WASHINGTON.

CONTINUED FROM FOURTH PAGE.

Cabinet. By reason of that want of confidence, if not of a determination on the part of the Secretary of War to thwart the President's policy, Mr. Stanton did not bring before the Executive the despatch of General Baird. These two important despatches were not considered and answered by one and the same executive head, to be enforced by a single will. Executive unity was gone. What was the result of this divided executive authority upon the subordinates at New Orleans? The Attorney General of Louisiana states in his testimony the natural results of it. [Here Attorney General Herron's report of the riot.]

I shall not go over all the ground taken by the President. The message speaks for itself. It is, in my opinion, conclusive. To its main positions the report of the majority gives no sufficient answer. There is one thing in that report, however, which I cannot allow to pass without comment. It assumes that the pretended convention which assembled at the Mechanics' Institute at New Orleans in July, 1866, was not an unlawful assemblage. What are the facts? The Convention had assembled in 1864 and had done its work. It formed a constitution and submitted it to the people of Louisiana, which was adopted, and a State government organized and in full force under it. For all substantial purposes the Convention, having done its work, was at an end, *functus officio*. It had been adjourned for nearly two years. When it adjourned, however, it passed a resolution to authorize the president, Mr. Durell, to call the Convention together. No authority was given to any other person to call it. He expressly refused to do so. The Convention consisted of more than ninety members. A minority of forty without authority assumed, because the president refused to call it, to depose him and to elect a new president, Mr. Howell. This whole proceeding was illegal, as appears conclusively by the testimony given by Mr. Howell himself. Nothing is more clear than that this call for a convention was illegal, without any authority whatever. This meeting of a body of men assuming to act as a convention to change the constitution of the State was mere than a political meeting—it was an unlawful assemblage. It was an act of assumed power at war with the State government. This assembly of persons assuming to act in the name of the State of Louisiana in order to change its constitution was just as unlawful as the Secession Convention of Louisiana before any act of war occurred. There is no doubt it was not only unauthorized, it was more, unlawful, and if attempted to be enforced by arms it would amount to actual treason. The calling and assembling of that Convention was revolutionary against the existing State government. In conclusion, I have the honor to submit the accompanying resolution as a substitute for the resolution of the majority.

J. R. DOOLITTLE.

JAN. 10, 1868.

Resolved, That the Senate advise and consent to the removal of Edwin M. Stanton as Secretary of War.

The Action of Congress in Relation to the Supreme Court.

While the revolutionary measures of the radicals are being pressed closely upon each other to provide against the contingencies of the Supreme Court placing obstacles in the way of an undisputed carrying out of the legislative schemes calculated to secure the radical ascendency, the House of Representatives to-day passed the bill reported by the Committee on the Judiciary requiring a two-thirds vote of all the Justices of the Supreme Court to effect a decision upon causes impairing the force of the laws enacted by Congress. Although the measure met a decidedly affirmative vote in the House, a more determined opposition is looked for in the Senate.

Governor Fenton and the Republican State Convention.

I telegraphed you yesterday that a republican conservative delegation from New York, headed by Senator Tom Murphy, General Arthur, Rufus Andrews and Hugh Hastings, of Albany, had arrived here to confer with the New York Congressional delegation in relation to the new Fenton dodge of holding the State Convention on the 5th of February, three months and a half in advance of the time appointed for the meeting of the National Presidential Convention at Chicago. The delegation were actively engaged to-day with Senators and Representatives protesting against what they characterize as the indecent haste of Fenton and his supporters in precipitating an endorsement of the aspiring Reuben for the Vice Presidency, on the republican ticket, with General Grant or "any other man" that may be nominated. They represent that Fenton, understanding that he is powerless in the New York State Senate to have any of his particular friends confirmed by that body, is therefore anxious to have the delegation elected pledged to him for the Vice Presidency before any action has been had in that body. They also state that Fenton is the more anxious in hurrying forward action in the State Convention in view of the decision of the Court of Appeals declaring the New York Tax Commissioner acts unconstitutional, which would take from Fenton his power in the city of New York, forty-three of the delegates at the State Convention last fall being office holders under that act. These and other arguments have been presented to the Senators and members of Congress, and the general expression against the Fenton managers is one of unqualified disapprobation of the movement to force Fenton on the ticket with Grant. It is understood that the delegation from New York has been canvassed, and but three are found to favor his pretensions for the Vice Presidency, Messrs. Van Arnem, Ward and Kelsey. Both Senators regard the movement as unwise. There is talk among the Senators and Representatives of getting up a letter to the New York State Central Committee requesting a postponement of the convention until some time in May, when the last chance in the popular sentiment may be consulted.

Preparations to Dispense with Generals Hancock and Rousseau.

Senator Thayer, of Nebraska, has prepared a bill which he will introduce in the Senate to-morrow to reduce the number of major generals to four and that of brigadier generals to nine, and making it the duty of the Secretary of War to cause to be mustered out of service of those grades the officers last commissioned. The object of the bill is to dispense with Major General Hancock and Brigadier General Rousseau.

White House Reception.

The second drawing-room reception of the ladies of the Executive Mansion this evening was largely and fashionably attended. General Grant and Mrs. Grant were among the visitors.

S. S. Cox Nominated as Minister to Austria.

The President this afternoon nominated to the Senate S. S. Cox to be United States Minister to Austria.

Destruction of the Kendal Green Barracks.

The Kendal Green barracks, seven miles from Washington, were destroyed by fire to-day.

THE FORTIETH CONGRESS.

Second Session.

SENATE.

WASHINGTON, Jan. 13, 1868.

POSTAL TREATIES WITH FOREIGN COUNTRIES.

Mr. MORRILL, (rep.) of Me., offered a resolution instructing the Committee on Post Offices and Post Roads to inquire whether recent postal treaties with foreign governments do not grant privileges to citizens of such governments not granted by law to our own people; also whether the provisions of such treaties do not differ from or conflict with the revenue law as to importation of printed matter, and to report what action thereon is necessary. Adopted.

THE LAW OF IMPEACHMENT.

Mr. EDMUNDS, (rep.) of Vt., offered the following resolution, which was agreed to:—

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of providing by law or by rule of the Senate, or both rules and regulations, for procedure in the trial of impeachment and for the suspension of the officer under impeachment pending the trial, if in the judgment of the Senate the public safety shall require it, and for the prompt enforcement of orders and judgments of the Senate in such cases.

REDUCTION OF THE ARMY.

Mr. WILSON, (rep.) of Mass., introduced a bill to provide for the gradual reduction of the army of the United States. Referred to the Committee on Military Affairs.

THE NAVY.

