IMPEACHMENT.

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that set a world on fire." As a most notable instance of the power of words, look at the inception of the Rebellion through which we hate just passed. For a quarter of a century the doctrine took no notice of the talk of disunion and secession which was heard in Congress and on the "stump," until in the South a generation was caught it by word, and the word suddenly burst forth into terrible, awful war. Does anybody doubt that if Jackson had hanged Calhoun in 1832, for talking nullification and secession which was embryo treason, that the cannon of South Carolina against Fort Sumter would ever have been heard with all their fearful and deadly consequences? [Loud cheers.] Nay, more, if United States officers, Senators and Representatives had been impeached and disqualified from office in 1832, for advocating secession on the "stump," as was done in 1862 by Congress, then our sons and brothers now dead in battle or starved in prison, had been alive and happy, and a peaceful solution of the question of Slavery had been found. Whether, then, shall suggest the possibility that the form of our Government may be changed, and that a "King" or a "Dictator" may seize the liberties of the people, commits a great crime and misdemeanor against free government. [Cheers.] It is an insult to the intelligence and virtue of the people to suppose that thing possible. [Applause.] The Roman people to suppose that thing possible. [Applause.] The Roman law is said not to have contained any penalty against a child killing his parent, because by making a provision against so horrid a crime the law would suppose parricide possible. So there is no express enactment in our Constitution and laws to punish the declaration that any man, by the use of the patronage of the Government and the army and navy of the people, may take away their liberties and make himself either King or Dictator, but the crime of intermitting the confidence and affection of the people to their institutions is not therefore less, and all the greater when it emanates from high official position. The hope, wish or thought of the possibility, publicly expressed by any officer of the Government, civil or military, that he could become the tyrant of the people, under whatever name, is a heinous offence, for which the Constitution has provided a sure and conservative remedy. Again, our frame of Government divides its powers among several departments, carefully adjusting the balance, so that neither can usurp any that belongs to the other without the utmost danger to the whole. This peril of usurpation was foreseen by our patriot fathers, and Washington makes it the subject of a solemn warning in his farewell address. Hear him:

"It is important, likewise, that the habits of thinking in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, on the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of Government, a real despotism."

"But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free Governments are destroyed."

Our patriot heroes founding a government, of itself born of a Revolution springing from the oppression of a King and an irresponsible Ministry, availing themselves of every safeguard of British freedom, declared in Magna Charta, added thereto frequency of election of the Chief Executive and the Legislative branch of the State; but mindful that the Roman Consuls, although annually elected, even, contrived to usurp power until they became dictators, contemning the maxim that a King could do no wrong, and impressed with the fact from sad experience, that princes and ministers of State were not angels of grace, carefully provided for usurpation of power and all misbehavior in office, the *great constitutional conservative "remedy of impeachment and removal.* [Applause.] That this remedy was principally directed against official misbehavior, and not against the personal crimes of the officer, is seen from the fact that the penalty upon impeachment was only removal from, and disqualification for office. They left the appointment and removal of all other officers, except judges, with the consent of the Senate, at the discretion of the President, for such cause as he might deem sufficient. And they left his removal to the discretion of the House of Representatives of the people, for such cause as they should judge sufficient, with the like advice and consent of the Senate. Judges being the only officers not legislative who are not removable at the will of the President and Senate, either with or without cause, there has been no occasion to impeach any officer, save judges, so that impeachment has been comparatively rare. Indeed, there have been but four cases, two successful and two unsuccessful impeachments. The first was of Judge Pickering of New-Hampshire in 1803, for drunkenness, the lowest form of offense, but a high misdemeanor from the official position of the accused. His defence was that he did not get drunk as Judge, but as a man [laughter], but the Senate decided that when the man was intoxicated the Judge was drunk, and removed him from office [laughter and applause]. His being but a fault of the head, and not of the heart, the Senate did not give judgment to disqualify him from holding office thereafter. In 1805, Judge Samuel Chase, of Maryland, was impeached, for arbitrary and illegal conduct on the bench, and for making an inflammatory political harangue, "with intent to excite the fears and resentment of the Grand Jury and good people of Maryland against their State government and constitution, a conduct highly censurable in any, but peculiarly indecent and unbecoming in a Judge of the Supreme Court of the United States." Upon examining the evidence, it appears that Judge Chase, at the conclusion of his charge, made a speech to the Grand Jury, against the universal white suffrage law of Maryland, contending that it was not expedient to let men vote who did not own property. The Judge's observations are singularly temperate as compared with the speeches we have been lately accustomed to hear from high official sources [merriment], and yet 19 Senators (Democratic Senators) found him guilty, while 15 Senators (Federalists) voted not guilty. This was a larger vote against him than was given upon either of the other seven articles of impeachment. This then establishes the rule that in the judgment of