WASHINGTON

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THE IMPEACHMENT EXCITEMENT.

WASHINGTON, May 13, 1868.

The impeachment excitement is still fresh and seems to gather additional interest by every day of delay. Last night and this morning Senators in favor of conviction as well as members of the House were extremely busy with the doubtful men in the Senate. The result of the canvass is declared to be quite favorable to conviction, and nearly every republican Senator expresses the opinion that Saturday will close with Andrew Johnson convicted of high crimes and misdemeanors. It is thought he can be convicted on the second and eleventh articles.

There is more hope of Henderson to-day than there was before. The Missouri delegation in the House has been incessant in its pressure upon him, and it is understood it has at last succeeded in exacting from him a written pledge that he will vote for conviction on the eleventh article. This is considered a great victory. The alternative was presented to him of either voting for this article or resigning his place in the Senate. Had he done the latter the place would have been instantly filled by the Governor of Missouri.

Some doubts are still felt about Frelinghuysen, of New Jersey. He was in earnest consultation this morning with Trumbull, who pronounces impeachment dead. The republicans are also busy with Frelinghuysen, and it is said he is in receipt of letters and telegrams from his State demanding him to vote for conviction. Some of the New Jersey delegation in the House vouch for him as being for conviction on some of the articles.

Senator Howard is somewhat worse this evening. If his physicians are of opinion that he cannot possibly come into the Senate on Saturday, it is said he will send in his resignation, and the Governor of Michigan will immediately send on a commission as Senator to one of the members of the House from that State. Howard is resolved that his illness shall be no impediment to conviction.

Senator Anthony again expressed an opinion to-day that the President would be convicted on the eleventh article, and possibly on the second. Senator Willey is of the same opinion, and it is thought they will both vote this way.

Senator Fowler is still doubtful, though a strong pressure is being brought to bear upon him from Tennessee, and it is not improbable he may yield and vote for conviction.

The statement telegraphed hence last night that A. T. Stewart, of New York, is here for the purpose of persuading Grant to decline in advance of the nomination at Chicago is wholly incorrect. Mr. Stewart is here, but for no such purpose. The paragraph in a Baltimore paper was pointed out to Mr. Stewart this morning, and he pronounced it grossly false. He says he believes Grant will be nominated without opposition, and that if Johnson is not deposed by the Senate Grant will be elected by the people.

Pressure of Missouri Radicals on Senator Henderson to Vote for Conviction.

The following telegram was received to-day:—

ST. LOUIS, May 13, 1868.

To Hon. J. H. HENDERSON:—

There is intense excitement here. Meeting called for to-morrow night. Can your friends hope that you will vote for the eleventh article? If so all will be well. E. W. FOX.

To which Senator Henderson replied:—

WASHINGTON CITY, D. C., May 13, 1868.

To E. W. FOX, St. Louis:—

Say to my friends that I am sworn to do impartial justice according to law and the evidence, and I will try to do it like an honest man.

J. B. HENDERSON.

Illness of Senators.

Senator Grimes was to-day attacked with sickness while at the Senate Chamber. It is supposed from the symptoms to be premonitory paralysis. He, however, was able to-night to converse with friends.

Senator Conkling is confined to his lodgings by sickness.

The symptoms of Senator Howard are not so favorable to-night as they were this morning. He has more fever.

It is not true, as reported to-night, that Senators Nye and Morton are also sick.

Argument of Senator Henderson in Opposition to the Impeachment Articles.

WASHINGTON, May 13, 1868.

The following is an abstract of the argument of Senator Henderson against impeachment, delivered in the Senate last Monday:—

MR. PRESIDENT—On the 21st day of February last the President of the United States issued an order, directed to Edwin M. Stanton, Secretary of War, declaring that Stanton thereby was removed from his said office, and his functions as Secretary would cease on receipt of the order. On the same day he issued and delivered to Lorenzo Thomas, Adjutant General of the Army, a letter of authority to act as Secretary of War *ad interim*, in place of Stanton removed, Stanton being directed to transfer to Thomas all the records, books, papers and other property of the Department. These two acts of the President, varied only in the form of the charges, constitute the offences contained in the first eight articles of impeachment. It is true that the fourth, fifth, sixth and seventh articles charge an unlawful conspiracy between the President and General Thomas to put Stanton out and put Thomas in; and some of these articles charge that the President designed to accomplish the object of this conspiracy by force and violence. To prove the existence of the conspiracy itself I presume the issuance of the orders named with them as knowledge of a concurrency must be chiefly relied on. Ou[t] of this I assume there is no sa[tisfactory] proof. That the President issued th[e] ... orders there can be no doubt. Whether Tho[mas] consented, concurred and agreed ... with the President in the making of these orders is a matter of no importance so far as the President is concerned. He is guilty or not guilty. Independent of Thomas on the question of violence in the removal of Stanton I think proof is wholly insufficient to show that the President contemplated the use of it, much less that he agreed or conspired with Thomas for any such purpose, and it will be observed that under those conspiracy articles it is not enough that the President himself should have intended, presently or ultimately, to use violence or to have Thomas use violence in procuring the War Department. It must appear that such a purpose was communicated to Thomas at the time, and Thomas agreed with him to participate in furthering such purpose. I therefore assume the correctness of the original proposition that the only questions involved in the eight articles named are, first, Could the President lawfully remove Stanton; second, could he lawfully fill the vacancy with an *ad interim* appointment? And now, as I intend to discard the President's claim of the constitutional right of removal independent of law, and to hold him strictly to the terms of the acts of Congress whatever they may be, I proceed to examine his power under the laws to remove the Secretary of War on the 21st of February last. On the 7th of August, 1789, the act was passed creating the War Department. The first section of the act declares that the Secretary shall perform and exercise such duties as shall from time to time be required or entrusted to him by the President of the United States, agreeably to the constitution, relative to military commissions or to the land or naval forces, ships or warlike stores of the United States, or such other matters respecting military or naval affairs as the President of the United States shall assign to said department, &c.; and, further, that the Secretary shall conduct the business of the said department, and in such manner as the President of the United States shall from time to time order and instruct. The second section provides for a chief clerk, to be secretary whenever the said provincial officer shall be removed from office by the President of the United States, or in any other case of vacancy, and shall during such vacancy have the charge and custody of all records, books and papers of the Department. On the 27th of July preceding the Department of Foreign Affairs had been established with precisely similar provisions, and on the 2d of September following the Treasury Department was established with the same provision, except that if the Secretary should be removed by the President or a vacancy otherwise occur, the Assistant Secretary, who was really Clerk, should have charge during the vacancy. Now whether I look to the words of these acts to the contemporaneous history of their passage to the subsequent construction given them by our statesmen and jurists or to the action of the Government under them, I am forced to the conclusion that the power to remove these officers absolutely is given to the President and was so intended at the time. The Departments are called Executive Departments. They are required to conduct their affairs as the President shall order or direct, and he is authorized to assign them duties not specified in the acts, which duties shall be discharged in the manner directed by him. He is clearly responsible for their conduct, and each one of the acts provides in terms that he may remove the officer and designate who shall succeed him. In case of removal or other vacancy in this state of the law, it will be observed that no possible difference can exist in the succession whether the removal or other vacancy should occur during the recess or session of Congress. In the case of the State and War Departments, the chief clerk and in that of the Treasury Department, the Assistant Secretary must succeed by virtue of the law, but this was to be a temporary or *ad interim* discharge of duties to be terminated by the appointment of a successor to succeed, not the temporary occupant, but the Secretary who may have been removed. In this state of the law, I could not doubt the power of the President to remove absolutely, whether in session or recess of the Senate; nor can I find any expression of a doubt on the subject by any statesman or lawyer of that day.