Mr. GRIMES, (rep.) of Iowa, introduced a bill which limits the number of men authorized to be enlisted in the navy of the United States to 8,500. All acts authorizing the enlistment in the marine corps of a greater number of officers and men than that fixed by the act of July 25, 1861, are hereby repealed, as is also the act creating the office of Solicitor and Naval Judge Advocate, approved March 2, 1865. Referred to the Committee on Naval Affairs.

THE BILL RELATING TO CASHIERED AND DISMISSED ARMY OFFICERS.

Mr. WILSON reported back from the Committee on Military Affairs without amendment the bill declaring that no officer cashiered or dismissed from the army by sentence of a court martial shall be restored to the military service without confirmation by the Senate.

THE HARPER'S FERRY PROPERTY.

Mr. WILSON also reported from the same committee a bill authorizing the sale of the Harper's Ferry property, which devotes the proceeds, first to defraying the expenses of the sales; second, to refunding to the United States the original purchase money, and the surplus to the State of West Virginia for the use of a school fund, with an amendment, providing that the Secretary of War shall have power to convey by deed all portions of said property which have heretofore been set apart for religious, charitable, educational and town purposes.

THE WAR CLAIMS OF KANSAS.

Mr. WILSON also reported a bill directing the Secretary of War to settle the claims of the State of Kansas for military service under General Curtis, with a recommendation to refer to the Committee on Claims.

On motion of Mr. POMEROY the bill was referred back to the Committee on Military Affairs.

REGULATING OF THE SERVICE OF FINAL PROCESS IN SUITS AT LAW.

Mr. HOWARD, (rep.) of Mich., introduced a bill regulating the service of final process in suits at law, and of orders and decrees in equity of courts of the United States in places out of their jurisdictional limits, which was referred to the Committee on Judiciary. The bill provides that in suits of law the party recovering on final judgment any debt, damages or costs, may take out execution or final process for the collection of the same, directed to the Marshal of any district of the United States, whose duty it shall be to serve and return the same to the court issuing it in like manner as if it had issued from a United States court of his district; provided that such process shall not be executed until a transcript of the record, certified under the seal of the court rendering the judgment shall have been filed in the office of the clerk of the district court for the district where it is to have effect; and in any Territory the copy of the record shall be filed in the office of the clerk of the highest court therein and the process be served by the marshal of the Territory. The second section authorizes the judges of circuit courts in suits in equity to prescribe the manner in which notices and orders may be served on persons absent or absconding from the district, such service to have the same effect as if he had remained therein; and orders for the arrest of such parties may be issued, directed to the United States Marshal of any district in which they may be found, specifying the sum in which they may be admitted to bail, which orders shall not be issued until the party applying therefor shall have made a deposit for the payment of the expenses for arresting and imprisoning the party against whom it is directed. A subsequent provision authorizes marshals to carry into effect such warrants and specifies the manner in which his return shall be made and his fees paid. Process for enforcement of final decree in suits in equity in circuit courts upon which parties may now be arrested and imprisoned in the district where the process issues may be enforced in any other district in the same manner as provided for process in the first section. Process in nature of an execution against property may also be issued upon the final decrees in equity suits in circuit courts, directed to any marshal to be served, and have the same effect in any other district as if issued where the suit was brought.

MINISTER BURLINGAME AND HIS CHINESE MISSION.

Mr. CONNESS, (rep.) of Cal., offered a resolution of inquiry whether Hon. Anson Burlingame has been appointed by the Emperor of China to any diplomatic mission. He alluded to the reports to that effect in the public prints, and said he desired definite information in order to predicate future action upon it.

Mr. SUMNER, (rep.) of Mass., thought there was no information but that already published, namely—a telegram from Mr. Burlingame, through Siberia and St. Petersburg, to Washington. The resolution was adopted.

THE SURPLUS FUND.

Mr. SHERMAN, (rep.) of Ohio, offered a resolution directing the Secretary of the Treasury to report to the Senate what appropriations may, without injury, be carried to the surplus fund, including such as may be properly postponed to a future period. The resolution was adopted.

A TRIBUNAL FOR THE DECISION OF CONSTITUTIONAL QUESTIONS BETWEEN THE STATES AND GENERAL GOVERNMENT.

On motion of Mr. DAVIS his resolution that the constitution be amended so as to create a tribunal of one member of each State to decide constitutional questions of jurisdiction arising between them and the United States, was taken up. Mr. Davis argued that the tribunal proposed was necessary under our present mixed system, and quoted from the framers of the constitution until the expiration of the morning hour, when the President announced as the special order the bill to prevent the further contraction of the currency.

Mr. HOWARD moved to go into executive session, which motion prevailed, after opposition by Messrs. Sherman and Morton, by a vote of 23 to 19, and the Senate accordingly went into executive session.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Jan. 13, 1868.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS FOR REFERENCE.

The SPEAKER proceeded, as the first business in order during the morning hour on Monday, to the call of States for bills and joint resolutions for reference. Under the call bills and joint resolutions were introduced and referred as follows:—

By Mr. ELIOT, (rep.) of Mass.—To continue the Bureau for the relief of freedmen and refugees, which was referred to the Committee on Freedmen's Affairs.

By Mr. WOOD, (dem.) of N. Y.—A joint resolution to limit the time and circumstances relating to the actions of the United States with reference to the recognition of the belligerent rights of hostile nations, which was referred to the Committee on Foreign Relations. It recites that the indefinite state of war between two or more belligerent States, which do not by hostile military acts or operations manifest the fact of being in the condition of actual war is contrary to the principles of international law, opposed to the progress and present civilization of the world, and causes grave and irreparable injury to the industry, commerce and navigation of neutral nations, especially when the interests of the latter are intimately complicated with those of one or both of the belligerents; and it therefore declares that the United States will consider the state of war terminated between two or more belligerents whenever a period of twelve months has elapsed from the date of the last act of war without a renewal of hostilities, and that in every such case the government of the United States will resume the relations of peace with all such nations as shall be found in such state of imperfect war.

By Mr. BLAINE, (rep.) of Me.—In reference to taxing the shares of national banks. Referred to the Committee on Banking and Currency.

By Mr. HUMPHREY, (dem.) of N. Y.—Further to regulate the registry of vessels.

By Mr. MILLER, (rep.) of Pa.—Requiring the concurrence of two-thirds of the Judges of the Supreme Court of the United States to declare a law of Congress unconstitutional. Referred to the Judiciary Committee. Also for the passage of a tariff law affording adequate protection to the industrial interests of the country. Referred to the Committee of Ways and Means.

