XLIST CONGRESS—2D SESSION.

SENATE....WASHINGTON, Jan. 17, 1870.

The VICE-PRESIDENT laid before the Senate a memorial of the Commander of the Grand Army of the Republic, Department of New-York, for the modification of the revenue laws in favor of maimed and disabled soldiers.

Mr. CONKLING (Rep., N. Y.) offered a resolution from the Grand Army of the Republic, calling attention to the onerous tax upon disabled soldiers who earn their living by grinding hand organs.

THE FRANKING ABUSE.

Also, a petition for the abolition of the franking privilege.

Petitions upon the latter subject were also offered by Messrs. POMEROY (Rep., Kansas), VICKERS (Dem., Md.), and SCOTT (Rep., Penn.)

Mr. SHERMAN (Rep., Ohio), in presenting a petition for the abolition of the franking privilege, remarked that these petitions were almost always headed with names of postmasters, and appeared to have been printed at the public expense. He thought the mails should not be loaded down with these papers, though earnestly desirous for the success of the proposed reform.

Mr. SUMNER (Rep., Mass.) presented a petition on the same subject, and said that the so-called franking privilege appeared to him a personal burden rather than a privilege, nevertheless he believed the opposition to its continuance was liable to run to extravagance. The petitions were appropriately referred.

The following additional petitions were presented by Mr. FENTON: From East Randolph, New-York, and other localities, praying for the abolition of the franking privilege; also, a petition from A. J. Richardson of New-York, relating to cause in the Court of Claims; also, a memorial from Harmon E. Wentworth, late of the 14th New-York State Volunteer Artillery.

Mr. SUMNER, from the Committee on Foreign Relations, reported, without amendment, the bill providing for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to July 31, 1801.

The claims are to be adjusted by three commissioners to be appointed by the President and confirmed by the Senate and are to be paid to an amount not exceeding $5,000,000 by the United States.

REGULATING DESCENTS IN UTAH.

Mr. HOWARD (Rep., Mich.), from the Committee of Territories, reported, without amendment, a bill for regulating descents in the Territory of Utah.

A CLAIM AGAINST THE FRENCH CABLE.

Mr. CONKLING (Rep., N. Y.) offered a resolution, which was agreed to, directing the Committee on Foreign Affairs to inquire whether Henry Mahler, a citizen of Prussia, has any claim against the proprietors or managers of the French cable, so-called, which should be regarded or protected by the Congress of the United States. He explained that his object was to secure the introduction of a memorial from the person referred to, which, being from the subject of a foreign Government, could not, under the usage of the Senate, be received without a special provision for its reception. The memorial contained statements in support of the petitioner's claims.

RETIRED ARMY OFFICERS.

Mr. WILSON (Rep., Mass.) called up the bill prohibiting retired officers being assigned to duty, which would entitle them to full pay for their services. He said the bill was passed by the House last session, and provided that retired officers should not be assigned to duty, a necessity in time of war, which did not now exist. The President would thus be relieved of unnecessary pressure.

THE ATLANTIC CABLES.

Mr. SUMNER (Rep., Mass.), from the Committee on Foreign Relations, reported a substitute for the bill relating to telegraphic communication between the United States and foreign countries.

The substitute provides that all such communication by means of lines or cables partly within the jurisdiction of the United States shall be subject to the following conditions:

First—The Government of the United States shall enjoy the same or similar privileges regarding the use and control of such lines as any other Government.

Second—The United States to be entitled to use the lines one hour in every 12 for the transmission of Government messages by the own operator. Such messages from this country to take precedence over all others.

Third—The general regulations and rates for the transmission of such messages to be established by the Postmaster-General, if not otherwise fixed by agreement.

Fourth—The lines shall be kept open to the public for the transmission of commercial messages for daily publication, and all messages to be forwarded in the order of reception, except as above provided.

Fifth—It shall not be lawful for two or more companies to consolidate or unite their interests without the consent of the Postmaster-General of the United States, and upon such terms as he may determine. If any two or more such companies have combined, or shall combine, to fix the rates of compensation for messages, it shall be the duty of the Postmaster-General, in the annual report to Congress, regarding the mailing, to determine such rates, and to establish such rules and regulations with regard to them, as he may judge necessary, and the exercise of these powers shall be subject to the control of Congress, and be applicable to existing cables, as well as those hereafter established.

Sixth—A written acceptance of the foregoing conditions must be filed with the Secretary of State before extending any such line within the jurisdiction of the United States.

The second section gives the consent of Congress to the laying and maintaining of telegraph cables from foreign countries to the United States, subject to the foregoing stipulations to the terms of such grants as have heretofore been made by Congress for these purposes, and to any and all rights of property and State jurisdiction in and over the same, provided that the privileges hereby conferred shall not be enjoyed by any company or persons whose line or cable extends to any foreign country where similar rights are not conferred upon companies incorporated by the United States or by any State of this Union; but this provision shall not be applicable to any already existing or authorized line or cable, except that recently landed on the coast of Massachusetts.

