New Orleans Daily Crescent.

OFFICIAL JOURNAL
—OF—
THE STATE OF LOUISIANA.

TUESDAY MORNING, FEBRUARY 27, 1866.

The Courts.

Cases Set for Trial This Day.

UNITED STATES CIRCUIT COURT.

United States vs. Thomas M. Gatlin, James W. Burbridge, Thomas D. Miller and Urbain Forrestier—U. S. Attorney. Buchanan & Gilmore, Fellows.

Jonas Pickles vs. Cuthbert Bullitt—Gilmore, Day.

SUPREME COURT OF LOUISIANA.

Henry Iden vs. E. Fay & Mason—Fellows & Mills. Durant & Horner.

E. R. Dwight vs. Bellows, Nelson & Co.—Durant & Horner. Fellows & Mills.

Alfred Marchand vs. Joseph Kaiser—Fellows.

Kur & Colleen vs. Same—Same.

Samuel N. Lamb vs. Pauline Goodman and her husband, M. Goodman—Ad. Rosier. Fellows & Mills.

Frank Hilandon vs. Henry S. Ranney—Durant & Whitaker & Fellows.

Succession of Elizabeth Chew—Durant & Horner. Magne.

Anderson Brothers vs. John Olmstead, et al.—Randlin. Durant & Horner.

Andrew Lee, Administrator, vs. Frank West—Buchanan & Gilmore. Bradford.

CRIMINAL COURT.

The State vs. Lorenzo Saliba—murder.

SECOND DISTRICT COURT.

G. Radovich vs. succession of B. G. Fabio et als. Tyler. Gurley.

Daniel S. Bickok vs. Julius Florat, tutor—Mitchell. Whitaker, Fellows & Mills.

Bassot vs. Bassot—W. H. Hunt. Eggleston.

Boyd vs. Hutton—H. D. Ogden, Clarke & Bayne. Whitaker, Fellows & Mills.

THIRD DISTRICT COURT.

CONTINUED CASE.

T. Holland vs. T. Gros—J. D. Augustin. Wenck.

RULES.

J. C. Stewart vs. His Creditors—Bayne and Gernon, Sheriff. Shackleford.

Houston vs. Mason & Gilder—Phillips & Colton. Shelden & Pardee.

UNAPPEALABLE CASES.

F. Mahew vs. Schooner Clara, et al—Hewes & Eustis. A. B. Phillips.

H. Fitzsimmons vs. A. Howell—Emerson & Grow. Buchanan & Gilmore.

E. Fauchet vs. C. Tiblier—Dufour. J. L. Tissot.

J. Petit vs. B. Salos—Badd. C. E. Schmidt.

Sarah Shields, administratrix vs. Dr. Nott—Emerson & Grow. Eggleston & Hart.

Isador McCormick vs. J. W. Wagner—Lynch. Tully.

F. Shields vs. L. E. Gilman—J. P. Horner. Ad. Rosier.

H. McGuinn, syndic, vs. D. Cox—Bayne & Gernon. Regnes.

Agnes McBurney vs. Narigan & Noble—Molloy. Blanchard.

C. Benvenu vs. Lacaze—Lacey. G. Schmidt.

E. Plonski vs. L. Thiel—Lemley, Redmond. Howard.

FOURTH DISTRICT COURT.

RULES.

W. C. Hite vs. R. B. Roberts—Eggleston & Hart. Singleton & Hardie.

CONTINUED CASE.

N. E. Bailey vs. City of New Orleans—Buchanan & Gilmore. Howes.

UNAPPEALABLE CASES.

J. Branch vs. Condon & McNamara—Van Dolson. Budd.

APPEALABLE CASE.

Henry G. Gould vs. Cheeseman & Marshall—Singleton & Hardie. Bradford, Lea & Finney.

Lewis Palmer vs. Geo. W. Loenning—Eggleston. Durhammel.

Michael Hyland vs. Mrs. C. Rice—Field & Shackelford. Marr & Foute.

Levy & Dieter vs. Pontchartrain Railroad Company—Bradford, Lea & Finney. Briggs.

Phillips Dueles vs. Joseph Hague et als.—Derbes. Sancier, Mobley.

FIFTH DISTRICT COURT.

UNAPPEALABLE CASES.

James W. Gosles vs. J. Stafford & Co.—Harrison & Hunton. Hunt & Denegre.

Louis Honore vs. Paul Anglade—Bernos, E. Hunt. J. Duvigneaud.

Michael Walsh vs. Richard Terrell—Biron. Buchanan & Gilmore.

Miguel Hernandez vs. James O'Hanlon—Bermudez. Castellanos.

Edward Guerin vs. Thomas Shore—Van Dolson. R. L. Preston.

Drummond & Doig vs. steamer Dixie, J. D. Wilbanks et als.—Torry. Marr & Foute.