Opinions of Leading Radical Papers.

[From the Boston Advertiser (radical), May 13.]

As we write in entire uncertainty as to what the verdict will be, it is only just to remember that this has been a trial before a court, a court in which the country has confidence; that the judges were sworn to impartiality and have conducted the trial in compliance with their obligation; and that it must be presumed they will decide conscientiously and with a definite appreciation of the consequences of their votes. We may deplore the decision at which they arrive; but their motives are not subject to revision, and their judgments are to be accepted and acquiesced in as are the judgments of other courts.

[From the Cincinnati Commercial (Judge Chase's organ), May 12.]

We have expressed the opinion that impeachment would not prove a good investment for the republican party, and it will certainly be a very bad investment, whatever determination may be recorded in the Senate to-day, unless republicans generally are wise enough to see and declare that this trial is indeed a judicial proceeding, and that a Senator sworn to decide the case according to the law and the testimony may be presumed to be an honest man and a true patriot, whichever way he may vote upon the question of the conviction or acquittal of Andrew Johnson. The republican party is strong, but it cannot afford to drive out, as traitors, all who disagree with the opinions that are most noisily expressed by the most excitable of its members. The great masses of the republicans, who are not expecting office at the hands of Ben Wade or any one else, have never thought it a vital matter whether Andrew Johnson left the White House this month or in March next, and they should not allow themselves to be misguided by the advanced guard of the grand army of office hunters.

[From the Cincinnati Gazette (radical), May 12.]

The case against the President was fully and clearly made out, and we had hoped that there was sufficient honesty in the Senate to secure his removal; but in this the public are likely to be disappointed. The great obstruction to reconstruction must, it seems, remain in power. The Treasury thieves are to have a new lease, and the work of demoralization and public robbery is to go on. It only remains for an indignant and outraged people to appeal from the Senate to the ballot box; and in taking this appeal and retrying the case at the bar of public opinion the Senators who have violated the confidence placed in them by their constituents will not be overlooked. Andrew Johnson will, in any event, retire from office without the confidence or respect of any party. The same fate awaits those Senators who have betrayed their country and their party.

[From the New York Evening Post (radical), May 13.]

If the majority in Congress is wise it will drop just here the whole impeachment business and go on with the other and important matters which demand attention. It is impossible to secure respect for a verdict for conviction hereafter rendered by the High Court. The irregular and unlawful efforts to secure that end have been too shameless, too conspicuous. Of what use or force will be the silence of Mr. Henderson or the resignation of Mr. Trumbull? Of what account will be the conviction of the President by one or two votes, or indeed by any number, after the proceedings of yesterday? Finally, we urge the members of the court, so grossly attacked and so unlawfully solicited, to stand firm. Let no one resign; let no one promise to "withhold his vote." That way—and that way only—lies disgrace. The High Court of Impeachment was summoned to perform a grave duty; and the Senator who, as a member of it, allows himself to be swayed from his course by threats or by unlawful influence justly earns his ruin.

Conversation with General Grant on Impeachment, &c.

[Washington correspondence (May 11) of the Chicago Republican—radical.]

General Grant, in the presence of your correspondent, to-day said that from what he knew he believed that the President intended to evade conviction by resigning at the last hour. The General also said that he became so convinced that this would be done that he bet a box of cigars with Secretary Stanton in support of it nearly a month ago.

During the entire conversation the General expressed himself very strongly in support of Mr. Johnson's removal, it being his only hope of having peace in the Southern States, and he thought it would be dangerous to the best interests of the country to let him remain any longer at the head of the government. With Mr. Johnson's removal he would, without detriment to the public service, make a further reduction in the army, and the troops that were now stationed in many of the Southern States could be withdrawn and sent to the plains or mustered out of the service. Having a man in the Presidential chair who would take care that the laws are faithfully executed, the rebels in the South would cease committing murders and driving Union men from their homes, and loyal men would be again secure.

THE FORTIETH CONGRESS.

Second Session.

SENATE.

WASHINGTON, May 13, 1868.

The Chair laid before the Senate a communication from General Grant enclosing reports of District Commanders in the South of the number of white and colored votes registered in the different States, the number cast for and against the ratification of constitutions and the number neglecting to vote.

PETITIONS.

Mr. SHERMAN, (rep.) of Ohio, presented a joint resolution of the General Assembly of Ohio, praying Congress to adopt some measures to prevent the loss of life so frequent on our lakes, rivers and railroads; also a joint resolution protesting against the Reconstruction acts, and instructing the representatives of Ohio to vote for the repeal of the same, and also against the proposition to make a two-thirds vote necessary for making a decision of the Supreme Court legal.

