THE XLTH CONGRESS.

FIRST SESSION.

SENATE—WASHINGTON, July 21, 1867.

THE DISTRICT OF COLUMBIA.

Mr. HARLAN (Rep., Iowa) moved that the Senate take up the House bill regulating the election of officers for Washington City. It provides that all officers not elected by the people shall be chosen by the two branches of the City Council, in joint session, instead of being appointed by the Mayor.

The point of order was raised, that the consideration of this bill was a violation of the rule adopted at the commencement of the session, and it was decided that the bill could not be taken up.

THE ADJOURNMENT.

Mr. CHANDLER (Rep., Mich.) moved to reconsider the vote on the resolution for adjournment.

Mr. CONKLING (Rep., N. Y.) asked Mr. Chandler how he voted on that resolution.

Mr. CHANDLER—I voted in the negative.

Mr. CONKLING—Then you can't move to reconsider.

Mr. CHANDLER said he would move that the Clerk be instructed not to communicate the resolution to the House.

Several Senators suggested that this resolution was not in order.

Mr. CHANDLER then said that he noticed that Senators who voted for the resolution were the same who had voted last Spring against any extra session of Congress. In the course of his remarks, he referred to Mr. Fessenden as the Conservative Senator from Maine, who, in April last, had so much confidence in the President as to believe that he would call Congress together, if necessary. The President, in his rebellious message to Congress, had said substantially that he would not enforce the reconstruction laws of Congress. He hoped Congress would not adjourn until it had provided for meeting again at an early day.

Mr. ANTHONY (Rep., R. I.) interrupted Mr. Chandler to make the point of order that it was the duty of the Secretary to communicate the resolution of the Senate to the House.

DEBATE BETWEEN MESSRS. CHANDLER AND FESSENDEN.

After further remarks, Mr. CHANDLER said he had been informed that the Clerk had communicated the resolution to the House, and would therefore move that the Clerk be instructed to return the resolution. There was a sort of hybrid concern in the Senate known as Conservative-Republicanism, like all other hybrids. It was incapable of reproduction. It originated in 1862, under William H. Seward, Thurlow Weed, and a few Copperhead and Northern Rebels. In 1863 it again raised its head in an attempt to unite Republicans and Rebels. The highway of Conservative Republicanism was as clearly marked with grave-stones as the highway to California was marked with the carcases and bones of dead mules. The people had not got done yet erecting tomb-stones. Some of the large cities were Conservative, but the people of the United States, nine-tenths of them, were sound Radicals. He (Chandler) had talked with Mr. Lincoln about Conservatism when Thurlow Weed left the party. He had told Mr. Lincoln that he could haul the whole Conservative-Republican party of Michigan up hill in a street-car with two horses; he could now haul them in a one-horse chaise. He had told him that all the Conservative-Republicans of New-York could be drawn by a single locomotive; he believed they could now be drawn in a street-car.

Mr. FESSENDEN (Rep., Maine) in reply to Mr. Chandler, said he had been accustomed to sitting here and listening to these long prepared attacks upon several gentlemen, and particularly upon himself, coming from the Senator from Michigan. What to say in reply to such remarks from any other Senator he should have no doubt, but in regard to what had been said by that Senator just now, he was at a loss to know just what to say. It was evident that the speech was prepared and intended as an attack upon himself (Fessenden.) He had alluded to him over and over again as the Conservative Senator from Maine, and in connection with that allusion, had gone on to describe several occasions on which the Conservatives had endeavored to unite with the Democrats, in order to overthrow the Republican party, applying the same terms to them that he had applied to him. I know (said Mr. Fessenden) it is impossible for me to mistake the aim and object of the Senator; there can be no mistake about it in the mind of any one. I have been aware, for some time, that that Senator, and some other Senators in this body, designed deliberately, if they could, to injure my standing and position as much as it might be done in the party to which I have the honor to belong. This is not the first attack made upon me by that Senator and his friends. I am aware that that Senator (and he is not the only one) has taken pains privately to represent me unfavorably, because I do not agree with him and some others in their notions with reference to the conduct of public affairs. It has not been confined to this body, and the other House, but it has even gone into the reporter's offices, where I have been denounced in the same way, and divers and sundry charges have gone in the same way. But, my notion is, that the reputation of a public man will take care of itself, and that when he does right the public will so determine.

