

the constitution of the United States, and as a necessary consequence, no man could lawfully represent those states in the councils of the United States. But this was only an obstacle to the enjoyment of the right, and to the discharge of a duty; it did not annul the one nor abrogate the other, and it ceased to exist when the usurpation by which it was created had been overthrown, and the states had again resumed their allegiance to the constitution and laws of the United States.

Second. But it is asserted, in support of the authority claimed by the Congress now in possession of power, that it flows directly from the laws of war; that it is among the rights which victorious war always confers upon the conquerors,—which the conqueror may exercise or waive at his own discretion. To this we reply that the laws in question relate solely, so far as the rights they confer are concerned, to wars waged between alien and independent nations, and can have no place or force in this regard—in a war waged by a government to suppress an insurrection of its own people upon its own soil against its authority. If we had carried on a successful war against foreign nations, we might then have acquired possession and jurisdiction of their soil, with the right to enforce our laws upon their people, and to impose upon them such laws and such obligations as we might choose. But we had, before the war, complete jurisdiction of the southern states, limited only by our own constitution; our laws were the only national laws in force there; the government of the United States was the only government through which those states and their people had relations with foreign nations, and its flag was the only flag by which they were recognized or known anywhere on the face of the earth. In all these respects, and in all other respects involving national interests and rights, our possession was perfect and complete. It did not need to be acquired, but only to be maintained, and a victorious war against the rebellion could do nothing more than maintain it. It could only vindicate the disputed supremacy of the constitution; it could neither enlarge or diminish the authority which that constitution confers upon the government by which it was achieved. Such an enlargement or abridgement of constitutional power can be effected only by an amendment of the constitution itself, and such amendment can be made only in the modes which the constitution itself prescribes. The claim that the suppression of the insurrection against the government gives additional authority and power to that government, especially that it enlarges the jurisdiction of Congress and gives that body the right to exclude states from representation in the national councils, without which the nation itself can have no authority and no existence, seems to us at variance alike with the principles of the constitution and with the public safety.

Third. But it is alleged that in certain particulars the constitution of the United States fails to secure the absolute justice and impartial equality which the principles of our government require; that it was, in this respect, the result of compromises and concessions to which, however necessary when the constitution was formed, we are no longer compelled to submit; and that now having the power through a successful war, and a just warrant for its exercise, in the hostile conduct of the insurgent section, the actual government of the United States may impose its own conditions, and make the constitution conform in all its provisions to its own ideas of equality and the rights of war.

Congress, at its last session, proposed amendments to the Constitution, enlarging, in some very important particulars, the authority of the General Government over that of the several states, and reducing, by indirect disfranchisement, the representative power of the states in which slavery formerly existed; and it is claimed that these amendments may be made valid as parts of the original constitution, without the concurrence of the states to be most seriously affected by them; or that they may be imposed upon those states by three-fourths of the remaining states, as conditions of their readmission to representation to Congress and in the electoral college. It is the unquestionable right of the people of the United States to make such changes in the constitution as they, upon due deliberation, may deem expedient; but we insist that they shall be made in the mode which the constitution itself points out, in conformity with the letter and spirit of that instrument, and with the principles of self-government and of equal rights which lie at the basis of our republican institutions. We deny the right of Congress to make these changes in the fundamental law, without the concurrence of three-fourths of all the states, including, especially, those to be the most seriously affected by them, or to impose them upon the states or people as conditions of representation or of admission to any of the rights, duties or obligations which belong, under the constitution, to all the states alike. And with still greater emphasis do we deny the right of any portion of the states, excluding the rest of the states from any share in their council, to propose or sanction changes in the constitution

which may affect permanently their political relations and control or coerce the legitimate action of the several members of the common Union. Such exercise of power is simply an usurpation, and is just as unpardonable when exercised by northern states as it would be if exercised by the southern, and is not to be fortified nor palliated by anything in the past history either of those by whom it is attempted, or of those upon whose rights and liberties it is to take effect. It finds no warrant in the constitution; it is at war with the fundamental principles of our form of government, and if tolerated in one instance, it becomes a precedent for future invasions, liberty and constitutional right depend solely upon the will of the party in possession of power, and thus leads, by a direct necessary sequence, to the most fatal and intolerable of all tyrannies—the tyranny of shifting and irresponsible political factions. It is against this, the most formidable of all dangers which menace the stability of free governments, that the constitution was intended most carefully to provide. We demand a strict and steadfast adherence to its provisions. In this, and in this alone, can we find the basis of permanent union and peace.

