New-York Tribune.

VOL. XXVI....No. 7,820. NEW-YORK, TUESDAY, MAY 1, 1866. PRICE FOUR CENTS.

FROM WASHINGTON.

OUR SPECIAL DISPATCHES.

CONGRESSIONAL PROCEEDINGS.

The Proposition of the Reconstruction Committee.

IT IS PRESENTED IN BOTH HOUSES.

The House Makes It the Special Order for Tuesday, Wednesday and Thursday of Next Week.

THE POST-OFFICE APPROPRIATION BILL.

A Curb on the Appointing Power of the President.

The Senate Passes the Bill Bridging the Mississippi.

THE BLAINE-CONKLING CONTROVERSY.

A Letter From Provost-Marshal-General Fry.

Spirited Reply of the Hon. Roscoe Conkling.

A Select Committee Appointed to Investigate Charges Preferred by Mr. Conkling.

THE RIVER AND HARBOR BILL PASSES THE HOUSE.

WASHINGTON, Monday, April 30, 1866.

THE PROVOST-MARSHAL-GENERAL'S BUREAU.

The House of Representatives to-day fitly ended a new debate with which the Provost-Marshal-General for the second time interrupted the business of the country, by ordering a committee to investigate the administration of the official Bureau under which bounty-jumpers and bounty-brokers danced for over a year a carnival of theft and fraud, robbing the bleeding nation of hundreds of millions of dollars, and leaving our struggling regiments in the field literally skeletons of organizations. The favor granted on motion of Blaine to Gen. Fry to reply to Roscoe Conkling's arraignment of his official administration was abused so as to present the strange spectacle of a subordinate officer in one of the departments assailing on the floor of the House a Member of Congress in the discharge of his public duty with coarse, personal abuse, imputing to him malicious motives, charging him with unlawfully obtaining the public money, with begging at the War Department for professional employment, and of corrupt neglect of duty as a public prosecutor. It was an outrage with precedent upon the freedom of debate and the rights and dignity of the House, whose spirit challenged the attention of the whole House, and generally justified the suspicion that had been awakened by the controversy that followed the blow with which Conkling last week smashed Fry and his bureau, that the purpose existed in powerful quarters to cover up with silence and darkness the bounty-jumping frauds that had spoliated the country, and to beat down the Congressmen who dared show a big front to that gigantic iniquity. From the day that Mr. Conkling prosecuted in Utica Fry's pet Assistant Provost-Marshal, proved him guilty and compelled him to disgorge over $200,000, he has been as much hated as dreaded by the villains who fattened on the business of furnishing their perishing country with deserters for soldiers; and we violate no confidences when we say that private endeavors have been made to purchase the silence of this able lawyer and the forbearance of this powerful Congressman. The assault on him on the floor of the House last week for daring to strike a dutiful blow at the head of the Enlistment Bureau, and the renewal to-day in indecent form of this resentful warfare, have lifted what was seemingly a personal controversy into a matter of grave public concern. The Investigating Committee was ordered by quick and general consent. Conkling's brief and dignified reply to Fry's letter tore it utterly to pieces. The foolish charge that he had accepted a Government retainer while he was receiving pay as a member of Congress was disposed of, as was every fling and imputation in this Bureau clerk's letter, impudently read, by the abused favor of the House, in the face of one of its most honored and useful members. Each and all were, in a few words, shown to be false, frivolous, and foolish. Only the novelty of this attack upon the freedom of debate, and the purpose to crystallize into the permanent national system of the country the most ôdious relief of the war, the Provost-Marshal's Bureau, redeems this effort of Gen. Fry and its lamented supporter from Maine from general contempt. It will be joyful news in many parts of our poor peeled country, that the Provost-Marshal-General's Bureau is going to be put on trial. It is a safe prediction that Roscoe Conkling will either convict it of the grossest crimes, or compel it to prove innocence by confessing to the most finished, incalculable and complete stupidity.

THE NEW-YORK COLLECTOR.

The special dispatch to *The New-York Times* that the Committee on Commerce had unanimously agreed to report the name of Mr. Smythe as Collector of New-York is incorrect, and has no foundation in fact. The Committee here has had no meeting since Thursday last, and do not expect to meet until next Thursday. The only drawback now preventing the immediate confirmation of Mr. Smythe is the professions of friendship emanating from the same source as produced the incorrect statement alluded to.

THE PACIFIC RAILROAD.

The Senate Committee on the Pacific Railroad to-day unanimously agreed to report a resolution extending the time for constructing the first hundred miles of the Eastern or Kansas branch of the Union Pacific Railroad to June 1st, providing that they finish the second hundred miles in the same time as they would have completed it if they had finished the first hundred in December last.

THE CUBAN TELEGRAPH.

There not being a full committee in town, the Conference Committee on the Cuban Telegraph bill did not meet to-day. They will not report before Wednesday. The Senate Special Committee on Telegraphs have done no business yet, owing to the absence of Senator Brown, who is expected back daily.

