WASHINGTON

REASSEMBLING OF CONGRESS.

The Authority for the Recent Amnesty Proclamation Called for by the Senate.

Speech of Mr. Windom in the House on the Pacific Railroads.

WASHINGTON, Jan. 5, 1869.

The President's Amnesty Proclamation.

Senator Ferry took occasion to-day to revive the old question as to whether the President has authority to issue a proclamation of general amnesty. In the words of his resolution, "By what authority of law" was the last proclamation issued? The answer of the President to this inquiry will be that the proclamation itself gives his authority in full, and that it is derived from the highest law in the land—the constitution of the United States. The second section of the second article of the constitution states that "he (the President) shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment." When Mr. Lincoln issued his proclamation of amnesty on the 8th of December, 1863, he began it with the following words:—"Whereas, in and by the constitution of the U nited States,g it is provided that the President shall have power to graut reprieves and pardons for offences against the United States, except in cases of impeachment," it is well known that Mr. Lincoln held the authority above quoted to be an all sufficient warrant for the issue of a proclamation of pardon, and that he regarded the thirteenth section of the act to suppress insurrection, &c., approved July 17, 1862, as merely confirmatory of the President's power to pardon offences against the United States, and not as being necessary to enable him to grant such pardon, for, in the first clause of the proclamation referred to, he says:—"Whereas, laws have been enacted by Congress declaring that the President was thereby authorized at any time thereafter by proclamation to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty; and whereas the Congressional declaration for limited and conditional pardon accords with well established judicial exposition of the pardoning power; therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare and make known to all persons who have participated in the rebellion that a full pardon is hereby granted to them and each of them." In the debate that occurred on the repeal of the thirteenth section of the act approved July 17, 1862, Senator Trumbull declared that the section in question neither added to nor detracted from the power to grant reprieves and pardons vested in the President by the constitution. President Johnson also holds that all the authority requisite to issue a proclamation of pardon and amnesty is given to the President by the constitution, and that neither the passage of an act of Congress nor its repeal can affect it. He holds that it will scarcely be denied that the power to grant pardon is conferred by the constitution, for that very word is used. The only doubt that exists seems to be in reference to the word amnesty. Therefore, it cannot be denied, treason being an offence against the United States, that the President has power to pardon a single individual, or two, three or a dozen, and in truth, there is no law limiting the number that may be included in a pardon. Consequently, there can be no question as to his right to issue a proclamation of pardon, mentioning by name every person who was concerned in the rebellion. The only difference, then, between such a proclamation and the one that was issued is that the persons pardoned were not named. The two words pardon and amnesty are regarded by the President as synonymous terms; pardon used in the sense of remitting the penalties for an offence or crime committed, and amnesty as the removing or blotting out of the offences of a number of persons—in short, a general pardon, proclaimed as an amnesty, to avoid the tedious process of pardoning in detail. Thus it will be seen the President regards the terms pardon and reprieve to be included in the term amnesty, and there is the very best of evidence to show that President Lincoln viewed this power of the President in precisely the same light. If, therefore, Congress shall declare that the President has no power to issue a proclamation of general amnesty, a proclamation of general amnesty. The only effect would be to augment to an astonishing degree the labor and expense of pardoning the remaining offenders, for each individual would be granted a pardon and amnesty on a separate form.

A Quiet Day in the House.

When the House met to-day there was barely a quorum present. The eccentric Mullins, of Tennessee, wanted to defend the constitution by having a call of the House; but this was not effected until a vote was taken, when a division by tellers showed that 120 members were in the hall. No business of special importance was transacted. Considerable time was taken up in personal explanations about newspaper attacks upon members for their abuse of the franking privilege. At three o'clock the House, for lack of more profitable business, went into Committee of the Whole.

Nominations Confirmed.

In executive session to-day the Senate confirmed the following nominations:—William H. Russell, Collector of Internal Revenue for the Second district of Connecticut; Charles C. Dame, Collector of Internal Revenue for the Fifth district of Massachusetts; C. G. Megru, Assessor of Internal Revenue for the Second district of Ohio.

A Busy Session for the Finance Committees.

