day of April, 1866, the insurrection in the State of Texas has been completely and everywhere suppressed and ended and the authority of the United States has been successfully and completely established in the said State of Texas and now remains therein unresisted and undisputed, and such of the proper United States officers as have been duly commissioned within the limits of the said State are now in the undisturbed exercise of their official functions; and

Whereas the laws can now be sustained and enforced in the said State

of Texas by the proper civil authority, State or Federal, and the people of the said State of Texas, like the people of the other States before named, are well and loyally disposed and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment of the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

Whereas all the reasons and conclusions set forth in regard to the several States therein specially named now apply equally and in all respects to the State of Texas, as well as to the other States which had been involved in insurrection; and

Whereas adequate provision has been made by military orders to enforce the execution of the acts of Congress, aid the civil authorities, and secure obedience to the Constitution and laws of the United States within the State of Texas if a resort to military force for such purpose should at any time become necessary:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the State of Texas is at an end and is to be henceforth so regarded in that State as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the 2d day of April, 1866.

And I do further proclaim that the said insurrection is at an end and that peace, order, tranquillity, and civil authority now exist in and throughout the whole of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of August, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Almighty God, our Heavenly Father, has been pleased to vouchsafe to us as a people another year of that national life which is an indispensable condition of peace, security, and progress. That year has, moreover, been crowned with many peculiar blessings.

The civil war that so recently closed among us has not been anywhere reopened; foreign intervention has ceased to excite alarm or apprehension; intrusive pestilence has been benignly mitigated; domestic tranquillity has improved, sentiments of conciliation have largely prevailed,

and affections of loyalty and patriotism have been widely renewed; our fields have yielded quite abundantly, our mining industry has been richly rewarded, and we have been allowed to extend our railroad system far into the interior recesses of the country, while our commerce has resumed its customary activity in foreign seas.

These great national blessings demand a national acknowledgment.

Now, therefore, I, Andrew Johnson, President of the United States, do hereby recommend that Thursday, the 29th day of November next, be set apart and be observed everywhere in the several States and Territories of the United States by the people thereof as a day of thanksgiving and praise to Almighty God, with due remembrance that "in His temple doth every man speak of His honor." I recommend also that on the same solemn occasion they do humbly and devoutly implore Him to grant to our national councils and to our whole people that divine wisdom which alone can lead any nation into the ways of all good.

In offering these national thanksgivings, praises, and supplications we have the divine assurance that "the Lord remaineth a king forever; them that are meek shall He guide in judgment and such as are gentle shall He learn His way; the Lord shall give strength to His people, and the Lord shall give to His people the blessing of peace."

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of October, A. D. 1866, and of the Independence of the United States the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

## EXECUTIVE ORDERS.

[From the Daily National Intelligencer, April 9, 1866.]

EXECUTIVE MANSION, *April 7, 1866.*

It is eminently right and proper that the Government of the United States should give earnest and substantial evidence of its just appreciation of the services of the patriotic men who when the life of the nation was imperiled entered the Army and Navy to preserve the integrity of the Union, defend the Government, and maintain and perpetuate unimpaired its free institutions.

*It is therefore directed—*

First. That in appointments to office in the several Executive Departments of the General Government and the various branches of the public service connected with said Departments preference shall be given to

such meritorious and honorably discharged soldiers and sailors—particularly those who have been disabled by wounds received or diseases contracted in the line of duty—as may possess the proper qualifications.

Second. That in all promotions in said Departments and the several branches of the public service connected therewith such persons shall have preference, when equally eligible and qualified, over those who have not faithfully and honorably served in the land or naval forces of the United States.

ANDREW JOHNSON.

DEPARTMENT OF STATE,  
*Washington, April 13, 1866.*

On the 14th of April, 1865, great affliction was brought upon the American people by the assassination of the lamented Abraham Lincoln, then President of the United States. The undersigned is therefore directed by the President to announce that in commemoration of that event the public offices will be closed to-morrow, the 14th instant.

WILLIAM H. SEWARD.

GENERAL ORDERS, No. 26.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, May 1, 1866.*

ORDER IN RELATION TO TRIALS BY MILITARY COURTS AND COMMISSIONS.