THE VIRGINIA BILL.

Upon the expiration of the morning hour the Virginia bill came up in order.

Mr. MORTON (Rep., Ind.) said he felt constrained to vote for the admission of Virginia for two reasons; first, because she has complied with the conditions prescribed, and, therefore, we are in honor bound to admit her; and, in the next place, because he wanted to secure her vote for the Fifteenth Amendment, which he deemed indispensable for the safety of the whole system of reconstruction, but he should vote with great apprehension of what would be the result of her admission at this time. If the people of Virginia should behave as the people of Georgia and Tennessee have, in six months from this time Senators will encounter a storm of indignation for their action here. If Virginia is admitted it should be on the distinct understanding that the power to reconstruct implies the power to protect the reconstruction, and that that power will continue as long as protection shall be required.

Mr. STEWART (Rep., Nev.) suggested the propriety of substituting the House bill for the pending measure.

Mr. SUMNER (Rep., Mass.) objected to any reading of the House bill to-day, which would require a suspension of the rules.

Mr. CONKLING (Rep., N. Y.) hoped the Senate would proceed with the Senate bill, and at the proper time the House bill would be incorporated in it as an amendment.

A motion by Mr. STEWART (Rep., Nev.) to postpone the Senate bill and take up the House measure, gave rise to discussion upon the proper measure of procedure under the rules.

The Chair decided that upon a majority to postpone the merits of the subject to be postponed were not debatable under the sixth rule of the Senate.

Further debate arising, Mr. TRUMBULL (Rep., Ill.), in order to obviate the difficulty, moved to lay the Senate bill on the table.

Mr. EDMUNDS (Rep., Vt.) submitted the question of order, which was recognized by the Chair as well taken—that the latter motion could not take the precedence of the one pending.

Mr. STEWART (Rev., Neb.) finally withdrew his motion, and then moved to lay the Senate bill on the table.

Mr. MORRILL (Rep., Vt.) said the motion opened up the whole question at issue. He desired to know upon what inducement the Republican party proposed, by adopting the House bill, to commit suicide. He hoped no Republican Senator would vote for the unconditional admission of Virginia in view of facts contained in the report of Gen. Canby, concerning the rejection by the people of the most essential features of the Constitution of that State.

Mr. MORTON (Rep., Ind.) read from the second section of the third article of the new Constitution of Virginia to show that persons were ineligible under the third clause of the Fourteenth Amendment. In order to have misunderstanding hereafter, he suggested an amendment which would render the section void, making the admission of the State conditional upon the passage, by the Legislature, of a joint resolution declaring that the section referred to shall never be construed to render any person eligible to office who is not eligible under the Fourteenth Amendment. He said that persons obnoxious to the Fourteenth Amendment were now holding office in the States already reconstructed, and submitted further an amendment making the offense a penal one, and prescribing penalties upon its commission.

The Senate then voted on the motion of Mr. Stewart to lay the Senate bill on the table, which was agreed to—Yeas, 35; Nays, 23. The following is the vote in detail:

YEAS.

Abbott,	Davis,	Nye	Tipton,
Bayard,	Ferry,	Patterson,	Trumbull,
Carpenter,	Fowler,	Sawyer,	Pitkins,
Conkling,	Howe,	Scott,	Warner,
Cole,	Jenckes,	Stewart,	Willey,
Cooper,	Morrill,	Stockton,	Williams—23.
Corbett,	Norton,		

NAYS.

Anthony,	Frelinghuysen,	Morrill (Vt.),	Sumner,
Brownlow,	Harlan,	Morton,	Thayer,
Buckingham,	Harvey,	Pomeroy,	Wilson,
Cragin,	Hamlin,	Ramsey,	Yates—23.
Drake,	McDonald,	Sherman,	
Edmunds,	Morrill (Me.),	Stewart,	

Mr. Pratt (Ind.) joined with Mr. Thurman (Dem., Ohio), who was absent on account of sickness.

On motion of Mr. STEWART (Rep., Nev.) the House bill was taken up and read a second time.

Mr. EDMUNDS (Rep., Vt.) submitted the amendment which had been incorporated in the Senate bill, requiring the imposition of an oath in the case of each member of the Legislature and State officer, that said persons are not incapacitated to hold office under the Fourteenth Amendment.

Mr. BOREMAN (Rep., W. Va.) favored the imposition upon Virginia of salutary restrictions as an assurance of compliance with the requirements of the Reconstruction acts.

Mr. FERRY (Rep., Conn.) said that he had voted for the amendment of Mr. Edmunds when offered to the Senate bill, but now its adoption would involve a reference to the House and imperil the admission of Virginia. He was opposed to all amendments for this reason.

Mr. STEWART (Rep., Nev.) said that the general bill for the enforcement of the Fourteenth Amendment was now before the Judiciary Committee, and would probably be passed as soon as the ratification of the amendment by a sufficient number of the States made it a part of the Constitution. With the vote of Virginia its adoption was guaranteed, and then Congress would carry out by legislation the constitutional provisions of which the Fourteenth Amendment would be part. Consequently the pending amendment was superfluous.