Mr. FESSENDEN then said that he had received the other day from the City of Detroit, where Mr. Chandler resides, a slip of paper from a newspaper, in which a similar attack was made upon him, and in which he was denounced as opposing impeachment because he had so many friends and relatives in office. That accusation had gone the rounds; it had been repeatedly stated that he was ready to sacrifice his public duty for the sake of those friends and relatives. It was charged that he had 40 relatives in office. He had three brothers in office, neither of whom had been appointed at his (Fessenden's) request, or by his solicitation or suggestion. One of them was the superintendent of a marine hospital, who was appointed by Secretary Chase, as a mark of regard for an honored father. Another brother was a postmaster in Maine, and not only had he not recommended him, but, he had positively refused to recommend him. He had a brother who was an Examiner of Patents; he had not recommended him, and the first intelligence he had received of his appointment was through the newspapers. He would say with regard to each of his brothers that he believed they would despise him in their hearts if they thought he would sacrifice one iota of his belief, or hold his tongue on their accounts to keep them in office. He had been twitted with the fact that his sons were Generals in the army. God gave him four sons. Three of them volunteered; the other volunteered also, but his health broke down, and he was obliged to return home. His youngest son fell in battle; another had his arm shattered and his leg shot. The third was not wounded. He never asked the appointment of one of them to any position in the army; they got their own recommendations from their superior officers, and were not promoted through his exertions. They are now out of the service entirely. He had thought it rather hard that newspapers of his own party should abuse him for having sons who distinguished themselves in the war—one of whom was killed and another shattered—because they had served their country well and were raised to high rank, which he (Fessenden) believed they deserved, and had never heard it said that they did not. It was rather hard that he should be abused by papers of his own party, for what all other men had been believed entitled to credit for. He had forgotten the other case. While he was Secretary of the Treasury he appointed a cousin of him to a $1,200 dollar clerkship. This was the hight and breadth of his offenses. He had been twitted of these things by newspapers, one from Detroit, he could easily guess at whose suggestion that was done. He had been called Conservative. Let Senators turn to his record and find where he had failed to do his duty. Confidence in Andrew Johnson? No, Sir. It is a want of confidence in those who assume to direct where they have not the capacity that situates me and others. If he (Fessenden) was Conservative, because of his vote on the adjournment last Spring, he was glad to be Conservative in company with the Senator from New-York (Conkling), the Senator from Illinois (Trumbull), and one of the Senators from Massachusetts (Wilson), and a great many others he might name. Why, then, was this attack made upon him? Because he happened to act with a decided majority of this body upon the question. Senators must be at liberty to act according to their own judgment in such matters. He had no fear whatever of the most critical examination of his course here in the Senate and out of it upon this question or upon any other. He would leave his public character to take care of itself. If he had the slightest idea that anything that the Senator from Michigan could say would affect it before the people of this country, he should look upon himself with a contempt he did not feel. In conclusion, Mr. Fessenden said the time had come when there was a very serious difference of opinion in Congress upon a very important question. He had considered that, upon that question, it was not proper for Senators to express an opinion, or even to form one. His idea was, that men who might be called to act as judges should keep themselves from anything that might be supposed to influence their decisions in advance. With regard to this great question, as a matter of policy, as a matter of good sense, he had not withheld his opinion from his friends, and perhaps that opinion was well known to the Senate; but should the question come before the Senate, he trusted he should be able to meet it calmly and vote upon it fairly, whether with the majority or the minority.

Mr. CHANDLER said the Senator from Maine had brought up his family record and exhibited it in the Senate in answer to his (Chandler's) remarks. He (Chandler) had never alluded to that family record at all. He had never even seen the article to which Mr. Fessenden had alluded as appearing in a Detroit paper. He had attacked Mr. Fessenden on his public record, and his public declarations on this floor. Mr. Fessenden alluded to his cooperation with other Republican Senators, but he did not cooperate with those Senators when he said the President would call an extra session of Congress if necessary. It was known, not only to the Senate but to the country, that the Senator from Maine had stood here month after month, week after week, the defender of Andrew Johnson and his Cabinet.

Mr. FESSENDEN—I have to say but one single word, in saying that the Senator from Michigan says what is not true.

Mr. CHANDLER—Was it not a defense of the President to say that he would call an extra session of Congress?

Mr. FESSENDEN—No, Sir.

Mr. CHANDLER—Then I don't understand the meaning of the English language, Sir. He stood here as the defender of the President and the Secretary of the Treasury day after day, week after week. I care nothing about him nor his family. I care not how many menghe has in office, or how many out of office. It is a matter too small for me to allude to in this body. His public record, his utterances on this floor, his vote upon this floor, I have a right to comment upon; and when he talks about contempt for me, I hurl back his contempt with scorn. I have a record as well as he, and I am as proud of it as he is of his. I have nothing on that record to apologize for, or take back, or explain. My votes and utterances for ten years are here, and I have never seen any reason to change them or review them. This is a matter of public concern; it is a matter in which the interests and perpetuity of the Republic are deeply concerned. I called up his record because it was necessary to illustrate the point I made, and for no other reason. He at that time came near defeating the extra session of Congress. I did not expect to see him here at this extra session; but the people demanded that he should come here, and no man dared to stay away. Those monuments pointing along the road stood out in bold relief and had good effect. Some men who were most bitterly hostile to this extra session and declared they would not come, are here, and why? Because the people demanded that they should come, and they dared not stay away. Now, Sir, the people demand that we shall either fasten this man so that he shall do no more harm, or that we shall stay here and watch him.

DEBATE ON IMPEACHMENT.