RESIGNATION OF SECRETARY FORNEY.

The CHAIR laid before the Senate the resignation of John W. Forney, Secretary of the Senate.

Mr. SUMNER, (rep.) of Mass., moved that it be laid on the table.

Mr. CAMERON, (rep.) of Pa., objected, and immediately afterwards withdrew his objection.

Mr. Sumner's motion was adopted.

Mr. HENDRICKS, (dem.) of Ind., offered a resolution that the resignation be accepted, and until the appointment of a successor that Major MacDonald act as Secretary.

Mr. SUMNER objected, and the resolution went over under the rules.

REMOVAL OF POLITICAL DISABILITIES.

Mr. STEWART, (rep.) of Nevada, from the Committee on the Judiciary, reported a bill to remove political disabilities of certain citizens of Alabama. He stated that the committee recommends the relief to be extended to some hundred and six persons, being all those in regard to whom sufficient information had been furnished. Other names had not been passed upon because of the absence of that information, though doubtless the persons in question were entitled to relief.

MONTANA AND COLORADO.

Mr. WILSON, (rep.) of Mass., gave notice that he would ask leave to introduce bills to enable the Territories of Colorado and Montana to frame constitutions for admission as States.

REVISION OF THE STATUTE LAWS.

Mr. TRUMBULL, (rep.) of Ill., from the Committee on the Judiciary, reported the following resolution:—

Resolved, That the Commissioners appointed under the act of June 27, 1866, to provide for the revision and consolidation of the statute laws of the United States, be requested to report to the Senate what progress has been made by them and how much time will be required to complete the work.

The resolution was adopted.

MINING REPORTS.

Mr. RAMSEY, (rep.) of Minn., offered a resolution to print the same number of copies of the letter of the Secretary inclosing the report of Mr. W. Taylor upon gold and silver mines and mining east of the Rocky Mountains as are ordered of the report on mining by J. Ross Browne, and that they be bound together. He moved to refer to the Committee on Printing.

Mr. CONNESS, (rep.) of Cal., said there had been no resolution before the Senate authorizing the printing of Ross Browne's report, and the report had never been sent to this body by the Secretary of the Treasury, who did not appear to regard this body as of sufficient importance to send it. Mr. Conness hoped they would get it at some time.

Mr. HENDRICKS, (dem.) of Ind., asked what made it the duty of the Secretary of the Treasury to present that report?

Mr. CONNESS replied that the law provided that the report should be made under the direction of the Secretary of the Treasury. It could not be taken cognizance of by the Senate until it was presented. The Senator of Indiana, Mr. Hendricks, need not be in haste to defend the Treasury. When he (Mr. Conness) wished to attack him he would do it on more salient points. He hoped the resolution would be referred to the Committee on Mines and Mining.

Mr. JOHNSON believed that under the law the Secretary of the Treasury was not obliged to send the report to Congress, and that he was not, therefore, liable to censure for the failure to send it. The Senator from California (Mr. Conness) could offer a resolution asking for it.

Mr. CONNESS agreed that the Secretary was not obliged to furnish it, but he would decline to offer the resolution. He remembered that that gentleman denounced this body as a body of constitution tinkers. He hoped to get the report in some way or other.

Mr. JOHNSON then proposed to offer a suitable resolution, but

Mr. SHERMAN objected and the resolution was referred to the Committee on Mines and Mining.

CHANGE OF NAME OR LOCATION OF NATIONAL BANKS—OCEAN MAIL STEAMSHIP SERVICE.

Mr. RAMSEY introduced a bill to provide for the change of a name or a location of a bank under the banking laws of the United States, which was referred to the Committee on Finance; also a bill to authorize the establishment of ocean mail service by American steamships between the United States and the north and south of Europe and between the United States and the Mediterranean ports of Asia and Africa, which was referred to the Committee on Post Offices and Post Roads.

RESTORATION OF SOUTHERN STATES.

Mr. WILSON introduced a joint resolution to restore Alabama, North Carolina, South Carolina, Georgia, Louisiana and Florida to representation in Congress, which was referred to the Committee on Judiciary.

Mr. SHERMAN, (rep.) of Ohio, called up the bill to admit the State of Arkansas to representation in Congress. He stated that its speedy passage was necessary to the peace and prosperity of the country, which was in a very unsettled condition, with a Legislature elected, but without authority. He hoped the bill would be passed, the people of the State having complied with the prescribed conditions.

Mr. TRUMBULL said he believed the bill set forth several facts in relation to the ratification of the constitutional amendments by the Legislature, and that the constitution was republican in form. This, which he considered very gratifying, he believed to be the case. He had read in the newspapers that such was the fact. He would be glad to see all the States recently in rebellion represented here at the earliest practicable moment consistent with the safety of the country. He had not looked at this bill, however, and rose to inquire whether the Committee on Finance, of which the Senator from Ohio is chairman, have examined this subject. He was not aware that they had it under consideration and would ask whether the Senator proposed that a measure so important as the recognition of a government in a State, when the relations to the United States have been disturbed for several years, should pass the Senate without reference to a committee or any examination as to the facts and merely upon an individual expression of opinion, which, although it might be accurate, yet might possibly be mistaken.

Mr. SHERMAN replied that it did not seem necessary to refer the bill to the Judiciary Committee, which would be the only proper reference; they had the official documents containing the proceedings of the Arkansas Legislature and showing the ratification of the constitutional amendment by both branches on April 3, 1868, by a unanimous vote. The official copy of the constitution had also been transmitted to them by the President of the United States. He (Mr. Sherman) had read it as carefully as any Senator could, and that the report of the General of the Army giving the details of the votes, &c., were all that the Judiciary Committee could examine. The report showed that the condition of affairs in Arkansas demands instant action. There was a total absence of law, and the Legislature, though now in session, had no power until Congress ratified the constitution under the reconstruction acts. If there were any other facts than those established by the official record he did not know of them.