After a short Executive session the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Under the call of States for bills for reference the following were introduced and referred:

Mr. TANNER (Rep., N. Y.)—To amend the Steamboat Passenger act, and to provide an Inspector of Steamboats for the District of Champlain.

Mr. MOORE (Rep., N. J.)—To promote American commerce by the repeal of tunnage tax on American vessels; also amendatory of the Steamboat Passenger act.

Mr. GETZ (Dem., Pa.)—For the survey of the west bank of the Potomac River, from Georgetown to Harper's Ferry, for a railroad.

THE ADJOURNMENT OF CONGRESS.

Mr. STILES (Dem., Pa.)—For the adjournment of Congress on the second Tuesday in April.

Mr. WHITTEMORE (Rep., S. C.)—For the taking of certain oaths in the reconstructed States.

Mr. SHELDON (Rep., La.)—Making grant of lands for the Northern Louisiana and Texas Railroad Company for a railroad from the Texas line to a point on the Mississippi near Vicksburg.

RELIEF FOR THE FAMILY OF MR. STANTON.

Mr. BINGHAM (Rep., Ohio)—To pay one year's salary as Associate Justice of the Supreme Court to the family of the Hon. Edwin M. Stanton.

Mr. BUTLER (Rep., Tenn.)—To declare null and void all acts done by legislative, executive, or judicial officers, laboring under the disabilities of the third section of the Fourteenth Amendment of the Constitution.

Mr. WELLS (Dem., Mo.)—Providing that newspaper and corrected proofs passing between authors and correspondents of newspapers, shall be placed on the same footing as book manuscripts, and shall pass in the mails at the rate of printed matter.

A POSTAL TELEGRAPH.

Mr. FITCH (Rep., Nev.)—To abolish the Franking Privilege from the 1st of July, 1870, and authorizing the Postmaster-General to contract for the construction of telegraph lines over the principal mail routes, and to establish a Postal Telegraph system in connection with the Post-Office Department, the construction account not to exceed in any year $3,000,000.

Resolutions were offered and disposed of as follows:

Mr. LAWRENCE (Rep., Ohio)—For the delivery of an address on the principles of the National Labor Convention in the Hall of the House some time during the present week, by a member of the Union now in session in Washington, and for the House taking part in the ceremony. The House refused to second the previous question—Yeas 52, Nays 70—and the resolution went over.

Mr. ARNOLD (Rep., Tenn.)—Calling on the Commissioner of Education for information as to the existing system of public education in the District of Columbia. Adopted.

Mr. ORTH (Rep., Ind.)—Declaring that a strict regard for public economy required that there should be no increase in the salary or emoluments of any public officer of the Government. Adopted.

Mr. HOLMAN (Dem., Ind.)—Declaring that while the paper money constitutes the currency of the country, the benefits and profits of such currency ought to be secured to the whole people; that the notes issued by the National banks ought to be withdrawn, and a corresponding amount of United States notes be issued therefor and applied to the liquidation of the National debt, and instructing the Committee on Banking and Currency to report a bill carrying into effect those principles; also, disapproving the policy of the Secretary of the Treasury in purchasing Five-Twenty bonds at a premium, the duty of the United States to pay such bonds in United States lawful money being clear and unquestionable.

The House refused to second the previous question by a vote of 39 to 76, and the resolution went over under the rules.

THE EIGHT-HOUR LAW.

Mr. COX (Dem., N. Y.)—Constituting eight hours a day's labor for all laborers, workmen, and mechanics in the Government employ. Referred.

Mr. McNEALLY (Dem., Ill.)—Instructing the Committee on Banking and Currency to report a bill providing for withdrawing from circulation the National Bank currency and substituting greenbacks for it. The House refused to suspend the rules by 54 to 113, and the resolution was not received.

THE RE-APPORTIONMENT OF REPRESENTATIVES.

The House then took up the bill introduced by Mr. Judd to apportion the representation of the several States in the House of Representatives for the XLIId Congress.

