NEW ORLEANS DAILY CRESCENT.

THE CRESCENT IS PUBLISHED DAILY (Sundays Excepted) AND WEEKLY, BY J. O. NIXON, No. 94 CAMP STREET. TERMS—DAILY, $16; WEEKLY, $5 PER YEAR.

VOLUME XV. WEDNESDAY MORNING, FEBRUARY 21, 1866. NUMBER 162.

New Orleans Daily Crescent.

OFFICIAL JOURNAL
—OF—
THE STATE OF LOUISIANA.

WEDNESDAY MORNING, FEBRUARY 21, 1866.

GENERAL ASSEMBLY OF LOUISIANA.

TUESDAY, FEBRUARY 20, 1866.

Senate.

Pursuant to adjournment from yesterday, the Senate assembled at noon to-day, Lieut. Governor Voorhies presiding.

On the roll being called, twenty-five members responded—a full quorum.

Prayer was offered by the Rev. Mr. Beckwith.

The journal of yesterday's proceedings was read and approved.

During the proceedings the following members were present: Messrs. Abney, Anderson, Armstrong, Brownlee, Brusié, Burthe, Campbell, Cooley, Duvigneaud, Egan, Ellis, Fellowes, Foute, Gibson, Gordon, Hough, Kavanagh, Kenner, Lapeyre, Lott, Mohan, Munday, Newton of Jackson, Newton of Morehouse, Nelson, Palfrey, Poché, Purcell, Scruggs, Welch and Wilcoxon.

A message was received from the House of Representatives by Mr. Maxwell, the Chief Clerk. It asked the concurrence of the Senate in a bill for the relief of property owners on the Gentilly Road; in the bill for the relief of Robert J. Caldwell; in the bill to extend the limits of corporation of the town of Donaldsonville; in the bill for the relief of R. C. Ker; in the bill for the relief of Antonio Marero; in the bill to amend and renew the charter of the Catholic Church at Opelousas; in the bill for the relief of the heirs of Benjamin Ray, deceased; in the bill relative to the ferry across Red River at Shreveport; and in the joint resolution memorializing Congress to renew the donations of public lands for railroad constructions to the State, which otherwise will revert to the United States in June next.

Mr. Mohan presented a bill to amend sections 4, 5, 8 and 9 of the City Charter, so as to make them accord with the City Election bill passed over the Governor's veto.

Mr. Foute objected to it as it will make the office of Street Commissioner elective.

Mr. Mohan explained that this provision existed in the City Election bill, now a law.

Mr. Duvigneaud expressed his gratification that Senators had seen fit, in this way, to remove the unconstitutionality of the City Election bill.

Mr. Mohan said the City Election bill was not unconstitutional. The present measure was introduced simply in the spirit of conciliation.

The bill was carried through its various stages, passed, and sent to the House.

Mr. Kenner presented a memorial from the Laborer's Beneveolent Society. Referred to the Committee on Charitable Institutions.

The same Senator moved that a message be sent to the House of Representatives requesting the return of the resolution granting leave of absence to the State Treasurer in order to fill a blank in it. Agreed to.

Mr. Gordon presented a petition from Allen Jones praying payment for buildings used by the State for some years. Referred to the Committee on Claims.

Mr. Munday, from the Committee on Claims, presented a report—favorable on the bill for the relief of L. R. Marshall; by substitute on the bill for the relief of W. H. C. King, and unfavorable on the bill for the relief of Herbert Walker.

On motion of Mr. Mohan, the bill for the relief of W. H. C. King, appropriating $567 51, for printing, was taken up, carried through its various stages and passed.

Mr. Brusié reported correctly enrolled the act in relation to the sale of public lands, and the bill in relation to the publication of judicial advertisements in English and French.

Mr. Newton of Morehouse, called up the bill for the relief of J. L. Pratt, providing compensation for a negro belonging to him, executed for murder. It was carried through its various stages, passed, and sent to the other House.

The same Senator called up the bill for the relief of Wm. T. Hall, providing compensation for temporary services as District Attorney. It was carried through its various stages, passed, and sent to the other House.

On motion of Mr. Munday, the bill for the relief of L. R. Marshall, from a judgment for taxes for 1852, already paid, was taken up, carried through its various stages and passed.

Mr. Brusié presented, as correctly enrolled, the bill for the relief of T. P. Harrison and the heirs of J. Hawkins Duval.

The same Senator called up the House joint resolution for the appointment of a joint committee to prepare a measure for the establishment of a soldiers' home; and on his motion the blank for the number of Senators was filled with "three." The resolution was then referred to the Committee on Charitable Institutions.

Mr. Fellowes, from the Committee on Commerce, Agriculture, Manufactures, etc., presented a report, favorable on a bill the title of which we did not catch; and asking that the committee be discharged from the further consideration of the bill to incorporate a company for the improvement of Pass-à-l'Outre, and recommending that it be referred to the Committee on the Judiciary.

Mr. Newton, of Jackson, from the Committee on Public Education, presented a report, favorable, on the bill to lease to the Trustees of the Female Academy the State Laboratory, at Mount Lebanon, for ten years, at a sufficient rent to keep the same in repair.