Whereas some military commanders are embarrassed by doubts as to the operation of the proclamation of the President dated the 2d day of April, 1866, upon trials by military courts-martial and military officers; to remove such doubts—

*It is ordered by the President,* That hereafter, whenever offenses committed by civilians are to be tried where civil tribunals are in existence which can try them, their cases are not authorized to be, and will not be, brought before military courts-martial or commissions, but will be committed to the proper civil authorities. This order is not applicable to camp followers, as provided for under the sixtieth article of war, or to contractors and others specified in section 16, act of July 17, 1862, and sections 1 and 2, act of March 2, 1863. Persons and offenses cognizable by the Rules and Articles of War and by the acts of Congress above cited will continue to be tried and punished by military tribunals as prescribed by the Rules and Articles of War and acts of Congress hereinafter cited, to wit:

[Sixtieth of the Rules and Articles of War.]

60. All sutlers and retainers to the camp, and all persons whatsoever serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

[Extract from "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," approved July 17, 1862.]

SEC. 16. *And be it further enacted*, That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the Army or Navy of the United States, shall be found guilty by a court-martial of fraud or willful neglect of duty, he shall be punished by fine, imprisonment, or such other punishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the Army or Navy, *he* shall be deemed and taken as a part of the land or naval forces of the United States for which he shall contract to furnish said supplies, and be subject to the rules and regulations for the government of the land and naval forces of the United States.

[Extract from "An act to prevent and punish frauds upon the Government of the United States," approved March 2, 1863.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person in the land or naval forces of the United States, or in the militia in actual service of the United States in time of war, who shall make or cause to be made, or present or cause to be presented for payment or approval to or by any person or officer in the civil or military service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; any person in such forces or service who shall, for the purpose of obtaining or aiding in obtaining the approval or payment of such claim, make, use, or cause to be made or used, any false bill, receipt, voucher, entry, roll, account, claim, statement, certificate, affidavit, or deposition, knowing the same to contain any false or fraudulent statement or entry; any person in said forces or service who shall make or procure to be made, or knowingly advise the making of, any false oath to any fact, statement, or certificate, voucher or entry, for the purpose of obtaining or of aiding to obtain any approval or payment of any claim against the United States, or any department or officer thereof; any person in said forces or service who, for the purpose of obtaining or enabling any other person to obtain from the Government of the United States, or any department or officer thereof, any payment or allowance, or the approval or signature of any person in the military, naval, or civil service of the United States of or to any false, fraudulent, or fictitious claim, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any signature upon any bill, receipt, voucher, account, claim, roll, statement, affidavit, or deposition; and any person in said forces or service who shall utter or use the same as true or genuine, knowing the same to have been forged or counterfeited; any person in said forces or service who shall enter into any agreement, combination, or conspiracy to cheat or defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding and assisting to obtain the payment or allowance of any false or fraudulent claim; any person in said forces or service who shall steal, embezzle, or knowingly and willfully misappropriate or apply to his own use or benefit, or who shall wrongfully and knowingly sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service of the United States; any contractor, agent, paymaster, quartermaster, or other person whatsoever in said forces or service having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service of the United States, who shall, with intent to defraud the United States, or willfully to conceal such money or other property, deliver or cause to be delivered to any other person having authority to receive the same any amount of such money or other public property less than that for which he shall receive a certificate or receipt; any person in said forces or service who is or shall be authorized to make or deliver any certificate, voucher, or



receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other public property so used or to be used, who shall make or deliver the same to any person without having full knowledge of the truth of the facts stated therein, and with intent to cheat, defraud, or injure the United States; any person in said forces or service who shall knowingly purchase or receive, in pledge for any obligation or indebtedness, from any soldier, officer, or other person called into or employed in said forces or service, any arms, equipments, ammunition, clothes, or military stores, or other public property, such soldier, officer, or other person not having the lawful right to pledge or sell the same, shall be deemed guilty of a criminal offense, and shall be subject to the rules and regulations made for the government of the military and naval forces of the United States, and of the militia when called into and employed in the actual service of the United States in time of war, and to the provisions of this act. And every person so offending may be arrested and held for trial by a court-martial, and if found guilty shall be punished by fine and imprisonment, or such other punishment as the court-martial may adjudge, save the punishment of death.

SEC. 2. *And be it further enacted*, That any person heretofore called or hereafter to be called into or employed in such forces or service who shall commit any violation of this act, and shall afterwards receive his discharge or be dismissed from the service, shall, notwithstanding such discharge or dismissal, continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge or been dismissed.

\* \* \* \* \*

By order of the Secretary of War:

E. D. TOWNSEND,  
*Assistant Adjutant-General.*

EXECUTIVE MANSION, *May 29, 1866.*

The President with profound sorrow announces to the people of the United States the death of Winfield Scott, the late Lieutenant-General of the Army. On the day which may be appointed for his funeral the several Executive Departments of the Government will be closed.