Some indications appear that at least the Finance Committee of the Senate will not be idle during the remaining two months of the session. They met to-day, and after disposing of various nominations for offices in the internal revenue, including that of Commissioner, agreed to meet every day in the forenoon for the future and go earnestly to work in framing a report which will aim to embrace the clearest and most comprehensive scheme for settling the permanent basis of the national debt, for arranging the condition of the finances and paving the way to specie payments. The amount of material at the service of the committee is already immense. Elaborate reports, essays, speeches and bills innumerable have accumulated on their hands. It will become their business to proceed at once through this mass of financial suggestions, taking the best points they discover and sweeping away the rubbish. To inaugurate the work in earnest and draw around him and his colleagues all the co-operation possible Senator Sherman has decided to give a party at his house next Friday evening, in the name of the Senate Finance Committee to the Committees of Appropriations of both houses, the Ways and Means, the Banking and Currency Committee and the heads of all the bureaus in the Treasury Department. At this party, which is an entirely new idea in Congressional practice, the members of the Finance Committee will be introduced to the gentlemen of the other committees and of the Treasury Department, thus establishing an acquaintance which will be of considerable advantage to all concerned. With all the assistance and experience the committee intend to group about them there should be every reason to hope that the financial problems will receive a satisfactory solution and the country be reassured that wisdomand statesmanship still reside in the national councils.

More Reconstruction for Georgia.

Senator Stewart, of Nevada, took the initiative today on the question of reconstructing over again the State of Georgia, and presented for the edification of the Senate a bill which illustrates better than anything that has yet been introduced the mania of party recklessness. It gravely proposes that all the officers elected under the present constitution in Georgia, and not disqualified by the fourteenth amendment, shall remain in office. In other words, all the republicans shall stay in and all the democrats shall go out, while those who are in are authorized to hold a convention on the 1st of March to amend the present constitution to suit themselves and then submit it to the people, by whom no votes shall be cast but such as are designated in the amended instrument, providing, however, says this ingeniously constructed document, that no one shall be prohibited from voting on account of race or color. This arrangement would bring more unalloyed rapture to the hearts of the carpet bag fraternity and their colored supporters than the confiscation scheme of the lamented Thaddeus Stevens.

Cause of the Late Troubles in Georgia.

Senator Pomeroy to-day received a letter from Georgia in which it is stated that the recent troubles on the Ogeechee river were caused by the refusal of planters to share the crops equitably among the negroes, which they claimed pursuant to last year's contract. Similar difficulties occurred as to the previous crops. The negroes this time declared the crops should not be removed till they had their just share. General Saxton, with two companies of soldiers, went to the scene of conflict, arrested the ringleaders and divided the crops according to contract.

A Petition from Colored Georgians.

A petition of 500 colored citizens of a county in Georgia was received by the Senate to-day, complaining of the present form of government as not being sufficiently loyal, and that more than a prudent number of rebels were allowed the privilege of voting. It called for the reinstatement of the colored members ejected by the Legislature and the restriction of the suffrage to loyal men. Out of the 500 names attached only a dozen or so were able to write their own; the rest were inscribed by one hand, with a cross mark after each. Petitions of this character are very numerous, and should be taken *cum grano salis*.

Sudden Collapse of the Colored Representative.

Menard, the colored Representative from Louisiana, who came here to take a seat in Congress and did not, has gone home in disgust. It is said here that he was necessitated to get money from the Freedmen's Bureau fund to carry him to Lousiana.

The Alaska Bribery Investigation.

The Committee on Public Expenditures, to whom is entrusted the investigation of the alleged bribery in the Alaska purchase, failed to hold a meeting today, owing to the absence of the chairman, Calvin T. Hulburd.

A Pertinent Inquiry—Sales of Gold by the Treasurer Since 1863.

With a view to ascertaining some of the mysteries of the sales of gold by the government, through its agents in New York, since 1863, when the government first became a seller, Mr. Morrell, of Pennsylvania, has prepared the following resolution, which he will offer in the House at the first opportunity:—

Resolved, That the Secretary of the Treasury be and he is hereby requested to furnish to this House a statement showing the aggregate amount of gold coin sold by the government since January 1, 1863, in each year, with the date and amount of each sale, the rates and amount of premium realized, the commissions and exponses attending the same, and to whom paid, and stating particularly to what account such expenses and commissions were charged and to what account the premiums were credited.