Mr. JOHNSON, (dem.) of Md., reminded the Senator that when this constitution was submitted to the Senate by the President they were engaged upon the trial, which had engrossed almost their sole attention, and he did not believe a dozen Senators had read it. While it might be true that the condition of affairs in Arkansas required a change for the better, the only information they had was from the General of the Army, and they should not take the statement of any officer, however patriotic and reliable, as conclusive. It might be true, also, that the constitution conformed to the reconstruction acts and was republican in form; but on these points Senators might well differ, and he thought the only proper way was to follow the usual course and refer the bill to the Committee on the Judiciary or some other suitable committee. No possible harm could result from a delay of a few days. Did the Senator suppose there would be many outrages perpetrated in a week if the adoption of the constitution was delayed for that time? But, whatever might be the result, if the Senate should now admit two additional Senators, the public would say, and perhaps would have some reason to speculate upon the result, that they were to constitute a part of the court of impeachment. He took it for granted that no member of the Senate contemplated such a state of things; but if admitted they might claim the right under the constitution, and might satisfy the majority that they had that right, whereupon their votes would be given. No person, controlled by a sense of justice or propriety, would consent to this, and he only mentioned it to show that it would give rise to this suspicion of the public. It would be in his judgment derogatory to the character of the Senate; for that reason only he had called attention to it.

Mr. DIXON, (rep.) of Conn., urged the same considerations as put forward by Mr. Johnson, as well that Senators do not without consideration pass upon the important questions involved in this constitution, such as the prohibition for all time to make any change in the right of suffrage, &c.

Mr. SHERMAN wished very positively to disclaim any purpose of passing this bill in order to obtain two votes upon the trial; there was not the slightest doubt that the bill would be retained by the President at least until Monday, perhaps for ten days. He repeated the consideration adduced before in regard to the disturbed condition of Arkansas in the absence of all law, since those lately in authority were now powerless and the Legislature could pass no law until Congress ratified the Constitution. He would vote to refer the bill to the Judiciary Committee if there was any necessity for it, but the only doubt that seems to be raised was in regard to the legality of the vote in Jefferson and Pulaski counties, which, however, could not change the result, and that vote was legal beyond a doubt, as had been shown by the officer sent to investigate the facts. The registers acted under the law of Congress received at the last moment in accepting the votes of those registered anywhere in the State. No political object could be effected by the passage of the bill, and it could do no harm, while no good could result from delay. He felt the earnestness of the representations of citizens of that State to him in regard to the condition of things there.

Mr. EDMUNDS believed after examination that the constitution was in proper form and that the State should be admitted under it; but in view of the importance of the subject, he would not give excuse for complaint by hasty action, and thought that all the forms should therefore be complied with, although he would make all the haste consistent with justice and security. To act upon this matter without reference to a committee would be unprecedented; it would be going back to the worst democratic times—using the word democratic in its modern, not in its proper sense. They should so act as to defy criticism in regard to the admission of these States. If the bill were passed to-day, and if the President were removed from office on Saturday, his successor would not be bound by the constitution to examine it.

Mr. BUCKALEW, (dem.) of Pa., called attention to the fact that there was a question whether the constitution was adopted or not, pointed out the law under which the Senator from Ohio (Mr. Sherman) claimed the registers in certain places had received votes of persons registered anywhere in the State, was passed but a few days before the election, so that it could have received no official notice, and in fact had none other than a despatch upon which they acted. Mr. Buckalew quoted from the report of General Gillem to these points.

Mr. SHERMAN replied, quoting again from the report of the officer who investigated the alleged frauds, to the effect that the registers had allowed persons to vote under the act of Congress of March last after consultation, and after having received intelligence of it. He said the whole number of registered votes was less than the surplus voters, so that the result could not be changed.

Mr. MORTON (rep.) of Ill., said the official evidence could be read in a few minutes, but perhaps it would not be proper to pass the bill to-day, and he should prefer to have it lay over until Monday, when doubtless it could be passed in a very short time. The character of the remarks of the Senator (Mr. Johnson) showed what use would be made of an attempt to pass it to-day, while as a matter of fact the passage of the bill could not be used one way or the other, and he was sure there was no intention of the kind. As the matter stood he was in favor of adjourning until Saturday.

Mr. SUMNER made that motion.

Mr. MORTON moved that when the Senate adjourn it adjourn until half-past eleven on Saturday.

The CHAIR decided that the motion could not be entertained unless by unanimous consent.

Mr. DAVIS, (dem.) of Ky.—Mr. President——

Mr. SUMNER—Mr. President, is it in order to move to postpone the pending order?

The CHAIR replied in the negative.

Mr. DAVIS—I do not understand what right the Senator from Massachusetts has to deprive me of the floor. If the understanding is that were are to have a vote now I am willing.

Mr. SUMNER—Very well.

Mr. DAVIS—I do not consult the Senator from Massachusetts. (Laughter.)

Mr. HARLAN, (rep.) of Iowa, rose to correct one or two words; first, in regard to the irregularity of the vote, because the registers had no official notice of the passage of the law of March last, when that bill was approved. It became the law of the land, and there was nothing in the constitution of the United States requiring publication; second, there was no ground for the supposition that the passage of the bill would add two votes unfavorable to the President. There now being fifty-four Senators thirty-six affirmative votes would be necessary for conviction, two being added, making the number fifty-six, then thirty-eight votes would be required to convict and nineteen to acquit, while nineteen would acquit the President now. One other point was, he said jocularly, objection having been made owing to the trial on the part of the President on account of the absence of ten States of the Union from representation. It was presumable that that objection would be diminished by the admission of Arkansas.

Mr. MORTON renewed his motion for an adjournment to Saturday.

Mr. SHERMAN objected, but finally, after some talk on the subject, withdrew the objection—the understanding seeming to be that a vote will be reached on Monday.

Mr. TRUMBULL disclaimed any intention to delay, and promised to endeavor to have a meeting of the committee as early as possible, to consider the bill, and on motion of Mr. JOHNSON it was referred to them.

Messrs. MORTON and SUMNER pressed the motion to adjourn until Saturday.