SIXTH DISTRICT COURT.

RULES.

D. B. Macarty vs. P. E. Wiltz—Castera.

Robert Sample vs. Richard Lloyd—Lacey.

Joseph Greiller vs. Guillaume Beibese et al.—Lynch.

J. Jones vs. A. Blanc—Sambola & Ducros. V. & T. Duvigneaud.

W. H. Holmes, agent, vs. J. Norwood—Kennard & Luxenberg. Emerson & Grow. Le Breton.

P. Caballero vs. J. Powers & Co.—Sambola & Ducros. Collens.

C. Flint & Jones vs. M. Grivot, president, et als. Race & Foster. M. Grivot.

Hamden Green vs. James H. Massey—Race, Foster and E. T. Merrick. Marr & Foute.

O. P. Eichaverry vs. Couturee & Bro.—Bermudez. J. L. Tissot.

John Wible vs. S. Gumble—Whitaker, Fellows & Mills. Lacey.

A. Mercier vs. B. H. Harrison—Dufour. J. P. Horner.

H. Arent vs. R. G. Rawlings—V. F. Cotton. Clarke & Bayne.

J. M. Lear vs. M. Condon—New. Budd.

Tolson, Denigor & Co., vs. John Rice—Buchanan & Gilmore. Cullerbraun.

J. M. Lear vs. John Cordas—New. Bernos.

SUPREME COURT OF LOUISIANA—CASES DECIDED YESTERDAY.

Victor Roumage, appellee, vs. Succession of E. V. Morot and Martin Gordon, Jr., appellant. Appeal from Second District Court of New Orleans. Judgment affirmed in favor of Victor Roumage.

Taylor & Knapp vs. T. L. McGee. Appeal from Sixth District Court of New Orleans. Appeal dismissed.

Lorin Chapman, appellee, vs. Thos. E. Matthews, appellant. Appeal from the Fourth District Court of New Orleans. Judgment affirmed in favor of Lorin Chapman.

N. W. Walker, appellant, vs. F. A. Ducros, appellee. Appeal from Second Judicial District Court of St. Bernard. Motion to dismiss appeal overruled.

Kearny, Blois & Co., appellees, vs. Arthur Hauche, appellant. Appeal from Second District Court of New Orleans. Judgment reversed and rendered in favor of defendant.

Madame St. Romes, widow, appellee, vs. Sourdes & Chassaignac. Appeal from Sixth District Court of New Orleans. Judgment affirmed in favor of Madame de St. Romes.

Joseph Bruin, appellee, vs. Davis & Jackson, et al. appellants. Appeal from Second District Court of New Orleans. Judgment affirmed in favor of Joseph Bruin.

Paul Lafrance, appellee, vs. Jourdain Martin, appellant. Appeal from the Second Judicial District Court of parish of Plaquemine. Judgment affirmed in favor of Paul Lafrance.

Daniel Marcy et al., appellees, vs. J. L. Warner & Co., appellants. Appeal from Fifth District Court of New Orleans. Judgment affirmed in favor of D. Marcy et al. Rehearing refused.

Samuel Friedlander, appellee, vs. Wm. L. Cushing, appellant. Appeal from Second District Court of New Orleans. Judgment reversed, and decreed that plaintiff recover of defendant $550, with interest, and landlord's privilege on property seized.

Thomas Gatlin, appellee, vs. Bernard Kendig, appellant. Appeal from Fourth District Court of New Orleans. Judgment affirmed in favor of Thos. Gatlin.

James Bridgeford & Co., appellees, vs. J. L. Simonds and Colton and Baldwin. Simonds, appellant, appeal from Sixth District Court of New Orleans. Judgment against appellant reversed and given in his favor.

Succession of Joseph M. Laborde. Appeal from Second District Court of New Orleans. Judgment affirmed.

REHEARINGS REFUSED.

Mrs. A. Simpson, appellee vs. Stephenson D. Richardson, appellant. Appeal from Sixth Judicial District Court of St. Helena.

Frederick W. Bissell, appellee, vs. J. W. Terrell, appellant. Appeal from Third District Court of New Orleans.

A. J. Johns et als., appellants, vs. G. W. Race, appellee. Appeal from Second District Court of New Orleans.

Brooks & Co., appellants, vs. A. Marchant, appellee. Appeal from Sixth District Court of New Orleans.

Daniel Marcy, et al., appellees, vs. J. L. Warner, appellant. Appeal from the Fifth District Court of New Orleans.

REHEARING GRANTED.

James Jeffries, appellant, vs. Belleville Iron Works Company, appellees. Appeal from Fourth District Court of New Orleans.

C. Connell, appellee, vs. The Female Orphan Asylum, appellant, and G. W. Campbell, appellee.

* Attendants at prayer meetings in Chicago are advised to leave their valuables at home, so numerous are the pickpockets at religious gatherings.