Mr. JUDD (Rep., Ill.) addressed the House on the question of the apportionment under the next census. He said that, believing in the justice of that clause of the Constitution which says "Representatives shall be apportioned among the several States which may be included within the Union, according to their respective numbers" of representative population, he was for applying this Constitutional provision as soon as, in a legal and constitutional mode, inequality in representation shall become known to the law-making power. To that end, while the census bill was pending and under discussion, he had prepared a series of amendments to those sections of the bill relating to apportionment, the effect of which, had they been incorporated into that bill, would have been to extend the benefit of equal representation to the XLIId Congress, if, by the Census returns to be made before the first day of July, such inequality should be made apparent. Section 2 of the Constitution directed positively that representation should be apportioned according to numbers. Was this to be done only once in ten years—a decade? There was no Congressional tenure of office for ten years, nor was there any provision for a series of terms whose limit should be ten years, or a decade. The framers of the Constitution were not satisfied with that general direction. They knew how poor human nature, once invested with power, dislikes to yield it, and that this feeling might pervade sections of the country, and that by one pretense or another those in possession would remain there as long as any quibble would excuse it; and hence a positive provision that there should be an enumeration within every ten years. It did not provide against more frequent enumeration, but it said that "within" every ten years there shall be one. This was compulsory; but there was no Constitutional requirement that apportionment shall be made only once in ten years. The plain and clear intent of the law was that as soon as the census returns are made an apportionment shall follow. Nor was there any Constitutional provision which requires Congress, after it has in a legal form ascertained the number of inhabitants, to postpone for one, two, six, or eight years making the apportionment. If they failed to give the people the benefit of the enumeration in the XLIId Congress, it was a postponement for two years; and why not, if it please an interested majority, postpone it for four years? Was there any doubt about their duty in the premises? The moment that Congress shall be informed, in accordance with the forms of law, of the inequality of representation, the provision of the Constitution made it the duty of Congress to make apportionment. So that if the returns were made by the first of July, as provided for in the Census bill, there was nothing impracticable in carrying out the spirit of the Constitution and allowing the States representation in accordance with the number of inhabitants as shown by that census.

Mr. Judd then proceeded to examine and review the usage and practice under the constitutional provision on the subject from the first apportionment act of 1792, to the last apportionment of 1866, and he argued therefrom that the power conferred by the present bill on the Secretary of the Interior was no experiment, no new thing. It had been adopted in the law of 1850, and during all the debate that occurred on that bill, there had been no member or Senator wise enough to discover that they were investing the constitutional power of Congress by that delegation of power to the Secretary. If there was a constitutional objection to either, of course, its proposers would abandon it, and there was no occasion for discussing any case of expediency. This was not a delegation of legislative power; it was simply a direction to an executive officer. So little had there been, not only of the constitutionality of conferring that power upon the Secretary of the Interior, but also of the expediency of having the apportionment made by the Secretary, that in the act supplementary to the census law, passed July 30, 1852, the Secretary is directed "forthwith" to apportion among the several States 233 members. The House would bear in mind that if the Census bill became a law the enumeration would be completed and returned by the 1st day of July next.

The bill now under consideration in its first section provided for the number of members to be elected, and who shall compose the House of Representatives from and after the third day of March, 1871, which will constitute the XLIId Congress. He had left a blank for the number of members, and would be satisfied with whatever the House might determine, only expressing the opinion that a less number than 300, to represent 40,000,000 people in the popular branch of the legislative body, would not bring the Representative near enough to his constituents. The nearer he is brought, the greater is the feeling of responsibility, and the guarantee of fidelity; the larger the number be, the less the danger from undue influence from without. The second section provides that the Superintendent of the Census shall report the representative enumeration to the Secretary of the Interior on or before the 15th of August next. He believed that the time might be shortened with perfect safety. The fourth section required the Secretary of the Interior to transmit to the Governors of the respective States an official certificate of the apportionment on or before the 15th day of September. It was said that there was not time enough for the States to make the necessary regulations for the purpose of carrying out that act. That was a question for each State to determine for itself. All those arguments based upon want of time to make, cost and expense of making new districts by the Legislatures, as well as the further inconvenience that might arise from a change of the boundaries of districts in the middle of a campaign, might all be obviated, and justice, by the equalization of representation, be done by providing that for the XLIId Congress the additional members may be elected by general ticket. The gentleman from Indiana (Mr. Coburn) had proposed that plan in an amendment offered by him pending the Census bill. The gentleman from Iowa (Mr. Allison) had adopted that mode in the bill presented to Congress. A bill introduced by the gentleman from Wisconsin (Mr. Palmer) also proposed the mode of choosing the additional members. He should be satisfied if the bill now pending were amended in that respect.

In conclusion, Mr. Judd said: At the last election for Congress, Iowa cast 194,673 votes, and has six votes on this floor; Massachusetts, with her ten votes on this floor, cast 185,672; Kansas, with one representative, cast 49,059; and Vermont, with three representatives, cast 42,386; my own district cast 46,673, while Rhode Island, with its two representatives, cast 18,250. Now, Sir, for one, as a representative of a growing and thriving community whose business interests require care and protection, and defense—more so, even, than the old settled communities—I demand, if it is legal and constitutional, that you shall give us the representation without delay to which we are entitled under the laws of the Constitution.

Mr. HALE (Rep., Me.) addressed the House in opposition to the bill, the effect of which, he said, would be to give to the last apportionment only four Congresses instead of five. He replied to the arguments of Mr. Judd, and said, that after all, the question of the number of Representatives was more important than the question when the apportionment should go into effect. Although by increasing the number from 243 to 300 the East might not lose its Representatives absolutely, it would lose them relatively, for the additional 57 members would be gained in the West almost entirely; and it was of no practical consequence to the East whether the majority against her should be made on a vote of 300 or on a vote of 243. He believed that a body of 243 was a better legislative body to transact business than a body of 300.