INTERNAL REVENUE RECEIPTS.

The receipts from Internal Revenue to-day were $1,269,573.

DISMANTLING WASHINGTON FORTS.

The dismantling of all forts around Washington was completed to-day, the different garrisons having by former orders been directed to vacate all earth-works in and around the District.

THE REBEL DEAD.

The Richmond Times demands that the same honors shall be paid to the Rebel dead as are conferred upon the Union soldiers, and speaks of Jeff. Davis as the unhappy statesman.

PARDONS.

The President to-day pardoned 49 Confederate office-holders in Texas, to enable them to hold office in the reconstruction of that State; and a number from Georgia, Louisiana and Alabama, of the $20,000 class.

SELLING SPECIMENS OF FRACTIONAL CURRENCY.

To the miscellaneous resources of the Treasury may possibly be added the proceeds of selling specimens of our fractional currency, printed on sheets, for albums and cabinets, and to be sold at half price. This immense speculation is said to be absolutely under advisement.

REPORTS CONCERNING THE AUSTRIAN MINISTER.

The Austrian Minister offers his house for sale or rent, which gives color to the reports that he expects to receive his passports should Austria insist on sending troops to Mexico.

MUSTER OUT OF A COLORED REGIMENT.

The Fourth Regiment U. S. Colored troops will be all mustered out of service.

THE TREASURY PRINTING BUREAU.

Secretary McCulloch is preparing to wind up the ponderous bureau of Clark the Printer, the room it occupies being needed for the legitimate Treasury Department business, and the trouble caused by that branch being in excess of its value.

THE EVIDENCE ON RECONSTRUCTION.

The testimony taken by the Reconstruction Committee will all be printed this week.

INTERNAL REVENUE RECEIPTS FOR APRIL.

The Internal Revenue receipts for April are as follows:

From Collectors	$16,880,306 21	Banks	$661,945 61
Moieties	249 16	Insurance	144,720 82
Passports	6,300 00	Railroads	186,152 28
Stamps	1,343,467 92	Canals	48,103 22
Salaries	144,039 21	Temples	1,765 85
Total			$19,425,851 22
Total since com'm. prev'n. fiscal year to April 30			$283,316,399 57

To the Associated Press.

WASHINGTON, Monday, April 30, 1866.

GEN. BUTLER ON HARMONY AND RESTORATION.

Of all propositions for adjustment of the differences between the President and Congress, and for the restoration of the relations of the late rebellious States, none have elicited more discussion than the following from Gen. Butler:

First: The Constitution to be amended in this: That no legislation shall ever be had to repudiate or set aside any debt or obligation of the United States, or that any debt or obligation whatsoever incurred in aiding any rebellion against the United States, or any claim for compensation for emancipated slaves, shall ever be assumed and paid by the United States or any association of States, State, body corporate or individual.

Second: That the qualifications of electors appertain to the several States, but no State shall establish or maintain any qualification which shall exclude a majority of her male citizens above the age of 21 years from voting in the choice of their rulers and framing their laws; but such qualification shall apply with equal effect to all such male citizens of the United States within the State: provided that no qualified elector under the laws of the State on the 1st of December, 1860, shall be deprived of his right as such, except because of his own act.

Third: Representation shall be according to the population, not counting persons comprising classes disfranchised by the laws of the State existing on the 1st of December, 1860 until such disfranchisement shall be removed by the laws of the State, and thereafter the basis of representation shall be according to the whole population in the State, abolishing such disfranchisement.

Fourth: That an act of Congress be passed enabling any State to be restored to her rights and relations with the other States in the Union whenever she shall, by her Legislature, adopt the constitutional amendments above set forth, and enforce them by legislation, and her representatives and Senators shall be admitted to their seats if found, by each House respectively, qualified; provided that no person who held any office in the civil or diplomatic service of the Confederate States, who left the military or naval service of the United States, or, being educated in that service, took either military, naval, diplomatic or civil service under the Confederate States, or aided in the late Rebellion against the United States, shall hereafter be qualified as elector or to be elected or appointed to any office under the Constitution and laws of the United States, or to be Governor of any State.

Fifth: That all citizens of States so restored to their relations with the Government of the United States shall have full and complete amnesty for all acts and omissions during the late Rebellion, with the full restoration of all their rights, save as above specified.

Sixth: That as soon as may be after the passage of these measures, and after inviting the people of the several States, by their Conventions and Legislatures, to specially adopt them and send Representatives and Senators to Congress, each House of Congress shall take a recess for three months, so that members duly elected according to the foregoing provisions may have opportunity to represent their States in the legislation of the present session.

THE UNION DEAD IN THE DEPARTMENT OF THE TENNESSEE.