the majority of the House and Senate of that day, some of them the very men that helped frame the Constitution, a political harangue by a great officer might be cause of impeachment and removal. Indeed, the contrary was not contended by the counsel for Judge Chase. They only insisted that his speech was not obnoxious; but in this they were overruled by a majority of that august Court. In 1830, Judge Peck of Missouri was impeached for the arbitrary and illegal imprisonment of one Lawless, a lawyer; but the impeachment failed for want of proof. The last and most interesting case of impeachment at the present juncture was that of Judge Humphreys of Tennessee, upon the complaint of Andrew Johnson, in June, 1862. [Laughter and cheers.] One of the charges against Humphreys, of which he was unanimously found guilty by the Senate, was, that at Nashville, on the 26th day of December, 1860, at a public meeting, he did then and there publicly declare that it was the right of the people of said State by the ordinance of secession to absolve themselves from allegiance to the Government of the United States, the Constitution and laws thereof." Among the articles of impeachment against Humphreys was a charge that, as Confederate Judge, after the secession of Tennessee, he had decreed the confiscation of the property of Andrew Johnson. Upon this charge he was acquitted. This case is exceedingly instructive. It determines that a speech may be an impeachable offense. Every Senator, 38 in number—Democrats included—voted that a political speech by a United States officer in a public meeting before the war advocating Secession, was a high crime and misdemeanor. But Judge Humphreys only advanced publicly the right of Secession which had been advocated in the South for 30 years by Calhoun and his disciples. How much would have been saved to the country if the first utterer of it had been impeached? What a lesson is taught us that the first utterances of officials dangerous to liberty and law should be promptly punished, however high the offender may be. [Applause.] Let justice be done though the Heavens fall! [Renewed cheers.] Again: Andrew Johnson was a complainant in this case, so that he is concluded by it to deny. *First:* That an improper public speech of a high official is impeachable. *Second:* That a House of Representatives from which eleven States are excluded is not a Constitutional House, with the power of impeachment, and that a Senate from which 22 members are excluded are not a Constitutional Court to try and determine an impeachment. Humphreys, when summoned before the Senate, refused to appear, and was tried and convicted in his absence. So that Andrew Johnson, the complainant, and every Democratic Senator of that day and a majority of the Republican Senators of the present Senate are concluded by their votes and acts under their solemn oaths, upon every disputed question that would possibly arise upon an impeachment of the President of the United States, save one which we will directly discuss. Let us repeat, the President, House and Senate have solemnly committed themselves to the proposition, that a House from which the Representatives of 11 States are excluded, is a Constitutional House for the purpose of an impeachment of a high officer of the United States. [Applause.] *Second:* That the Senate from which the members of 11 States are excluded and some of them expelled, is a legal High Court of Impeachment to try any such officer, [applause] although it may be certain that if the excluded members were present the offender would be acquitted, because nobody believes that Benjamin, Slidell and Davis would have found their brother Secessionist Humphreys guilty if they had been present, and the 22 votes of the revolting Senators, more than one-third, would have acquitted him. *Third:* That the advocacy by a high officer of the United States of an unlawful proposition in a political speech is sufficient ground of impeachment. Therefore that mere words are sufficient without any overt act. *Fourth:* That if the accused neglects or refuses to appear before the Senate when summoned, he may be tried, convicted and deposed from office, in his absence. The only remaining question not settled by this precedent is, whether the Senate, when sitting as a High Court of Impeachment, can bring the offender before it and suspend, or remove him from office during the trial? When the Constitution was framed, the legal terms used in it were wholly taken from English law, and its provisions were assimilated to the constitutional history of the mother country. When therefore our fathers provided in the Constitution for "trial by jury," they left it to the English common law to define what a jury was and how the trial should be conducted. So when the Constitution speaks of "a suit at Law or equity," it leaves the definition and course of proceeding to the English laws. So when a felony is mentioned, we must go to this law to ascertain what a felony is, and these illustrations may be multiplied almost indefinitely. So when the "sole power of Impeachment" is given to the House of Representatives we look to the customs and law of Parliament to ascertain what that power is and the manner in which it may be exercised. So when the Constitution gave to the Senate "the sole power to try all impeachments," we are remitted to the precedents of the House of Peers to ascertain how that power shall be exercised. It will also be observed that whenever the framers of the Constitution intend to limit that power of the House or Senate in impeachment, or to vary the manner of its exercise, they do it by express words. For example: when the Senate is sitting as a Court of Impeachment, it is provided that "they must be upon oath or affirmation," although the Peers voted upon honor only. It being well known that the House of Lords had frequently condemned to pay a fine, as in the case of Lord Chancellor Bacon, or imprisonment or death, those impeached before them, our Constitution restricts the judgment of the Senate to removal and disqualification from office only. All other incidents of impeachment, after the trial, the power of the Senate to bring the accused before it, to require him to answer, to summon witnesses and punish for contempt, and the forms of its judgment are left to be gathered from the customs of Parliament. And it will be seen that in the impeachment