Mr. CLARKE (Rep., Kansas) and Mr. CHARY (Rep., Iowa) addressed the House in support of the bill.

Mr. DAWES (Rep., Mass.), Chairman of the Committee on Appropriations, reported a bill appropriating $3,000 to pay the expenses of the Committee on Banking and Currency, in the gold investigation. After the reading of a letter from Mr. Garfield, Chairman of that Committee, the bill was passed.

Mr. BROOKS (Dem., N. Y.) offered a resolution calling on the President for a statement as to the authority by which appropriations for the navy are diverted to the survey of the Isthmus of Darien. Adopted.

Mr. JULIAN (Rep., Ind.) stated that if he had been present on Friday he would have voted against Mr. Bingham's substitute for the Virginia bill.

[NOTE.—The remarks attributed to Mr. Schumaker (Dem., N. Y.) in the debate on that bill, on Friday, were really made by Mr. Potter (Dem., O.)]

Petitions for the abolition of the franking privilege were presented by Messrs. Bird, Ketcham, Kelsy, Armstrong, Orth, and Stevens.

NAVAL EXPENDITURES.

Mr. SCHUMAKER (Dem., N. Y.) offered a resolution calling on the Secretary of the Navy for a statement of the number employed in the several navy-yards on the first of March, July, September, and December, 1869, and whether the expenditures of the Navy Department for the last fiscal year have exceeded the appropriations—$17,356,350; which was adopted.

THE M'GARRAHAN CLAIM.

Mr. BINGHAM (Rep., Ohio), from the Judiciary Committee, asked leave to report a joint resolution in reference to the Panoche Grand Ranche in California—the McGarrahan claim. He stated that it was a unanimous report, and that it involved the question whether the order of the House should be executed.

Mr. SARGENT (Rep., Cal.) objected.

Mr. BINGHAM moved to suspend the rules. Pending that motion, the House adjourned.

THE DEATH OF EDWIN M. STANTON.

PROCEEDINGS IN THE U. S. SUPREME COURT—ADDRESS OF THE ATTORNEY-GENERAL.

WASHINGTON, Jan. 17.—The Supreme Court of the United States met this morning, pursuant to adjournment. The Attorney-General addressed the Court as follows:

MAY IT PLEASE YOUR HONORS: Since your last adjournment the emblems of public mourning have been again displayed in the Capitol of the nation, under circumstances which press upon the attention of this Court with a peculiar and touching solemnity. A great man—great by the acknowledgment alike of those who feared or hated him, and of those by whom he was trusted and honored—a lawyer, a statesman, selected and confirmed, though not commissioned, as an Associate Justice of the Supreme Court of the United States, has passed away from among us. Edwin M. Stanton, in the maturity of life, with a capacity for public service already demonstrated, in the security of established fame, seemed to our mortal vision about to enter upon a new and long career of honor and usefulness. But such was not the will of Heaven. *Dis aliter visum.* It has seemed to his brethren at the bar a fit occasion to express their regard for his memory, and they have charged me with the official and grateful duty of presenting to your Honors the resolutions which have been adopted at their meeting this morning.

Of Mr. Stanton as a lawyer it is enough to say that he had risen to the foremost rank in his profession. He had adequate learning, untiring industry, a ready and retentive memory, clear comprehension of principles, the power of profound and cogent reasoning, and unquestionable integrity; and he gave to the cause of his clients a vigor, energy, and zeal which deserved and commanded respect. But it is not of the lawyer, eminent as he was in the science and practice of the law, that men chiefly think as they remember him. His service to mankind was on a higher and wider field. He was appointed Attorney-General by Mr. Buchanan on the 20th of December, 1860, in one of the darkest hours of the country's history, when the Union seemed crumbling to pieces without an arm raised for its support; when without the public counsels were doubting, and within were foes; when feebleness and treachery were wanting to yield whatever definite rebellion might demand, and good men everywhere were ready to despair of the Republic. For ten weeks of that Winter of national agony and shame, with patriotism that never wavered and courage that never quailed, this true American, happily not wholly alone, stood manfully at his post, between the living and the dead; gave what nerve he could to timid and trembling imbecility, and met the secret plotters of their country's ruin with an undaunted front, until before that resolute presence the demons of treason and civil discord appeared in their own shape, as at the touch of Ithuriel's spear, and fled baffled and howling away. His published opinions as Attorney-General fill but nine pages, but the name that was signed to them had, in that brief time, become known throughout the land as the synonym of truth, honor, and fidelity.