The Quartermaster-General, in a letter to the Secretary of War, under date of April 18, submits the following very interesting information concerning the collection and preservation of the remains of Union soldiers who fell in the campaigns in the Military Division of the Tennessee:

I. Arrangements have been in progress throughout the Military Division of the Tennessee, for the collection and preservation of all remains of Union officers and soldiers, under the supervision of Brevet Maj.-Gen. J. L. Donaldson, Chief Quartermaster, acting under the orders of Maj.-Gen. George H. Thomas, commanding.

Gen. Donaldson's exertions have been timely and energetic; and very much has already been accomplished, particularly at Stone River and Chattanooga, where the condition of the graves was such as to call for the earliest efforts to preserve them.

II. Gen. Donaldson reports, under date of the 12th instant, that he has just received a report from Col. C. K. Smith, Jr., Chief Quartermaster of the Department of Georgia, who had just visited Atlanta, by his order to ascertain the condition of the graves.

Col. Smith reports that—

1. All Union dead remain where they were buried.

2. No graves have been plowed over so far as can be ascertained. An order from Gen. Thomas forbidding this desecration, (a copy of which is herewith inclosed, marked "A.") has been distributed throughout the district; and all parties seem disposed to preserve what records remain.

3. About three-fourths of the graves have head-boards, and a number of the persons on whose lands soldiers are buried are willing to donate the land.

4. All places where the Union dead are buried are now being inclosed as fast as possible, in accordance with general orders recently issued by the Quartermaster-General, a copy of which was inclosed in my first report.

III. It is proposed to establish three national cemeteries in the Department of Georgia, to which will be removed all bodies of Union soldiers which do not now rest in churchyards or other permanent and decent grounds, viz.: at Atlanta, Andersonville, and either Savannah or Millen. All bodies in the vicinity of Macon and in South-Western Georgia, will be removed to Andersonville, where about 12,000 are now buried. All those between Resaca and Atlanta and in the vicinity of Jonesboro, will be removed to Atlanta. All those between Resaca and the Tennessee line will be removed to Chattanooga, Tenn. All those in the vicinity of Savannah and Millen will be removed to one or the other of those two points.

IV. There are supposed to be about 30,000 bodies of Union soldiers in the Department of Georgia.

The removal of that portion of these remains requiring removal may involve an expenditure of some $75,000. But, as it is proposed to ask Congress for a general appropriation for this purpose, covering the whole of the States, no special appropriation for Atlanta will be needed.

V. Gen. Donaldson has been instructed to forward the work of removing the remains in the neighborhood of Atlanta, with all possible dispatch; and, from the progress already made by him in other parts of his military division, it is thought there need be no apprehension that full justice will be done to the graves of our soldiers in Georgia.

VI. I would mention in this connection that, at the request of the General Assembly of Ohio, communicated to Maj.-Gen. Thomas, Gen. Donaldson has caused the bodies of seven Ohio soldiers, hung by the Rebels at Atlanta, to be taken up and buried in the National Cemetery at Chattanooga, and appropriate inscriptions, stating the manner of their death, to be placed over their graves.

GARRISONS.

The following important order has just been promulgated by direction of the commanding officer of the Department:

HDQRS. DEPARTMENT OF WASHINGTON, WASHINGTON, D. C., April 27, 1866.

GENERAL ORDER NO. 17.—1. In consequence of the dismantling of the forts and reduction of the troops in this Department, the commands known as the "Defenses of Washington" and "Garrison of Washington" will be discontinued on and after the 30th inst. The records will be carefully boxed and labeled, and forwarded to these headquarters. All company officers serving at the headquarters of the respective commands will rejoin their proper companies.

A. A. Surgeon R. H. Fowler, U. S. A., (Headquarters Defenses of Washington,) will report for orders to the Medical Director of the Department.

2. The barracks in and about Washington will hereafter be known as follows:

Those occupied by the 5th United States Cavalry, as "Sedgwick Barracks."

Those occupied by the 12th United States Infantry, as "Russell Barracks."

Those occupied by the 4th United States Artillery, as "Reynolds Barracks."

And those of the "Circle" as the "Lowell Barracks."

They will be known as independent posts, and on and after the 30th inst. will render their reports direct to these head quarters.

3. Forts Foote and Whipple, and Battery Rogers, on the discontinuance of Defenses of Washington, will report direct to these headquarters.

By command of Major-Gen. C. C. Augur,
J. H. TAYLOR, Assistant-Adjutant-General.

THE NEW TAX BILL.

The new Tax bill reported last week, and of which a synopsis has already been given, provides in case it shall be ascertained that the annual inventory, or any other list which may have been or which shall hereafter be delivered to any collector is imperfect or incomplete in consequence of the omission of the names of any person or parties liable to any tax or duty, or in consequence of any omission, under-statement, under-valuation, or false or fraudulent statement, the assessor may, from time to time, or at any time within one year, enter on any inventory or special list the names of such persons or parties so omitted, together with the amount of the tax for which they may have been or shall become liable; and also the names of the persons or parties, over and above the amount for which they may have been or shall be assessed on any returns so made.