and trial of Judges Pickering and Chase in 1803 and 1805, the same men who framed the Constitution sitting in the House and Senate, conducted those cases strictly according to the English precedents in all points not changed by the express words of the Constitution. "When an officer is impeached he may be suspended and removed from office." Now, it was familiar history that the Commons of England, when they impeached any person not a Peer of the Realm, took him into custody of their Sergeant-at-Arms, as soon as the impeachment was determined upon in that body, and delivered the prisoner over, still in custody, to the House of Lords, when the articles of impeachment were placed before the Peers, as in Doctor Sacheverell's case, impeached for preaching a sermon, or held him to bail as in Seymour's case. The accused persons being in prison were of course suspended from the exercise of their official functions. A question arose, however, whether when a Peer of the Realm was impeached he could before trial be suspended from his function in the House of Lords. This was decided by the Lords and asserted by the Commons, as it would seem to be manifestly improper for an officer to exercise the duties of his office while being tried for high crimes and misdemeanors. To provide against such controversy in the future, in our Constitution it is declared that "the President, Vice-President and all other civil officers may be removed from office upon impeachment for, and conviction of, Treason, Bribery, and other high crimes and misdemeanors." If the officer could only be removed or suspended from the exercise of his office upon conviction, that being against the custom of Parliament, it would have been expressly so enacted in the Constitution, but the exact contrary are the words of the Constitution, the officer being removable "upon impeachment for and conviction of high crimes and misdemeanors." And the higher the officer, the more need that he shall be removed from office lest he shall so influence corrupt both witnesses and Judges, and that is possible. A single illustration will serve to show that it could never have been intended by the framers of our Constitution in their wisdom to permit the President, while he was being tried for the highest crimes, to exercise the functions of his great office. The Chief Justice of the United States can alone preside on the trial of the President, suppose that after the impeachment and before the trial the Chief Justice should die, then it would be the constitutional right of the President, as well as his duty, if his office continues to him until conviction, to appoint a Chief Justice to preside at his trial. "Will any man with a mind not bordering on insanity" claim that the wise men who framed our Government intended that the greatest of criminals while on trial should appoint his own judge to try him? Besides, if the people of the United States, by their Representatives, ever do impeach the President for high crimes and misdemeanors against our liberties, he will have business enough on his hands to defend himself from that charge, not to find time to perform the executive duties of President of the United States. [Applause.] It may not be uninteresting to observe that by the English law the incidents of a trial of an impeachment differ from trials in Court. When the Representatives of the whole people vote to impeach an officer, the proceeding is of so solemn a nature that the particulars of the offense, as in the case of an indictment, are not required to be written out until the offender is charged before the Senate, sitting as a court. The proceeding in such case is this: A message is sent to the Senate informing that body that an impeachment has been found, and that articles will be preferred, and, if the offenses are grave, praying the offender may be held to answer, if not then in custody. Thereupon the accused is either by summons or arrest brought to the bar of the Senate and the accusation read to him, and his answer taken. From that hour his person is in custody of the Court, and he has no farther official functions. Another peculiarity in a trial before the Senate is that it is no cause of challenge to a Senator, as it would be to a juror, that he had formed or expressed an opinion on the merits of the case, or even that he is related to the accused; the brothers and sons of the princes at the bar of the House of Lords frequently voting on the question of their guilt or innocence. The reason of this is that there can be no tribunal to supply the place of a Senator if he should be challenged by the accused. There is still another distinction from ordinary trials, in case of an impeachment, which it is interesting to notice, and that is that the Representatives of the people may proceed against high officers upon common fame or common report of their misconduct, and the reason given for this apparent anomaly is that if it were not so, great offenders would be the only ones safe in their crimes, because when in power and authority no private person would venture to prosecute or make known their wrongs, so that until they are impeached, and deprived of power and official station, witnesses would not dare to come forward and give evidence against them. Beside, impeachment is an act of Government, and all governmental acts are based upon facts of which History and common fame are the only evidence. Another and amusing popular mistake upon the effect of an impeachment, that the sentence may order the execution of the party convicted, would not deserve notice except that it has obtained favor with the President of the United States, who says in one of his speeches: "Would they take off my head, as they did the head of James the Second?" The truth is, they did not take off the head of James the Second; the head of the officer is to be taken off, of which he himself has taken off so many. [Loud laughter and applause.] Farther—James the Second's head was never taken off at all except in this wise: After having misgoverned his kingdom and disaffected his people, he became alarmed for his safety, threw the great seal of England into the Thames, and ran away to France, and took his head off with him [laughter], an example well and highly proper to be followed by any ruler in like case offending. [Laughter and cheers.] Another question has also been much mooted: Whether a parliament presenting