Later from Washington and the North.

DATES OF THE 20th.

THE PRESIDENT'S VETO.

How it was Received in Congress.

SCENES IN THE SENATE AND IN THE HOUSE.

MILITARY COMMISSIONS.

Enormous Cotton Frauds in the South.

THE REJOICINGS OVER THE VETO.

WHAT THE NEW YORK NEWSPAPERS SAY ABOUT IT.

LATER FROM EUROPE.

THE QUEEN'S SPEECH.

LIVERPOOL MARKETS.

Etc., Etc., Etc.

The Veto—The Scene in the Senate.

[Special dispatch to the St. Louis Republican.]

WASHINGTON, Feb. 20.

This has been a field day in the American Congress. The Senate Chamber has not witnessed such an attendance of spectators since the famous winter of 1861. The galleries, aisles and corridors, the cloak rooms on the floor, and even the reporters' gallery, were filled, ladies being admitted to the latter place. On the floor of the Senate there was a third of the members of the House present at intervals in the debate. The anticipated debate on the President's veto message drew this immense attendance.

Senator Wade, before the question was reached, introduced a constitutional amendment making the President's office good only for one term of the incumbent. In speaking briefly on this, he said that the President proposed to admit to the halls of Congress rebels lately in arms, and he added that he looked upon those who favored it as little better than traitors at heart. The declaration produced an immense sensation.

After Mr. Wade concluded, the freedmen's bureau bill came up. Mr. Davis spoke an hour. Senator Trumbull, the author of the freedmen's bureau bill, then spoke for two hours and a half, and was listened to with great interest by the audience. He was entirely courteous to the President, and only addressed his argument from a legal point of view.

At half-past four, amid breathless silence, the question was put whether the bill should pass, notwithstanding the President's objections. The yeas were called, and every name and vote were watched with intense interest.

There was a disposition to applaud when Messrs. Dixon, Doolittle, Morgan and Cowan voted to sustain the President.

When the vote was announced by the Vice President, declaring that, two-thirds not having voted for the bill, it was lost, and the veto was sustained, the pent up masses in the galleries sent up prolonged cheers, mingled with some hisses from the colored gallery.

The Vice President immediately ordered the clearing of the galleries, and the sergeant-at-arms and his officers promptly executed the order.

The Senators who voted to sustain the President were Messrs. Cowan, Dixon, Doolittle, Henderson, Morgan, Norton, Stewart, Van Winkle and Willey.

Messrs. Dixon, Doolittle, Morgan and Van Winkle voted for the bill when it originally passed the Senate.

Messrs. Cowan and Willey were absent when that vote was taken.

What Took Place in the House.

Soon after the House was called to order, Mr. Thad. Stevens got the floor, and reported a concurrent resolution from the reconstruction committee, declaring that in order to close agitation on a question which seems likely to disturb the action of the government, as well as to quiet the uncertainty which rests in the minds of the people of the eleven States which have been declared to be in insurrection, no Senator or Representative shall be admitted into either branch of Congress from either of said States, until Congress shall have declared such States entitled to representation.

In presenting this resolution, Mr. Stevens spoke for about five minutes, and said that there had been an earnest investigation by the committee into the condition of Tennessee, to see whether they could admit the State to representation, but since yesterday there had been such a state of things as had induced the committee to consider it wholly out of their power to proceed further without surrendering a great principle, and without surrendering the rights of this body to the usurpation *of another power*, meaning the President. He demanded the previous question, and refused to allow debate, whereupon there was a great scene of confusion and excitement. Mr. Rogers, of New Jersey shouted, above the din, that the attempt to pass it under the gag law was an act of tyranny and despotism. He was called to order from all parts of the hall. The Democrats then resolved to force the Republicans to yield by physical exhaustion, and they moved to adjourn, to excuse members from voting and other dilatory motions by the calling the yeas and nays, and consumed seven hours in these proceedings. At five o'clock the Democrats proposed to compromise on the basis of one hour's debate on each side, when a vote should be taken.

Mr. Schenck, of Ohio, seemed to reflect the views of the majority when he declared that there could be no compromise but that of passing the resolution. During the struggle there were numerous exciting scenes. Little or no debate was allowed. When Mr. Voorhies attempted to announce that the Senate had sustained the President, his voice could hardly be heard above the shouts of order from the Republican side. When the vote was brought into the House the members gathered in groups and discussed it while the momentous call of the roll was going on.

At 7:30 P. M. it was evident that opposition could hold out no longer, and Mr. Eldridge announced that it was impossible to resist such a majority. A vote was then taken, and the resolution passed with only forty votes against it, among whom were Raymond, Green, Alley, Smith, Morrill, of New Jersey, and Phelps of Maryland.