Mr. BUCKALEW (Dem., Penn.) moved an Executive Session, but gave way to Mr. SUMNER (Rep., Mass.), who offered the following, which was ordered to lie upon the table:

Resolutions declaring the privilege of debate in the Senate with regard to civil officers liable to impeachment:

Whereas, It has been asserted that the conduct of a civil officer, liable to impeachment, cannot be freely considered and condemned by Senators in the course of legislative proceedings; and

Whereas, Such an opinion is calculated to impair the just privileges of debate; therefore,

Resolved, That the Constitution, in providing for the impeachment of all civil officers of the National Government, embracing the President, members of the Cabinet, diplomatic representatives, and other civil functionaries, did not intend to limit debate in the Senate on the conduct of any such civil affairs, so far as the same may arise in legislative proceedings; that any other interpretation is inconsistent with the privileges of the Senate, and tends directly to shield misconduct in civil office.

Resolved, That the Constitution expressly declares that, when sitting to try an impeachment, the Senate shall be on oath or affirmation, thus superadding a judicial oath to that already taken as Senator; that from the taking of this oath the judicial character begins, and until then each Senator is free to express himself openly on the conduct of any civil officer, and thereupon to invite the judgment of the Senate and the country; that at times this may be a duty, and it is always a sacred right which cannot be renounced.

EXECUTIVE SESSION.

The Senate then, at 2½ o'clock, went into Executive session. While the doors were closed, on motion, the Senate insisted on its amendment to the adjournment resolution, and called for a conference with the House.

MILEAGE FOR THE EXTRA SESSION.

The doors were reopened at 3:40 p. m.

Mr. RAMSEY (Rep., Minn.) offered a bill for the payment of mileage to the Members of the XLth Congress, for the extra session.

Objected to by Mr. CONKLING (Rep., N. Y.)

THE ADJOURNMENT.

The Clerk of the House announced that the House had concurred in the report of the Conference Committee on adjournment, to wit: that both Houses adjourn at 4:20 today, until Thursday, Nov. 21, at 12 o'clock.

Mr. HOWARD (Rep., Mich.) said this was practically an adjournment sine die. He did not concur in this view; he believed there would be stronger reason for a session between now and November than there had been for the present session.

Mr. SUMNER (Rep., Mass.) said this proposition was to leave the President a bad man, to bestride the Rebel States like a Colossus.

The Yeas and Nays were then called for on the adoption of the report: (Rep. Roman, Dem. Italic, Johnson men Small Caps.)

YEAS.

Anthony,	Frelinghuys'n Morrill (Me.),	Sprague,	
Cattell,	Henderson,	PATTERSON, of Tennn.,	Trumbull,
Conkling	Howe,		Van Winkle,
Davis,	Morgan,	Ramsey,	Willey—15.

NAYS.

Cameron	Harlan,	Ross,	Wade,
Chandler,	Howard,	Sumner,	Wilson,
Cragin,	Nye,	Thayer,	Yates—15.
Fowler,	Pomeroy,	Tipton,	

This—a tie vote—would have killed the proposition. Twenty-three Senators were absent from their seats.

Mr. CONKLING (Rep., N. Y.) changed his vote for the purpose of moving a reconsideration; but Mr. Buckalew appearing in the chamber, and voting in the affirmative, Mr. Conkling again changed his vote to the affirmative.

Mr. NYE (Rep., Nevada) said he would then change his vote for the purpose of moving a reconsideration.

The vote was then announced—Yeas 17, Nays 14.

Mr. HENDERSON (Rep., Mo.) moved the appointment of a committee to wait upon the President and inform him that Congress was ready to adjourn.

Messrs. Anthony (Rep., R. I.) and Fowler (Rep., Tenn.) were appointed.

Mr. NYE moved to reconsider the vote on the adoption of the Conference Report.

MESSAGES FROM THE PRESIDENT.

A message from the President announced the signing of the resolution of sympathy with the people of Crete, the bill to establish peace with certain hostile Indian tribes, and the bill to carry into effect the Convention of the Republic of Venezuela.

THE CLOSING SCENES.

Mr. HOWE (Rep., Wis.) addressed the Senate in opposition to the adjournment. The motion to recousider was disagreed to—Yeas 13, Nays 19.

Mr. SUMNER inquired if the President was going to return the bill to establish equal rights in the District of Columbia.

Mr. CONKLING said he had been informed that the President had no more bills to return which he intended to return.

Mr. SUMNER said he supposed then the President would pocket that bill.

Mr. CONKLING—We are not responsible for that.

Mr. SUMNER—Yes, the Senate is responsible if, by adjourning, he defeats the bill for equal rights.

Mr. CONKLING replied that equal rights and all other rights would be safe so long as the Senator from Massachusetts lived. [Laughter.]

THE ADJOURNMENT.

The Senate then, at 4:20, went into Executive Session, and then, at 4:30, adjourned, under the resolution adopted, until the 21st of November.

HOUSE OF REPRESENTATIVES.

PRINTING OF DOCUMENTS.