By Mr. BOUTWELL, (rep.) of Mass.—To promote agricultural industry in the States lately in rebellion, and to secure homesteads for freedmen. Referred to the Committee on Freedmen's Affairs. The first section declares the title of all abandoned lands in States recently in rebellion to be in the United States, and forbids the President or any other officer of the government from surrendering it or doing any act to impair or affect the title of the United States. The second section authorizes the Commissioner of the Freedmen's Bureau to contract for the sale to freedmen of such abandoned lands in lots not exceeding ten acres to one person, at a fair market valuation, on three years' credit. The third section authorizes the Commissioner of the Freedmen's Bureau to deliver to farmers and planters articles of subsistence and to advance them money on certain defined conditions.

By Mr. CULLOM, (rep.) of Ill.—In relation to additional bounty. Referred to the Committee on Military Affairs. It provides for the payment of bounties to soldiers in the late war discharged from service on account of disability before they had served two years.

By Mr. BURR, (dem.) of Ill.—Pledging protection to all citizens, native born or naturalized, in the enjoyment of all the rights of citizenship under the constitution and laws of the United States. Referred to the Committee on Foreign Affairs.

By Mr. BINGHAM, (rep.) of Ohio—Declaring the amendment to the constitution of the United States known as the fourteenth article duly ratified. Referred to the Judiciary Committee.

A BILL FOR FUNDING THE NATIONAL DEBT.

Mr. HUNTER, (rep.) of Ind., introduced the following bill for the funding of the national debt and for other purposes, which was referred to the Committee on Ways and Means:—

SECTION 1 provides for a further issue of bonds payable at no definite period, but redeemable at the pleasure of the government any time after ten years. The bonds to be payable in coin, the principal and interest to bear six per cent interest and payable semi-annually; bonds to be issued in such amounts from time to time as the demands upon the Treasury may require, but in all not exceeding an amount sufficient to cover our outstanding and existing obligations, and to be disposed of by the Secretary of the Treasury only in exchange for our outstanding obligations. The expense of preparing, issuing and changing such bonds shall not exceed one-tenth of one per cent.

SEC. 2. The bonds to be known as the funded debt of the United States, and to be exempt from all taxation. In consideration of such exemption there shall be reserved by the Treasurer of the United States one-sixth of the interest arising on such bonds, which sum in lawful money of the United States shall be distributed to the several States in proportion to their population, to be determined by the last census taken before such distribution.

SEC. 3. Immediately after the taking effect of this act the Secretary of the Treasury shall give notice to all persons holding obligations against the same, except the holders of Treasury notes, to present the same at maturity at such place as the Treasurer may designate for payment. That all bonds of the United States payable at the pleasure of the government after five years from their date, commonly known as five-twenties, and all such as are payable at the pleasure of the government after seven years from their date, known as seven-thirties, shall each be regarded as due and payable after five and seven years from their date respectively. Such Secretary of the Treasury shall pay all such obligations and bonds in the lawful currency of the United States except as hereinafter provided, or such person or persons holding such bonds or obligations may exchange the same in amounts of one hundred dollars or multiples of that sum for an equal amount of the bonds, as provided for in the first section of this act under such rules and regulations as the Secretary of the Treasury may prescribe; that all bonds issued prior to the 25th day of February, 1862, and all bonds known as the ten-forties, and all other obligations where the United States expressly stipulated to pay the sum in coin, shall be so paid in coin, or the same may, at the pleasure of the holder, except the interest payable in coin on bonds, be converted into equal amounts into the bonds provided for in the first section of this act at any time within twelve months after its passage.

SEC. 4. That in order to enable the Secretary of the Treasury to make the payments provided for in the third section of this act, he shall be required, from time to time to issue and pay out upon such indebtedness such amount of Treasury notes, commonly known as greenbacks, as may be required to pay off such bonds and obligations of the United States not payable in coin, as fast as the same may be presented for payment, where the person presenting the same shall prefer payment in the Treasury notes of the United States to the exchange of his or their bonds or obligations for the bonds forming the funded debt, as provided in the first section of this act.

SEC. 5. That all persons holding bonds or obligations against the United States which shall be drawing interest, and which shall not be presented for payment or exchange, as provided for in the third section, within six months after such notice, or within six months after the same becomes due, after such notice the interest on such bonds or obligations shall cease from the date of six months after such notice, or within six months after such obligation shall become due after such notice; and when such bonds so drawing interest shall be presented for payment or exchange, such Secretary only shall pay interest on such bonds for six months after such notice, or for six months after such obligation becomes due after such notice.

SEC. 6. That the Secretary shall not be permitted to accumulate coin and hold it in the Treasury of the United States in any greater quantity than shall be sufficient to meet the demands upon the Treasury payable in coin, and he shall pay the same out upon such coin demands as fast as the same shall fall due and be presented for payment. The Secretary shall be also authorized and empowered to collect from duties upon imports only such proportion of the same in coin as may be necessary to meet the obligations of the United States payable in coin, and the residue to be received in the lawful currency of the United States.

SEC. 7 provides for the Secretary of the Treasury to keep an accurate account of these bonds issued—such as are taken and such as are taken up—and to see that they are properly cancelled, and report the same to Congress at its first session thereafter.

SEC. 8 provides for setting apart a sinking fund to gradually liquidate this debt, which sinking fund consists of all moneys arising from the sale of public lands after this date and all moneys accruing from fines, penalties and forfeitures under acts providing internal revenue and the act imposing duties upon foreign imports, and all moneys arising from every other source belonging to the United States and paid into the Treasury, except moneys necessarily arising from internal revenue and duties upon foreign imports. This sinking fund cannot be devoted to any other purpose except by the express consent of Congress.

THE COMMITTEE ON THE TREATMENT OF UNION PRISONERS.

Mr. PAINE, (rep.) of Wis., on behalf of the Chairman of the Select Committee of last session on the treatment of prisoners of war and Union citizens, offered a resolution that the committee be continued, with full powers under the resolutions of July 10 and July 13, 1867.

Mr. WASHBURNE, (rep.) of Ill., desired to offer an amendment providing that the committee shall incur no further expense, but Mr. Paine moved and the House seconded the previous question cutting off all amendments.

Mr. WASHBURNE moved to lay the resolution on the table, which was negatived by yeas 52, nays 97. The resolution was then adopted.

THE NEW RECONSTRUCTION MEASURE.

Mr. BINGHAM offered a resolution that the rules be suspended and that the Committee on Reconstruction be authorized to report immediately, and also that the House will to-morrow proceed to the consideration of the report, and will at the close of the debate on Wednesday proceed to vote on the same.

The question on suspending the rules was taken by yeas and nays, and resulted yeas 116, nays 44. So the rules were suspended and the resolution agreed to.

Mr. BINGHAM thereupon reported a bill additional and supplementary to the act to provide for the more efficient government of the rebel States, passed March 2, 1867, and the acts supplementary thereto, and it was read twice and recommitted.

Mr. BINGHAM informed the House that he would not insist on the last clause of the resolution, but would let the debate continue on Wednesday and the next day if the House desired it. He merely wished to have it made the special order from day to day until disposed of.