Mr. Egan explained that the building had been long unused, that the school had been closed during the war and that this was the only building available for re-opening it. The bill was carried through its various stages, passed, and sent to the other House.

Mr. Palfrey called up the bill relative to pilots on Atchafalaya bay and river. He said it was an important measure because commerce was beginning to revive in that neighborhood.

Mr. Anderson said if the bill applied to the river above Bayou Courtableau he should be compelled to oppose it.

Mr. Palfrey said it did not apply to the river above Brashear City. The bill was the old one, only slightly altered by not requiring quite such large pilot boats to be kept.

The bill was then carried through its various stages, passed and sent to the other House.

Mr. Duvigneaud said he had yesterday had his bill providing for the collection of State taxes and licenses on trades and professions in New Orleans made the order of the day for Thursday next, Feb. 22d, a holiday as the anniversary of the birthday of Washington. He moved that it be made the order of the day for Friday instead. Agreed to.

Mr. Munday called up the bill relative to forced surrenders, with an amendment providing that debtors making a full surrender in accordance with the terms of the bill shall be released by the judge from all further liabilities.

Mr. Lapeyre moved that it be referred to the Judiciary Committee, and Mr. Poché seconded the motion. Mr. Gordon opposed it, as the bill had already been approved by the committee, and the amendment presented a very simple question for the Senate to decide.

The question being put on the motion it was lost by a division of 8 to 13.

A lengthy and earnest discussion ensued upon the bill, or rather upon the amendment.

Mr. Lott said the object of the amendment was to place some of the p[illegible] of the law in the hands of the judges, instea[d o]f leaving it all as at present, in the hands of the creditors. Now, if the debtor makes a surrender, forced or voluntary, he gains nothing whatever by it, except at the will of the creditor; while it would seem nothing but right, if he were forced to surrender all his property, he should be released from further liability. He moved the adoption of the amendment.

Mr. Egan opposed it as unconstitutional, because by it the legislature assumed authority to give to judges the power to discharge the obligation of contracts. The bill, with the exception of the amendment, he endorsed.

Mr. Lott contended that there was nothing unconstitutional in the amendment. It did not impair the obligation of contracts. It merely said, if you use the remedy the law gives, your consent shall be presumed to the discharge of the debtor. No one is bound to use the remedy. The amendment merely introduced into the bill, what is already the law with regard to insolvency, under Article 2173 of the Civil Code. As to the argument founded on the alleged unconstitutionality of insolvent laws, because they impair the violation of contracts, the Senator read from Story on the Constitution, p. 236, § 1385, to show that it had been decided against.

Mr. Duvigneaud said the bill had the radical constitutional defect of not reciting the section of the law which its purpose was to amend. Besides this the first clause of the bill providing that a certain proportion of the creditors should have the power to force a surrender and discharge the debtor, was contradicted by the amendment, which says the judge shall have the power to discharge the debtor from further liabilities. He contended, also, that the amendment was unconstitutional because it amended the insolvent laws without reciting the original provisions, and because it went to impair the violation of contracts. To meet his first objection, he moved to insert, in the first section of the bill, the section of the law the bill first proposed to amend.

This amendment was accepted, adopted, and the section as amended was adopted.

Mr. Munday strongly urged the adoption of the amendment providing for the release of the debtor on his being forced to a surrender of his property. It was well known, he said, that debts had been bought up at forty, thirty, even ten cents on the dollar, for the purpose of taking advantage of the debtor by compelling him to surrender his property, and still holding the claim over. He saw nothing but equity in relieving a man from further liabilities who was forced to give up his all to meet them as best he could. What could become of a man, who might have a family dependent on him, who might be old, with his all taken from him, and his liabilities still kept hanging over him.

Mr. Duvigneaud had not the least objection that a poor and honest debtor should be discharged on giving up all his property; but he wanted the creditors to have the power of according to him, or of withholding it from a debtor who might be concealing property, while pretending to give up all. He would not trust a judge to do this, because he would not be so much interested in it as creditors would. Within his experience, nine out of every ten debtors making a surrender had been discharged by the creditors, which showed them to be abundantly lenient.

Mr. Poché thought the bill very wise in its provisions, and calculated to be very beneficent in its effects both on the debtor and the creditor; but he was very sorry to see the framer of the bill adopt an amendment which struck at the very root of the insolvent laws of the State. He was willing to support the bill relative to respites introduced by the Senator from Orleans (Mr. Duvigneaud,) and the bill to regulate the sale of property seized under an order of seizure and sale, or writ of *fieri facias*, introduced by the Senator from Carroll (Mr. Lott;) but he could not support this, because it was unconstitutional.

Mr. Gibson said he considered the argument which had been advanced by the Senator from Orleans (Mr. Duvigneaud). that the judge would have no interest in the question which would be brought before him, one of the strongest that could be urged in favor of leaving it to him, rather than to interested and not necessarily lenient creditors. He had yet to see the first act passed by the Senate in favor of the debtor, while the courts were all open and process executed against him. He protested against the cuckoo note of constitutionality which was raised so commonly now, and hoped the amendment would be passed.

Mr. Egan said he considered the very arguments and authorities quoted by the Senator from Carroll (Mr. Lott), fully established the unconstitutionality of the amendment.