Although of a different political party, he was called by Mr. Lincoln into his Cabinet in 1862, as the Secretary of War. But it was at a time when all party divisions had become insignificant, and all party ties trivial compared with those great duties which engrossed the thoughts and demanded the care of every patriot. He brought to his great trust a capacity for labor that seemed inexhaustible; unflinching courage, indomitable will, patience, and steady persistence, which no fatigue could weary, and no mistakes or misfortunes divert. A trust in the people that never faltered, an integrity which corruption never dared to approach, and a singleness of purpose which nothing could withstand. That purpose was to crush the Rebellion, and woe to that man who came, or seemed to come, between that purpose and its execution. Coming from civil life, I suppose there is no sufficient evidence that he was, or ever became, a master of the art of war; but the problem before him was to find those who were, and to bring all the resources of the country with unlimited measure to their support. He doubtedly he had faults and failings; he was said to be despotic and overbearing, and he may have been sometimes unjust; but his work was done in a time when there was little chance for deliberation. He felt that the life of the nation was in his hands, and under that fearful responsibility he could not always adjust with delicate hand the balance of private rights and wrongs. It is said that his manners were sometimes discourteous and offensive. Who can wonder that that wearied and overburdened man, with such pressure on his brain and nerves, was sometimes irritable and uncerteonious in his intercourse with shirking officers and peculating contractors, and the crowd of hungry cormorants and intermuable bores who perpetually sought access to him, and sometimes confounded with such those who deserved better treatment. But the great American people knew that he was honest, able, and faithful. He never stopped for explanation or condescended to exculpate himself. I for thought it one of the highest and finest traits of his character that he bore in grim silence all accusations, and stood manfully between his chief and popular censure for acts which he had neither originated nor approved. It was, perhaps, the highest triumph of his official career, and the final proof of how justly his confidence in his countrymen was bestowed, that he conducted and carried through the military draft, that severest trial to a free people, when the country in the time of her direst need, ceasing to entreat, commands the services of her sons. He had his reward, and, like the President whom he served, lived until he heard the hisses change to cheers, the taunts to tribute, the abuse to praise, and heard them with the same unwavering mind.

He saw the Rebellion crushed and the integrity of the nation vindicated. The people, who had learned to know that he was a tower of strength in the time of the civil war, who had felt that their cause would never be abandoned or betrayed by him, and to whom his presence in office gave a sense of protection and security, have hailed with joy the prospect which so lately opened of transferring him to a new post of duty in this high tribunal. They knew that the statesman who had found in the Constitution all the powers necessary for its own maintenance, would, as a jurist, not fail to find here all the powers needful for the protection throughout the entire country of that civil liberty which it was ordained to secure. But he was already worn out in their service, and gave his life for them as truly as any one who ever perished it in the field of battle.

Mr. Chief Justice, the lesson of this life is a lofty one. The time is soon coming when men will recognize the high natures who in this period of civil strife have arisen above the ordinary level of mankind, and are entitled to their gratitude and honor. Upon those towering peaks in the landscape the eye will no longer discern the little inequalities and roughnesses of surface. Already upon the canvas of history some figures are beginning to emerge. They are not those of self-seekers or those who were greedy of power or place, but the men who in the time of public trial and danger, with none but public objects, have done so much for their country and mankind. Among them can his contemporaries fail to discern, and will not posterity surely recognize, the lineaments of Edwin M. Stanton? A restored country is his monument. Nothing can cover his high fame but heaven, no pyramids set off his memories, but the eternal substance of his greatness, to which I leave him.

Edwin M. Stanton, for many years a leading and honored member of this bar, formerly Attorney-General of the United States, and Secretary of War during the war for the preservation of the Republic, recently nominated and confirmed to fill a prospective vacancy on the Bench of the Supreme Court of the United States, distinguished by his professional abilities and attainments, and still more distinguished and endeared to the country he contributed to save by his energy, patriotism and integrity, having on the 24th day of December, 1869, laid down a life devoted to the cause of his country, and worn out in her service, the members of the bar of the Supreme Court of the United States, assembled to render honor to his memory, as an expression of their regard and reverence for his public and private virtues, and of his most useful and patriotic career, have

Resolved, That we desire to express our profound and thorough appreciation of the private worth and public services of Mr. Stanton, and of the loss sustained by the National Judiciary in his death and of the measure less debt of gratitude due to him from the citizens of a country saved from destruction in a great degree by his untiring labors, large comprehension, and unswerving integrity.

Resolved, That the Attorney-General be requested to lay this expression of our feeling before the Court, and to move that the same be entered upon the minutes of the Court.

Resolved, That our Chairman communicate a copy of these proceedings, and of such action as the Court may take thereon, to the widow and children of our deceased brother, with the assurance of our sympathy and respect.