APPROPRIATIONS FOR THE FREEDMEN'S BUREAU.

The aggregate appropriations in the bill reported to-day from the Committee on Appropriations for the Freedmen's Bureau for the next fiscal year, are $11,684,000.

NATIONAL BANKS.

The bill introduced to-day by Mr. Rice, of Maine, in reference to National Banks provides for the conversion of State Banks to National Banks, to an amount of capital to be limited, on application to the Controller of the Treasury on or before the first day of July next, had in apportionment of the same, preference should be given to banks in such States as have not received their just proportion of National banking capital, and with due regard to the existing banking capital, resources, and business of such States.

APPROPRIATION FOR PUBLIC PRINTING.

The President has approved the bill appropriating $115,000 to supply the deficiency in the appropriation for the public printing for the year ending with June next; $450,000 for paper, and $95,000 for public binding.

CONSUL RECOGNIZED.

The President has recognized F. Schuster as Consul of Prussia at Savannah.

More about the Sturdy Beggars.

Correspondence of The N. Y. Tribune.

WASHINGTON, April 28, 1866.

The appearance of my letter in THE TRIBUNE of January 30, protesting against the gift-book and seedman abuse which has crept under the wings of our Government, created some little commotion among the sturdy beggars; and its publication in *The Hartford Courant, The Philadelphia North American, The Missouri Democrat, The Atchison Free Press, The Colorado News* and *The San Francisco Flag*, carried consternation into the ranks of the enemy.

The abuses flourish, however, and will continue so to do so long as Congress continues to APPROPRIATE money for the purposes of purchasing seeds, printing books, or making clothing even, for a free distribution among the thousands ready to take whatever they can get at others' cost. Several ambitious patriots have expressed a desire for a liberal *appropriation* for the purpose of erecting a huge Government newspaper establishment, the productions of which to be distributed, under frank of members, free to *whoever* might desire a newspaper without the inconvenience of paying for it.

Another desires a liberal appropriation to buy up the stock of all the Telegraph Companies in the country. Thus it is, while our really patriotic Secretary of the Treasury is working night and day trying to reduce the expenses of the Government, and bring us back to specie payments, we have hundreds of projects for depleting the Treasury and rendering all the Secretary's efforts futile.

You have often commented upon the enormous amount of money expended in Government printing; hundreds of thousands of dollars more than necessity requires. Now while I am in favor of a judicious expenditure of money in public printing I am entirely opposed to the publication of expensive books for indiscriminate distribution as at present carried on. For instance, the Report of the Census of 1860 is published in four volumes, the last volume being now nearly ready for the binder. These volumes cost, so I am informed by the officer in charge at the Interior Department, about $12 each, and are circulated free by the tens of thousands. *I have seen these $12 volumes for sale at paper rag stores in this city at seven cents per pound before they had been from the press a month!* I may almost say that they went direct from the Government press back to the paper-mill. Millions of dollars of the people's money is thus absolutely thrown away.

Another instance is the seedsman's division of the Department of Agriculture, the original intention of which was to distribute a few samples of choice seeds of rare production to different parts of the country to introduce and foster the cultivation of new productions, but which has grown into an erroneous abuse, a mere machine for the free distribution of tuns and tuns of miscellaneous seeds, purchased with the people's money in every direction. I have received 10 packages of these seeds, which I forward to you, as samples, by express, the mails being too much incumbered by franked matter to render it certain you will get them by that conveyance.

Though immense amounts have already been distributed, I see that the Department has a "few more left." A morning paper states that:

"On Wednesday, about 1 o'clock, the first-floor of the agricultural seed-room on Fest., between Sixth and Seventh, gave way, letting down about three tuns of seed to the basement. Mr. McDonald, one of the employés, went down with the floor, and received a few slight bruises. The seed being in bags, the damage was only to the building.

An additional appropriation will doubtless be needed to procure a store-house sufficiently strong to hold the "tuns of seed" sufficient to supply a constantly increasing demand.

I am well aware that our present Congress is immaculate; but it must bear the sole responsibility of these abuses. So long as that body appropriates the people's money for useless expenditure, so long will the money be so expended. And in this connection would it not be well to remind that body of wise men that the people are patiently waiting for a slight reduction of the war tax, and a slight increase of import duties on certain productions of foreign labor, foreign food and capital? D. D. C.

XXXIXTH CONGRESS.

FIRST SESSION.

SENATE.....WASHINGTON, April 30, 1866.

RECONSTRUCTION.

Mr. WILSON (Mass.) presented the resolutions of the Massachusetts Legislature on the subject of Reconstruction, which were ordered to lie upon the table.

TAX ON BOOKS.

Mr. WILSON presented a petition from bookbinders and printers for repeal of the tax of five per cent on printed books, which was referred to the Committee on Finance.

TAX ON MACHINERY.