Mr. CLARK (Rep., Kansas) from the Committee on Printing, reported a resolution for printing 3,500 copies of certain chapters of the report of Capt. (now Major-General) A. A. Humphreys, on the Physics and Hydrography of the Mississippi River, and 2,000 copies of the correspondence between the Navy Department and Rear-Admiral Goldsborough, 500 copies thereof for the Navy Department. Adopted.

THE REPUBLIC OF VENEZUELA.

Mr. BANKS (Rep., Mass.), from the Committee on Foreign Affairs, reported back the Senate bill to carry into effect the Convention with the Republic of Venezuela for the adjustment of the claims of United States citizens on the Government of that Republic. Passed.

CONVICTED FENIANS.

Mr. BANKS, from the same Committee, presented a communication from the Secretary of State, in reply to Mr. Robinson's (Dem., N. Y.) resolution of the 11th inst., asking information in reference to citizens of the United States tried and convicted in Ireland for words spoken or acts done in the United States, transmitting statement of the Examiner of Claims. Laid on the table and ordered to be printed.

Mr. ROBINSON stated that the document, which had not been read, showed that the Examiner of Claims had no knowledge of more than one such case—that of Capt. McCafferty. He expressed his surprise that no information had been received through the United States Consuls in Ireland of the cases of Stephen J. Meany, Wm. J. Nagle, and Gen. Halpine. He did not mean to cast any reflection on the State Department, but he thought that American Consuls abroad were very censurable for their neglect of duty.

THE INDIAN QUESTION.

The House then proceeded to the consideration of the Senate bill to establish peace with certain Indian tribes.

On motion of Mr. WINDOM (Rep., Minn.), his own name, as one of the Commission, was struck out, and that of Mr. S. F. TAPPAN (Rep., N. H.) substituted.

The bill was further amended, on motion of Mr. WINDOM, by striking out the second and third sections of the Senate bill, and inserting in lieu of them the following:

The said Commissioners are required to examine and select a district or districts of country having sufficient area to receive all the Indian tribes now occupying territory east of the Rocky Mountains, not now peacefully residing on permanent reservations under treaty stipulations to which the Government has the right of occupation, or to which said Commissioners can obtain the right of occupation, and in which district or districts there shall be sufficient tillable or grazing land to enable the said tribes respectively to support themselves by agricultural and pastoral pursuits. Said district or districts, when so selected, and the selection approved by Congress, shall be and remain permanent homes for said Indians to be located thereon, and no person not a member of said tribes shall ever be permitted to enter thereon without the permission of the tribes interested, except officers and employés of the United States; Provided that the district or districts shall be so located as not to interfere with travel on highways located by authority of the United States, nor with the route of the Northern Pacific Railroad, the Union Pacific Railroad, Eastern Division, nor with the proposed route of the Atlantic and Pacific Railroad by the way of Alburquerque.

The bill was then passed.

DELAWARE AND KENTUCKY STATE GOVERNMENTS.

On motion of Mr. WILSON (Rep., Iowa) the Judiciary Committee was authorized to send for persons and papers in the investigation referred to, as to whether Kentucky and Delaware have governments republican in form; also to appoint sub-committees, with power to administer oaths.

THE RECONSTRUCTION ACTS.

On motion of Mr. STEVENS (Rep., Pa.), the Clerk of the House was directed to present to the Secretary of State the acts in reference to Reconstruction passed yesterday over the President's veto.

SPEECHES TO BE PRINTED.

On motion of Mr. ASHLEY (Rep., Ohio) leave was given to members who have prepared or may prepare speeches on the veto of the Reconstruction bill to have such speeches printed in *The Globe*, on condition that they notify the reporters to-day.

THE ADJOURNMENT QUESTION.

The SPEAKER laid before the House the Senate's amendment to the House concurrent resolution about adjournment.

The amendment is that both Houses adjourn at 3 o'clock to-day till the first Monday in December next, instead of the 15th of November.

Mr. PIKE (Rep., Maine) moved that the House adhere to its action.

Mr. TROWBRIDGE (Rep., Mich.) moved to concur in the Senate amendment.

The latter motion was rejected—Yeas, 32; Nays, 72.

Mr. PIKE'S motion to adhere was agreed to.

GEN. BAKER IN CONTEMPT.

Mr. WILSON (Rep., Iowa), Chairman of the Judiciary Committee, reported a preamble and resolution, reciting that Lafayette C. Baker had been, on the 2d of July, duly summoned to appear and testify before the Judiciary Committee, in reference to certain allegations against the President, and had neglected to appear before the Committee, and directing the Speaker to issue his warrant to the Sergeant-at-Arms, commanding him to take Baker into custody wherever to be found, and have him brought before the bar of the House, to answer for contempt of the authority of the House. It was adopted.

TREASURY BUILDINGS IN NEW-YORK.

The Speaker presented a communication from the Secretary of the Treasury, in reply to the resolution of the 10th July, asking for information relative to the leasing of buildings for the Department in New-York and Brooklyn, which was laid on the table and ordered to be printed.