Mr. ANTHONY moved to amend by substituting Friday. If much further delay were had the Senate might, instead of an august body, be called a September body. (Laughter.)

The amendment was rejected, and the motion to adjourn until Saturday prevailed.

HOUSE OF REPRESENTATIVES.

WASHINGTON, May 13, 1868.

The proceedings were opened with prayer by Rev. George B. Van Wyck, of N. Y.

THE SOUTHERN CONSTITUTIONAL ELECTIONS.

Mr. BECK, (dem.) of Ky., offered a resolution directing the Secretary of War and the General of the Army to communicate the reports of the several district commanders as to the the elections on the ratifications of the proposed constitutions in Georgia, North Carolina, South Carolina and Louisiana, and for the election of the officers thereunder, with the accompanying papers, &c. Adopted.

THE AGRICULTURAL REPORT FOR 1867.

Mr. TROWBRIDGE, (rep.) of Mich., offered a resolution to print 180,000 copies of the Agricultural Report for 1867, which was referred to the Committee on Printing.

GAUGERS FOR PHILADELPHIA.

Mr. O'NEILL, (rep.) of Pa., introduced a bill for the appointment of four additional gaugers for the port of Philadelphia, which was referred to the Committee on Commerce.

THE ARREST OF COLLECTOR BAILEY.

Mr. SCHENCK, (rep.) of Ohio, made a statement in reference to a telegram in the morning papers, announcing the arrest in New York of Collector Bailey of the Fourth revenue district of that city, on a charge preferred by a detective in the employment of the Committee on Ways and Means. He said that neither himself nor the committee knew anything as to the merits of any complaint against Mr. Bailey, and certainly had no person employed in any secret detective service. The committee did not claim to have the authority, and certainly had not the disposition to enter on that business through the agency of Mr. Davis, or anybody else. All that was known by the committee about Mr. Davis was, that in the course of its investigation he appeared as a witness on one occasion, but no particular importance, as he recollected, was attached to his testimony.

WHITEHALL AND PLATTSBURG RAILROAD.

Mr. GARFIELD, (rep.) of Ohio, introduced a bill authorizing the Whitehall and Plattsburg Railroad Company to construct and operate its road across the land belonging to the United States at Plattsburg, N. Y., and to be subject to such restrictions as the Secretary of War may impose, and limited to four rods in width. The bill was passed.

THE PUGET'S SOUND AND COLUMBIA RIVER RAILROAD.

Mr. PRICE, (rep.) of Iowa, from the Pacific Railroad Committee, reported back the bill with amendments to incorporate the Puget Sound and Columbia River Railroad Company. After considerable discussion and propositions to amend Mr. Price moved the previous question.

The House refused to second the previous question.

Mr. JULIAN, (rep.) of Ind., moved to refer the bill to the Committee on Public Lands.

The motion was agreed to and the bill was so referred.

RESTORATION OF SOUTHERN STATES.

The bill to admit the States of North Carolina, South Carolina, Louisiana, Georgia and Alabama to representation in Congress was taken up.

Mr. STEVENS, (rep.) of Pa., offered the following amendment as an additional section:—

And be it further enacted that the provisions of section seventeen, article five of the constitution of Georgia shall not apply to a debt due to any person who during the whole time of the rebellion was loyal to the United States and opposed to secession.

Mr. STEVENS stated that he would allow the whole day for debate on the part of members opposed to the bill, and that he would ask a vote on it to-morrow.

Mr. BECK took the floor and made an hour's speech against the bill.

Mr. ROBINSON, (dem.) of N. Y., asked whether it was understood that the House was going into the amendment of a State constitution.

The SPEAKER stated that that was a question for the House, not for the Chair.

Mr. STEVENS—I propose that amendment, and for this reason: the constitution of Georgia nullifies all debts due before a certain period, as well those due to loyal men as those due to rebels. My amendment is that it shall nullify only those to rebels, not to loyal men.

Mr. ROBINSON—Will the gentleman from Pennsylvania allow me to ask him how he is going to pick out the creditors loyal and disloyal?

Mr. STEVENS—I am not going to do it; but when anybody claims to be loyal I suppose he will pick himself out. (Laughter.)

Mr. ROBINSON—Then everybody is to pick himself out.

Mr. PAINE, (rep.) of Wis., inquired of Mr. Stevens whether this was an individual amendment of his own or one that came from the Reconstruction Committee.

Mr. STEVENS replied—It is an individual amendment. I discovered this morning that the proposition with reference to debts embraced all, as well those due to loyal men as those due to rebels. That of course I thought wrong and propose to amend.

Mr. PRUYN, (dem.) of N. Y.—I rise to a question of order. I ask the Chair to rule that this House has no right by any legislation or attempted legislation here to interfere with the constitution or the provisions of the constitution of any State.

The SPEAKER—The Chair overrules the point of order. He declines to rule as the gentleman from New York desires, because if that were his prerogative he might be called upon to rule thus on bills which many members regard as not constitutional, and which even the President vetoes as not being constitutional. The Speaker has no right in any legislative body to rule whether a proposition is constitutional, only whether it is parliamentary. Its constitutionality affects its merits, and such questions are to be decided by the House, not by the Chair.

Mr. RANDALL, (dem.) of Pa., asked Mr. Stevens where he got authority, in the constitution of the United States, or anywhere else, to amend the constitution of a State?

Mr. STEVENS—I find it in the constitution, which says, "Congress may admit to the United States." I hold that under that Congress may admit them in just such shape as Congress pleases. I do not find any difficulty about that.

Mr. RANDALL—I would like the gentleman to go on and give us his argument upon this point, because some of us here find great difficulty about it.

Mr. STEVENS—Anybody who needs argument on that point I cannot enlighten. (Laughter.)

Mr. FERRY, (rep.) of Mich.—I desire to know whether my colleague intends that his amendment shall prevent the taxation of debts, judgments and cases of action due to loyal men?

Mr. STEVENS—I expect them to modify it according to the provisions of this act. I stated when this bill was postponed last Monday that I would allow full discussion. I do not want to discuss it myself, but will leave all the discussion to the members who are opposed to the bill. I intend, however, before the House adjourns to-day, to move the previous question, so the vote may be taken to-morrow.