The Chief-Justice remarked in reply:

The Court unites with the Bar in the acknowledgement of the private worth, the professional eminence, and the illustrious service of Mr. Stanton, and in the sorrow that the country has been deprived, by his premature decease, of the great benefits justly expected from his remarkable attainments and abilities in the new sphere of duty to which he had just been called. We all anticipated, from his accession to the Bench, increased strength for the Court and most efficient aid in its deliberations and decisions. We indulged the hope that his health, impaired by oppressive and arduous labor in the Department of War, would be fully restored under the influence of the calmer and more regular course of this tribunal, and that prolonged life would afford him many opportunities of establishing additional claims upon the gratitude and honor of his country in the upright performance of judicial duty. But Providence has ordered otherwise. He was not even permitted to become a member of this Court. He had been nominated and confirmed to fill the vacancy which will occur in a few days hence through the prospective resignation of our honored brother, Mr. Justice Grier, when death entered upon the scene and closed his earthly career. Our deepest sympathies are with his family and friends in their bereavement. We mourn their loss as our own loss, as the loss of the profession which he adorned, and of the country which he served. The proceedings of the Bar, the address of the Attorney-General, and this response will be entered upon the minutes, and, as a further mark of respect, the Court will now adjourn without transacting any business.

The Court adjourned till to-morrow.

David O'Neill yesterday fell dead in his apartment, at No. 206 West Twenty-seventh-st.

The residence of Wm. Huntington, No. 74 Park-ave., was slightly damaged by fire last evening, caused by a defective flue; fully insured.

Miles H. Moore, age 40, of No. 7 York-st., while whitewashing at No. 100 Front-st., fell from the third story through the hatchway, and had his leg broken and was otherwise injured.

E. W. Taylor's stock of paper in the warehouse No. 127 Reade-st. was damaged by fire last evening to the amount of $300, caused by the bursting of a cask of oil, a portion of which ignited.

The apartment of Samuel O. Cowan, in the tenement, No. 202 West Eighteenth-st., was damaged by fire to the amount of $100, caused by some children playing with matches.

Peter Brady, an ash-cartman, yesterday accidentally backed his horse and cart overboard, at the foot of Fifth-st., East River. Brady was seriously injured in his attempts to save his property. He was taken to Bellevue Hospital. The animal had a leg broken.

John Schwitzer, age 14, employed by John Winn of No. 125 Third-ave., while passing through Fulton-st. having a bottle of acid in a bag, slipped and fell, breaking the bottle and spilling the contents over himself. He was slightly burned, and his clothing was destroyed.

Last evening a fire occurred on the first floor of No. 175 Grand-st., occupied by Juna McCarty, dealer in gentlemen's furnishing goods, caused by a defect in the gas pipe. The stock was damaged to the extent of $600; fully insured. The building belongs to the Van Rensselaer estate, and is damaged to the extent of $100; insured.

HOME NEWS.

THE WEATHER.

New-York.	Hour.	Ther.	Bar.	Wind.	Hour.	Ther.	Bar.	Wind.
Jan. 17—3	44°	30.20	S. S. E.	6	53°	30.04	S. S. E.
12	52°	30.13	S. S. E.	9	53°	30.04	S.
3	53°	30.07	S. S. E.	11	53°	30.04	S.

REMARKS.—Morning—Hazy and slightly cloudy from midnight to 1; very hazy at 2; overcast, 4 to noon; foggy, 7; rainy, 8:26 to noon. Afternoon—Overcast, dense fog, misty rain at times from noon to 2:30. Evening—Overcast to 11; a remarkably warm day for the season; fog to 8; rainy 8:50 to 10:50. Note—16th—From 11 p. m. to midnight; very cloudy 11 to 11:30, hazy 11:46 to 12.

THE CITY.

The number of deaths in this city last year from all causes, and including deaths at the public institutions, was 25,136.

Early yesterday the premises of Patrick Carroll, in the basement of No. 309 First-ave., were damaged by fire to the extent of $250.

James Hayden was committed, yesterday, by Justice Bixby, at the Fifty-seventh-st. Court, for having, on Saturday night, knocked down and robbed John Mullin of No. 459 Fourth-ave. of a silver watch and a small amount of money.

Superintendent Kennedy yesterday issued an order to the Police, setting forth the resolution adopted by the Police Commissioners on Saturday, designating the Police Courts prisoners should be taken to from the various precincts.

John Moore, the boy who was stabbed on Saturday evening in front of No. 33 Bowery, by the Chinese cigar vendor, Antonio Como, was much easier yesterday, and pronounced to be in no immediate danger. Como is still in the Tombs.

The College of Physicians and Surgeons of New-York County held an adjourned meeting last evening, in the College Building, corner of Twenty-third-st. and Fourth-ave., George T. Elliott, M. D., in the chair. There was the usual large attendance. A paper was read by W. O. Hammond, M. D., on the diseases of the spine, and after some other routine business the meeting adjourned.

A trade union is being formed in the wholesale boot and shoe trade, and a meeting for that purpose was held at the Astor House yesterday. Mr. S. Hyatt acted as Chairman and Mr. J. E. Hedges as Secretary. The movement was warmly advocated, and a motion that such a union be formed was unanimously carried. A committee of ten on permanent organization was appointed.