PRINTING UNDELIVERED SPEECHES.

Mr. LOGAN (Rep., Ill.) moved to reconsider the vote permitting members who did not deliver speeches on the veto message yesterday to have speeches printed in *The Globe*. He denounced any such practice, and showed how it might be abused.

Messrs. BAKER (Rep., Ill.), BALDWIN (Rep., Mass.), SCHOFIELD (Rep., Conn.), and SCHENCK (Rep., Ohio), expressed similar views.

Mr. SCHOFIELD suggested sarcastically that members who chose to go home and prepare speeches might have them printed on gilt-edged paper and bound in morocco at the public expense!

Mr. SCHENCK thought that the essays printed in *The Congressional Globe* as debates of Congress were no more worthy of the name of debates than an almanac or a multiplication table. He instanced a case that occurred in the XXXVIth Congress where two Ohio members had published identically the same speech, the probability being that they both employed the same person to prepare them, and that he had cheated one or both of them, or probably one of them had cheated him, and he desired to reimburse himself out of the other.

Mr. MARSHALL (Dem., Ill.) excused the custom of printing speeches which had not been delivered on the ground that under the rules of the House, with the previous question, nine-tenths of the members were precluded from taking part in the debate.

After explanation by the SPEAKER, the vote was reconsidered, and the original motion was laid on the table.

A PERSONAL EXPLANATION ABOUT IMPEACHMENT.

Mr. WOODBRIDGE (Rep., Vt), a member of the Judiciary Committee, rising to a personal explanation, said: I never rise to vindicate myself, and would not do so now, if I did not believe that my personal reputation was involved. At the close of the last session of Congress the Judiciary Committee, which was charged with investigating as to the impeachment of the President, deemed it my duty to hold an adjourned session. It held such session, and devoted itself laboriously to the examination of the question before it for a period of four or five weeks. About the conclusion of that session a resolution was brought before the Committee that, on the testimony then before it, there was no evidence to justify the intervention of the impeaching power against the President. I voted for that resolution, and it went forth under the orders of the Committee to the public, in order that the public mind might be satisfied, so far as the Committee was concerned. Subsequently, at the desire of members of the Committee, all of whom, I have no doubt, acted with integrity, additional subpœnas were issued for other witnesses to appear and give their testimony at that time. Very unlike my friend from Pennsylvania (Mr. Williams), I had not determined what my ultimate vote would be on this great question. I had not determined, as he had, when we adjourned in June, that I wanted no more evidence; that I had made up my mind, a sentiment which shocked me as coming from so able and so honorable a gentleman as my friend from Pennsylvania—a sentiment worthier of a Nero or a Jeffries than of the honorable gentleman from Pennsylvania.

The SPEAKER interfered, and informed Mr. Woodbridge that the last remark was not parliamentary.

Mr. WOODBRIDGE desired to withdraw everything unparliamentary or discourteous. The gentleman from Pennsylvania was his personal friend, and one whose superior abilities he willingly conceded. He then went on to say: When the great question was charged on me as to my action, and to my God, I did not ask myself what my party demanded, or what public opinion would justify. I received this question in a judicial capacity. It is known that I was opposed to the general policy, and to many acts of the President; but when the question was committed to me, I was determined that I would give him those privileges which the law of the land guaranteed to him. I would not allow myself to be the member of any party, of any organization, but only to be a representative of this great nation, charged under my oath to do my duty. Since the assembling of Congress at this session, the public journals have stated that I was vacillating, and doubting as to the course which I would ultimately pursue. I say here that up to that time and now, from the testimony which has been adduced before the Committee, and under the law as I understand it, there has been no matter to justify the impeachment of the President. I know that this country can endure the impeachment even of the President. I know that a people which has carried its flag in triumph through the bloodiest and most expensive war which the world has ever seen—a people which, when the President was murdered in a theater, still carried on the wheels of Government without any creaking and without any fall in the public securities, could endure the impeachment of the President of the United States. But when the time comes, if it do come, when, in my judgment, under the law and the testimony, Andrew Johnson should be impeached, I will be the first man in the Committee to stand up, regardless of consequences, and vote for his impeachment. If a day ever come when political considerations are regarded by Congress, then I shall despair—despair forever—of the safety and the stability of our Constitution. The papers have said that I could not sustain myself at home politically. Coming from the little State of Vermont, as noble a State as any in the galaxy, I may not sustain myself. But how poor, how infinitely poor, will this offering be when I believe that I have done my duty. Conscientious convictions of duty are of far more consequence, at least in the hour of death, than all the political chaplets that may crown one's brow in his pathway from the cradle to the grave. I express no opinion now as to impeachment. I hold my judgment as a judge until these investigations are completed, and when completed I shall act up to the conviction of my mind, whether I live or die—whether I stand or fall before the people of this country or before my immediate constituents, who have honored me heretofore, and who will honor me hereafter if I prove worthy of their confidence.