Mr. BROOKS, (dem.) of N. Y., gave notice that he would move the following amendment as an additional section:—

Be it further enacted, That on and after the passage of this act all citizens of the United States in the States heretofore named shall be admitted to equal rights suffrage.

Mr. BECK addressed the House for an hour in opposition to the bill. He declared that the amendment proposed by Mr. Stevens was just as legitimate as the action of the people of the States on the constitutions proposed for them was. If the members of the republican party did not come up to the amendment just offered by Mr. Stevens it would be the first time that any proposition proposed by the distinguished gentleman from Pennsylvania was not adopted by all the members of his party, including the distinguished member from Ohio (Mr. Bingham), who would yet have to yield to the dictates of this great leader.

Mr. BINGHAM, (rep.) of Ohio, remarked that that statement was contradicted by the record in innumerable instances and the gentleman ought not to make it.

Mr. BECK repeated the assertion that the position taken by Mr. Stevens had been followed by his party in almost every instance, whether they had been liked at first or not. The amendment now offered by the gentleman from Pennsylvania would be another illustration of the rule. He referred to the resolution of the Ohio Legislature presented last Monday by Mr. Van Trump in opposition to the reconstruction measures of Congress. He also referred to the objectionable features of the constitutions under which the Southern States were to be admitted, particularly that provision of the South Carolina constitution which makes it compulsory on all children, white or black, to be sent to the same schools.

Mr. HIGBY, (rep.) of Cal., asked Mr. Beck what he would do with the negroes.

Mr. BECK replied that he would protect them as freedmen, as he would protect any person who had not the capacity to exercise political rights and privileges for a great many reasons. He held the negro was unfit to hold political rights, and it was an outrage against the civilization of the age to place the negro of the South in position to control the white race. It was an outrage which he believed the people of the country would ere long wash out. He declared that the colored people of Kentucky were now better protected and better cared for than they were in any States that are under the Reconstruction act. The object of the pending bill was to counteract the voters of the Northern States in the approaching Presidential election.

Mr. FARNSWORTH, (rep.) of Ill., asked Mr. Beck whether if the black man would vote the democratic ticket his objection to their participating in the government would not be somewhat modified?

Mr. BECK—Not in the slightest.

Mr. GARFIELD, referring to the allusion made by Mr. Beck to the resolutions of the Ohio Legislature, said that great deference ought to be paid to the opinions of State Legislatures, provided those Legislatures were by their conduct and opinions entitled to respect; and that he would refer to some acts of the Ohio Legislature to show whether that body was entitled to the confidence or contempt of the House. In that connection he referred to the act pretending to withdraw the consent of the State of Ohio to the fourteenth article of the amendments of the constitution; to the act remodelling the police laws of the leading republican cities of the State, so as to give them a democratic policy; to the act known as the Visible Admixture law, which provides that any man having a visible admixture of African blood in his veins shall not be admitted to vote, and which subjects every one to be inquired of as to who was his father and who was his mother; whether they were married and lived together, &c.; to the act forbidding any students in the colleges of Ohio, if not residents of the place, to vote; and to the act forbidding the inmates of the Soldiers' Home at Dayton, Ohio, to vote because it was known that they would vote as they had fought.

Mr. GARFIELD allowed interruptions from his colleagues, Messrs. Morgan and Van Trump, in reference to local measures and politics and replied to them.

Mr. ROBINSON addressed the House for one hour in opposition to the bill and declared his belief that all these unconstitutional measures, all these mere partisan measures, all these efforts to sustain a party which had been condemned and repudiated by the people, would fail, and fail forever, and that the impeachment resolution would be expunged by the House and black lines drawn around them and around those who had voted for the greatest stab on the institutions of the country.

Mr. BROOKS obtained the floor, but yielded to Mr. PRUYN, who in turn yielded to a motion to adjourn.

THE AWARDS AT THE PARIS EXHIBITION.

The SPEAKER presented a petition with accompanying papers of Mr. C. H. McCormick asking that the official notice of the awards of the Universal Exhibition in Commissioner Beckwith's report be corrected to correspond with the official records of the Exposition.

The House then at four o'clock adjourned.

MISCELLANEOUS WASHINGTON NEWS.

WASHINGTON, May 13, 1868.

Secretary McCulloch Opposed to the New Internal Revenue Bill.

It is reported that the Secretary of the Treasury is opposed to the passage of the new Internal Revenue bill. Mr. McCulloch claims, it is said, that by creating a new department of Internal Revenue the Treasury Department is deprived of the power of scrutinizing the affairs of the revenue bureau, and that by leaving the entire matter in the hands of the Commissioner a most important aid in compelling the proper management of internal revenue affairs is destroyed.

Announcement of Treaties with Indians.

The Secretary of the Interior has just received two despatches from the Indian Peace Commissioners, dated the 10th instant, at Fort Laramie, Dacotah, one announcing that treaties had been concluded with the Crows, Arapahoes and Cheyennes, and that the Commission would separate at this point. The other stated that the Commissioners are arranging to remove the Indians now located at North Platte and Laramie to the vicinity of Fort Randall. The despatches are signed by all the Commissioners except Mr. Taylor.

Mr. Forney's Resignation.

It is generally thought Forney has had no intention of resigning, but merely wanted to get a compliment from the Senate in the shape of a refusal to accept his resignation. There is no doubt, however, that it will be accepted, as a majority of the Senators want to get him out.

Among those named as successors to Forney are Lafayette C. Foster, of Connecticut; J. A. J. Cresswell, of Maryland; General James Brisbin, of Kentucky; Thomas L. Tulloch, Secretary of the Union Congressional Committee; William J. McDonald, Chief Clerk of the Senate.

Another National Bank.

The Carolina National Bank, of Columbia, S. C., was authorized to do business as a national bank last week on depositing securities for circulation with the United States Treasurer to the amount of $34,000. This makes the total number of national banks at present in operation sixteen hundred and eighty. The First National Bank of Trenton, Mich., has voluntarily withdrawn its securities and has ceased to act as a government depository.