Mr. Gordon saw no unconstitutionality in the amendment, and urged the necessity for the provision it sought to make in order to protect the creditor as well as debtor, especially on the ground that a debtor's property when seized and sold is always disposed of at a disadvantage. In order to meet the question of constitutionality he would propose to adopt article 2173 of the Civil Code to the purposes of the amendment. That could not well be unconstitutional.

This amendment was accepted, and then the bill was carried through its other stages, passed, and sent to the other House.

Mr. Foute presented a report from the Committee on Federal Relations—favorable on the resolution to appoint commissioners to proceed to Washington, and unfavorable on the joint resolution from the House of Representatives, expressive of the sentiments of the people of Louisiana, on the grounds that similar resolutions had already been passed during the extra session, although not published in the printed journal of the Senate, and that the laws of Louisiana always have made most humane provisions for free colored people in every respect—in life, liberty and the pursuit of happiness. The report recommended that the resolutions should be spread on the minutes.

The report was adopted, and, on motion of Mr. Brusié, five hundred copies of the report and resolutions, in French, and the same number in English, were ordered to be printed for general distribution.

A message was received from the House of Representatives by Mr. Halsey, Assistant Clerk, announcing that the House had concurred in the bill to amend the city charter; asking the return of the joint resolution granting leave of absence to the State Treasurer; and asking the signature of the President to the bill providing for an additional justice of the peace in St. Helena.

On motion of Mr. Egan, the bill relating to the State Seminary at Alexandria was taken up, carried through its various stages, passed, and sent to the other House.

[In the report of yesterday's proceedings, Mr. Palfrey was made to say he would use "all the arguments and the *fact*" he could to pass his bill. It should have been "all the arguments and all the *facts*."]

The Senate adjourned till to-morrow, Wednesday, February 21, 1866.

House of Representatives.

The House met at 12 M., Speaker Cage presiding. Prayer by the Rev. Father Chalons.

On motion of Mr. Murray, the Senate amendments to the House bill requiring mortuary returns to be made to the register of voters in the city of New Orleans, to prevent fraudulent voting, were concurred in.

Mr. Kidd presented the following resolution, which was adopted:

Resolved, That the Judiciary Committee be and they are hereby instructed to examine all the obstacles to the immediate execution of the laws relative to municipal and parochial elections recently enacted by this General Assembly, and to report by bill or otherwise, at as early a day as practicable, what measures are necessary to be adopted in order that said laws may be speedily enforced.

A proposition from W. G. Hennen, to furnish the State with copies of his digest of the decisions of the Supreme Court of the State, at certain rates, was referred to the Judiciary Committee.

THE CITY ELECTION BILL.

Mr. Scanlan called up the Senate bill to amend the charter of the city of New Orleans, and explained that this bill was framed and passed by the Senate to obviate the objections of the Governor to the bill which had been vetoed by the Governor, but had been passed over his veto, ordering a municipal election in the city of New Orleans. The Governor was acquainted with the provisions of this bill from the Senate, and its passage would secure a city election, as desired by the Assembly, and restore harmony between the legislative and executive branches of the government. A like measure was being prepared to obviate the difficulty in regard to parochial elections.

Mr. Solomon was gratified to see this concession to the minority who sustained the Governor in his veto, but regretted the confession of error had not been made at the proper time and in the proper manner, by adopting such a measure as this instead of persisting in a bill, over the Governor's objections, which bill gentlemen now tacitly confessed was unconstitutional.

Mr. Jonas would offer no serious objections to the bill under consideration, but protested against its passage, being regarded as an acknowledgment of error on the part of the House. He, for one, would not admit that the Governor was the law-making power of the State, to set aside or dictate laws at his pleasure. He regretted, therefore, the intimation conveyed to the House that this bill had been submitted to executive examination before its introduction. While he was indisposed to do aught that might continue the existing difficulties, his course should not be influenced by executive dictation. This bill had been confessedly brought in to conciliate executive favor, and he should ask a mature consideration of the measure upon its merits, independent of anticipatory gubernatorial approval. The House should not rush into the passage of measures to procure the enforcement of laws, concerning which the Governor was disregarding his constitutional obligations in failing to put into operation. This bill had not been before any committee. The Committee on Amendments to the City Charter had not deemed it necessary to report such a measure, and the Judiciary Committee had pronounced the bill vetoed by the Governor free from constitutional objection. This bill was, therefore, an oblation to the Governor, to enable him to escape his constitutional duty in regard to the law already passed. Mr. Jonas proposed that the bill be referred to the Committee on Amendments to the Charter.

Mr. Solomon repeated that to pass this bill was an acknowledgment of error, as he had previously indicated. He would support the motion to commit.

Mr. Bailey could not vote for the bill until he knew more about it. It had been hastily got up, to obviate a notion of the Governor that an order for an election was an amendment to the city charter. The only object of that order was to place the people of New Orleans in possession of their own government under the charter, in accordance with the policy of President Johnson, and not to change the charter in a single feature. The bill should be committed; and whatever its fate might be, the action of the House could not be justly regarded either as a malotenance or confession of error.

Mr. Fenner thought the most politic course would be to pass the bill immediately. There was nothing difficult to understand in it.