The House then adjourned.

The Tennessee Question.

The Sub-Committee on Reconstruction appointed on Saturday to consider the propriety of adopting some additional guarantees in the State Constitution of Tennessee, in the event of her admission into the Union, reported to the joint committee of fifteen this morning. It is said that the sub-committee reported in favor of requiring the State to formally repudiate the rebel debt. Also, the proposition that she shall never repudiate the Federal debt. In regard to adoption of the proposition extending the right of suffrage to the negroes, a majority of the committee reported against it; one member of the committee, however, made a minority report in favor of extending the right of suffrage to the negroes before the State shall be allowed to enter into the Union of the States. It is said that the report of the committee lead to a long discussion, which had not terminated when when the hour of adjournment was reached. They meet again to-morrow, when the subject will be resumed. It is thought that the views contained in the President's veto message, on the freedmen's bureau bill, will change matters very materially in the committee.

The Test Oath—National Bank Deposits.

The Supreme Court to-day ordered the test oath case exparte to be re-argued on March 22d.

The recent order of Treasurer Spinner in reference to returns of deposits, it is said, will involve one of the New York City National Banks in the payment of one return alone of $68,000.

[Virginia Not Loyal.

Maj. Gen. Terry was before the Reconstruction Committee to-day, and testified at length in relation to affairs in Virginia. He did not believe the people were loyal enough to be represented at present in Congress.

No Reduction on Whisky.

The Ways and Means Committee, at their meeting to-day agreed unanimously to report a resolution to the House, declaring that it is unwise to change the internal revenue tax on distilled spirits. Mr. Hooper endeavored to get this bill before the House to-day, but objection was made against it, and it required unanimous consent.

Military Commissions.

The question of jurisdiction of military commissions will be argued before the Supreme Court. On the 5th of March the question comes up in the case of certain parties who were tried for certain offenses in Indiana by military commission, were convicted, sentenced to death, and approved by President Johnson, and afterwards committed to imprisonment. Upon habeas corpus the lower court has declined to release them, and denounces the proceedings as illegal, and the case will be heard upon appeal. Butler is retained in the case for the government, and Attorney General Black for the petitioners.

The Southern States have not, during the past four years, furnished many cases for the Supreme Court, but since the beginning of the third year of the war the District Courts in Louisiana and Florida have been in full blast. Many cases have thus gone up in the regular channels to the highest tribunal. These have been put upon what has been called the dead docket, the court declining to hear them under the condition of affairs prevailing. It was the proceeding upon which Chief Justice Chase's action in Jeff. Davis' case was based, but this has opened the docket, and causes which have been so long suspended are now to be heard.

Close Meeting of the Cabinet.

The Cabinet was fully represented to-day, and held quite a long session. None were admitted to the Executive chamber to-day, the President having given instructions to allow no one to enter while the Cabinet was session.

Enormous Cotton Frauds in the South—Report of Messrs. Chandler and Watterson.

Mr. Chandler, Assistant Secretary of the Treasury, and Mr. Harvey Watterson, of Tennessee, who were appointed by the President to visit the Southern States and investigate the frauds alleged to have been committed by the United States agents empowered to purchase cotton, have returned to the city, and will soon make a report on the subject. They report the cotton frauds as enormous, and say it will require a special investigating committee to consider them. They say that cotton agents and their associates have converted, in many instances, very large sums to their own use, which belonged, in fact, either to the United States or to the people, from whom, under one pretext or another, the cotton was obtained.

Proceedings of the Ohio Legislature on the Veto.

COLUMBUS, O., Feb. 20.—A caucus to-night of the Union members of the Ohio legislature unanimously adopted the following resolution:

Resolved, That in the action of the Union representatives in Congress we recognize an exposition of the principles that made us a party, and saved our country through the late rebellion, and we tender such representatives a hearty support.

The Democratic members of the legislature held a caucus to-night, and indorsed President Johnson's veto.

Conspiracy to Release the Toombs Prisoners.

NEW YORK, Feb. 20.—A scheme to release the Toombs prisoners has been discovered. One of the prisoners obtained a key, with which, it is reported, he unlocked, on Thursday, the door of his cell and the doors of other cells. The plan is said to have been a plot, in which a number of the prisoners were concerned. It was discovered, and frustrated. No one escaped.

Trouble in the Tennessee Legislature.

NASHVILLE, Feb. 20.—The Speaker of the House has ordered that absenting members shall be brought into the legislature by force, if they will not come voluntarily.

The session to-day was one of stormy arguments and angry discussion, caused by the compelled attendance of several members of the conservative party, who, it is alleged, purposely stayed away to prevent the House having a quorum. It was reported in the House to-day that Col. Shafter, commanding the post, would, if the absence of the members continued, use military force to compel attendance.

Rejoicing Over the Veto.