The Soldiers' and Sailors' Convention.

The Soldiers' and Sailors' National Executive Committee met to-night in this city and completed arrangements for the convention to meet at Chicago on the 19th inst. The State delegations will organize immediately upon their arrival at Chicago, and the chairmen report at once to the Secretary of the National Executive Committee, at the Matteson House. The committee adjourned to meet at Chicago, on Saturday evening, the 16th inst.

Ben Wade's Prospective Cabinet.

On dit that Forney is to be made Postmaster General and Fenton Secretary of the Treasury under Wade.

Mr. Harlan's Opinion on the Right of Removals.

The following is a copy of an official letter addressed by Hon. James Harlan, when Secretary of the Interior, to a prominent gentleman who remonstrated with him against making a removal in his department:—

DEPARTMENT OF THE INTERIOR, July 3, 1865.

I have deemed it to be my privilege to make removals in this department, and I shall do so in the future without admitting the right of any one to call the propriety of my course in question. When Mr. Smith became Secretary of the Interior he at once sought and obtained the appointment of those whom he personally preferred for assistants and associates. I have been doing the same and expect to continue to do the same. Success as an executive officer requires it. Any other course would be suicidal. This official rule of right should prevail from the President to the smallest executive officer having control of subordinates. The President should not appoint nor retain a Cabinet Minister who is not his personal choice for the position; and, according to my views, a Cabinet officer could not in self-respect remain in office after becoming satisfied or having reason to believe that he was not the President's personal choice. The same rule should maintain between the heads of departments and the heads of bureaus under his supervision. Yours truly,

JAMES HARLAN.

Conference of Principals of Deaf and Dumb Institutions.

A conference of the principals of the American Institutions for the Deaf and Dumb is now in session in this city. All the most prominent members of the profession are present. It is expected that their deliberations will be followed by results of great practical value. The teaching of articulation and the various methods of instruction will receive full discussion. A temporary meeting of the conference was effected last night. Short addresses were made by the President, Dr. Gallaudet, Mr. Amos Kendall, Dr. H. P. Peet and others. The conference was permanently organized this morning by the election of Dr. H. P. Peet, of New York, as President, and Rev. Collins Stone, of Hartford, and P. J. Gillett, of Illinois, as Vice Presidents. Valuable papers on methods of instructing beginners were read by Dr. Peet and Mr. Gillett, and called forth a profitable discussion.

Annual Examination of the United States Naval Academy—List of Visitors.

The following is the list of the Board of Visitors selected to attend the annual examination of the United States Naval Academy, at Annapolis, which commences on the 20th instant:—Rear Admiral Charles H. Bell, U. S. N., President; Commodore J. P. Greene, U. S. N.; Captain J. R. M. Mullany, U. S. N.; Surgeon Philip Lonsdale, U. S. N.; Paymaster E. T. Dunn, U. S. N.; Chief Engineer William H. Shook, U. S. N.; Prof. Charles Davies, LL. D., United States Military Academy, West Point; Hon. John Scott, Lieutenant Governor of Iowa, and Lucien A. Hagans, Wheeling, West Virginia.

Navy Bulletin.

Chaplain William J. Salter has been ordered to the Norfolk navy yard. First Assistant Engineers T. G. Smith, Isaac S. Finney, W. B. Buehler, A. H. Able and D. P. McCartney, and Second Assistant Engineers G. A. B. Smith, J. J. Bissett and W. L. Bailie have been ordered to temporary duty in connection with the contract trial of the Pushmataha.

TRIAL OF JOHN H. SURRATT.

The Application for Bail Argued—Refusal of Judge Cartter to Grant It.

WASHINGTON, May 15, 1868.

In the criminal court this morning the motion for bail in the Surratt case was argued by Mr. Merrick for the motion and Mr. Riddle in opposition. Mr. Merrick urged the release on bail, because Surratt had been long confined, was suffering in health and needed liberty to raise funds for his defence. The counsel for defence, he said, were not volunteers, but had not received and did not expect pay, for the utmost efforts of Surratt's friends could barely raise sufficient funds to pay the board of his witnesses during the trial, &c.

Chief Justice Cartter refused to bail Surratt, on the ground that the prosecution was ready to proceed at the present term, but that the case had been continued until the next term, at the instance or at least with the ready consent of Surratt's counsel.

THE INDIAN COMMISSION.

Arrival of all the Chiefs and Head Men of the Brule Sioux—Council Held Between Them and the Indian Peace Commission—Address of the President of the Commission to the Indians—Last Chance for the Red Skins—The Powder River Country to be Given Up to the Indians and the Military Posts Abandoned when Peace Shall be Declared with All the Tribes of the Sioux—The Treaty Already Signed by the Brules—Synopsis of the Treaty of Peace.

FORT LARAMIE, D. T., May 4, 1868.

In my letter of the 23d ultimo I informed your readers that the Peace Commission were here waiting for the coming in of various bands of the Sioux nation. Since then, the Brule Sioux having arrived in large numbers and being represented by all the chiefs or head men of that tribe, it was determined to hold a council with them on the 28th ultimo, which was accordingly done. The pow-wow was opened by General Sanborn, one of the seven commissioners appointed by Congress and President *pro tem.* of the commission. There were present also Generals Harney and Terry, members of the commission. General Sanborn commenced by telling the assembled chiefs that they were now offered peace in order to save their nation from destruction; that though they might not believe it, but it was a certain fact that the Indians could not protect themselves from the whites; that the soldiers whom they had been trying to kill were out here to keep the white people from going into their country; that the Indians must have the protection of the President of the United States and his soldiers or their race would ere long disappear from the face of the earth. Furthermore, that if they continued to war against the whites they could not expect the President nor their friends among the whites to protect them any longer from the people who were waiting in large numbers for the opportunity to enter their country; that if they continued war their territory would be quickly overrun by the whites; that military posts would be erected and their game, as well as themselves, destroyed. General Sanborn went on telling them that this was the last effort of the President to make peace with them and save them a country and a home; that if they made an abiding treaty of peace (and he remarked that unless they were perfectly sincere in these intentions, when ratifying it, it would be better for them to leave it unsigned), they would be protected and furnished with supplies of clothing and useful articles while they roamed and hunted, and that they would be supplied with cattle, horses, &c., and implements to work the soil to such as might at any time settle down, build a home and live like the whites. Under the treaty they could hunt while they remained at peace and the game lasted, and when the game was gone they could have a home and the means of supporting themselves and children; that they must now fully understand that if peace was not made and preserved all efforts to that end on the part of the United States were completely finished.