The Rev. E. H. Chapin, D. D., lectured last evening at the Union Church, corner of Bleecker and Downing-sts., before the Lee Literary Association, on "Building and Being." The church was filled, and the lecture, which abounded in excellent common sense, interspersed with wit and anecdotes, was well received, the lecturer being frequently interrupted with applause. At the conclusion a vote of thanks was given the lecturer.

The New-York Association of Sunday-school Teachers held their monthly meeting at the Fourth-ave. Presbyterian Church last night. The attendance was very large, and the exercises eminently instructive and interesting. A "Lecture Lesson," conducted by the Rev. J. H. Vincent, was much enjoyed by the class of teachers, as was also an eloquent address by the Rev. H. Clay Trumbull of Hartford. The singing was conducted by Philip Phillips.

Yesterday Deputy-Coroner Wooster Beach called at Bellevue Hospital for the purpose of ascertaining whether Leo Balsky, who was shot on Saturday evening by Daniel Biddle in the house No. 23 Bleecker-st., was in immediate danger of death and to obtain his ante-mortem statement should it be necessary. He found Balsky much improved, and it is probable that he will recover. He is attended by the young woman whom he summoned from Middletown, N. Y., when he believed himself dying, and who is believed to be his affianced.

At the annual meeting of the managers of the Demilt Dispensary last evening, the house physician, Edward J. Barkan, M. D., reported that 27,776 patients received advice and medicine in the institution during the year 1869. The report of the apothecary, W. Wallace Nichols, showed that 66,684 prescriptions were dispensed from his department during the year, while during the same period there were furnished gratuitously to physicians of New-York City and State, 1,529 points and 35 crusts of vaccine virus. Mr. Joseph C. Jackson presented the managers' report for 1869, and appealed to the citizens of the Eighteenth and Twenty-first Wards, to support this important and beneficent Dispensary.

BROOKLYN.—Thirty-five thousand persons visited Prospect Park last week. On Sunday the number was 14,700.

About 2:30 o'clock yesterday morning, the distillery of Wm. Fisher, corner of Gold and Plymouth-sts., caught fire from the overflow of a still. Damage, $12,500.

Small-pox is said to be making havoc among the colored people at Weeksville. There is said to be some half-dozen cases at East New-York, and several conductors of the Atlantic-ave. Railroad have been stricken.

District-Attorney Morris yesterday entered a *nolle prosequi* in the case of Daniel Hart, one of the parties indicted for alleged election frauds. The District-Attorney has become satisfied that Mr. Hart performed his canvassing duties honestly.

John W. Hunter, Anthony F. Campbell, and Charles H. Lowrey were appointed by Judge Gilbert Commissioners of Estimate and Assessment of the Fee of Vanderbilt-ave. for the Brooklyn, Hunter's Point, and Prospect Park Railroad Company.

At the Athenaeum, last evening, the young men composing the Star Base-Ball Club gave a concert, assisted by Madame Anna Bishop and Mr. Geo. Simpson. The audience was large and seemed to be well pleased with the efforts of the choristers.

The paint-shop of Martin Taylor, No. 679 Court-st., was damaged by fire last evening to the extent of $100, caused by the explosion of a kerosene oil lamp. Edwin B. Brookbane, residing in Nineteenth-st., near Fourth-ave., was run over by Engine No. 1, and was severely injured.

In the Court of Oyer and Terminer, yesterday, a new trial was ordered for Edwin Perry, for the alleged murder of the watchman, Thomas Hayes. The trial will commence on Wednesday, the 26th inst., a special panel of 100 jurors having been ordered.

Officer O'Brien of the Forty-third Precinct was yesterday badly beaten by William Gould and Thos. O'Neil, whom he was conveying to the Station-House for being drunk and disorderly. Justice Delmar will hear the case on the 17th inst., until which time the assailants were admitted to bail.

Michael Henry Reid was arrested yesterday by Officer Heron of the Tenth Precinct of New-York, for assault upon George W. Cumberson, a saloon-keeper, at the corner of Prospect and Gold-sts., by stabbing him. They had been drinking together, and became fighting drunk. Cumberson's wound is pronounced dangerous, and Reid was locked up.

The writ requiring the Wallabout Improvement Commissioners to show cause why certain excavations have been and are being made, to the detriment of the United States hospital grounds, near the Navy-Yard, was returnable yesterday in the U. S. Circuit Court, but, on motion of Alexander McCue, counsel for respondents, the case was set down for Thursday.

The second grand instrumental and vocal concert for the season, given by the Brooklyn Young Men's Christian Association to its members, took place last evening at the Academy of Music. The performers were Theodore Thomas's orchestra, and the well-known vocalists, Mrs. Anne E. Stetson, and Miss Mary Louisa Segur. The auditorium of the Academy was filled, and the performances seemed to be well appreciated.

Francis P. Mills, an engineer, residing in Fifth-ave., during a quarrel with his wife on Sunday night, stabbed her in the left breast with a pocket-knife, inflicting a wound two inches deep. Mills is described as a desperate character, and has already served out a term of imprisonment for caus