an impeachment being prorogued or dissolved, the impeachment and trial might be carried on by a new Parliament; or, in other words, if a Congress end by its limitation a new Congress can prosecute an impeachment begun by a former Congress. In early times, when the favorites of the King were impeached, the Monarch, to save his creatures, used to dissolve the Parliament to put an end to the prosecution; but afterward it was resolved and finally determined in the case of Warren Hastings, that the impeachment did not die with the Parliament. We thus have crystallized the constitutional remedy for usurpation and official misconduct. We have seen that it is aptly fitted to be, and ought to be applied at the nearest approach of danger or wrong without waiting until they have ripened into outrage and disaster. The only inquiry that remains to us is whether common fame or current history charges any officer of the government with declarations or acts dangerous to the permanency of our institutions and the liberties of the people, so that they are satisfied that for the "general welfare of the United States" this remedy ought to be applied, as well as to meet the beginnings of wrong in high places as to punish the offender as a warning to all others daring thus to sin. [Hear, hear.] Because if the judgement and conscience of the loyal people of the country are not satisfied of the guilt of the accused and the righteousness of his punishment, he becomes not a criminal but a martyr, whatever may be the official verdict against him. And indeed in this, as in all other governmental action, the representatives of the people should only echo their thought and do their behest. What, then, is the judgment of the people upon the official conduct of the "Vice-President of the United States discharging the powers and duties devolved upon him by the death" by assassination of the President, such being the exact Constitutional definition of his present office? In this inquiry let us proceed upon the "evidence" by which he might be impeached: well grounded common fame. As one of the people, then, I charge that Andrew Johnson has committed high crimes and misdemeanors in office in many particulars, but which may be grouped under these general charges: 1st. Therefore I charge Andrew Johnson, as well while discharging the powers and duties of President of the United States with degrading and debasing, even while taking the oath of office, the station and dignity of the office of Vice-President, and that of President, by indecently exhibiting and exposing himself upon official and public occasions in a state of drunkenness, by the voluntary use of intoxicating liquors, to the great scandal and disgrace of the whole people of the United States and the Government thereof. [Cheers.] As to the specification and evidence of the first charge of public drunkenness, "if common uncontradicted fame speaks truly, and that it does in this instance, the blush of shame that mantles the cheek of every true American when the occurrence is mentioned, is the highest guaranty—then every Senator who witnessed the disgraceful stammering tongue of the Vice-President as he mumbled his oath of office, and slobbered the Holy Book with a drunken kiss, will be at once the witness and judge—[cheers]—and to other like public and disgraceful exhibitions almost every depot and station-master between Washington and St. Louis can give evidence. [Laughter and cheers.] Indeed, it were Christian, kindly charity to believe that the speeches made on those occasions had that excuse, because then they would be errors of the head, wherein an "enemy had been put to steal away the brain," and might be reformed; but a heart that could send forth such utterances, specially that made by Andrew Johnson at Niagara, wherein he said he was glad that by the Constitution he was made President, can never be made better save by the omnipotence of Divine Grace. That I may do Mr. Johnson no wrong, I will gave his words as reported on that occasion: "The victory was obtained and I was made Vice-President of the United States. Can't you see the gradation comes along regularly? And then by the chance of the country I was made President. *I am glad of it.*" Is Andrew Johnson guilty or not guilty of this charge and specification? How say you, fellow-citizens, was he drunk or sober? [Laughter.] *Second:* I charge Andrew Johnson, Vice-President, discharging the powers and duties of the President of the United States, and sworn faithfully to execute the same, with officially and publicly making declarations and inflammatory harangues, indecent and unbecoming, and in derogation of his high office, dangerous to the permanency of our republican form of government, and with intent and design to excite the ridicule, fear, hatred and contempt of the people against the legislative and judicial departments thereof. The second charge of making indecent and inflammatory harangues, degrading the position as the Executive head of the most civilized and intellectual nation in the world, has many specimens and is sustained by much evidence. The numerous declarations of Mr. Johnson are all of them public speeches made either to committees or from the rostrum, in defense of his policy, or attacks upon individuals or other branches of the Government. They may be divided into two classes, the indecent and the dangerous and inflammatory. Can there be anything more indecent and degrading to the office of President of the United States than the exhibition made by Andrew Johnson on the 22d of February last in that speech, for which there is, unfortunately for the honor of the country, not the apology that he was drunk. His characterization of the editor of a leading journal, who certainly up to that time had dealt with him in courteous language, as a "dead duck." [Laughter.] The tone, the manner, the occasion, are all criminally beneath the dignity of the office he occupies. Again, on that most unhappy funeral journey, his vituperative denunciations by name of some of the best and purest of the land; calling a Senator, [cheers] a Representative, [cheers] and a gifted orator, [Applause] each and all of them true and tried patriots beyond doubt or cavil of any sound mind, "traitors," and threatening them with death, to raise a vulgar laugh. His threats at St. Louis to "kick out" of office whoever should oppose his policy; his vulgar attack, at the same place, upon a law which he himself had signed, appealing to prejudice against the blacks by arguing that Congress had given the negro soldier $100 bounty, and to the white soldier only $50; his perversion of the holy Scriptures and blasphemy at Philadelphia, by exhorting from the balcony of the hotel to a deputation of tailors, that the "Great Father of us all was the first tailor," accompanied by the announcement that "he did not want to be thought facetious in so asserting." [Derisive laughter.] Outraging the religious sense of the whole community by comparing the radical to the Savior, using his holiest name, never to be breathed by a Christian public man save with veneration, as the drunken catchword of a blackguard harangue, and so on and on *ad nauseam.