Mr. McConnell fully concurred with Mr. Jonas as to their duty of maintaining the dignity and constitutional prerogatives of the law-making branch of the Government. The constitutional objection which had been so obscurely mentioned by the Governor, and was first clearly made known by members of the Assembly, was not worthy of serious attention. The whole Judiciary Committee, and every other lawyer in the House, had pronounced the objection puerile. If any good could come out of this Senate bill, it should be passed; but if its passage was to be regarded as a confession of error, he (Mr. McC.) should not support it, however desirous he might be and was to procure harmony.

Mr. Stille was not a lawyer, but considered himself as well qualified to judge of the applicability of a plain provision of the Constitution as any lawyer in the House. The minority who sustained the Governor's veto should not be sneered at as a set of fools and jackasses, because they had exercised their common sense.

Mr. McConnell, calling the gentleman to order, denied that anything he had said justified the coarse comparison attributed to him by the gentleman.

Mr. Tucker declared that if the assumption of Mr. Solomon was correct, if the passage of this bill was to be a confession of error—a sop to Cerberus—he should not vote for it. Granted gentlemen of the minority had sense enough to understand the Constitution, yet they did not constitute the whole wisdom of the House; nor did they possess all the constitutional lore in it. Whether the Governor was originally right or wrong in his constitutional objection, his constitutional obligation now was to put in force the bill which the Assembly had, in the exercise of a constitutional function, passed over his veto. The Constitution did not authorize the Executive to suppress laws, but on the contrary enjoined upon him the execution of the laws. Nor was it his province to decide judicial questions. There was another branch of the government to perform that function. If the city charter needed amendment let it be amended, but let it not be amended to propitiate the Executive to a discharge of his constitutional duties.

Mr. Walker regretted this discussion had taken so unfortunate a turn. All private and personal feeling should be discarded. As one of those who had voted to sustain the veto, he had no disposition to raise his finger in disapproval of those who differed from him. Whilst the Governor thought he was right, doubtless those who disagreed with him were equally conscientious. Pride of opinion should be yielded, however, for good of country. If a compromise could be effected, let it be. Our whole system of government was made up of compromises.

Mr. McConnell agreed with Mr. Walker as to the propriety of concession and compromise, not involving sacrifice of principle. Mr. McC. deprecated the construction put upon his remarks by Mr. Stille as being personally offensive. He should always do his best in argument, but never descend to personalities, and particularly in reference to so small a minority as was represented by the gentleman from Sabine.

Mr. Waggaman likewise regretted the turn the discussion had taken. He had voted to sustain the veto with pain and regret, in finding himself opposed to so many gentlemen whose judgment and rectitude he esteemed; but painful as it was, under the same circumstances he should do it again, for it was worse than impolitic for this House which did not yet represent a sovereign State, to throw defiance at the Administration. It was bringing humiliation upon their heads. Defiance should not be given unless there was power to maintain it. When we could not demand we had to ask, and when we had to ask we could not be arrogant.

Mr. Fagot, as a voter against the veto, maintained that he was right, and as he was against yielding to the Governor, he moved to lay the bill on the table.

The motion was withdrawn, however, to allow Mr. Simonds to speak. Mr. S. thought the discussion impertinent. While debating one measure they were canvassing the merits of another. The bill vetoed by the Governor had become law, and was done with. That law the Governor, he presumed, would put in force. But speculations on that question should not be intruded into the consideration of the bill before the House. He thought the bill should be voted upon immediately, as it was readily understood.

Mr. McCloskey would vote for no concessions involving a compromise of the dignity or rightful power of the legislature.

Mr. Fenner was as much indisposed, perhaps, as any member of the House to acknowledge error, and there was no justification for basing such an assumption upon any action the Assembly might take on this bill. The object all had in view was a city election. If this bill would procure the election let it pass. If the substance was got, the manner in which it was got made little difference. The passage of the bill could not affect the rightfulness or wrongfulness of the veto one iota, and he trusted the House would not allow itself to be influenced by the unfounded say sos of any irresponsible member. He trusted the House would not descend to such child's play.

Mr. Bailey wished the bill considered upon its merits and not with reference to its propitiatory effect upon the Governor, and therefore thought it should be committed.

Mr. Fagot renewed his motion to lay the bill on the table, and the motion was lost; yeas 37, nays 50.

Mr. Eldridge moved to refer the subject to the Judiciary Committee. Though the election referred to was a local one, and the charter proposed to be amended was a municipal matter, the question between the Executive and the legislature interested the whole State. If the Judiciary Committee, in considering the bill before the House, should again pronounce the bill vetoed by the Governor clearly constitutional, he (Mr. Eldridge) should vote to maintain the dignity of the House.

After some further remarks from Messrs. Simonds, Scanlan and Eustis, on motion of the latter the bill was referred to the city delegation, with the understanding that after it shall have been returned to the House it will be referred to the Judiciary Committee.

Mr. Tucker's bill fixing the terms of the district courts in the rural parishes, was under consideration when the House adjourned.

VETO OF THE FREEDMEN'S BUREAU BILL.

THE PRESIDENT'S MESSAGE.