DAYTON, OHIO, Feb. 20.—The Democracy of Dayton had a jollification over President Johnson's veto of the freedmen's bureau bill this afternoon, firing one hundred guns. Mr. Vallandigham made a brief speech, saying the Democracy did not elect President Johnson, but it is now their duty to stand by him. He announced a mass meeting in future for exultation.

Telegraph Feat.

NEW YORK, Feb. 20.—The Western Union Telegraph company's line worked directly between New York and San Francisco this evening. Manipulation was unusually rapid for so long circuit. Before the experiments were concluded an auroral current caused the suspension of operations.

The usual batteries were taken off, which were worked between this city and Buffalo by the auroral current alone. The display of Northern lights was quite brilliant.

Wiping out Mormon Officials.

WASHINGTON, Feb. 20.—The Mormon officials in Utah are all being removed, besides a new district attorney recently confirmed by the Senate. Secretary McCulloch has, on recommendation of Gov. Durkee, Chief Justice of Utah, and Speaker Colfax, appointed two prominent gentiles of Salt Lake, Messrs. Lee and Gilbert, United States Assessor and Collector in place of two polygamists who have held these offices, and who were living in open defiance of anti-polygamy law.

Fenianism in Canada.

The New York Herald's Toronto special says: The publication of a letter addressed by B. Doran Killian to a magistrate of Ottawa, threatening vengeance to Canada if the Orangemen are permitted to meet in the capitol, causes considerable concern. The Catholic Bishop of Toronto has given the Irish permission to make the usual demonstration on St. Patrick's day. They will be out in full force, and a conflict with the Orangemen is feared.

Last Sunday the Bishop announced from the pulpit that the Fenian agitation had at least the good effect of calling attention to Ireland's grievances. Petitions for redress, he said, were being circulated, and if some change was not made in Ireland before summer, desperate conflicts would undoubtedly ensue.

The Veto in New Hampshire.

MANCHESTER, N. H., Feb. 20.—One hundred guns were fired here to-night, in honor of the President's veto of the freedmen's bureau bill.

The Veto in Connecticut.

NEW HAVEN, Conn., Feb. 20.—The Democracy of this city are firing thirty-six guns in honor of President Johnson and his veto of the freedmen's bill.

The New York Press on the Veto.

NEW YORK, Feb. 20.—The following are extracts from the morning press regarding President Johnson's veto of the freedmen's bureau bill:

The World says: "President Johnson has nobly sustained his character for steadiness of purpose and political courage by the veto sent to the Senate yesterday, of the bill for enlarging the powers of the freedmen's bureau. The consideration of most immediate interest is the likelihood of the veto being effective. Can a bill be passed by a two-thirds vote of both Houses over the veto, and become a law in spite of the President? We think it cannot; but the question is not so entirely free from doubt as to set the public anxiety at rest until the trial has been made."

The Tribune says: "We deeply regret this, and we think he will live to regret this even more deeply: for this veto will be understood by all that is brutal and ruffianly at the South, as giving license to any abuse and oppression of the blacks that white malignity, rancor or hate can devise."

The Times says: "The veto implies no essential difference of opinion between the executive and the majority of Congress on the primary object of the bill. In no essential point is the President at variance either with the majority of Congress or with the country, so far as the claims of the freedmen are concerned. He seeks to reach the end aimed at in the veto bill by other, and what he deems less radical measures. It will therefore be for Congress and the country to weigh carefully the objections offered, and at least to respect, if they cannot assent to, the reasons on which the executive veto is based."

The Herald says: "The Freedmen's Bureau bill has, at the hands of President Johnson, met with the fate which it deserved. His general arguments and his specifications against the bill are consistent, convincing and conclusive."

Latest Foreign Intelligence—The Queen's Speech—Liverpool Markets, etc.

The following is a summary of the dispatches by the City of Baltimore:

Queen Victoria opened Parliament on the 6th. Her speech expresses satisfaction at the successful termination of the American war, and the abolition of slavery, and says that the correspondence relative to the rebel cruisers will be laid before Parliament. The Queen announces the approaching marriage of the Princess Helena. She says the foreign relations are all satisfactory, and the recent meeting of English and French fleets tended to confirm the existing friendship.

The treaties with Austria and Japan are referred to with satisfaction. The deplorable events in Jamaica are referred to with regret, and the measures taken in the matter are detailed. The progress of a confederation are watched with great interest, and great importance is attached. Great concern is felt for the cattle plague, and deep sympathy for the sufferers.

The Fenian conspiracy is referred to as adverse alike to authority, property and religion. The authority of Lane has been firmly and impartially vindicated. Reference is thus made to sundry local measures, including one on reform.

Lord DeGrey succeeds Sir C. Wood as Secretary of India, and Prearques Harlington succeeds DeGrey in the War Department.