The SPEAKER notified the House that by the terms of the resolution, as adopted under suspension of the rules, no dilatory motion could be received after the debate should close and the House should order the main question.

Mr. ELDRIDGE, (dem.) of Wis., suggested that, therefore, the effect of the resolution was not only to enslave the Executive and the Supreme Court, but Congress also.

The SPEAKER remarked that the resolution was explicit in its terms, and that no dilatory motion could be entertained after the main question was ordered.

Mr. BINGHAM, in reply to a question by Mr. BROOKS, declared that it was his intention to allow a reasonable time for debate.

Mr. LOAN, (rep.) of Mo., submitted an amendment, which was ordered to be printed.

The bill as reported differs in the first section from the bill as printed in the HERALD on Sunday last. It reads:—

Be it enacted, &c., That in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, Florida and Arkansas, there are no civil governments, republican in form, and that the so-called civil governments in said States respectively shall not be recognized as valid nor loyal State governments, either by the Executive or Judicial power or authority of the United States.

Mr. WILSON, (rep.) of Iowa, rose to make a report from the Judiciary Committee.

Mr. ROBINSON, (dem.) of N. Y., rising to a parliamentary question, asked the Speaker whether the adoption of the resolution altered the rules without notice to that effect.

The SPEAKER said that it suspended all rules that stood in the way of its existence.

Mr. ROBINSON inquired whether all the rules of debate were suspended.

The SPEAKER replied that they were not—only such rules that stood in the way of carrying out the order of the House. The same question had been decided last Congress on an appeal from the decision of the Chair by a vote of 151 to 4.

Mr. ROBINSON appealed from the decision of the Chair, but the Speaker declined to entertain the appeal, and stated that the gentleman from Iowa (Mr. Wilson) was entitled to the floor, and that as the bill was not now before the House this was not the appropriate time for appeals.

THE SUPREME COURT—WHAT SHALL CONSTITUTE A QUORUM AND VALIDATE DECISIONS.

Mr. WILSON then asked leave to report back from the Judiciary Committee, with an amendment by way of an additional section, the Senate bill declaring what shall constitute a quorum of the Supreme Court.

Mr. ROSS objected.

Mr. WILSON moved to suspend the rules, stating that he did not propose to call up the bill for a week, or until the gentleman from Pennsylvania (Mr. Williams), who had just introduced the subject in the House, was present.

The House refused to suspend the rules by yeas 72, nays 88.

Mr. WILSON said he interpreted the vote as an expression of the will of the House to have the bill acted upon immediately. He would therefore modify his motion and move to suspend the rules to allow him to report back the bill for immediate consideration, and that when the House shall order the main question the vote shall be taken without dilatory motions.

The question was taken by yeas and nays, and resulted as follows:—Yeas 113; nays 37. So the rules were suspended, and Mr. Wilson, from the Judiciary Committee, reported back the Senate bill declaring what shall constitute a quorum of the Supreme Court, with an amendment.

The bill declares that any number of the justices of the Supreme Court not less than five, being a majority thereof, shall constitute a quorum. The amendment declares that no case pending before the Supreme Court involving the action or effect of any law of the United States shall be decided adversely to the validity of such law without the concurrence of two-thirds of all the members of the court.

Mr. WILLIAMS, (rep.) of Pa., offered an amendment requiring the decision of the court in such cases to be unanimous. He explained and advocated his amendment.

Mr. MAYNARD, (rep.) of Tenn., suggested to Mr. Williams that he modify his amendment so as to require only a majority of three-fourths.

Mr. WILLIAMS declined to do so. He thought it was not exacting a great deal to require the unanimity of the court in reversing the decision of Congress, which should be the highest court of the nation, and in which there were over a hundred and sixty lawyers.

Mr. LAWRENCE, (rep.) of Ohio, suggested an amendment in conformity with the second section of the act of February 5, 1867.

Mr. WILLIAMS declined to accept the amendment and intimated that the bill was imperfect, should not be acted on hastily and should be recommitted to the Judiciary Committee. Where there was a dissent on the bench it would be found in nine cases out of ten that the opinion of the dissenting judge was the more reliable one.

Mr. PRUYN, (dem.) of N. Y., declared that on his return to the House after a few weeks' absence, it actually seemed to him to-day as if the country was in the midst of a revolution. The House had before it to day a proposition of a most extraordinary character. It was proposed by one act to strip ten States of the little authority left them; to deprive the Executive of its power; and now it was proposed by this act virtually to rob the Supreme Court of the United States of that which had given it power, influence, dignity and strength before the country and the world. This action was admittedly proposed in view of the fact that the Supreme Court might possibly make a decision which would conflict with the views and opinions of a majority of Congress. This daring avowal would strike the country with surprise.

Mr MARSHALL, (dem.) of Ill., declared that of all the revolutionary measures brought before the last or present Congress tending to subvert and destroy the institutions of the country this was one of the very gravest. It was not only striking a blow at, but subverting one of the co-ordinate branches of the government. It had been a theory of the government that it was a government of checks and balances, and that there was no arbitrary power that could put its foot upon the people and upon other co-ordinate branches of the government. If Congress was absolute, if it could override the will of the people, override the will of the Executive and the deliberate judgment of the Supreme Court of the United States, there would be established a despotism not of one man, but an oligarchy or a mob, elected by the people, but usurping powers never given to it by the constitution or the people. It was the assertion of an absolutism which the people would repudiate, unless they were willing to be deprived of their liberties and to have the institutions of their fathers trampled under foot. A more enormous proposition had never been brought before any deliberative body. The very bringing forward of such a measure was a plea of guilty on the part of the majority in Congress, and a confession that its acts were unconstitutional, and that, therefore, they were unwilling to have them brought before the great judicial tribunal of the country. There was no power under the federal constitution to pass such a law. It was a most palpable and manifest usurpation, and it was not safe for any party to come forward to trample into the dust that great tribunal which had established such a reputation under the lead of the great men who had presided in that body. There was a reverence for that tribunal for its justice, its learning, its conservatism, its ability, its adherence to the great principles of the government which would not permit any Congress to trample on and crush it out of existence for partisan purposes. He appealed to gentlemen not to attempt to place their unhallowed feet on the Supreme Court—an institution which was deemed so important for the preservation of the checks and balances of the government, and so absolutely necessary for the protection of the rights of citizens. If this law were passed there would not be one of the guards in the constitution worth one cent to the citizen.

Mr. BINGHAM wanted to know whether the gentleman from Illinois was not aware of the fact that the bill reported from the Judiciary Committee proposed no more than was required by the original Judiciary act of 1789, under the administration of Washington.

Mr. MARSHALL was not aware of the fact, and desired Mr. Bingham to read the section of the law that he referred to.