Mr. SHERMAN (Ohio) presented a petition from machinists of Philadelphia for relief from the tax laws affecting their business, which was referred to the Committee on Finance.

A PERSONAL EXPLANATION.

Mr. CHANDLER (Mich.) rose to make a personal explanation. Some weeks since he had referred to an organization in this city known as the National Rifles, as a Rebel organization. He had since learned that there were two military organizations in this city at the outbreak of the war; one was the National Rifles, and the other the National Volunteers. The latter was the Rebel organization, and not the former, as he had inadvertently asserted. He wished to make the correction.

THE REPORT OF THE RECONSTRUCTION COMMITTEE.

Mr. FESSENDEN (Maine), from the Committee on Reconstruction, reported certain bills and a joint resolution, which have already been published. He stated, in doing so, that it had been the intention of the Committee to accompany the bills and the joint resolution with a lengthy written report, but such had been the situation of the Committee that the report had not yet been completed. He hoped to be able to present it to the Senate before long.

The bill and joint resolution were ordered to be printed.

PURCHASE OF A LIBRARY.

Mr. HOWE (Wis.), from the Library Committee, reported a joint resolution for the purchase of the library of James L. Pettigru of South Carolina, for the law library of Congress.

ANOTHER PERSONAL EXPLANATION.

Mr. HOWE rose to a personal explanation. He had seen in the special dispatches in *The New-York Herald* a paragraph that Gov. Fairchild was here to arrange matters in relation to the Fond du Lac Postmaster. It was not true. Gov. Fairchild was here to settle accounts between the General Government and the State of Wisconsin. In the course of a few remarks on this subject Mr. Howe said the Assistant Postmaster-General had remarked that no man should eat President Johnson's bread and butter who did not support his policy. He (Mr. Howe) did not agree in the opinion of the Assistant Postmaster-General that the public patronage of this country was designed as an instrument for dragooning the people into the support of any particular line of policy.

THE POOR OF ALABAMA.

Mr. RAMSEY (Minn.) offered a petition for relief to the poor of Alabama, which was referred to the Committee on Claims.

Mr. TRUMBULL (Ill.) called up the following bill to authorize the construction of certain bridges:

BRIDGING THE MISSISSIPPI.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That it shall be lawful for any person or persons, company or corporation, having authority from the States of Illinois or Missouri for such purpose, to build a bridge across the Mississippi River at Quincy, Illinois, and to lay on and over said bridge, railway tracks, for the more perfect connection of any railroads that are or shall be constructed to the said river, at opposite said point; and that when constructed all trains of all roads terminating at said river, at or opposite said point, shall be allowed to cross said bridge for reasonable compensation, to be made to the owners of said bridge, under the limitations and conditions hereinafter provided; and, in case of any litigation arising from any obstruction to the free navigation of said river, the cause may be tried before the District Court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 2. *And be it further enacted*, That any bridge built under the provisions of this act may, at the option of the Company building the same, be built as a drawbridge, with a pivot or other form of draw, or with unbroken or continuous spans; provided that if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation, in any case, than 50 feet above extreme high water mark, as understood at the point of location, to the bottom chord of the bridge; nor shall the spans of said bridge be less than 250 feet in length; and the piers of said bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river, and not less than 300 feet in length; and provided, also, that if any bridge built under this act shall be constructed as a drawbridge, the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river, at an accessible and navigable point, and with spans of not less than 160 feet in length in the clear on each side of the central, or pivot, or pier of the draw; and the next adjoining span to the draw shall not be less than 250 feet; and said span shall not be less than 50 feet above low-water mark, and not less than 10 above extreme high-water mark, measuring the bottom chord of the bridge; and the piers of said bridge shall be parallel with the current of the river. And provided also, that said draw shall be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the said draw after the passage of trains.

SEC. 3. *And be it further enacted*, That any bridge constructed under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops and the munitions of war of the United States, than the rate per mile paid for their transportation over the railroads or public highways leading to the said bridge.

Mr. GRIMES (Iowa) offered an amendment which was adopted, authorizing the Chicago, Burlington and Quincy Railroad Company to bridge the Mississippi at Burlington.

Mr. HENDERSON (Mo.) offered an amendment which was adopted, authorizing the construction of a bridge at Hannibal, Mo.

The bill as amended was then passed.

THE POST-OFFICE APPROPRIATION BILL.

The bill making appropriations for the support of the Post-Office Department for the ensuing year was called up.

Mr. TRUMBULL (Ill.) offered the following as an amendment to the bill:

No person exercising or performing the duties of any office, which by law is required to be filled by the advice and consent of the Senate, shall, before confirmation by the Senate, receive any salary or compensation for his services, unless he be commissioned by the President to fill up a vacancy which has, during the recess of the Senate, and since its last adjournment, happened by death, resignation, or expiration of term.