To the Senate of the United States:

I have examined with care the bill which originated in the Senate, and has been passed by both Houses of Congress, to amend an act entitled an act to establish a bureau for the relief of 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 to be stringent enough for the purposes in view 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 have, with Congress, the strongest desire to secure to the freedmen the full enjoyment of their freedom and their property, and their entire independence and equality in making contracts for their labor; but the bill before us 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 more force to those parts of the United States in which the freedmen most abound; and it expressly extends to the existing temporary jurisdiction of the Freedmen's Bureau greatly enlarged powers over those acts in which the ordinary course of judicial proceedings has been interrupted by the rebellion, the agents of which [evidently the Freedmen's Bureau—Eds. CRESCENT] are to be selected either from the army or from civil life. The country is to be divided into districts and sub-districts, and the number of special agents to be employed may be equal to the number of counties or parishes in every part of 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 all employees, agents and officers of the 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 who may be discriminated against by local laws, customs or prejudices. 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 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, and exposed to the errors of judgment to which all men are liable in the exercise of power over which there is no legal supervision. The proceedings of 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 may prescribe. No previous presentment is required, nor any indictment charging the commission of a crime against law; but trial must proceed on the charges and specifications. The punishment will not be as law declares; but such as a court martial may think proper, and in these arbitrary tribunals there is 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 class of actions and offenses that are made subject to this measure are so extensive, that the bill itself, should it become a law, will have no limitation in point of time, and will form a part of the permanent legislation of the country.

I cannot reconcile a system of civil jurisdiction of this kind with the words of the Constitution, which declares 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 military forces, or in the militia when in actual service in a time of war or public danger, and that in all criminal prosecutions the accused shall enjoy the right to speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed. The safeguards which the wisdom and experience of ages, chosen by 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 more vigorous interposition in behalf of justice, we are to take the risk of the many acts of injustice that would of necessity follow from an almost countless number of agents established in every parish or county in nearly every one of the States of the Union, over whose decision 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 times of peace certainly never ought to be entrusted 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 presents itself whether we are still engaged in war. Let us not unnecessarily disturb the commerce credit and industry of our country by declaring to the American people and the world, that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals, should not work a forfeiture of the rights of the same communities. The country has entered or is returning to a state of peace and industry. The rebellion is in fact at an end. The measure therefore seems to be as inconsistent with the actual condition of the country as 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 the bill proposes to make the Freedmen's Bureau, established by the act of 1865, as one of the many great and extraordinary military measures to suppress a formidable rebellion a permanent branch of the public administration with its power greatly enlarged. I have no reason to suppose, and 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 destruction of which the Freedmen's bureau was called into existence as an auxiliary has already been effectually and finally abrogated throughout the whole country by an amendment to the constitution of the United States and practically its eradication has received the assent and concurrence of the most of those States in which at any time it had existed, and I am not, therefore, able to discern, in the country, anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau, which were effective for the protection of freedmen and refugees during the actual continuation of hostilities and of African servitude will now, in a time of peace and after the abolition of slavery, prove inadequate to the same ends. If I am correct in these views, there can be no necessity for the enlargement of the powers of the Bureau, for which a provision is made in the bill. The third section of the bill authorizes a general and unlimited agency of support to the destitute and suffering refugees and freedmen, and their wives and children. The 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 expense to be defrayed from the treasury of the people.

The Congress of the United States has never heretofore thought itself bound to establish any laws beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people—not even for the orphans of those who have fallen in defense of the Union, but has left the care of their education to the much more competent control of the States, of communities, of private associations, and of individuals. It has never deemed it necessary to expend the public money for the rent or purchase of houses 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 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 for another. Pending the war many refugees or freedmen received support from the government, but it was never intended they should henceforth be fed, clothed, educated and sheltered by the United States.

The idea on which the slaves were assisted to freedom was that on becoming free they would be a self sustaining population, and any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prosperity. The appointment of an agent for every county and parish will create an immense patronage and the expense of the numerous officers and clerks to be appointed by the President will be great in the beginning, with a tendency steadily to increase. The appropriations asked for 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 be 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 the reach of every one of them, and thus a large standing force would be necessary, and large appropriations would therefore be required to sustain and enforce military jurisdiction in every county and parish, from the Potomac to the Rio Grande. The condition of our fiscal affairs is encouraging, but in order to sustain the present measure of public confidence it is necessary that we practice, not merely customary economy, but as far as possible severe retrenchment. In addition to the objections already stated, the fifth section of the bill proposes to take away land from its owners without any legal proceeding being first had, contrary to the provision of the Constitution which declares that no persons shall be deprived of life, liberty or property without due process of law. It does not appear that 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 can be found that the property is liable to confiscation, even then it cannot be appropriated to public purposes until, by due process of law, it shall have been declared forfeited to the government. There are still further objections to the bill on the grounds of seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the minds of the freedmen 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 freedmen should be protected, but they should be protected by the civil authorities, especially by the exercise of all the constitutional power of the courts of the United States and of the States. His condition is not so exposed as may at first be imagined.