Mr. BINGHAM read from the Judiciary act of 1789 the section declaring that "the Supreme Court of the United States shall consist of a Chief Justice and five Associate Justices, four of whom shall constitute a quorum." He argued that where all the members were present it would require four to concur in a decision, which would be two-thirds.

Mr. MARSHALL declared that he had great respect for the abilities of the distinguished gentleman from Ohio, but the claim he had now put forward was one of the most palpable and shameful dodges ever attempted to be imposed on the House. He was astonished that that gentleman should attempt to palm off the idea that there was any analogy between the act of 1789 and the measure before the House. He reminded members that the people differed very much with them as to the wisdom of Congress. The difference of opinion seemed to be the same as that between the inmates of an insane asylum and the outside world. The inmate of such an asylum had once been asked by a visitor how he happened to be there, and the answer was, "My dear sir, it is a mere matter of difference of opinion; I thought that all the rest of the people of the world were crazy, and they thought that I was crazy; and as they were in the majority they got me here." (Laughter.) The illustration was apposite. Gentlemen in Congress might think that they had the concentrated wisdom of the nation, and that all the rest of the people, including the Judges of the Supreme Court, were fools and idiots in comparison with themselves; but the majority was on the outside, and he thought that the majority would be of opinion that in presenting this question there was very little wisdom within the walls of the Capitol. He implored the gentlemen not to risk the indignation of the country by going further with a measure of such a character. It seemed to him to be most revolutionary and most dangerous, and that the people could not possibly consider it otherwise.

Mr. SPALDING, (rep.) of Ohio, supported the bill as reported from the Judiciary Committee. Some twelve months ago, he said, he had been made conversant with the bill drafted by the gentleman from Pennsylvania (Mr. Williams), and which had been offered as an amendment. The measure had struck him as one beneficial to the whole country; but he had then objected, as he now did, to the universality of the measure, to its requiring every member of the Supreme Court to concur in a judgment impairing an act of Congress. He had suggested then that a concurrence of two-thirds only should be required. He was in favor of that because it was analogous to the requirement of the constitution that a veto by the President should not be overruled by less than two-thirds of both houses. Had Congress the right under the constitution to provide that in adjudicating constitutional questions two-thirds of the Judges should unite in a decision before an act should be pronounced unconstitutional? If not, then the action of Congress in passing this bill would be futile, because that same tribunal would pass upon it. After some reflection and investigation of the subject he claimed that Congress had the right, and that the right had appertained to Congress ever since it had attempted to legislate on the subject. Congress most clearly had the constitutional right to provide by law what number of Judges it should take to pronounce a judgment on any act of Congress. If he were qualified to hold a seat on the bench of the Supreme Court, and if he had that honor, nothing would gratify him more than the passage by Congress of this measure. He did not believe that any Judges of that high tribunal would object to it. It relieved the Court of very great responsibility, and it made the decision more satisfactory to those whom the decision affected. He objected, however, to the amendment requiring that each Justice should assent to the decision; that was requiring too much. It would not do to assume that the bench of Judges was perfect any more than Congress. He granted that there was less likelihood of their giving way to passion and caprice, as they were elected for their wisdom and experience and supposed ability; but the best of men might err, and there might be found one man perverse enough to withhold his assent from a proposition which even he might deem correct. He would vote for the amendment of the committee requiring a concurrence of two-thirds of the Judges to declare an act of Congress unconstitutional.

Mr. WILSON moved to add to the amendment reported from the committee a proviso that if any circuit or district court of the United States should adjudge any act of Congress to be unconstitutional or invalid, the judgment, before any further proceedings had upon it shall be certified up to the Supreme Court of the United States, and shall be considered therein, and if on consideration thereof two-thirds of all the members of the Supreme Court shall not affirm the judgment below the same shall be declared and held reversed.

Mr. BINGHAM said he would have preferred the discussion to have been carried on in a spirit different from the partisan spirit exhibited by the gentleman from Illinois (Mr. Marshall). That gentleman should not have assumed in advance for himself and the party he represented that they were the only guardians of the constitution and the people's rights. Nor did he recognize the title by which that gentleman assumed to pronounce judgment upon the majority in Congress, in the name of all the people of the United States. He would tell that gentleman, once for all, that the people spoke for themselves, and by themselves, and that from their judgment there was no appeal, either to the Congress or to the courts. He would take leave further to remind him, when he undertook to lecture the majority in the House about the sanctity of the Supreme Court of the United States, that it never was challenged before the American people until it dared to descend from its high place in the discussion and decision of purely judicial questions to the settlement of questions political, with which it had no more right to deal than had the Court of St. Petersburg. The gentleman seemed to assume that there were tribunals in the country superior to the people, who created them. Did he in the high noon of the nineteenth century dare to assert that the servant was greater than his lord? He would tell the gentleman that there was a tribunal before which the Supreme Court was compelled to answer, and had been compelled to answer in the years of grace 1856, 1857 and 1858. It would be a sad day for American institutions and for the sacred cause of republican governments if any tribunal in this land created by the will of the people was above and superior to the people's power. That court, he repeated, had disgraced not only itself as a tribunal of justice, but it had disgraced humanity, when it dared to mouth from its high seat of justice the horrible blasphemy that there were human beings, either in this land or in any land, whose rights white men were not bound to respect.

Mr. MARSHALL reminded the gentleman that the Supreme Court had never said such a thing.

Mr. PRUYN desired also to make a remark in that connection.

Mr. BINGHAM, not yielding the floor, said he understood very well the point which gentlemen would make. He did not say that the court held that doctrine; he had only said that it mouthed that horrible blasphemy. He knew it was no decision.

Mr. ROBINSON, rising to a question of order, made the point that it was not in order for the gentleman from Ohio to make such a charge against a co-ordinate branch of the government.

The SPEAKER overruled the point of order, holding that he could not declare out of order an attack on another department of the government when made in parliamentary language.

Mr. ROBINSON made the further point of order that the gentlemen standing round Mr. Bingham should be made to take their seats.

The SPEAKER sustained that point of order, and requested the gentlemen to resume their seats.