Fourth. But it is alleged, in justification of the usurpation which we condemn, that the condition of the southern states and people is not such as renders safe their re-admission to share in the government of the country; that they are disloyal in sentiment, and that neither the honor, credit nor interests of the nation would be safe if they were re-admitted to share in its councils. We might reply to this: 1st. That we have no right, for such reasons, to deny to any portion of the states or people the rights expressly conferred upon them by the constitution of the United States. 2d. That so long as their acts are those of loyalty, so long as they conform in all their public conduct to the requirements of the constitution and laws, we have no right to exact from them a conformity in their sentiments and opinions to our own. 3d. That we have no right to distrust the purpose or ability of the people of the Union to protect and defend, under all contingencies and by whatever means may be required, its honor and its welfare. These would, in our judgment, be full and conclusive answers to the plea thus advanced for the exclusion of these states from the Union; but we say further that this plea rests upon a complete misapprehension or an unjust perversion of existing facts. We do not hesitate to affirm that there is no section of the country where the constitution and laws of the United States find a more prompt and strict obedience, than in those states and among those people who were lately in arms against them, or where there is less purpose or less danger of any future attempt to overthrow their authority. It would seem to be both natural and inevitable that in the states and sections so recently swept by the whirlwind of war, where all the ordinary modes and methods of industry have been broken up, and the bonds of influences that guarantee social order have been destroyed, where thousands and tens of thousands of turbulent spirits have been suddenly loosed from the discipline of war and thrown without resources or restraint upon a disorganized and chaotic society, and where the keen sense of defeat is added to the overthrow of ambition and hope, scenes of violence should defy for a time the imperfect discipline of law, and excite anew the fears and forebodings of the patriotic and well disposed. It is unquestionably true that local disturbances of this kind, accompanied by more or less of violence, do still occur, but they are confined entirely to the cities and larger towns of the southern states, where different races and interests are brought closely in contact, and where passions and resentments are always most easily fed and ripen into outbreaks. Even they are quite as much the fruit of unholy and heated agitation, as of any hostility on the part of the people to the authority of the National Government. But the current testimony of those best acquainted with the condition of society and the state of public sentiment in the south, including that of its representatives in this convention, establishes the fact that the great mass of the southern people accept, with as full and sincere a submission as do the people of other states, the re-established supremacy of national authority, and are prepared, in the most loyal spirit and with a zeal quickened alike by their interest and their pride, to co-operate with the other states and sections on whatever may be necessary to defend the rights, maintain the honor and promote the welfare of our common country.

History affords no instance where a people so powerful in numbers, resources and public spirit, after a war so long in its duration, so destructive in its progress and so adverse in its issue, have accepted defeat and its consequences with so much of good faith as has marked the conduct of the people lately in insurrection against the United States. Beyond all question this has been largely due to the wise generosity with which their enforced surrender was accepted by the President of the United States, and the generals in immediate command of the armies, and to the liberal measures which were afterwards taken to restore order, tranquility and law to the States where all had, for some time, been overthrown. No steps could have been better calculated to command the respect, win the confidence, revive the patriotism and secure the permanent and affectionate allegiance of the people of the South to the constitution and laws of the Union, than those which have been so warmly taken and so satisfactorily pursued by the President of the United States; and if that confidence and loyalty have been seriously impaired, if the people in the South are to-day less cordial in their allegiance than they were immediately upon the close of the war, we believe it is due to the changed tone of the legislative department of the General Government towards them, to the action by which Congress has endeavored to supplant and defeat the President's wise and beneficent policy for restoration, to their exclusion from all participation in our common government, to the withdrawal from them of the rights conferred and guaranteed by the constitution, and to the evident purpose of Congress, in the exercise of usurped and unlawful authority, to reduce them from the rank of free and equal members of a republic of States, with their rights and dignities unimpaired, to the condition of conquered provinces and a conquered people, in all things subordinate and subject to the will of their conquerors, free only to obey laws in the making of which they are not allowed to share.

No people has ever yet existed whose loyalty and faith such treatment long continued should not alienate and impair, and the ten millions of Americans who live in the South would be unworthy citizens of a free country, degenerate sons of an heroic ancestry, unfit ever to become guardians of the rights and liberties bequeathed to us by the fathers and founders of this Republic, if they could accept with uncomplaining submission the humiliation thus sought to be imposed upon them. Resentment of injustice is always and everywhere essential to freedom; and the spirit which prompts the states and people lately in insurrection, but insurgent now no longer, to protest against the imposition of unjust and degrading conditions, makes them all the more worthy to share in the government

of a free commonwealth, and gives still firmer assurance of the future power and freedom of the Republic.