Mr. JOHNSON (Md.) opposed it as an infringement of the appointing power of the President. He did not think the right of the power of removing from office was understood in his amendment according to a statute of 1863 to provide that officers appointed by and with the advice and consent of the Senate, should be removed only by and with the advice and consent of the Senate. This was provided in the law creating the office of the Controller of the Currency. The President, Mr. Trumbull said, has no authority over the Treasury of the country. He cannot draw his salary without the consent of Congress. There is, therefore, no Constitutional question in violation in this. The intimation of the amendment was to prevent any one being put out of office and another in his place so as to receive his pay, and, if the President thinks proper to undertake to refuse officers, the successors shall receive no pay, if this provision becomes a law, until he is confirmed by the Senate.

Mr. JOHNSON said that, admitting the power of Congress to refuse to pay an officer, it was questionable whether there was any moral right to do so. The precedent about to be established might be a bad one, and might return to plague the inventor; it might happen that those now in the minority should obtain a majority in Congress, while the other party had a President elected. Congress might then refuse to pay the President's appointees. Mr. Johnson said he would read a letter from Mr. Madison on the subject, written at a time when there was a more bitter war between Congress and the President than now exists, admitting there is a war at present.

Mr. CLARK (N. H.)—There is no war. [Laughter.]

Mr. JOHNSON—I say, admitting there is a war. [Laughter.] I am sure there is no war; but I say, *admitting* there is. [Laughter.]

Mr. SUMNER (Mass.)—A mere hypothesis. [Laughter.]

Mr. TRUMBULL—A mistaken hypothesis. [Laughter.]

Mr. JOHNSON—This has a little squinting that way; but, unfortunately, perhaps, the honorable member from Illinois does not see it. [Laughter.]

Mr. JOHNSON continued his remarks on the pending amendment. Mr. Trumbull had admitted the power of the President to remove during the session of the Senate, but denied his right to appoint. Suppose the President, who is a man of firmness and nerve, should be of the opinion that it is the purpose of Congress to war upon him, by taking away the power to remove, what will he do? He will remove and not appoint. The wheels of Government will stop. If the President is impeached for it, he can defend himself and appeal to the people. What is to be accomplished by carrying on an apparent war, doing what never has been done in relation to any of the predecessors of the President. What is the condition of the country? The war is over, and the Union still practically dissolved. What are the signs of the times? If the instructions given by the Secretary of State to our Minister to Austria are carried out, the result will be war between this country and Austria. We may defeat the few soldiers she may send against us, but she will fill the seas with privateers to destroy our commerce. With the 11 States excluded from the Union, we are not in a condition to go to war, and if the report of the Committee on Reconstruction is adopted, these States will be kept out till after the next Presidential election.

Mr. SUMNER said he would like to simplify the question before the Senate, which, it seemed to him, Mr. Johnson had done more to perplex than to explain. It was said that the fox, when pursued, cunningly contrives to throw his pursuers off the scent, and it seemed to him that Mr. Johnson had been trying to throw the Senate off the scent. Mr. Johnson had spoken of the possibility of war with Austria. He shared the solicitude of that Senator with reference to the question to which he had referred; but he begged to remind the Senate that it could have nothing to do with this question. The question now pending was so simple as hardly to justify argument.

Mr. TRUMBULL said Mr. Johnson was mistaken in supposing that this was a measure hostile to the Executive. It was simply an amendment to carry out a clear constitutional power of Congress to prevent a practice which had grown up of making appointments to office without consulting the Senate. He did not believe the adoption of his amendment would affect the question of war with Austria. [Laughter.]

Mr. SHERMAN (Ohio) said he believed Congress had the right to limit the power of the President to appoint. It exercised that power in 1863 in the bill creating the office of Controller of the Currency. The pending proposition was, however, very harsh, and he would hesitate before giving his assent to it. If the Chairman of the Judiciary Committee would report a bill to regulate the subject of removals and appointments, he would support it if it was judiciously framed. There was a jealousy—he would not say a war—between Congress and the President, and he knew of no time better than the present for regulating the subject of removals and appointments by passing a wise and just law on the subject. It ought not to be passed in this informal way as an amendment to an appropriation bill. He did not believe it wise to declare that an officer legally appointed should receive no pay unless his appointment was agreed to by the Senate.

Mr. HENDERSON (Mo.) said he had partially proposed a bill of the nature referred to by Mr. Sherman. He had come to the conclusion that the President had no constitutional power to remove any one from office. Washington, in eight years, removed four from office, Adams ten, Jefferson eight, Madison eight, Munroe nine, John Adams four. Gen. Jackson removed 230 during the first year, and after that some 4,000 or 5,000. Since Jackson's time the habit of removing has been much more frequent than before. He did not know that President Johnson would undertake to remove from office to any great extent. But if he (Mr. Henderson) was in his place, and the same differences existed between him and Congress that now exist between Congress and Mr. Johnson, he would use all the power he had. He believed that until it was taken away from him, Mr. Johnson would be justified in using his appointing power to carry out what he calls "my policy." Mr. Henderson referred to the fact that a western newspaper had advised the President to march troops into the Capital and drive the Senate out, and also that Mr. Davis of Kentucky had said that if the Southern Senators came here and joined the minority in the Senate, it would be for the President to say which was the legal Senate.