The address of the French Senate in reply to the Emperor's speech, expresses satisfaction that the mission of French troops to Mexico approaches completion, and says the firm communication made by the Emperor to the United States has demonstrated that haughty and menacing language will not cause France to withdraw.

France is accustomed to move only at her own time, but she nevertheless wishes to remember her ancient friendship with America. What is asked of the United States is neutrality and observance of international law.

The Spanish Governor Calois had been notified by telegraph by the Spanish Minister at London that the vessels had left the Mersey under the Peruvian flag, but were destined for privateering against Spain under the Chilian flag. The same dispatch asserted that two other vessels were being fitted out on the Clyde with a similar object.

In the Spanish Chamber of Deputies an amendment to the address in response to the Queen's speech had been offered, that the increasing financial difficulties would cause the ruin of agriculture and manufactures, as it is impossible to raise the taxes, already too heavy. A reduction must be made of three hundred million reals.

LIVERPOOL, Feb. 9.—Very latest.—In the House of Commons, yesterday, O'Donahue moved an amendment to the address, declaring it to be the duty of Ministers to inquire into the causes of Irish dissatisfaction and remove them.

After a general debate on Fenianism the amendment was rejected by a vote of 346 to 25, and the address was agreed to.

Cotton had advanced ¾d for American, while other descriptions were ¼ to ¼d lower. Sales for the week 70,000 bales; sales on Friday 15,000 bales. The market closed with holders demanding a further advance.

Breadstuffs very dull and tending downward.

Provisions steady.

Consols, 88¼ to 88⅜; 5.20s, 67¼ to 67¾.

PROCEEDINGS IN CONGRESS.

THE PRESIDENT'S VETO.

Speeches by Wade and Trumbull.

THE FORMER ON A RAMPAGE.

HE CALLS THE PRESIDENT A REBEL AND TRAITOR.

Vote in the Senate on Sustaining the Veto

THE YEAS AND NAYS.

THE VETO SUSTAINED.

POSITION OF THE CABINET ON THE VETO QUESTION.

Etc., Etc., Etc.

WASHINGTON, Feb. 20.

SENATE.—Mr. Henderson presented the petition of the citizens of Missouri on the subject of reconstruction, asking Congress to annul the acts of the President in establishing civil governments in the South, and to secure equal rights to all without distinction on account of color. Referred to the Committee of Fifteen.

Mr. Wade introduced the following joint resolution, proposing an amendment to the Constitution:

Resolved, That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said legislatures, shall be ruled as a part of said Constitution, viz:

ARTICLE.—The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and shall not again be eligible to that office during the term of his natural life. In case of the removal of the President from office, or of death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, who shall not again be eligible to the office of President of the United States during the term of his natural life. Whenever Congress may, by law, provide for the case of removal, death or resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, such officer shall not again be eligible to the office of President during the term of his natural life.

Mr. Wade, in offering this resolution, said: "I will state that this resolution is no new idea of mine, for I have been an advocate of it for many years, and I have derived the very strong impression I have on the subject by a very careful observation of the workings of our government through such periods, as I have been an observer of it, and I believe it has been very rare that we have been able to elect a President of the United States who has not been tempted to use the vast powers entrusted to him, according to his own opinion to advance his re-election, and when I say this of the Presidents who have preceded us, I say it in no attempt to depreciate the merits of these men, because the Constitution places before them temptations which we can hardly expect that human nature will resist, and in the long run, it will never resist, as clearly shown in the history of our government. Washington himself, who was exceedingly sagacious in the workings of the government, informed us it was his opinion that there was a weakness that ought to be remedied. He saw it early. He saw that a man entrusted with these more than regal powers during the period he was President, might be tempted to use them for his advancement afterwards, and almost all the Presidents since, have felt the necessity of some such check upon personal ambition. It is the injunction of more than human wisdom to be relieved from these temptations.

We might trace this, had we time, through preceding administrations, and we should find that this influence weighed like gravitation upon the mind of almost every President we ever had. How is it, sir, in the present case? I have no doubt that the present Chief Magistrate came into office while he was perfectly single in his mind, and sincere and truthful in his opinions. What were some of these opinions? Why, sir, he spoke, and reiterated it every day for two months, that treason was a great crime, that it ought to be punished, it must be rendered odious, and he was the man to do this. He said it to every delegation that waited on him until the words became stereotyped on the mind of the whole people. How, sir, has he performed that pledge? Has he punished anybody? Why, sir, we have the unheard of spectacle of one of the greatest rebellions that ever cursed mankind, involving more people, more lives, more expense, than all the rebellions that have occurred in history, and yet, sir, no man has been punished in consequence of it. Something is wrong. If this is all right, then the whole system of penitentiaries throughout the Union ought to be abolished. Sir, the President was right when he said that treason was a great crime, and ought to be rendered odious. Why did he not carry out this declaration? What has occurred to change his position on that question? I will not say this ambition which has tempted all who have gone before him weighed on his mind to tempt him, but it is exceedingly singular that so far from rendering treason odious by punishment, he has hoisted into most exalted positions many of the leading traitors in the South.