He is in a portion of the country where his labor cannot well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, or from capitalists in his vicinity, or other States, will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode, and if therefore, he does not find in one community or State a mode of life suited to his desires, or proper remuneration for his labor, he can move to another where labor is more extended and better rewarded. In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the great demand for labor will not operate in favor of the laborer, neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that as they have received their freedom with moderation and forbearance, they will distinguish themselves by their industry, and feel and show the world that in their condition of freedom they are self-sustaining, and capable of selecting their own employment and their own places of abode, or insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that, instead of wasting away, they will, by their own efforts, establish for themselves a condition of respectability and prosperity. It is certain they can attain to that condition only through their own merits and exertions. In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support and control of four millions of emancipated slaves to hard overseers or task masters, who, appointed at Washington, are to be located in every county and parish in the United States containing freedmen and refugees. Such an asylum would inevitably tend to such a concentration of power in the Executive, which would enable him, if so disposed, to control the action of a numerous class and fit them for the attainment of his own political aim.

I cannot but add another very great objection to this bill. The Constitution imperatively declares in connection with taxation that each State shall have at least one Representative, and fixes the rules for the number to which in future times each State shall be entitled. It also provides that the Senate of the United States shall be composed of two Senators from each State, and adds with peculiar force, that no State without its consent shall be deprived of its suffrage. In the South the original act was necessarily passed in the absence of the States chiefly to be effected, because their people were then contumaciously engaged in the rebellion. Some at least of the States are attending Congress by loyal representatives, soliciting the allowance of their constitutional rights of representation. At the present time, however, of the consideration and passing of the bill, there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions. The fact that reports were made against the good disposition of the country is an additional reason why they need and should have representatives of their own in Congress, to explain their condition, and especially their disposition, 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 then be no objection urged that the States mostly interested had not been permitted to be heard. The principle is firmly fixed in the minds of the American people that there can be no taxation without representation. Great burdens are now to be borne by all the country, and we may best demand that they shall be borne without a murmur when they are voted by a majority of the representatives of all the people. I would not interfere with the unquestionable rights of Congress to judge, each House for itself, of the election returns and qualifications of its own members; but that authority cannot be construed as including the right to put out in time of peace any State from representation to which it is entitled by the Constitution. At present all the people of the United States are included—those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities were in the rebellion was restored to all her constitutional relations to the Union by the patriotism and energy of her injured and outraged people. Before the war was brought to a termination, they had classed themselves in relation 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 action, have amended their Constitution so as to abolish slavery within the limits of their State. I know no reason why the State of Tennessee, for example, should not fully enjoy her constitutional relations to the United States. The President of the United States stands towards the country in a somewhat different attitude from that of any member of Congress chosen from a single district or State. The President is chosen by the people of all the States. Eleven States are not now represented in Congress, and it would seem to be his duty on all proper occasions to present their just claims to Congress. There always will be difference of opinion in the community and individuals may be guilty of infraction 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 in the interests of the Union, the admission of every State to its share in public legislation, however insubordinate, insurgent or rebellious its people may have been. When it presents itself not only in an attitude of loyalty and harmony, but in the persons of representatives, whose loyalty cannot be questioned under the 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 any large section of the country against another section—no matter how much the latter may predominate. The course of immigration, the development of industry and business, and natural causes, will raise up at the South a people as devoted to the Union as those of any other part of the land; but if they are still excluded from Congress, if by a permanent statute they are declared not to be in full constitutional relations to the country, they may think they have cause to become alienated in feeling and sentiment from 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 is necessary to insure a willing acquiescence in legislation. The bill under consideration refers to certain of the States as though they had not been fully restored to the United States; and if they have not, let us at once act together to insure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress, that in my own judgment, most of the States, so far as depends on their own action, have been fully restored to the enjoyment of 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 in the several States, and in the full exercise of their functions, the rights and interests of all classes of people, with the aid of the military in cases of resistance to the law, will be essentially protected against unconstitutional infringement and violation. Should this expectation unhappily fail, which I do not anticipate, then the Executive is armed with the power of March, 1865, establishing a freedmen's bureau; and hereafter as heretofore he can employ the land and naval forces of the country to suppress insurrection and to overcome obstructions to the law. 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 of the people it shall receive the sanction of enlightened public judgment.

(Signed) ANDREW JOHNSON, President.

TELEGRAPHIC DISPATCHES.

LATER FROM EUROPE.

Opening of the British Parliament—Military Precautions in Ireland—Landing Feared in Galway.

Increase of the Cattle Plague—Brazil and Paraguay—Engagement Expected—Rupture Between Chili and Motevido.

Another Munificent Gift by Mr. Peabody—General Prim Arrived at Lisbon.

The London Times Predicts Peace—French Interest in Mexico in No Danger.

Failure to Pass the F. B. B. Over the President's Veto.

THE OHIO DEMOCRATS REJOICING

Suppression of the Richmond Examiner Revoked—General Lee Before the Reconstruction Committee.

LATER FROM MEXICO.

Executions—The Armies of Juarez Going To Chihuahua—French Desertions.

Etc. Etc. Etc.

[Associated Press Dispatches.]

HALIFAX, Feb. 19.—The steamer Europa brings the following additional news:

Two American war steamers arrived at Lisbon on the first.

The English parliament opened on the first by the royal commission.

The Dublin Gazette publishes a proclamation placing the county of Kilkenny, the posts [parts?] of Finnish, [Temanagh?] Queen's and South [Meath?] counties under the peace preservation act.