Mr. DAVIS (Ky.)—I will state what I did say and what I now believe. It is made the duty of the President to communicate to Congress, from time to time, and recommend for its consideration, such measures as he shall deem proper. The position I assumed was this: that before the President could exercise that office he would have to ascertain what bodies of men constituted the Congress; if there were four bodies of men, two of them concluding that they were the Senate and the other two concluding that they were the House, the President must necessarily decide which body constituted the House and which the Senate; that it was a necessity, and that it was his plain, constitutional prerogative and right to determine, under such a state of the case, which was the true Senate and which was the true House. I furthermore stated that if the Southern members were to get together, with a number of their members of the two Houses, and they in the aggregate constituted a majority of the two Houses, that the President had the constitutional function and right to decide whether they were the Congress or not; and, if he should choose to recognize them as the two Houses of Congress, that they constituted the regular, legal, constitutional Congress. That is still my opinion.

Mr. HOWARD (Mich.)—Then the Congress depends upon the will of the President.

Mr. DAVIS—I furthermore stated that it was the province of the two Houses to judge exclusively, each for itself, of the elections, qalifications and returns of its own members. That was the issue. The President had no control or jurisdiction, but at the same time, if the members contending for seats were to get together in such bodies as constituted a majority of the two Houses, then the President had the right to recognize them as the Congress. I say so still. That is my opinion, my belief.

Mr. HOWARD—Will the Senator from Kentucky allow me to ask him from what part of the Constitution he derives this power?

Mr. DAVIS answered by quoting the Constitutional provision requiring the President to communicate with Congress.

Mr. ANTHONY (R. I.) said the Senator from Kentucky, not long since, made a speech, which at the time excited the surprise of the Senate. He had looked for it in *The Globe*, but it was not there, and he desired to know whose fault it was; whether it was the fault of the reporter or publishers of *The Globe* that this omission occurred!

Mr. DAVIS—It is my fault.

Mr. ANTHONY said that this practice of making speeches, and then either suppressing them or altering them as to make replies to them appear ridiculous, ought to be stopped. He believed the reporters of *The Globe* ought to be held responsible for the publication of anything said in the Senate Chamber. He for one should oppose the appropriation for *The Globe*, if it was to be optional with men to print or suppress speeches made in the Senate.

Mr. DAVIS, in reply, said that it was a common practice for speeches to be withheld from publication in the appendix of *The Globe*. He intended to print in the appendix the speech to which Mr. Anthony referred.

Mr. HOWARD said he held in his hand the original report of the remarks which Mr. Davis had just explained as taken by the reports at the time and written out from his notes. He asked that it be read.

The Secretary read it accordingly.

Mr. DAVIS says in it that the President is by the Constitution made the judge of what is the Congress. The excluded Senators, with the minority in this body, constitute a majority of the Senators of all the States. These two could get together into a conclave, and it would be the constitutional obligation of the President to choose between the two Senates then existing. It is his power, and I would advise him to use it. He has the right, and, by the eternal! he ought to exercise that right. If I were he, I would do it to-morrow, and recognize the Southern members with the minority here as the constitutional body.

Mr. DAVIS, at the conclusion of the reading, rose and said: Mr. President, that is my principle still; I maintain that that is the true principle of the Constitution.

Mr. HOWARD—The humble Senator from Kentucky (Mr. Davis) says that is his principle still. I regret very much to hear him make such an announcement. I pronounce the principle to be revolutionary, unconstitutional and treasonable. I move that the Senate adjourn.

Mr. DAVIS—I wholly dissent from the position of the Honorable Senator; it is neither revolutionary, unconstitutional, nor treasonable.

The Senate, at 3 p. m., without taking action on the pending bill or amendment, adjourned.

HOUSE OF REPRESENTATIVES.

STATE AND NATIONAL BANKS.

The first business in order being the call of States for bills and joint resolutions for reference,

Mr. RICE (Me.) introduced a bill giving further time and facilities for the conversion of the State banks into national banks, which was read twice and referred to the Committee on Banks.

WASHINGTON TERRITORY.

Mr. RICE also introduced a bill to disapprove of the act of the Legislative Assembly of Washington Territory, in reference to Scanamania County, which was read twice and referred to the Committee on Territories.

NEW RAILROADS.

Mr. GARFIELD (Ohio) introduced a bill to promote the construction of a line of railroads between the City of Washington and the North-West for national purposes; also a bill to promote the construction of a line of railroad from Pittsburgh, Penn., to Cleveland, Ohio.

Both bills were read twice and referred to the Select Committee on Military and Postal Railroads and ordered to be printed.