* Has a shocked, outraged, humiliated, alarmed and indignant people no remedy for such disgusting humiliation of their pride of country and national self respect? Must they endure it for two years and more longer? A like record made against any other high officer of the United States to any former President, would he not have removed him for cause? Shall the spectacle remain forever unrebuked, of the President debasing himself so as justly to draw from the crowd witnessing the exhibition, such expressions as "Go it, Andy!" "Keep your temper, Andy!" "Don't get mad, Andy!" And for the President to reply, "I left my dignity at Washington!" May not the people say you have quit the dignity of your office once—you shall never again resume it? Are the decent, respectable and intelligent people of the country always to have their cheeks burn with shame whenever such conduct of their Chief is discussed, because the remedy has never been applied or an example made? Is the highest office in the land, the Presidency, to which it is our proudest boast the humblest American boy may aspire, to be so degraded that no any well bred boy it will not seem worth the aspiration; and yet to be neither remedy or punishment? No—so long as the conservative remedy of impeachment exists, the American people will preserve the Presidential office honored by Washington, by punishing this its degradation as the highest of all misdemeanors. [Applause.] We have seen that the great danger to liberty is to familiarize the people to the thought of the loss of it, so that the public mind is prepared, by demoralization, to submit to the fact without shock. So history teaches that whenever any attempt has been made by a despot to destroy the legislative or popular branch of the government, he has always begun by decrying and making it odious. Therefore we find Andrew Johnson receiving a Committee of the Philadelphia Convention on the 18th of August, at the head of which was a Senator from Maryland, of the same Congress, with the declaration that "We have seen hanging on the verge of government, as it were, a body calling itself and assuming to be the Congress of the United States, when it was, in fact, but a Congress of a part of the States; and we have seen such a Congress pretending to be for the Union, when every step it took was to perpetuate dissolution and to make disruption permanent." He was followed by denunciations of Congress "as a body of disunionists," as "unconstitutional, domineering and tyrannical Congress," and so on with every phrase of hatred, contempt and ridicule that could be used as descriptive, accompanied with suggestions as to the acts and laws enacted by Congress, which if just and true would have convinced the people that the Legislative branch of the Government was unworthy of their countenance or support, and the laws passed by it unconstitutional and void. Is it any defense to say that these assertions were untrue, and so ridiculously untrue that nobody believed them, and therefore they did no mischief? Does not their falsity make the strongest element of the great crime of uttering them? If the Chief Executive can thus, without check, assail Congress (and it is needless to say that it was never done before), will not the precedent avail some abler and more popular, but no more wicked man to successfully depose Congress, and make himself the Dictator, which Mr. Johnson thought it possible himself to be? The intent and motive of these declarations are obvious when taken in connection with other speeches made during the same journey. It was to alarm the people as to the conduct of Congress, to prevent members from being elected who would stand opposed to Mr. Johnson. What else could be the object of such declarations as this: "If you do not stay Congress by your suffrages, you will have civil war—not a war between the North and the South, but an interneciine war?" "I called upon your Congress that is trying to break up the Government," and to enter and every path in every form of expression. With what hope was this done? So that a majority of Rebel sympathizers were chosen he might declare them in conjunction with the representatives of the South, the Congress, to the exclusion of the loyal majority? [Cheers.] What motive for this course you may ask, could Mr. Johnson have? He everywhere declared that he had filled all the offices under the Constitution that man could fill. The correspondence of his mind peep from his mouth. "Why," he says, "with the President's Bureau with agents and satraps in every town and school district, with $50,000,000 in my pocket, and the army at my back, I could proclaim myself Dictator." This was at Cincinnati; but at Niagara Mr. Seward, safe and wise, had foreshadowed the same proposition in these words: "The President has struck the key-note of the political argument to-day. 