For whatever responsibility the southern people may have incurred in resisting the authority of the National Government, and in taking up arms for its overthrow, they may be held to answer as individuals before the judicial tribunals of the land; and for their conduct as societies and organized communities, they have already paid the most fearful penalties that can fall on offending States, in the losses, the suffering and humiliations of unsuccessful war. But whatever may be the guilt or the punishment of the conscious authors of the insurrection, candor and common justice demanded the concession that the great mass of those who became involved in its responsibilities acted upon what they deemed to be their duty, in defense of what they had been taught to believe their rights, under a compulsion physical and moral which they were powerless to resist.

Nor can it be amiss to remember that, terrible as have been the bereavements and losses of this war, they have fallen exclusively upon neither section and upon neither party; that they have fallen with far greater weight upon those with whom the war began; that in the death of relatives and friends, the dispossession of families, the disruption of social systems and social ties, the overthrow of governments of law and order, the destruction of property and means of industry, the loss of political, commercial and moral influence in every shape and form which great calamities can assume, the states and people which engaged in war against the government of the United States have suffered tenfold more than those who remained in allegiance to its constitution and laws. These considerations may not, as they certainly do not, justify the action of the people of the insurgent states, but no just or generous mind will refuse to them very considerable weight in determining the line of conduct which the government of the United States should pursue towards them.

They accept, if not with alacrity, certainly without sullen resentment, the defeat and overthrow they have sustained. They acknowledge and acquiesce in the results to themselves. They no longer claim for any state the right to secede from the Union. They no longer assert for any state an allegiance paramount to that which is due to the General Government. They have accepted the destruction of slavery, have abolished it by their state constitutions, and have concurred with the states and people of the whole Union in prohibiting its existence forever, upon the soil or within the jurisdiction of the United States. They evince their purpose, just so far as may be possible and safe, to adapt their domestic laws to the changed condition of their society, and to secure by law and its tribunals equal and impartial justice to all classes of their inhabitants. They admit the invalidity of all acts of resistance to national authority, and of all debts incurred in attempting its overthrow. They avow their willingness to share the burdens and discharge all the duties and obligations which rest upon them in common with the other states and other sections of the Union. And they avow through their representatives in this convention, by all their public conduct in every way, and by the most solemn acts by which states and society can pledge their faith, their engagement to bear true faith and allegiance, through all time to come, to the constitution of the United States and to all laws that may be made in pursuance thereof. Fellow countrymen: We call upon you, in full reliance upon your intelligence and your patriotism, to accept, with generous and ungrudging confidence, this full surrender on the part of those lately in arms against your authority, and to share with them the honor and renown that await those who bring back peace and concord to jarring states. The war has closed with all its sorrow, and its disasters have opened a new career of glory to the Nation it has saved. It has swept away the hostilities of sentiment and of interest which were a standing menace to its peace; it has destroyed the institution of slavery, always a cause of sectional agitation and strife; has opened for our country the way to unity of interest, of principle and of action through all time to come; has developed in both sections a military capacity, an aptitude for achievements of war both by sea and land, before unknown even to ourselves, and destined to exercise hereafter, under a united country, an important influence upon the character and destiny of this continent had the world. And while it has thus revealed, disciplined and compacted our power, it has proved to us, beyond controversy or doubt, by the course pursued toward both contending sections by foreign powers, that we must be the guardians of our own independence, and that the principles of republican freedom we represent can find among the nations of the earth no friends or defenders but ourselves. We call upon you, therefore, by every consideration of your own dignity and safety, and in the name of liberty throughout the world, to complete the work of restoration and peace which the President of the United States has so well begun, and which the policy adopted and the principles asserted by the present Congress alone obstruct.

The time is close at hand when members of a new Congress are to be elected. If that Congress shall perpetuate this policy and, by excluding loyal States and people from representation in its Halls, shall continue the usurpation by which the legislative powers of the government are exercised, common prudence compels us to anticipate augmented discontent, a sullen withdrawal from the duties and obligations of the Federal Government, internal dissension and a general collision of sentiments and pretensions, which may renew, in a still more fearful shape, the civil war from which we have just emerged. We call upon you to interpose your power to prevent the recurrence of so transcendent a calamity. We call upon you, in every congressional district of every state, to secure the election of members who, whatever other differences may characterize their political action, will unite in recognizing the right of every state of the Union to representation in Congress, and who will admit to seats in either branch every loyal Representative, from every state in allegiance to the Government, who may be found by each House, in the exercise of the power conferred upon it by the constitution, to have been duly elected, returned and qualified for a seat therein.

When this shall have been done, the Government will have been restored to its integrity, and the constitution will have been re-established in its full supremacy, and the American Union will again have become, what it was intended by those who formed it, a sovereign nation, composed of separate states each, like itself, moving in a distinct and independent sphere, exercising the powers defined and resolved by a common constitution, and resting upon the assent, the confidence and co-operation of all the states and all the people subject to its authority. Thus reorganized and restored to their constitutional relations, the states and the General Government can enter, in a fraternal spirit, with a common purpose and common interest, upon what reforms the security of personal rights, the enlargement of popular liberty and the perfection of our republican institutions may demand.