Who else at any period of the world's history ever thought of taking a rebel red with the blood of his countrymen and placing him in the position of governor of a State, who has sought to overthrow the government of the Union, and who invoked a despotism to aid him in doing it? Is that the way to make treason odious among mankind? Is that the policy about which we have heard so much? Nobody has been able to tell us heretofore exactly what that policy was. We all, however, saw it was a kind of policy that suits every rebel, every copperhead and every enemy of the government of the United States, both foreign and domestic. Well, sir, as that policy has become developed, we all now see precisely what it is, and why it was so grateful to the ears and hearts of every enemy of his country. It was no less than this, that these States should suffer nothing, should forfeit nothing by rebellion, but that they should be admitted, unwashed and red with the blood of their countrymen, into full communion with honest, loyal men, and into the councils of the nation. What has brought about this change? Sir, it all points to this fact. It will not do to tempt men in this way. Why, sir, this policy was derived from the States into the Union, with all their rebellion and treason in their hearts, is no better than treason itself. I lay down the rule here, sir, and I defy contradiction, that if there is any man, be he high or low, who is an advocate for bringing traitors into the councils of the nation, that man is a traitor in his heart. He is an enemy to the government and the nation, and nothing can make it appear differently.

He who invokes the aid of unrepentant rebels to come into the councils of the nation, to participate in their deliberations, is no better than a rebel, and is a rebel at heart. How does the policy that is now developed upon us differ from that policy that would be announced from the same place by Jeff. Davis? Where he to-morrow placed in the same position, would he ask any more? Would he ask any less than that his co-conspirators should be restored to the same positions they had when they left these halls. Why, sir, we all know the history of the government at the time when these men first rebelled. How was it when they went off? They had the government all in their own hands, and to the infamy of the Democratic party be it said, that with all their treason and their crimes here in the Senate Chamber, there was but one man from their side ready to protest against their treason. With this exception, sir, you will not find a single Democratic vote against the will and action enjoined by the Southern rebels just before they went out of Congress. They had it all their own way, and you and I, Mr. President, felt relieved when we saw them leave these halls. The greatest blunder treason ever committed, more bad than the blunders of the battle-field, was the blunder of withdrawing from power in Congress when they had it all in their own hands. Now, sir, suppose they had kept on here just as they are invited to come here now, and suppose they had kept on, and had predominated in Congress so as to prevent any provision being made for arresting the progress of treason, you could not have enlisted a soldier. Had they not committed the blunder of withdrawing, the Democratic party would have stood by them.

Mr. Wilson offered a resolution, which was adopted, instructing the Committee on Reconstruction to inquire how far the lately rebellious States had conformed to the requirements of the President's reconstruction policy.

At one o'clock the Chair announced that the morning hour having expired, the unfinished business of yesterday, which was the bill returned by the President, with his exceptions to it, was before the Senate.

When the President's veto message was called up at one o'clock, Mr. Davis, in a written document, reviewed the main features of the bill, reiterating his objections, heretofore presented at length, and complimenting the President upon his action in returning the bill deemed to be unconstitutional, subversive of early reconstruction, irritating, unwise and expensive. He produced authorities and considerations, showing the propriety in certain circumstances of Presidential vetoes, and declared his firm conviction of the necessity of such action in the present case.

At the conclusion of Mr. Davis' remarks, Mr. Trumbull, the originator of the vetoed bill, took the floor. He expressed his regrets at the veto, and said it had been his desire that the several departments of the government should harmonize in an effort for the restoration of the States. He claimed that his only purpose had been to carry out such measures as should protect loyal refugees and freedmen in the rebellious States, and supposed such measures would harmonize with the views of the President, who had declared in his message that Congress should do its duty in according equal and exact justice to all men.