Mr. BINGHAM went on to say that from the decision of the Supreme Court of the United States an appeal had been taken to the public opinion of the country. The people had moved as one man, from the furthest East, where the citizens of the republic kept watch at the gates of the morning, to the furthest West, where the citizens of the republic kept watch at the going down of the sun; and the people had pronounced its condemnation on that atrocious judicial decision—such a condemnation as had never before been pronounced on the face of the earth, save one or two centuries ago, when the brave English people compelled that judicial monster Jeffries, who boasted his three hundred judicial murders, to besmear his face with lampblack, and to call upon the train bands of London to trundle him through the streets of London, and hide him behind the walls of the tower to save him from the outraged and indignant consciences of Englishmen. The American people, by their silent majesty, by the omnipotent power of the ballot, had pronounced just such a condemnation on the American Jeffries. That decree was irreparable, and the rights of all men in this country were hereafter to be respected. It would not do for any man who ever read the constitution of his country to rise in his place here and say that the Congress of the United States could not reduce that tribunal to a single person, or to three persons. If the number of judges was fixed at three, of whom two would be a majority, would it not require those two to concur in any decision? What objection was there to this law? The gentleman from Illinois would have to find some other objection than his *ad captandum* statements that it was a violation of the constitution. When he had called that gentleman's attention to the fact that in the first Congress the Judiciary law of 1789 was passed, under which no judgment could be pronounced upon any question whatever without the concurrence of two-thirds, that gentleman had ventured to say it was a dodge. He (Mr. Bingham) did not intend it as a dodge. He intended to be understood in saying just what he did say, that Washington and his associates had passed a law declaring that no judgment of the Supreme Court could be pronounced without the assent of two thirds of its members.

Mr. MARSHALL inquired whether the Court had not been so organized that it required the same number of Judges to declare a law valid?

Mr. BINGHAM admitted that it did.

Mr. MARSHALL held, therefore, that there was no analogy between the two cases.

Mr. BINGHAM went on to contend that there was, and contended that he had a very strong reason for the passage of this act. He would not stop to ask attention to the terrible consequences which followed in the train of that lawless announcement to which he had previously referred. But he desired this bill passed in view of the questions that were pressing on the country every moment. There were gentlemen of high social and political influence in the country who held that the very fundamental law itself could not be changed by the people without the assent of the rebel States. This showed the importance which attached to the present issue, and he, for one, trusted that the issue would be made speedily. He was ready to take it to the country, fight the battle on it at the polls and ready to abide by the results. The proclamation of the gentleman from Illinois (Mr. Marshall) had no terrors for him. That gentleman was no more a prophet of God and the people than any other man of his stature. (Laughter.) The people alone could decide this question, and to the people he would appeal.

Mr. WILSON, of Iowa, moved the previous question, stating that he would not do so except for the order of the House making a special order for to-morrow of the bill reported from the Reconstruction Committee.

The previous question was seconded and the main question ordered.

Mr. WILSON, of Iowa, being entitled to an hour to close the debate, yielded twenty minutes of his time to

Mr. WOODWARD, (dem.) of Pa., who declared himself opposed to both the bills—that of the Reconstruction Committee and that of the Judiciary Committee—because he believed them to be unconstitutional. Congress had no more right to dictate to the Supreme Court how it should decide questions than the Supreme Court had to dictate to Congress. The Supreme Court was a coordinate branch of the government, and its decisions were to be made under the principles of the common law by a simple majority.

Mr. BOUTWELL inquired whether it was not within the power of Congress to change the common law by a statute law.

Mr. WOODWARD admitted that it was if the matter were one with which the legislative power had anything to do. Another objection to the bill was that it would be found impracticable in operation.

Mr. HUBBARD (dem.), of Conn., having five minutes' time allowed him by Mr. Wilson, opposed the bill, declaring that it was a usurpation on the part of Congress. Unless the three co-ordinate branches of the government could be held together the constitution of the country would no longer exist. The Supreme Court was not the creation of Congress, but was created by the same power that had created Congress. Both came from the one parent, and when one child sought to slay the other it was guilty of the same crime of which Cain was guilty in the other world. He denied that Congress had any more right to pass this law than it had to declare that the verdict of a jury should not be unanimous. It was perfectly well known that this law was intended to reach a particular case, and the House was called upon to vote on it in hot, indecorous haste. It was urged because there was a rumor that a large majority of the Judges of the Supreme Court were adverse to a particular measure on which Congress seemed determined to hang its political life. It was therefore proposed to muzzle the Supreme Court.

Mr. WILSON closed the debate. He believed that the first section of the bill had not been challenged by any gentleman who had addressed the House. That being so the whole principle of the bill was yielded. If the argument made by the gentleman from Pennsylvania (Mr. Woodward), and the gentleman from Connecticut (Mr. Hubbard), were correct, then the law as it now stood was a violation of the common law rule about a majority forming a quorum, because it required six judges out of the eight constituting the court to form a quorum.

Mr. DAWES, (rep.) of Mass., in support of Mr. Wilson's argument, referred him and the House to the second section of the constitution, which declares that in all other cases than questions between citizens of different States, &c., the Supreme Court shall have appelate jurisdiction both as to the law and the facts, with such exceptions and under such regulations as Congress shall hereafter make. He thought that covered the whole case.

Mr. WILSON, after replying to some interpellations by Mr. Mungen and others, declared that instead of this being a radical measure it was a conservative measure.

Mr. WILLIAMS, of Pa., remarked that that was the reason why he was opposed to it.

Mr. WILSON said that Congress in this bill was simply declaring that the Supreme Court shall not have legislative power without the concurrence of at least two-thirds of its members. It was the duty of Congress to protect the people and the government against the accidental creation of an organic law by that Court. At present that Court might by the vote of one member override the enactments of Congress and determine any principle of law, and it certainly was not too much for Congress to require that in the exercise of that gigantic and crushing power at least two-thirds of the Court should concur.

The House then proceeded to vote on the bill and pending amendment.

Mr. ROSS moved that the House adjourn.

The SPEAKER declined to entertain the motion on the ground that the House was acting under order made on suspension of the rules, that the vote should be taken without any dilatory motions.

Mr. ROBINSON appealed from the decision of the Chair.

The question was taken by yeas and nays, and the decision of the Chair was sustained—yeas 126, nays 25. The following named democratic members voted to sustain the Chair:—Messrs. Burr, Chanler, Eldridge, Haight, Kerr, Marshall, Morrissey, Phelps and Sitgreaves.

Mr. ELDRIDGE moved to lay the bill and amendments on the table. Negatived—yeas 39, nays 113.

The question was taken on Mr. Williams' amendment requiring unanimous decision of all the judges, and it was rejected—yeas 25, nays 124. The yeas were:—

Messrs. Arnell, Ashley of Nevada, Ashley of Ohio, Bingham, Cake, Clarke of Kansas, Covode, Farnsworth, Harding, Judd, Lawrence of Ohio, Loan, Logan, Maynard, McCarthy, McClurg, Mullins, Pyle, Price, Trimble of Tenn., Van Aernam, Van Horn of Mo., Ward, Williams of Penn., Williams of Ind.

Mr. Wilson's amendment adding a proviso to the amendment, reported from the Judiciary Committee, was adopted—yeas 111, nays 38; and the amendment as amended was agreed to.