Mr. WILLIAMS (Rep., Penn.) another member of the Judiciary Committee, said he was surprised at the degree of sensitiveness on the part of gentlemen connected with the majority of the Judiciary Committee. It seemed to him to be a little morbid. He had felt it to be his duty, when the question came up, to say, in vindication of the minority, whose lips were closed, what he had said. He had thought it right to spread before the country the reasons for his opinion and conviction, that the testimony cleared facts sufficient to sink the whole Administration, and involving deeply the interest, the welfare and life of the nation. The gentleman from Vermont had compared him to the Jeffries of Europe, but he claimed that he had done no more than his duty under the circumstances.

Mr. BUTLER (Rep., Mass.) asked Mr. Williams to state whether the minority of the Judiciary Committee in the XXXth Congress was not a majority of all the members who had served on the same Committee in the XXXIXth Congress, and he suggested whether that was not the reason the reference to a special committee was voted down.

Mr. WILLIAMS said he so understood it.

Mr. MILLER (Rep., Pa.) inquired whether the minority was ready to make a report.

Mr. WILLIAMS said he was ready himself, and so was the gentleman from Ohio (Lawrence). If he found the President of the United States exercising kingly powers, trampling law under foot, living in daily and habitual violation of the law, squandering the public property by untold millions, and ruling the affairs of the nation as though the nation belonged to him; moreover, defying the representatives of the people in their Council Chambers, and declaring that he will not obey the law, then, so help him God, he would uncrown that President if he could.

Mr. WILSON (Iowa), Chairman of the Judiciary Committee, affirmed his belief that the investigation should be conducted with all the principles of the rules of law, and declared that no belief entertained as to the political importance of forcing this impeachment question on the country, regardless of any other question, could turn him aside from the course which he had elected to take, and which the law required him to take.

Mr. BUTLER expressed the hope that the report would be made sometime before his death.

Mr. WILSON said that the gentlemen from Massachusetts was a very restless man, who wanted to have everything in his own way, but he ought to recollect that there were other men in the world beside himself, and that they could not all look on questions exactly as he did. He was willing to report the testimony to-day if the House deemed that prudent, and desired him to do so, but he suggested that it would hardly be a proper proceeding to throw out to the newspapers and politicians of the country testimony on which the House was to act in the future, to have that testimony examined, criticized, pecked at, in this way, and that way, before the House was ready to take it up for action. He was free to say that he found in the investigation, and in the President's action before the investigation commenced, abundant evidence to show that every man in the country ought to vote against and condemn him. He by no means apologized for or justified the President's course. It was reprehensible. There might be such a state of facts developed before the investigation closed as would authorize a report by the whole Committee in favor of proceeding against the President, but asked gentlemen not to draw out by piecemeal. Let it come in its regular way.

Mr. COOKE (Rep., Ill.) was a member of the Judiciary Committee in the Fortieth Congress, thought it proper in consequence of the intimation of Mr. Butler, to explain that he had asked to be released from service on that Committee for reasons personal to himself, and because of the suggestion that the Democratic minority was entitled to more than one member on the Committee. He had, therefore, retired from the Committee and given way to his Democratic colleague, Mr. Marshall.

The SPEAKER expressed his obligation to Mr. COOKE for the explanation which he had just made.

THE MILEAGE QUESTION.

Mr. NOELL (Dem., Mo.) obtained the floor and commenced about 4 o'clock an hour's speech upon miscellaneous subjects, which, as there was no business before the House, amused and entertained the members and filled up the time. He was interrupted by Mr. LOGAN (Rep., Ill.) who asked leave to offer a concurrent resolution to pay members mileage for the adjourned session.

Mr. NOELL said he would yield part of his time, for the purpose, as in that case time was money. [Laughter.]

Mr. BAKER (Rep., Ill.) objected to the introduction of the resolution.

Mr. LOGAN moved to suspend the rules.

The rules were not suspended, only 23 members voting in the affirmative.

COMMITTEE TO WAIT UPON THE PRESIDENT.

The SPEAKER presented the Senate resolution for the appointment of a joint committee to wait on the President and inform him that Congress was ready to adjourn.

On motion of Mr. BANKS (Rep., Mass.), the resolution was concurred in, and the committee on the part of the House appointed.

The appointment of Noell was hailed with laughter, as being an excellent practical joke in getting rid of him. Noell, however, would not be got rid of, and declined to serve, whereupon the SPEAKER appointed Mr. Marshall in his stead.

THE REPORT OF THE JUDICIARY COMMITTEE.

Mr. COVODE moved to suspend the rules that he might offer a resolution instructing the Judiciary Committee to have printed, with the testimony in the impeachment case, the reports of the majority and minority.

Mr. WILSON (Rep., Iowa) asked the Speaker a question about presenting the report.

The SPEAKER remarked that the House had ordered the Judiciary Committee to report forthwith, and the Chair supposed the gentleman was about to report, and had recognized him.

Mr. COVODE expressed the hope that the gentleman from Iowa would present the report and have it printed.