A Galway deputation had petitioned Lord Henlevant for a military force there to guard against a hostile landing.

The Brazilian mails say the allied army, under President Nuter, was expected to enter Paraguay. The Brazilian army numbered 40,000 men, and was sending recruits to the river Platte. The Paraguan army had concentrated and awaited their approach.

The Montevideo government had canceled the Chilian envoy's exequatur on account of the rupture between them.

Admiral Goldsborough's flagship, the Colorado, arrived at Gibraltar on the 19th of January.

Mr. Peabody, the American banker, has given another hundred thousand pounds for the benefit of the London poor, making an aggregate of a quarter million pounds sterling. The London Times says it is probably the most splendid act on record.

An influential meeting was held at Dublin on the 1st, the Marquis Devonshire presiding, passed resolutions requesting the government to use the most effective measures to crush the Fenian conspiracy, and to increase the military force in Ireland.

General Prim had arrived at Lisbon.

The London money market was better. Consols advanced ⅛. The discount rate was 8 per cent.

The London Times says none of the dark forebodings by which public opinion is sought to be worked will be realized. The peace of the world will not be disturbed, and we affirm boldly that the French interest in Mexico will be in no danger.

There were 12,000 cases of the cattle plague last week, against 10,000 the previous week.

PORTLAND, Feb. 20.—The steamship Moravian, from Liverpool the 8th, brings additional political news.

Queen Victoria opened the Parliament on the 6th. Her speech expresses satisfaction at the successful termination of the American war, the abolition of slavery, and says the correspondence in reference to the rebel cruisers will be laid before Parliament.

The proposed address of the French Senate in reply to the Emperor's speech repudiates the idea that the French troops are to be withdrawn from Mexico.

The London Times publishes a letter from the late Admiral Pareja, written just before committing suicide. It shows him overwhelmed with grief on account of the idea of having inflicted the calamity of war on two friendly nations. He says he has been unjust and prejudiced towards Taviara. It is the interest of our country to make peace with Chili.

A Rotterdam telegram says the Chilian privateer Independencia remained closely watched by a Dutch frigate.

In response to the Queen's speech, in the Spanish Senate, the Minister of State said that Spain's recognition of Italy had no significance beyond the renewal of diplomatic intercourse between the two countries.

A proposed amendment regretting the recognition of the Italian Kingdom, was rejected by 100 against 65.

The Paris bourse was firmer, with rentes at 68f.

Queen Victoria has announced the approaching marriage of the Princess Helena. She says foreign relations are all satisfactory. The treaties with Austria and Japan were referred to with satisfaction. The deplorable events in Jamaica are referred to with regret. The confederation movements in British North America are watched with interest. Great concern is expressed on account of the cattle plague, and deep sympathy for the sufferers.

The Fenian conspiracy is referred to as adverse alike to authority, property and religion.

Lord De Grey succeeds Sir C. Woods as Secretary of India. Marquis Harlington succeeds Lord De Grey in the war department.

The London Times' city article says the discount market is without alteration.

Three soldiers and seven civilians had been arrested at [illegible] for Fenianism.

The Spanish minister at London had telegraphed the Spanish Governor at Cadiz that the vessels which left the Mersey under the Peruvian flag were destined for privateering against Spain under the Chilian flag, and two other vessels were fitting out on the [illegible] for a similar object.

In the Spanish chamber of deputies, an amendment to the address responding to the Queen's speech was offered, that the increasing difficulties would cause the ruin of agriculture and manufactures, as it is not possible to raise the taxes.

The corporation and merchants of Moscow gave a great entertainment to General Clay on the 19th of January.

The O'Donohue, in the House of Commons, moved an amendment to the address, declaring it the duty of the ministers to examine into the cause of the Irish dissatisfaction and remove them.

LONDON, Feb. 9.—Consols, 86½; U. S. 5-20's 67¾.

WASHINGTON, Feb. 19.—The late military order suppressing the publication of the Richmond Examiner has been revoked.

A Fenian meeting, last night, was addressed by Train, Roberts of New York, and O'Hagan of New Orleans.

The British Minister is still in conference with the Committee on Ways and Means, in regard to the Canadian reciprocity treaty.

A memorial, signed by citizens of the leading Eastern cities, asks for an appropriation of $192,000 to be divided among the officers and crew of the Kearsarge.

Juarez is contemplating a military expedition to West Chihuahua. From the imperial army large numbers of French had deserted, some crossing to Texas to join the American army.

NEW YORK, Feb. 16.—The Herald's Washington special says private letters announce a treaty between France and Austria for the replacement of the French troops in Mexico by one hundred thousand troops to be furnished by the Austrian government. Austria proposes to raise them by volunteering in Belgium and Hungary. Transportation and stores, till they land in Mexico, to be provided for by Napoleon.

WASHINGTON, Feb. 19.—A dispatch from Gen. Sheridan announces all going well on the Rio Grande.

PITTSBURG, Feb. 19.—The Fenian Congress here is largely attended. Col. Roberts and Gen. Sweeney are present.

ST. LOUIS, Feb. 19.—A messenger of the United States Express Company was garrotted and robbed of $40,000 this morning.