'The Union must not shall not be divided.' The question is between the President and the Congressmen." More boldly at Battle Creek, Michigan, Mr. Seward says: "Those that want thirty-six States say so." [Voices respond—Ay! ay!] "Do you want Andrew Johnson President or King?" Mr. Seward never says anything without a purpose. What was that purpose? That the loyal people of Michigan who heard it understood what he means was evident, for they refused to hear him say further. [Cheers]. Nor is Congress the only branch of the Government attacked by the President. The Judiciary also was to be "made odious." Therefore, when the loyal people of Cleveland put the very pertinent question to Mr. Johnson: "Why don't you hang Jeff Davis?" what true man was not shocked at the answer? "Have you not got the Attorney-General? Who is your Chief-Justice who has refused to sit on the trial?" If it is true that the Chief-Justice has refused to sit on the trial of a criminal, however great, when it is his duty so to do, he ought to be impeached [cheers]; and if the public charge of Mr. Johnson against the Judiciary is false, then it is malicious, and he ought to be removed from an office which gives him position falsely to malign the Judiciary of the United States by accusing its Chief Justice of dereliction of duty. [Cheers.] I have examined the specifications under this charge with a greater extent than I propose to do the others, because in the apprehension of some minds some overt act must be committed before the President can be impeached. What! Shall we wait till he has actually deposed Congress before we impeach him? That being done, what body is to be his accuser or trier? Shall we loiter still a wicked "humble individual" has actually overturned our Government, and "by his satraps and backed by the army" made himself Dictator, and then attempt impeachment? No! fellow-citizens, let us proceed to meet the beginnings of mischief by the legal, conservative, radical and constitutional method of the office of President that he is not such stuff as Dictators are made of—[laughter and applause]—and if we are to have a King, he will not be King *Andrew the Indecent.* [Renewed laughter and applause.] For his blasphemous exhibitions, his abusement of his high office, his revolutionary, inflammatory and unbecoming attacks upon the Congress of the people; his false accusations against the Judiciary; his insult to the virtue and intelligence of the people, in daring to breathe the thought that they would submit their liberties to any Dictator or tyrant, and least of all to him [laughter and cheers]; of such high crimes against the people and misdemeanors against the country. How say you, fellow-citizens, is Andrew Johnson guilty or not guilty? [Cries of "Guilty."] *Third:* I charge Andrew Johnson with wickedly, tyrannically and unconstitutionally, as Chief Executive officer, usurping the lawful rights and powers of the Congress of the United States. Upon the third charge of usurping the powers of Congress, the specifications are many and the evidence open and notorious. Time will permit to glance only at one or two of them. When the last rebel soldier had surrendered to our victorious armies, and armed resistance had ceased, what was the exact state of things in the revolted States? An insurrection had ripened into a public territorial war, recognized by the Executive, Legislative, and Judicial Departments, between the United States and the forces of the revolted States. All the citizens, then, in those States, had become by their own act, and the acts of their communities, and the effect of domestic violence and war, armed public enemies; and in the language of Andrew Johnson's proclamation—"rebellion in its revolutionary progress had deprived these States of all civil government." Armed hostilities had ceased. Their people had become disarmed public enemies, surrendered as paroled prisoners of war. If we look at them as belligerents, we had captured them and all their rights. If we look at them as rebellious subjects, they had forfeited their lives, their property, and all their rights by treason and rebellion. Whichever way you take it, they had lost all, we had gained all, by capture in war, and from forfeiture by crime. By whom, then, was peace to be concluded, hostilities ceasing? By the President alone? Certainly not. A peace in a foreign war cannot be made by the President without two thirds of the Senate. Much less in a civil war, where the duties of rebellious citizens and the rights which spring from the conquest of a loyal people, should be settled by law. Who could enact any plan, policy, or method of reorganizing these conquered territories, "deprived of all civil government?" Congress alone. Andrew Johnson attempted it. He appointed Rebels Governors for seven of them. By what right? He directed those Governors to "prescribe rules and regulations for convening a convention," composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and *no others*, for the purpose of altering and amending the Constitution thereof. Strictly and grammatically construed, he thus ordered a convention to alter the Constitution of the United States; but we must not expect too much of a Head of the Nation who did not know that James the Second did not lose his head. Taking it, however, as meant, by what law, constitutional or other, was all this pretended to be done? I venture to say, as a lawyer—speaking, I trust, to lawyers—that no single provision of law or constitution can be found that will give color of justification to this unheard-of procedure. Looking at Mr. Johnson's proclamation for reorganizing North Carolina, I find his claim of power to do it in these words: "Rebellion has in its revolutionary progress deprived the people of the State of North Carolina of all civil government, and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing to them the enjoyment of a Republican form of Government, I, Andrew Johnson, do appoint W. W. Holden Governor, &c." If one had time to be exact in criticism, it could be said that there is no constitutional obligation to the people of North Carolina to secure them in the enjoyment of a Republican form of government. There is such obligation to the State. But, granting the obligation, on whom does it rest? On the United States, not on the President. Whose duty is it to provide for the carrying out and enforcing this obligation? "Congress," says the Constitution, "shall have power to make all laws necessary and proper for carrying into execution all powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." [Cheers.] But did Andrew Johnson give to the people government republican in form? What is a republican government? It is that under which a majority of the people can take part in electing their own rulers and enacting their own laws. Excluding the negroes, as the proclamation does, will anybody pretend that a majority of the white people even of North Carolina were loyal? May 29, 1865, when the Rebel soldiers had laid down their arms, they were, we have the right to assume, as they have backslided since. [Laughter.] By what right does the President by executive order