Mr. Trumbull was greatly surprised that the bill designed for such purposes should be returned as unconstitutional. Having taken an active part in the passage of the bill, he felt called upon to vindicate himself from having urged a bill so unconstitutional and at variance with the condition of the country as this is declared to be. He said the bill was not an original measure, and did not enlarge the powers of the freedmen's bureau. It was merely amendatory of an act already existing. It does but little more than give the sanction of law to what is already being done without any statute or provision. The freedmen's bureau already exists. Courts are held by the freedmen's bureau throughout the entire country where that bureau has any operation under military authority. Laws inconsistent, as is believed, with the safety of the government, or incompatible with the military operations, are set aside at this time in all these States. The object of the bill was to continue in existence the freedmen's bureau not permanently, but such intent was disavowed during the discussion of the bill. No time is specified in the bill as to when it shall cease to operate, nor is it customary to insert such a clause in any law. But it was declared that it should operate until otherwise provided by law. It is not intended that the bill shall go into the States and control the domestic affairs of these States. It is simply a bill designed to provide for four millions of emancipated slaves, but only for the indigent, so that they could become self-supporting. Thousands of Union men were driven from homes all over the South. This was particularly the case in Tennessee. They had neither food nor clothing. They flocked around our armies during the whole progress of the war, and were fed by our supplies; so also with the freedmen, while these people were flocking around our armies. On the 3d of March, 1865, Congress passed a law to systematize the clothing and feeding of these destitute negroes, and place them under charge of a special department of the military establishment called the Freedmen's Bureau. There are still on our hands some of these destitute people who must be provided for. There has been saved to the government millions of money by the establishment of this system, through which employment has been found for these poor people.

An amendment has been adopted to the constitution, declaring that slavery shall not exist by virtue of that enactment. Hundreds of thousands of lives have become free in the midst of a hostile population, without any of the world's goods, without any supplies of any kind. Something must be done for these poor people. The Freedmen's Bureau has not had jurisdiction over these four millions of people. Its work has been confined to very small compass, and this measure, which comes to us denounced as unconstitutional, as a great public charity is designed only to find employment for these destitute, ignorant, unprovided people. There are few in number compared with the great number of blacks in the whole country, and not simply for freedmen and for refugees. More white refugees, in many instances, have received support and supplies from this Freedmen's Bureau than blacks have. The President in his veto message says the act which was passed last year established the bureau for the relief of freedmen and refugees, in the month of March last, has not yet expired, as by the terms of the act it was to continue during the war and one year after. So far as the conflict of arms is concerned, all admit the war closed when the last rebel army laid down its arms. That was some time in May, when the rebel army in Texas surrendered. I do not hold that consequences of the war are over. But the war of the rebellion is over, and this bureau must expire in May next, according to the terms of the act of March, 1865. The President says it was thought stringent and extensive enough for the purpose in time of war. At that time most of these States were under military control, and the freedmen's bureau could only take jurisdiction of such freedmen and refugees as came within the lines of the army. When the war progressed, and the States of Texas, Mississippi, Alabama, Florida, Georgia, Virginia and North Carolina were made free by constitutional amendment, was it not proper that the freedmen's bureau should be so framed as to embrace the destitute of those States, as well as the few who had come within our lines when the bill was enacted? The President says the bill proposes to establish military jurisdiction over all parts of the United States containing freedmen and refugees. The bill contains no such clause. It is a misapprehension of the bill. It says the President shall extend military jurisdiction and protection over all employes and officers of this bureau in the exercise of duties imposed by this act. This bill makes the Freedmen's Bureau part of the War Department. It makes its officers and agents amenable to the rules and articles of war. Does that extend military jurisdiction over the whole country? Has anybody ever supposed the whole country where they were was under military jurisdiction? The bill extends military jurisdiction no where. It merely places under military jurisdiction those persons belonging to the Freedmen's Bureau, who nearly all of them are now under military jurisdiction.

The next objection of the President's which Mr. Trumbull noticed was that the country is to be divided into districts and sub-districts, and a number of salaried agents to be employed, which may be equal to the number of counties and parishes in the States where freedmen and refugees are to be found. It is denied that it was necessary to append this mind to tempt him, but it is exceedingly singular that so far from rendering treason odious by punishment, he has hoisted into most exalted positions many of the leading traitors in the South.

Who else at any period of the world's history ever thought of taking a rebel red with the blood of his countrymen and placing him in the position of governor of a State, who has sought to overthrow the government of the Union, and who invoked a despotism to aid him in doing it? Is that the way to make treason odious among mankind? Is that the policy about which we have heard so much? Nobody has been able to tell us heretofore exactly what that policy was. We all, however, saw it was a kind of policy that suits every rebel, every copperhead and every enemy of the government of the United States, both foreign and domestic. Well, sir, as that policy has become developed, we all now see precisely what it is, and why it was so grateful to the ears and hearts of every enemy of his country. It was no less than this, that these States should suffer nothing, should forfeit nothing by rebellion, but that they should be admitted, unwashed and red with the blood of their countrymen, into full communion with honest, loyal men, and into the councils of the nation. What has brought about this change? Sir, it all points to this fact. It will not do to tempt men in this way. Why, sir, this policy was derived from the States into the Union, with all their rebellion and treason in their hearts, is no better than treason itself. I lay down the rule here, sir, and I defy contradiction, that if there is any man, be he high or low, who is an advocate for bringing traitors into the councils of the nation, that man is a traitor in his heart. He is an enemy to the government and the nation, and nothing can make it appear differently.

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Mr