In all reports made by the Secretary of the Treasury heretofore it has been found impossible to ascertain the information called for in the above resolution. The accounts of gold sales have always been mixed with other accounts, so that nobody was able to tell anything about them.

The Consular Appropriation Bill.

The Consular and Diplomatic Appropriation bill, reported to-day, appropriates $1,106,234 for all purposes, being $116,000 less than the appropriation of last year. Among the items are the following:—For salaries of envoys extraordinaire, ministers and commissioners to the great Powers, $316,000; for salaries of Secretaries of Legation, $30,550; for contingent expenses of missions abroad and foreign intercourse, $100,000; for expenses of consulates in Turkish dominions, $2,500; for protection of American seamen abroad, $50,000; miscellaneous expenses of consuls, $40,000; for expenses under the Neutrality act, $10,000. A clause is inserted in the bill making is a punishable offence for consuls to demand for certificates of invoices fees greater than are allowed by law.

The Russian Mission.

Smythe's nomination for the Russian mission has not yet come up. It is said that he will have more votes than necessary for a confirmation.

The Patent Office Stationery Frauds.

For some time past there have been a number of conflicting reports afloat about the stationery contracts of the Interior Department. Charges of fraud among the contractors, of collusion among officials and complaints of general dissatisfaction all around were freely circulated. In the HERALD of Monday a detailed statement was published, giving the results attending the exploration of the House Printing Committee into the stationery contracts of the Interior Department. Their report places the Commissioner of Patents in the light of one with a disposition very easily imposed upon and with little taste for figures and the exact fulfilment of contracts. The contractors are represented as being decidedly inclined to make sharp and profitable bargains. Now another report appears from a board of examiners, composed of three gentlemen, one selected by the Commissioner of Patents, one by the Secretary of the Interior and the other suggested by the contractors themselves. After due investigation they come to the conclusion that "No evidence of any fraud or collusion was given or taken before us that would implicate the contractors. The articles furnished were such as were specified in the contracts and schedules attached and at the prices specified." They proceeded to state that the purchases may be considered a matter of contract, particularly when the payment of the bills rendered are by means of a requisition upon the Treasury signed by the Commissioner of Patents and the Secretary of the Interior. Further on they state that no doubt exists but that the Commissioner of Patents contracted for 600,000 sheets of bond paper at the price of eight cents per sheet, making the whole cost $48,000. The office received 330,240 sheets, the rest was tendered, but refused, and is subject to delivery upon the adjustments of accounts. But it seems there was a prior contract for 50,000 sheets of bond paper. Eleven thousand of these were received by the office, but the contractors obtained payment for 28,000. In explaining this account the board of examiners say that the contractors had 270,000 sheets of another kind of paper to deliver, a portion of which would be an offset to the amount overdrawn. They conclude, however, by stating that if the firm do not furnish the 17,000 sheets charged for and not delivered that the amount should be deducted from their account. Other matters which refer to the interests of the Patent Office will form the subject of another report by the board of examiners.

More Schemes of Public Plunder.

The usual social felicitations were exchanged by Senators this morning on meeting once more for legitimate business after the holiday recess. There were thirty-seven present; but through the afternoon several more dropped in and made the number over forty. Senator Sumner was, as usual, the first to engage the attention of the chair, while he poured out a flood of bills, petitions and resolutions, numbering in all nearly a dozen and a half. Of the seven bills he introduced one or two may finally emerge from a committee only to disappear again for all time. Senator Pomeroy introduced one of that interesting family of bills which have recently grown to such formidable dimensions—for establishing steamship lines and building railroads out of Uncle Sam's pocket. Mr. Pomeroy's project meditates the employment of two steamships to carry the mails between New York and Vera Cruz every fifteen days, the contract not to exceed a term of ten years, and the Postmaster General being authorized to make it. This offers a nice speculation for the owners of any worn-out and profitless propellers calculated to float at two knots an hour and safe enough to carry a few mailbags containing correspondence for a score of American families at the city of Mexico. Senator Rice introduced another of these wild-cat bills—a novelty, too, by the way. It was nothing less than a bill to incorporate the Central Railroad Company, in the Indian Territory, and gave for incorporators the names of people belonging to the Creek, Cherokee and Chickasaw tribes of Indians, with the proviso that any others who choose might also become incorporators.