NEW YORK, Feb. 19.—Mexican advices report the present strength of the Imperial army at 20,000 men.

Between sixteen and seventeen hundred Mexicans have been executed up to December last, in accordance with the findings of the Imperial court martials.

An American officer lately recruited a large number of men in Vera Cruz for the Republicans.

SAN FRANCISCO, Feb. 19.—The steamer Golden City has sailed, taking one million dollars in treasure.

Two or three slight shocks of earthquake were felt within a few days.

NEW YORK, Feb. 19.—The World's dispatches say Gen. Lee was quite reticent before the Reconstruction Committee, and did not volunteer remarks beyond proper answers to the questions. He said the Virginians had accepted the result. When pressed he intimated that the feeling for the Union was much stronger just after the close of the war than now, and there appeared some impatience among the people who had not been identified with the war in the South, that they should be prevented from representing their States in Congress. He declared there was a disposition to treat the freedmen kindly. He expressed the decided hope that the government might endure forever, and regarded President Johnson's and Gen. Grant's course towards the South as liberal and humane.

NEW YORK, Feb. 20.—The Herald's Washington special says an important decision was recently rendered by the Supreme Court during the rebellion. All the cases from the rebellious States were laid aside by the court, but now the rebellion being terminated, it was proposed to resume the consideration of such cases. On this question all the associated justices voted in the affirmative, Chief Justice Chase alone dissenting. It is claimed this decision is virtually a legal indorsement by the highest judicial tribunal of the Republic, that the late rebellious States now occupy their former position in the Union.

The prize money is now ready for distribution to the crews of the Cornubia, Princess Royal, Fort Jackson, American Flag, Flambeau and Canandaigua.

The Supreme Court yesterday ordered that the test oath case *ex parte* be argued on the second March.

CINCINNATI, Feb. 20.—The extensive government barracks at Chattanooga were destroyed by fire Saturday, with their contents.

The Kentucky legislature adjourned yesterday.

NEW YORK, Feb. 20—12 M.—Gold, 136¼; cotton irregular at 46c.

WASHINGTON, Feb. 20.—The President has vetoed the Freedmen's Bureau bill on the ground of its unconstitutionality, extravagant demands on the Treasury, and class legislation. He reiterates his recommendation that the Southern Representatives be admitted, that it is unjust to tax the Southern States, and legislate concerning that section without permitting them to be heard.

AUSTIN, Feb. 19.—A resolution favoring a cheerful acceptance of the terms of amnesty, accepting emancipation, protecting the liberty, personal rights and property of freedmen, was referred.

A report of the committee to encourage immigration, opposing stay laws, also against special laws prohibiting intermarriages of whites and blacks, was adopted.

The committee on the general provisions of the Constitution reported in favor of striking out the 8th article of the Constitution and inserting: Whereas African slavery, as heretofore existing, having been terminated by force of arms and an amendment to the Constitution of the United States, therefore

Resolved, That no slavery or involuntary servitude shall exist in the State of Texas, except as punishment for crimes; negroes shall have the right to sue and be sued, to make contracts, to hold property, and be tried by the courts, in suits between the whites and blacks; they may testify in their own behalf; the jury shall determine credibility.

A resolution was introduced to prevent the obtaining of damages for imprisonment under Confederate rule.

NEW YORK, Feb. 20.—The Commercial's Washington special says there is great excitement in Congress on account of the veto message. The galleries of the Senate were densely packed. Senator Foote was detained home by sickness. The chances are rather in favor of the passage of the Bureau bill over the President's veto by a two-thirds vote, but the result is very doubtful. It is reported that the majority of the Cabinet were in favor of the veto yesterday. It was supported by Secretaries Seward, McCulloch and Welles, and it is said Secretary Dennison and the other members opposed it.

The Ways and Means Committee have voted not to change the tax on whisky.

NEW YORK, Feb. 20.—The sub-Treasury Saturday and yesterday sold about $5,000,000 in gold at 137¼, which takes nearly $7,000,000 of currency away from the market. All short demands for loans are met at 8 per cent.

The steamers Herman Livingston and Vigo, from Savannah, have arrived.

NEW YORK, Feb. 20.—Smith & Co.'s Kerosine oil works at Brooklyn were destroyed by fire to-day.

The premises number thirteen Cedar street, New York, occupied by Hopkins and other cotton brokers, was also consumed by fire to-day.

ST. LOUIS, Feb. 20.—Meyer & Drummond's tobacco factory was burned Saturday.

DAYTON, OHIO, Feb. 20.—The Democracy had a jollification over the President's veto of the Freedmen's Bureau bill. One hundred guns were fired.

Vallandigham in speaking said that the Democracy did not elect the President, but that it was their duty now to stand by him. He announced a mass meeting in the future. A flag floats from Vallandigham's house.

WASHINGTON, Feb. 20.—The Senate has failed to pass the freedmen's bureau bill over the President's veto, not having a two-thirds majority. The vote stood 30 against 18.

House.—Mr. Stevens, from the Committee on Reconstruction, reported joint resolutions that no Senators or Representatives from the recently rebellious States be admitted to seats until Congress

☞ Continuation on eighth page.