or proclamation say or who shall or shall not vote in any part of the United States? Napoleon, beside Andrew Johnson, is the only ruler in the present century who has dared to do that; and he let everybody, black and white, vote. [Cheers.] The whole action of the Executive in this behalf was a most palpable and flagrant usurpation of the power of Congress; acts which even the Judges of the Southern States have declared unconstitutional, although done in their behalf. [Cheers.] The wicked object and intent of this usurpation is seen in the fact that Andrew Johnson has ever since fought and denounced Congress for not permitting its consummation, although by its fruits undoing almost all that was done by the war in bringing the South to such a proper spirit of submission as to make a truly loyal man safe there to his home. Again, the Constitution says that Congress shall "make rules concerning captures on land and water," to *dispose* of and make all needful rules and regulations respecting the *territory or other property* of the United States." Yet, disregarding these constitutional provisions, Andrew Johnson, by executive orders, has disposed of millions upon millions of property of the United States captured in war, such as vessels, steamboats, railroads, cotton, tobacco, and this, too, in defiance of laws of Congress which required him to put such property into the Treasury of the United States to aid in reducing our overburdened taxation. The telegraph now informs us that such captured property is restored to unpardoned as well as to pardoned Rebels, as witness the return to Robert E. Lee of the property captured at Arlington in that advance in May, 1861, wherein the gallant soldier and boy-friend of Lincoln—Ellsworth—was murdered. [Cheers.] Andrew Johnson could with the same constitutional right have given the bones and ashes of this, the noblest first martyr to the first great unpardoned traitor of the Rebellion! And he may, too, by the same right, give back, and he will, for aught I know, the land of Arlington, captured at the same time, the new sacred repository of many, many thousands of our noble dead. If you do not stop him in his unconstitutional, mad career. [Cheers]. But time admonishes me that I can only glance at but not argue these several charges. 4th. I charge Andrew Johnson with wickedly and corruptly using and abusing the constitutional power of the President of nominating to office and filling vacancies in office during the recess of the Senate, and removing from office with intent and design to undermine, overthrow and evade the power of advising and consenting to appointments to office vested in the Senate by the Constitution, and for the further corrupt purpose of controlling the freedom of the election by the people, of members of the House, in order to put the House of Representatives in the hands of men lately in rebellion against or evilly disposed toward the Government. [Cheers.] The fourth charge of improperly and wickedly using the power of appointment is so patent, so flagrant and so universal that a simple statement of it is sufficient for conviction. There is no true loyal man whose judgment is not instructed upon this offense. There have been more than 2,000 Postmasters alone, since the 1st day of July last, removed from office in obedience to the declaration of Andrew Johnson that he would "kick out" all those who did not support "his Congress! What Congress? Why, the representatives of the people? Thus more than 2,000 of the servants of the people in a single department have been removed from the service of the people because they would not add another accidental servant of the people in opposing and thwarting the constitutional acts of the representatives of the people. [Cheers.] Can it be pretended, short of insanity, that such a use of the appointing power is proper and constitutional, or that the President who does it in plain opposition to the people ought not to be removed from his power to do more mischief? But still worse. The Constitution restricts the power of "Appointment" to the Senate, giving to the President the power of *Nomination* only when the Senate is in session, leaving with him to fill vacancies which may happen during the recess by giving commissions which expire with the end of the next session of the Senate. Mr. Johnson has under this provision, in more than 30 instances, put men in office at the end of the session who had been refused appointment by the Senate, and some of them twice and thrice over. The vacancies happened during the session and not in vacation; and by this means he deprived the Senate of all control over appointments which the Constitution gives it. What was the object of this usurpation? To overthrow the loyal majority of the Senate. To enable the President to force upon it 30 members from the Rebel States. This practice is attempted to be justified by the course of Gen. Jackson in removing from office upon the coming in of his administration. But the theory of Jackson was this: that the Executive head of the Government having been changed by the vote of the people electing himself, that, therefore, the people desired all Executive officers to be changed in order that the Executive branch of the Government might be in harmony in all parts. There was good sense in this theory of removal; but it was not carried out by Jackson by usurping the Constitutional powers of the Senate. In his case, Mr. Johnson has removed the officers who were put in by Lincoln at the same time and upon the same platform of principles with himself. Had he waited as Jackson did till the people had spoken, he would have removed but few for opposing his policy; [cheers] but it is notorious that his removals were made to bend the people to his will. Fellow-citizens, is it not time that these removals from office without cause, and to pamper the ambition or gratify the passions of any one man, be stopped? It will never be done if we let Mr. Johnson's precedent go unpunished. 