The heads of the War and Navy Departments will respectively give orders for paying appropriate honors to the memory of the deceased.

ANDREW JOHNSON.

[From the Daily National Intelligencer, June 6, 1866.]

ATTORNEY-GENERAL'S OFFICE,  
*Washington, D. C., June 5, 1866.*

By direction of the President, you\* are hereby instructed to cause the arrest of all prominent, leading, or conspicuous persons called "Fenians" who you may have probable cause to believe have been or may be guilty of violations of the neutrality laws of the United States.

JAMES SPEED,  
*Attorney-General.*

\*Addressed to district attorneys and marshals of the United States.

DEPARTMENT OF STATE,  
*Washington, June 18, 1866.*

The President directs the undersigned to perform the painful duty of announcing to the people of the United States that Lewis Cass, distinguished not more by faithful service in varied public trusts than by exalted patriotism at a recent period of political disorder, departed this life at 4 o'clock yesterday morning. The several Executive Departments of the Government will cause appropriate honors to be rendered to the memory of the deceased at home and abroad wherever the national name and authority are acknowledged.

WILLIAM H. SEWARD.

EXECUTIVE MANSION,  
*Washington, D. C., October 26, 1866.*

HON. EDWIN M. STANTON,  
*Secretary of War.*

SIR: Recent advices indicate an early evacuation of Mexico by the French expeditionary forces and that the time has arrived when our minister to Mexico should place himself in communication with that Republic.

In furtherance of the objects of his mission and as evidence of the earnest desire felt by the United States for the proper adjustment of the questions involved, I deem it of great importance that General Grant should by his presence and advice cooperate with our minister.

I have therefore to ask that you will request General Grant to proceed to some point on our Mexican frontier most suitable and convenient for communication with our minister, or (if General Grant deems it best) to accompany him to his destination in Mexico, and to give him the aid of his advice in carrying out the instructions of the Secretary of State, a copy of which is herewith sent for the General's information.

General Grant will make report to the Secretary of War of such matters as, in his discretion, ought to be communicated to the Department.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,  
*Washington, D. C., October 30, 1866.*

HON. EDWIN M. STANTON,  
*Secretary of War.*

SIR: General Ulysses S. Grant having found it inconvenient to assume the duties specified in my letter to you of the 26th instant, you will please relieve him from the same and assign them in all respects to William T. Sherman, Lieutenant-General of the Army of the United States. By way of guiding General Sherman in the performance of his duties, you will furnish him with a copy of your special orders to General Grant, made in compliance with my letter of the 26th instant, together with a copy

of the instructions of the Secretary of State to Lewis D. Campbell, esq., therein mentioned. The Lieutenant-General will proceed to the execution of his duties without delay.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,  
*Washington, D. C., November 1, 1866.*

HON. EDWIN M. STANTON,  
*Secretary of War.*

SIR: In the report of General Grant of the 27th ultimo, inclosed in your communication of that date, reference is made to the force at present stationed in the Military Department of Washington (which embraces the District of Columbia, the counties of Alexander and Fairfax, Va., and the States of Maryland and Delaware), and it is stated that the entire number of troops comprised in the command is 2,224, of which only 1,550 are enumerated as "effective." In view of the prevalence in various portions of the country of a revolutionary and turbulent disposition, which might at any moment assume insurrectionary proportions and lead to serious disorders, and of the duty of the Government to be at all times prepared to act with decision and effect, this force is not deemed adequate for the protection and security of the seat of Government.

I therefore request that you will at once take such measures as will insure its safety, and thus discourage any attempt for its possession by insurgent or other illegal combinations.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,  
*Washington, D. C., November 2, 1866.*

HON. EDWIN M. STANTON,  
*Secretary of War.*

SIR: There is ground to apprehend danger of an insurrection in Baltimore against the constituted authorities of the State of Maryland on or about the day of the election soon to be held in that city, and that in such contingency the aid of the United States might be invoked under the acts of Congress which pertain to that subject. While I am averse to any military demonstration that would have a tendency to interfere with the free exercise of the elective franchise in Baltimore or be construed into any interference in local questions, I feel great solicitude that should an insurrection take place the Government should be prepared to meet and promptly put it down. I accordingly desire you to call General Grant's attention to the subject, leaving to his own discretion and judgment the measures of preparation and precaution that should be adopted.

Very respectfully, yours,

ANDREW JOHNSON.