Washington, 10.

The President has issued a proclamation, reciting former proclamations, and acts or resolutions of Congress, in form nearly similar to the peace proclamation of April 2, and concluding as follows:—And whereas, subsequently to the 24 day of April, 1863, the insurrection in the state of Texas has been completely and every where suppressed and ended, and the authority of the United States has been successfully and completely established in the said state, and now remains unresisted and undisputed; and such of the proper officers as have been duly commissioned within the limits of 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 said state; and the people of the State of Texas and the people of the other 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 of said states and their jurisdiction; and whereas all the reasons and conclusions set forth in regard to the several states therein officially named, apply equally and in all respects to the people of Texas as well as to the other states which have been involved in insurrection; and whereas adequate provision has been made by military orders to enforce the execution of the acts of Congress and the civil authority, and to secure obedience to the civil laws of the United States in Texas, in case the resort to military force for such purpose should at any time become necessary; now, therefore, I, Andrew Johnson, President of the United States, do proclaim and declare that the insurrection which heretofore existed in the State of Texas is at an end, and is henceforth to be so regarded in that state as in the other states before mentioned, where the insurrection was proclaimed to be at an end in the aforesaid proclamation of April 2, 1863.

And I do further proclaim that said insurrection is at an end, and that peace, order, tranquility and civil authority exist 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.

Done at the City of Washington, the twentieth day of August, 1866, and of the independence of the United States of America the ninety first.

By the President, ANDREW JOHNSON.
WM. H. SEWARD, Secretary of State.

Washington, 20.

A meeting of army officers favorable to the President's policy was held at Willards hotel yesterday, Gen. Steedman presiding. The meeting decided to call a national mass convention of soldiers at Chicago, on the 17th of September, to ratify the proceeding of the Philadelphia Convention.

In accordance with the President's proclamation of the 10th inst., declaring null and void Maximilian's paper blockade of Matamoros and other Mexican ports, the Navy Department has dispatched two men of war to be stationed at the mouth of the Rio Grande. The Commander of the Pacific squadron has also received orders to send two ships to Mazatlan and Guaymas, to protect United States interests on the Pacific coast.

New York, 20.

A fire broke out yesterday morning in a schooner loaded with petroleum oil for Boston, lying at Valentines's oil yard, Jersey City. The flames spread to the California Steamship Company's dock, destroying two piers and a part of the third and some 18 vessels of all classes; the total loss is estimated at \$1,640,000. Three lives were lost, and many persons injured. The fire raged from 8 a.m. to nightfall. Moses Taylor owned one of the piers 800 feet long. About 8,000 barrels of oil were in the cargo on the piers destroyed.

The President has received many state delegations to the Philadelphia Convention, all of whom tender congratulatory addresses, and come laden with recommendations of changes in office.

To the New Hampshire delegation he said:—There should be a clean sweep of Radical office holders.

The Missouri delegation made a formal recommendation of Gen. Frank Blair as Secretary of War, and asked the President for some direct assurance that loyal men in Missouri should be protected at the ballot box, against the illegal measures adopted by the Radical state government.

The President said that Gen. Hancock, commanding the Department of Missouri, would give every possible assistance within the legitimate sphere of his duties, and said: I think you will find the protection of the government, as far as compatible, afforded to you.

Senor Romero has received the following, dated Matamoros, August 9th:—The French have evacuated Matamoros and Saltillo. Both places are now in the possession of our forces.

NEWS ITEMS.

THE Indians are reported to be troublesome in the neighborhood of Fort Reno, Powder river, on the route from Ft. Laramie to Montana.

THE State Prison at Charleston, Mass., is a paying institution, that is, its income exceeds its expenditures. This can probably be said of few institutions of the kind in the country.

JOHN NICHOLS, of Danvers, Mass., 83 years of age, has just gathered in, with his own hands, his 73d successive year's hay crop, and he thinks himself good for a few more to come.

A BUFFALO city railroad company petitioned the other day for authority to increase its fares, on the ground that the conductors stole the profits.

THE river Danube flows through two kingdoms and two empires. It begins as a Protestant rivulet, then becomes a Roman Catholic river, and finally turns Turk.

A SPECIAL dispatch to the Chicago Post, from Augusta, Ga., gives an account of a woman and two children who died from starvation in the interior of Georgia. It also mentions a snake seventeen feet long, which had attacked some young men who were out gunning, and coiled itself around one of them, breaking both arms.