After a protracted interval, during which the chiefs consulted among themselves, addresses to the commissioners were made by several of them. Iron Shell, Red Leaf, Swift Bear and others were the speakers. They declared themselves tired of war, that they gained nothing by it, and begged that their great father at Washington would take pity on their miserable condition and do all in his power for them. They wanted the posts of Reno, Smith and Phil Kearney abandoned and the road to the Powder river country closed within one month and that territory left entirely to them, that the game might again become abundant therein. They expressed themselves as friends of the whites, and wished to be at peace with them.

The council with the chiefs was finally concluded with the agreement that they would assemble the next day (29th) to hear the proposed treaty of peace read and sign the same if satisfactory. Accordingly, on the following day the commissioners again met the head men of the Brules. The assemblage was much of the same character as the preceding day. The terms of the treaty of peace were explained to the Indians, and after much talking and pipe smoking among themselves their grotesque looking chiefs advanced, one by one, and, after shaking hands with the Commissioners and those of their people present whom they represented on the occasion, the treaty was signed by the chiefs, some fifteen in number, and representing the whole of the Brule band of Sioux.

The treaty of peace recites at length that the United States government will protect the Indians, who on their part solemnly agree to deliver up to the government for punishment, according to its laws, any wrongdoer of their number who may commit any outrages. The boundaries of the district set apart for the use of the Indians is then defined; it is the section known as the Powder river country—the various tradesmen to instruct the Indians—and the duties of the United States Indian Agent who is to reside among them are then defined; the amount of clothing, &c., that is to be supplied stated at length. The Indians relinquish all right to occupy the territory outside their reservation, and agree to withdraw all opposition to railroads being built. After reciting various regulations the United States then agree that within three months after the conclusion of the treaty of peace with all the tribes of the Sioux nation that the military posts now established in the Indian territory shall be abandoned and the road leading to them and by them in the settlement in the territory shall be closed. There are seventeen articles to the treaty, and the last one states that the execution of the treaty and its ratification by the United States Senate shall have the effect of annulling all treaties and agreements heretofore made.

Lieutenant General Wm. T. Sherman and Colonel Tappan, both members of the Peace Commission, will arrive here this evening, making five out of seven commissioners who will be here. The other two, N. G. Taylor, the President of the Commission, and Senator Henderson are at present detained by business at Washington City. Major General Augur, the Commander of the Department of the Platte, and which embraces this post, is here at present and has acted in the absence of General Sherman for him at the councils of the commission. All the troops stationed here (viz., six companies of the Fourth infantry and two companies of the Second cavalry) are ordered off from here to Wind River Valley, and will leave before the close of the month. It occupies at least a week to get a or letter paper from New York, and the latter are scarce and generally stale at that.

Mr. Alexander Gardner, of Washington, photographer, has arrived here with all the paraphernalia and force necessary to obtain likenesses of the Indian chiefs, groupings, &c., and views of the Rocky Mountains. So far he finds it utterly impossible to persuade the Indians to allow him to take them. In cases where he nearly succeeded the sons of the forest bolted off when he got the camera to bear on their profiles.

The peace commissioners will leave here in about ten days, and my next letter will give you the further news.

THE TURF.

The Lexington Races.

LEXINGTON, Ky., May 13, 1868.

The Club purse of $400, two mile heats, for all ages, was run for to-day and won by Ford's b. c. G. Wolford, beating Merrill and Lucy Gray. Time, 4:04½ and 4:01½. Merrill was distanced. The winner stood second in the pools. It rained hard during the day and the track was heavy.

POLICE TRIALS.

Police Commissioners Acton and Brennan were present yesterday at the trials of officers for alleged neglect of duty and other offences. There were eleven cases in all, none of them important or interesting to any great extent. During the examination of officer Thomas Joyce, of the Forty-fourth precinct, who was charged with too free a use of the club on the person of a citizen, it was charged that the officer struck the man on the head with his club, whereupon Commissioner Brennan took occasion to inform the officer that under no circumstances is a policeman justified in striking a prisoner on the head, and whenever an officer was brought before the Board on such a charge, and that charge substantiated, he would urge his discharge from the force. If occasion requires the use of the club, let the man's arms or other parts of his body be struck; but an officer must avoid clubbing a prisoner on the head. After the calendar was gone through the Board adjourned.

DESPERATE FLIGHT OF A LUNATIC.—On Sunday afternoon a lunatic named William Haffee escaped from the Albany County Lunatic Asylum and, running furiously through some streets, attracted a large crowd. Several persons tried to catch him, but the unfortunate creature pursued his course directly through the street until he came to the precipitous and rocky embankments of Buttermilk Falls. Here he made a leap into the stream, a distance of sixteen feet, striking on the rocky bed of the stream, and thence made another leap over the falls, falling into a pool of water below. Here he was quickly followed by his pursuers, who succeeded in rescuing him from drowning. He was, however, found to be insensible from the effects of his terrible leap, and was so badly injured, internally and otherwise, that it was supposed he would die during the day. He was placed upon a stretcher and conveyed back to the asylum.—*Albany Journal, May 11.*

THE TAX ON LOTTERIES.—The managers in New York, through their agents in this city, have in their employ from seventy-five to one hundred men, who regularly return to them, twice each day, in books kept for the purpose, the amount of sales of lottery tickets or policies made by them, and the records of the Assessor's office show that only nineteen out of the seventy-five or one hundred men have paid the special taxes, and have given the bonds required by law, subjecting all others who are engaged in the business of lottery dealers to a penalty of $1,000 and to imprisonment for a period not exceeding one year, under the 13th section of the act of Congress approved March 3, 1865.—*Baltimore American, May 13.*