RAILROAD BRIDGE.

Mr. SPALDING (Ohio) introduced a joint resolution for the construction of a railroad bridge across the Cuyahoga River over and upon the Government piers at Cleveland, Ohio, which was read twice and referred to the Committee on Commerce.

WAGON-ROAD IN MONTANA.

Mr. SMITH (Ky.) introduced a bill to aid in the construction of a wagon-road in the Territory of Montana; which was read twice and referred to the Committee on Territories.

FEDERAL RELATIONS OF TENNESSEE.

Mr. KUYKENDALL (Ill.) introduced a joint resolution declaring the Constitutional relations of the State of Tennessee restored to practical relations with the United States; which was read twice and referred to the Judiciary Committee.

IOWA LAND GRANTS.

Mr. HUBBARD (Iowa) introduced a bill to amend the act of May 12, 1864, granting lands to the State of Iowa, to aid in the construction of a railroad; which was read twice and referred to the Committee on Public Lands.

RELIEF FOR MINNESOTA SETTLERS.

Mr. WISDOM (Minn.) introduced a joint resolution for the relief of certain settlers on the Sioux Reservation, in the State of Minnesota; which was read twice and referred to the Committee on Indian Affairs.

KANSAS LAND GRANTS.

Mr. CLARK (Kansas) introduced a bill granting lands to to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River; which was read twice, referred to the Committee on Public Lands, and ordered to be printed.

THE INTERNAL REVENUE LAW.

Mr. ANCONA (Penn.) introduced a bill to amend the internal revenue acts of June 30, 1864, and March 3, 1865; which was read twice and referred to the Committee on Ways and Means.

THE TRIAL OF JEFF DAVIS.

The call of States being completed, the next business in order was the consideration of the resolution offered by Mr. Julian on the 29th of January, which then went over under the rule, declaring, as the deliberate judgment of this House, that the speedy trial of Jefferson Davis, either by a civil or military tribunal, for the crime of treason or the other crimes of which he stands charged, and his prompt execution if found guilty, are imperatively demanded by the people of the United States, in order that treason may be adequately branded by the nation, traitors made infamous, and the repetition of their crimes, as far as possible, be prevented.

Mr. JULIAN addressed the House in support of his resolution, after which the resolution was referred to the Judiciary Committee.

MONTANA.

Mr. MCLEAN of Montana Territory presented joint memorials of the Montana Legislature, asking appropriations for a Territorial library, and protesting against the joint resolution now pending for the annexation of a portion of the Territory to the Territory of Idaho.

The memorials were referred to the Committee on Territories.

RECONSTRUCTION.

Mr. STEVENS (Pa.) from the Committee on Reconstruction, presented the report agreed upon by that Committee, and telegraphed on Saturday night, comprising the proposed amendment to the Constitution, the bill to provide for the restoration of the States lately in rebellion to their full political rights, and the bill declaring certain persons ineligible to office under the Government of the United States. He moved that they be printed and made special orders respectively for Tuesday, Wednesday, and Thursday of next week.

Mr. NIBLACK (Ind.) inquired whether this report superseded the report lately made from that Committee in reference to Tennessee.

Mr. STEVENS replied that it did not, adding that the motion to reconsider the vote recommitting the matter to the Committee on Reconstruction could be called up at any time.

Mr. ROSS (Ill.) said he had no objection to its being made a special order, subject to the revenue and tariff measure.

The SPEAKER intimated that the special order could not be made conditional.

Mr. ROSS then objected to the special order.

Mr. STEVENS moved to suspend the rules to enable him to make the motion, and the vote resulted in Yeas, 107; Nays, 20; so two-thirds having voted therefor the rules were suspended, and the motions were made and agreed to.

Mr. STEVENS remarked that he was instructed by the Committee to say that as soon as the testimony was printed a short written report enforcing the principles of the bills and the proposed amendment would be made.

THE FREEDMEN'S BUREAU.

Mr. STEVENS, from the Committee on Appropriations, reported a bill making appropriations for the use of the Bureau of Refugees, Freedmen and Abandoned Lands, for the year commencing Jan. 1, 1866, which was read twice and referred to the Committee of the Whole on the State of the Union, and made the special order for to-morrow.

The bill makes the following appropriations:

Salaries of Assistant and Sub Assistant Commissioners, $47,500; salaries of Clerks, $12,600; stationery and printing, $69,000; quarters and fuel, $15,900; clothing for distribution, $1,750,000; commissary stores, $4,106,250; medical department, $500,000; transportation, $1,980,000; School Superintendents, $21,000; sites for school-houses and asylums, $300,000; telegraphing, $18,000. Total, $11,384,500.

PENSIONS TO LOYAL SUFFERERS.

Mr. STEVENS offered a substitute for the bill introduced by him Dec. 20, and referred to the Committee of the Whole on the State of the Union, to double the pensions of those who were made prisoners by the casualties of the