Mr. ELDRIDGE intimated that the Chairman of the Judiciary Committee was ready to report.

The SPEAKER remarked that the yeas and nays had been ordered on Mr. Covode's motion.

THE ADJOURNMENT.

Before the Clerk had commenced to call the roll, the Speaker's hammer fell, indicating the close of the session.

The SPEAKER said: The hour of 4:30 having arrived, in accordance with the concurrent resolution of the two Houses, and wishing to each and all of you a happy return to loved ones at home, I now declare the adjourned meeting of the first session of the XLth Congress, adjourned to the 21st day of November, at noon.

BREECH-LOADING ARMS.—The Board of officers for the "examination of such inventions and improvements as have been made for alterations of the muzzle-loading military arms now in use," and consisting of Brig.-Gen. George W. Palmer, Brig.-Gen. William G. Ward, Col. George M. Baker, and Col. Silas W. Burt, has been in session at the State Arsenal since the 9th inst. The following is the result of the tests thus far. The Allin gun, on the 468th round was disabled, the locking device not operating, and the hammer striking the lever, which was forced against the firing pin, exploding the cartridge, which blew open the breech, and tore the block partially from the strap. The Lamson gun was fired 1,000 times without impairing any part. It was fired four times with 70 grains of lightening powder with satisfactory results, but when fired with cartridges the heads of which had been weakened by filing, the breech was blown open. This experiment was repeated four times, with the same result. The Miller gun was subjected to the first two tests with satisfactory results, but the breech was twice blown open when fired with weakened cartridges, the second time disabling the gun by breaking the locking device. The Roberts gun was fired 200 times without injury. The Conroy gun which was on trial yesterday, is a new arm, which has never before been exhibited to the public, and is presented for conversion of muzzle loading guns, or as an original arm. The gun presented is an altered Springfield rifle, caliber 58, and adapted to central-fire cartridges. In this gun the side lock is dispensed with, the whole mechanism being contained within the breech, and the hammer, breech-block, and trigger all turn on the same center. This gun has been fired 900 times without injury, but is yet to be subjected to the other tests.

A celebration of emancipation will be held by the colored people of Brooklyn at Hauff's Myrtle-ave. Park upon the 1st of August.

THE TRIAL OF SURRATT.

CONTINUATION OF THE DEFENSE—A DR. BISSELL SWEARS SURRATT WAS AT ELMIRA ON DAY OF ASSASSINATION.

BY TELEGRAPH TO THE TRIBUNE.

WASHINGTON, July 21.—The trial of John H. Surratt was resumed yesterday morning in the Criminal Court, Judge Fisher presiding.

Dr. Augustus Bissell was sworn and examined by Mr. Bradley—Reside at No. 213 West Twenty-second-st., New-York; was in Elmira April 14, 1865; was at the Brainard House there, and saw the prisoner at the bar there on that day; I fix the day because I left Owego on the night express on the 13th, in search of a man; the man was a brakeman on the New-York and Erie Railway; I had a suit against the Railway, and went to Elmira to ascertain this brakeman's whereabouts; I did not stop at the Brainard House, but at a house near the depot; I was on crutches at the time, and after searching for the brakeman, and ascertaining he was not in Elmira, I called at the Brainard House, thinking I would take the omnibus and go to the depot; as I went in the Brainard House the prisoner passed me, and he afterward went into the reading room, then passed up and down and kept looking at me, and then he sat down on a chair near me; I noticed he was looking at me; I suspected the prisoner was looking after me on the part of the Railroad Company, and therefore I noticed him particularly. Surratt asked me if I had been to war, and I gave him no satisfaction; I wished to avoid conversation with him; I merely spoke to him to see if my suspicions were correct that he was a spy of the Erie Railroad Company; after leaving Elmira that day I returned to Owego, and at Owego I got a telegram from my wife, stating that my child was ill; I fix the date of the 14th because my child died on that day.

By Mr. Pierrepont—I get no pay for this testimony; I was summoned yesterday; I do not know how Mr. Bradley ascertained about me; I asked him, and he refused to tell, and said he had for some time been looking for the man on crutches; I live at No. 218 West Twenty-second-st., New-York, and am a physician; have lived there since the 1st of May last; before that I lived in New-York City and was boarding; in April I slept in a room at No. 283 West Twenty-third-st.; my office was there, and I slept there, my wife having gone to her family in Pennsylvania; I slept there a month; in March kept house at No. 401 Eighth-ave.; I rented from a German named Cowen a floor of four or five rooms; I left there the 1st of April; I paid $[illegible] or $25 a month; I can mention people who know me in New-York, among others Charles F. Wetmore of Clinton-place; I am not altogether in the practice of medicine; I am engaged with Charles M. Rankin in developing some patent rights; I do not know Aaron Stone of New-York; we are getting the patents ready to put upon the market; the patents are patent urinals and patent water-closet seats; I had made some money out of this, probably $2,000 or $3,000; have received that amount from the Trenton Pottery Company; before I lived at No. 401 Eighth-ave. I was rooming at my office; my wife is now with her friends in Bradford County, Pennsylvania; I am not separated from my wife; before November of last year I lodged at my office, and my wife was in Bradford County, Pennsylvania; last May and July I was in New-York City; in April, 1866, I leased No. 339 Fourth-ave., in the house of Peter C. Campbell; Mr. Campbell and his wife boarded with me for the house rent; had been living there nearly all Winter; I was not doing much business at that time; before I went to No. 339 Fourth-ave. I was at No. 1,160 Broadway; I left No. 1,160 Broadway in November, 1865; when I left No. 1,160 Broadway I went for a week or two to Twenty-seventh-st., between Broadway and Seventh-ave., and rented rooms there from a Mrs. Boyd, and then went to No. 339 Fourth-ave.