The bill was then passed—yeas 116, nays 39, as follows:—

YEAS—Messrs. Ames, Anderson, Arnell, Ashley of Nevada, Ashley of Ohio, Bailey, Baker, Baldwin, Banks, Beaman, Benjamin, Benton, Bingham, Blair, Boutwell, Bromwell, Broomall, Buckland, Cake, Churchill, Clarke of Ohio, Clarke of Kansas, Cobb, Coburn, Covode, Cullom, Dawes, Dixon, Dodge, Donnelly, Driggs, Eggleston, Ela, Eliot, Farnsworth, Ferris, Ferry, Garfield, Gravelly, Griswold, Harding, Higby, Hill, Hooper, Hopkins, Hubbard of W. Va., Hulburd, Hunter, Ingersoll, Jenckes, Judd, Julian, Kelley, Kelsey, Ketcham, Kitchen, Koontz, Laflin, Lawrence of Ohio, Lincoln, Loan, Logan, Loughridge, Mallory, Marvin, Maynard, McCarthy, McClurg, Mercur, Miller, Moore, Moorhead, Morrill, Mullins, Myers, Newcomb, Nunn, O'Neill, Orth, Paine, Perham, Peters, Pike, Pyle, Pomeroy, Price, Raum, Robertson, Sawyer, Schenck, Schofield, Shanks, Smith, Spalding, Stevens of N. H., Stokes, Taylor, Thomas, Trimble of Tenn., Trowbridge, Twitchell, Upson, Van Aernam, Van Horn of Mo., Ward, Washburne of Wis., Washburne of Ill., Washburne of Ind., Welker, Williams of Pa., Williams of Ind., Wilson of Iowa, Wilson of Ohio, Wilson of Pa., Windom and Woodbridge—116.

NAYS—Messrs. Adams, Archer, Barnum, Beck, Brooks, Burr, Chanler, Fox, Getz, Glossbrenner, Golladay, Grover, Haight, Hawkins, Holman, Hotchkiss, Hubbard of Conn., Humphrey, Johnson, Kerr, Knott, Marshall, McCormick, Morrissey, Mungen, Niblack, Nicholson, Phelps, Pruyn, Randall, Robinson, Ross, Sitgreaves, Stone, Taber, Trimble of Ky., Van Auken, Wood and Woodward—39.

Mr. WILSON moved to amend the title by adding to it the words—"And requiring a concurrence of two-thirds of the members of the court to declare a law of the United States invalid."

Mr. WILLIAMS, of Pa., suggested instead of that to make the amendment read—"And to regulate the jurisdiction thereof."

Mr. WILSON accepted the suggestion, and the title was so amended.

PROPOSED DISCHARGE OF GENERAL HANCOCK.

Mr. GARFIELD, (rep.) of Ohio, moved to suspend the rules that he might introduce a bill to reduce and improve the military establishment by the discharge of one major general, and the one who was the last commissioned in that grade before the 1st of January, 1868—General Hancock.

After a very decided indication on the part of Messrs. Brooks, Randall and others that a resort to filibustering would be had to prevent the bill passing, Mr. GARFIELD withdrew the motion, giving notice that he would renew it next Monday, and then, at half-past six o'clock, the House adjourned.

UNITED STATES SUPREME COURT.

The Case Against Marshall O. Roberts' Line of Steamers to California—A Confiscation Case.

WASHINGTON, Jan. 13, 1868.

Roberts, Plaintiff in Error, vs. Graham.—This was an action brought against Marshall O. Roberts by Graham for breach of contract to transport him, his wife and child from New York to California, by way of Panama, furnishing them on the trip with suitable accommodations, provisions and supplies, and alleging a long detention on the Isthmus and the want of bed clothing on the steamer on the Pacific side, whereby himself, his wife and child were made ill by exposure. The cause was originally commenced in the State court, but was subsequently removed into the Circuit Court of the United States, where it was tried before Judge Hoffman, and the jury rendered a verdict for $10,000. The cause was thence brought here on a bill of exceptions taken to the ruling of the Court below on the measure of damages. The Court now affirmed the judgment below, per opinion by Mr. Justice Swayne, holding that there was no error in the proceedings below. The trip of the plaintiff Graham was made on the steamer Illinois. *Mandamus* will lie to enforce judgments. No order of a State court will prevent the execution of a federal writ.

John K. Elgee, Administrator, Plaintiff in Error, vs. Oliver Lovell.—Elgee, it appears, was the president of the Louisiana Secession Convention. In 1864 about four hundred bales of cotton belonging to him were seized in the State of Mississippi by an agent of the Treasury Department as abandoned property and transferred to Mr. Lovell, also a Treasury agent, and under the provision of the law removed it to a State not in insurrection. Suit was brought in a Missouri court to recover the property. Some time after the commencement of legal proceedings Elgee availed himself of the amnesty proclamation of the President, by which he claimed he was restored to his rights of property, and among others his right to the cotton. Distinguished counsel are employed on both sides of the question, Attorney General Stanbery appearing for the United States, in company with Messrs. Hughes and Drake, who were retained by the Secretary of the Treasury.

AMUSEMENTS.

PIKE'S OPERA HOUSE.—There was a good house and a fine display last night of the winter fashions of New York at this establishment, and it is remarkable how pretty faces and rich costumes and a beautiful new bird cage, all brilliantly lighted, set off each other. The opera was that always acceptable popular favorite, "La Traviata," with La Grange in her great *rôle* of Violetta. If it were not trespassing upon forbidden ground, "when there is a lady in the case," we should say that there is something remarkable as well as gratifying in the excellent preservation of this delightful singer, because she seems younger, fresher and more buoyant and elastic in her voice and movements now, in the year of our Lord 1868, than she was we don't know, or won't say, how many years ago. Violetta, though a consumptive invalid, calls for that flexible, tender, powerful and capacious range of voice which only a prima donna here and there can supply, and very conspicuous among these chosen few stood Madame La Grange last night. The spirit with which she entered into the severe requirements of this *rôle* seemed to infuse new life into Massimiliani as Alfredo. Always a careful and reliable artiste, he seemed last night to excel himself, while Signor Oriandini's Germon was very neatly done. The choruses were well delivered and the orchestra, under Signor Nicolao, is skilfully adapted to the effective development of the salient points, vocal and instrumental, of the score.