5th. I charge Andrew Johnson with improperly, wickedly and corruptly using and abusing the Constitutional power of pardons, for offenses against the United States, and in order to bring traitors and Rebels into places of honor, trust and profit under the Government of the United States, and to screen whole classes of criminals from the penalties of their crimes against the laws thereof. As to the fifth charge—the abuse of the power of pardons. While the fact is admitted that thousands of Rebels have been pardoned for their crimes without investigation, and solely upon the recommendation of other Rebels, yet it is said, as the Constitution gives the President the unlimited power to pardon, why may he not pardon as many as he pleases without doing any legal wrong? The answer is obvious. There are many powers in Government right if properly used; criminal if used wrongfully or with a wrong motive. Let me illustrate. Almost every Governor of a State has the unlimited power of pardon. Suppose a Governor, in mere wantonness, should pardon and set free at once all the convicts in the Penitentiary? Would any man doubt that that would be a great crime, for which he might be impeached? Yet there is no statute law against it. Suppose he should pardon one murderer that he might revenge himself upon the friends [illegible] although the Governor had the power to do it? Now what has been the motive of Andrew Johnson for his indiscriminate pardons? It was to restore property to Rebels which, by the confiscation laws, belonged to the United States, or to enable Rebels to hold office and thus to conciliate them to himself. No better illustration of the design of this exercise of the pardoning power can be given than the pardon of John T. Monroe, that he might be Mayor of New-Orleans. It bore its appropriate fruit—*riot, bloodshed and murder.* [Cheers.] 6th. I charge Andrew Johnson with knowingly and willfully violating the constitution, with knowingly and willfully violating the constitutionally-enacted laws of the United States by appointing distributing-officers to receive the money of the people, and thus usurpation evaded the law. Was not the money the property of the United States? all the same? Allow this to go on unrebuked and the next Usurper will see to it that all the money of the United States is a contingent fund for his particular use. [Cheers.] But to crown all this, hundreds of offices were filled at the South in the several departments by men who were known Rebels. When Congress inquired into these acts, what do you suppose was the answer? Why, that there were no loyal men in the districts to fill the office. What an excuse! If there were no loyal men, what the need of the office at all for disloyal men? Must the office be filled against law? Were there not hundreds of maimed and wounded soldiers, black and white, who would have been sent South, and would have filled those offices a precious sight better than Andrew Johnson does the one he has dropped into? [Loud cheers and laughter.] *Seventh:* I charge Andrew Johnson with knowingly and willfully neglecting and refusing to execute and carry out the constitutional laws of Congress in the insurrectionary States, in order to favor and encourage men lately in rebellion and in arms against the United States, to the oppression and injury of the loyal and true citizens of such States. To the seventh charge, that he has refused to execute the laws, is too notoriously and sadly true to be controverted. I will detain you by noticing an instance or two only. Congress passed a law that all property used in aid of the Rebellion should, when captured, be prize of war, and thereby the property of the United States. That law, so just and proper, was still unrepealed. We all remember what tremendous aid was given to the armies of the Rebellion by the energetic use of the Southern railroads in transporting troops, most of them being run by the companies that owned them. These roads were all captured, but every one of them has been given back to their Rebel owners, by Andrew Johnson's executive order, although the interests of the Northern stockholders in them had been confiscated by the Rebels [applause]. Thus, many millions of property of the United States have been given away by the Executive, against law. The question is not whether it were best to confiscate this property—that is for Congress to determine, and they did so, by passing this law. The vital inquiry is, whether the Executive, usurping the power of Congress, can nullify the law [applause]. Again, Congress passed a law, that the property of certain leaders of the Rebellion, whenever it came into our possession, should be confiscated to the use of the armies of the United States. That law is unrepealed. Yet Andrew Johnson, sworn to execute the laws which made it his duty to confiscate this property, in the words following: "It shall be the duty of the President to seize and use the property aforesaid for the purposes aforesaid,"—has stopped all process of confiscation or seizure, although in his proclamation of restoration he orders the Attorney-General to have the confiscation laws executed. Thus showing that he knew the law but wilfully defies it. Again, Congress ordered a direct tax of twenty millions. We of the loyal North paid our portion of it in addition to our other burdens. The Southern portion was made as large upon their property and land, and in many States the Tax Commissioners were proceeding to collect the tax according to law, when they were stopped by Executive order, and the taxes remain uncollected to this day. If these laws ought not to be executed, let them be repealed; but while in force let them be executed, or the officer failing in his duty be punished for it. I have yet, however, to notice the message of Andrew Johnson to Congress urging the repeal of either of these laws. Once more. The Civil Rights Bill was passed by Congress over the veto of Andrew Johnson. [Cheers.] Do we not hear daily of wrong and outrage and murder done upon the freedmen and Union men in every rebellious State? Have we not heard from official reports that in Texas a dozen murders daily of negroes are taking place without check, and that 500 indictments for murders are still untried in that State alone? Has there not been a score of convictions by competent Courts for felony and murder sent up to the Executive, and been before him for months, and are yet unexecuted, or pardoned? and for the murder of no colored man has a white man, although convicted, been allowed to be executed by Andrew Johnson. Military orders protecting loyal men have been deemed inoperative, because of the Civil Rights bill, and that is made a dead letter by the clogs of the Executive, until Sheridan [cheers] asserts that United States troops "are unsafe in