At this point, 10:45 a. m., the proceedings were interrupted by Mr. C. C. Schneider, one of the jurors, becoming suddenly ill, rendering his removal from the Court-room necessary. After waiting until 11:15 the court took a recess for half an hour, the physician attending the sick juror having expressed the opinion that he would be well enough to resume his duties by that time.

On reassembling at 12:30 p. m., Mr. Bolivar, one of the jurors, stated to the Court that Mr. Schneider was unable to walk, and could not come into court.

Judge Fisher said the juror could be brought in on a lounge, and recline upon it until the testimony of the witness (Bissell) was concluded.

The suggestion of the Court was adopted, and Mr. Schneider was brought in, looking very much indisposed, and stated, in reply to a question from the Judge, that he felt very well while reclining, but was unable to sit up.

Dr. Bissell was then recalled, and the cross-examination continued by Mr. Pierrepont—Witness was never a Justice of the Peace nor a Commissioner of Deeds, and never had anything to do with getting up claims against the Government; never saw Col. Foster till to-day; witness first became a doctor in 1852; was educated at Castleton, Vt.; took medical lectures in New-York in 1851; witness did not prescribe for any particular class of diseases; always made the practice of medicine a secondary affair; witness has always speculated, making a dollar whenever he could in a legitimate way; witness boarded with his wife at Mrs. Payne's; was at Owego in May, 1865; boarded at the Tioga House; first went to New-York in June, 1865, and boarded, as before stated, at Mrs. Payne's; had been there before that, and stayed three or four weeks at a time; witness went to Owego about the 1st of February, 1865, and stayed at the Tioga House three or four weeks; was at Towanda, Pa., from the first to the last of March, and stopped at the Eagle Hotel; left Towanda directly after the high water, when the Towanda dam was carried away; went from Towanda to Owego, and registered witness's name at the Tioga Hotel; stayed there, going to Binghamton and back, and Elmira and back, and the 14th of April got a dispatch of the illness of witness's child; he went immediately home, arriving on the 15th, and finding the child dead; went from Owego to Deposit and got dinner there, and then went to a Methodist preacher's house, about three miles out of the town; stayed there 15 minutes, and then returned, say about 12 o'clock; then went back to Tioga, arriving there in the early part of the evening; don't remember the day of the week or month; went next to Binghamton, two days after going to Deposit; went to the Mercer House to transact some business; didn't stay there long enough to take any meals; the distance from Owego to Deposit is 22 miles; came back to Owego, and then left either on the night of the 13th or morning of the 14th of April, to go to Elmira; don't remember whether it was before midnight or after; got to Elmira before daylight, in the morning; went to a little hotel, and laid on a lounge till breakfast time, and got breakfast; didn't register there; a man was making a fire, and witness went up stairs, and laid on a lounge till breakfast was ready; there were a number of persons at the breakfast table; went back, that day, about noon, on the Erie train to Owego; at Elmira, after breakfast, went to a livery stable near Haight's Hotel; went to see a man there; didn't hire a horse or pay any money at the stable; was at the Brainard House subsequently; thinks he went from the livery stable to the Chemung House; saw a man named Drake there; had no particular motive in going there; after leaving there went to Water-st., and to the Brainard House; don't remember now who kept the Brainard House; went in there to wait till the omnibus came by to take witness up town.

Mr. Pierrepont here handed the witness a sheet of paper, and asked him to make a drawing of the first floor of the Brainard House.

Mr. Merrick objected.

The Witness—I am not an artist; I never made a drawing in my life; I cannot make a drawing of the house.

Mr. Pierrepont—Which way were you going when you went to the house? A. I was going directly toward the house. [Laughter.] Witness is not positive whether there are steps to the entrance of the Brainard House or not; don't remember the arrangement of the rooms; the prisoner at the bar came in there while witness was sitting there; witness has no doubt about that; witness thinks several others were in the room at the time; witness had his attention called to the prisoner on account of his peculiar dress; he looked frequently at witness and came and sat down near witness; witness felt that prisoner was looking after him—spotting him; witness had some conversation with him; he asked if I had been to the war; I replied, "No;" he said he had noticed that I was lame; I evaded his question; he asked if I resided in Elmira, and I replied, "No—in Pennsylvania;" he