That baton of Nicolao is one of the wonders of the world. Let it catch the eye of an appreciative spectator, and in watching its wonderful gyrations the beauty of the house, and the beauties in the house, and the lights on the stage, are all eclipsed. Such eloquence in the motions of a stick was never seen before. It is the poetry of motion. It whispers, it speaks softly, and louder, it shouts, it warns, it implores. It floats, it soars, it flutters and creeps, it flies, it springs,—it is in short, in pantomime, the fiddle of Ole Bull. It is to the eye what Ole's catgut is to the ear. La Grange captivated the house, but this critic was captivated by Nicolao's baton. All the opera, in all its modifications, was given in the motions of that little stick. Never saw anything to touch it before this advent of Nicolao, and never want to see anything in that line so enthusiastically demonstrative again. The conductor's heart is in his work, which is an excellent thing; but he ought to give the singers a chance to be seen as well as heard. No matter. The opera in its new and beautiful house opens promisingly, and so charmingly provided for, as at last it is, it surely ought to succeed. Pike is a public benefactor. He has given us one of the finest ornaments of the metropolis, and for the honor of the metropolis it must be sustained.

FRENCH THEATRE.—Madame Ristori appeared here last night in her great *rôle* of Queen Elizabeth, for the last time previous to her visit to Havana. She was received by a full audience of the select and fashionable character that always favors these performances with its presence, and under the inspiration of such a house went through the part with peculiar spirit. Her next performance will be in the tragedy of "Norma," with the outline of which the opera has made our public familiar. It will be a rare treat to note the wonderful interpretation that the great actress will give to the noble passion of a part that hitherto has been warmed into our sympathies with music. To-morrow night "Les Diables Roses" will be played here by the French company for the benefit of Mr. Juignet.

ACADEMY OF MUSIC—THE DESERT FLOWER.—The latest opera of the lamented William Vincent Wallace, the "Desert Flower," was brought out at the Academy last night before a fair sized audience. It is the least interesting of Wallace's works, for although there are a few charming numbers in it, yet the general impression of the hearer is one of dissatisfaction. The *libretto* is full of absurdities, the heroine being a sort of fierce virago and tender desert flower at the same time—an extra savage Selica and an innocuous Pocahontas transferred to the earthquake region of Surinam. The hero, Captain Maurice, and the funny man, Major Von Pumpernickle, are the principal white men in the opera, and the villain is a "big Injun." The hero and the desert flower, after going through the necessary rough ordeal that travellers in the highways and byways of love have to encounter, are of course united in the last act, and the usual tableau of "villainy defeated and virtue triumphant" greets the eyes of the audience. We have already sketched some part of the music and will only speak of some of the numbers that appeared most attractive in the representation. To a musician there were a trio in the first act, the *finale* of the second act and a beautiful trio and chorus in the last act. The last was full of poetry, delicacy, freshness and expression, and was given by Miss Richings, Castle and Campbell in excellent style. Of the songs scattered through every part of the opera the most noteworthy were, in the first act, "Through the pathless forest drear" (Mr. Castle), and "The Woodbird's Song" (Miss Richings); in the second act, "When wandering through the forest drear" (Mr. Campbell), "Though born in woods" (Mr. Castle), and "Why throbs this heart?" (Miss Richings). The orchestration of the *finale* of the first act is quaint and exceedingly effective. Castle and Campbell were in fine voice, and their acting was much better than we have seen them display before, and Miss Richings, in some of her ballads, was entirely satisfactory. The "Woodbird's Song," however, was very badly sung, and other parts of the *rôle* were manifestly unsuited for her. As a whole, we do not think that the "Desert Flower," unless placed on the stage in a more effective manner, will prove a permanent success. The disadvantages of giving English opera in such a large house as the Academy was painfully apparent last night, and some of the more delicate thoughts of the composer were consequently lost.

NIBLO'S—REHEARSAL OF THE NEW BALLET.—There was a dress rehearsal here last night of the "White Fawn"—the new fairy spectacle ballet and extravaganza—that is promised to the public for to-morrow night. It will be a most acceptable substitute for its predecessor. In its spirit, in its magnificently picturesque character, in dresses, scenery, mountings, in the whole *ensemble* of a grand piece of theatrical enchantment, Paris itself does not often surpass such a picture as the first scene of this piece presents, with the foreground blazing with the color of indescribable dresses, the distance softened with the luxury of Oriental towers and tropical vegetation, and the whole scene alive with light and music and motion. Indeed, the piece promises in its presentation to belittle all that we have hitherto had of spectacle and ballet.

PARK THEATRE, BROOKLYN.—This charming little theatre was last night well filled. The occasion was interesting. The play of "Ambition," a striking and interesting adaptation from the French by Dumas, was put upon the stage with very considerable taste and ability. The enterprise and taste of the Park theatre furnish an example which some of our ambitious New York theatres would do well to imitate. The play is founded on a legend connected with Henry VIII. and Catharine Howard. The principal parts were all well sustained. Considering that it was a first night the performance was indeed a great success. We cannot take time to tell the story, but we commend all to make a visit to the Park theatre, and we can assure them they will not be disappointed. Mrs. Conway, who was evidently suffering from a severe cold, played the part of Catharine Howard with great taste and with very marked ability. The part of Ethelwold, Marquis of Durham and Earl of Derby, was well sustained by Mr. Joseph Procter. Mr. Conway as Henry VIII. was admirable. There are one or two points which are capable of improvement. Considering, however, that it was a first night, much allowance must be made. We shall be disappointed if this piece has not a long and successful run.

NAVY GAZETTE.

Captain D. McN. Fairfax has been detached from the command of the Susquehanna and placed on waiting orders.

Commander Edward Y. McCauley has been detached from duty as fleet captain in the North Atlantic squadron and placed on waiting orders.

Paymaster Charles W. Abbott has been detached from duty as fleet paymaster in the North Atlantic squadron and placed on waiting orders.

Chief Engineer Geo. Sewell has been detached from duty as fleet engineer of the North Atlantic squadron and placed on waiting orders.

Surgeon J. D. Miller has been detached from duty as fleet surgeon of the North Atlantic squadron and placed on waiting orders.

Burial of the Unrecognized Bodies of the Victims of the Angola Disaster.

BUFFALO, Jan. 13, 1868.

The unrecognized bodies of the victims of the late railroad disaster at Angola, seventeen in all, were buried at Forest Lawn Cemetery, in separate graves, this morning. A large lot has been purchased by the Buffalo and Erie Railway Company for this purpose in a conspicuous location in the cemetery, and it is intended to erect a monument in the centre of the lot.

MISCELLANEOUS.

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Dr. WOLCOTT, 170 Chatham square, New York:—
Enclosed find a poem. It is my certificate.
S. H. GREENE.

We are but mortals, prone to ills,
Of burning pains or racking chills;
Life's greatest object then must be
Care 'gainst disease, as all must see.
Our common people seem to think
Their health requires the drugs they drink.
The mass of bitters and pills on trial
Show this is true without denial.
Perhaps a word in friendship said—
A "word to the wise" the proverb read—
I might repeat without offence,
Nor hope you'll think it insolence.
Painful eruptions on back and neck,
A year and a month left me a wreck.
I took one bottle my swellings to cure,
Now who will blame me for saying so sure,
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