The Busted Investigation.

The sub-committee of the House Judiciary held another meeting this morning, the three members, Messrs. Woodbridge, Eldridge and Churchill, being present. The examination of Senator Spencer, of Alabama, was resumed and continued till noon. No other witnesses appeared to-day; but nearly a dozen are on hand.

Subsidies to the Union Pacific Railroad.

In a communication laid before the House to-day from the Secretary of the Interior to President Johnson, dated December 18, he says:—

The Union Pacific Railroad Company has received bonds on 960 miles of its road, amounting to $22,798,000. The commission has submitted favorable reports upon two sections of twenty miles each, but no Executive action has been taken upon them. The amount of $1,280,000, which will be due the company in the event of your acceptance of these sections, is thus retained by the government. The government subsidies, which will be earned upon the completion and equipment of the remainder of the road, it is believed, will be sufficient, with the foregoing amount, to guarantee its completion as a first class road. Since the date of this communication the two sections have been accepted.

The Denver Pacific Railway.

Governor Evans, President of the Denver Pacific Railway and Telegraph Company, says the reports sent out to the effect that the company has received aid from the government heretofore or that it now asks for any, except in lands, is erroneous. That all it asks is a transfer of lands that have been already granted to the Union Pacific, Eastern Division, Company, with its assent.

Troops Engaged in the Indian War.

In compliance with the Senate resolution of the 14th ultimo the Secretary of War to-day transmitted to the Senate a statement as to the number of United States troops employed in connection with the Indian hostilities in protecting the Missouri river traffic and the Union Pacific Railroad, and otherwise policing that region of the country, of which the following is a recapitulation:—

Number of regular troops employed in guarding and policing the frontier, 10,691; operating against the Indians and policing the frontier, 6,824; operating against the Indians, 2,119; guarding the Union Pacific Railroad and policing the frontier, 657; guarding the Union Pacific Railroad, 405; guarding the traffic on the Missouri river, 1,352; operating against the Indians and guarding the Union Pacific Railroad, 3,553. Total regular troops, 25,601; add volunteer troops, 1,213—aggregate, 26,814.

Rewards for Friendly Indians.

The Senate received this rather novel communication to-day from the Secretary of the Interior, addressed to him by Commissioner Taylor, of Indian affairs:—

SIR—I have the honor to state that it is customary, when a President of the United States has been elected, to have medallions of such President made and purchased for distribution to some of the chiefs and head men of the different Indian tribes at peace with and under the jurisdiction of the government, and also to any other member or members of any tribe who may have proved deserving of some special mark of favor or recognition from the government. I have therefore caused an estimate of appropriation ($5,000) required for medallions of U. S. Grant, President elect, to be prepared and respectfully ask that the same be laid before Congress for its action. Yours, obediently, N. G. TAYLOR.

Nomination of Internal Revenue Commissioner.

The precise action of the committee on the nomination of Cummings for Internal Revenue Commissioner is difficult to arrive at, but it is generally understood that it was laid on the table, which is equivalent to killing it.

Petition for the Pardon of Dr. Mudd.

Paul Bagley, the missionary, is circulating a petition here for the pardon of Dr. Mudd, now a prisoner at Dry Tortugas. It is headed by Hon. Stevenson Archer and is signed by twenty other democrats of both Houses.

Supreme Court Proceedings.

The following cases were argued in the Supreme Court to-day:—No. 21. The Steamship China, Her Tackle, &c., vs. Walsh et al; case in admiralty. Argument concluded. No. 22. The Louisiana Mutual Life Insurance Company vs. Tweed; action in policy of insurance. Argument commenced.

Mysterious Death of Two Colored Men.

There was considerable excitement in the upper part of this city to-day, in consequence of two colored men being found dead in their beds, at the residence of the French Minister. Large crowds were surrounding the house. Reports were current that they were either suffocated or poisoned.

Health of General Spinner.

General Spinner still remains very unwell, and is unable to be at his desk at the Treasury Department.

Personal.

General Logan appeared in his seat to-day, although still suffering from sickness.

THE FORTIETH CONGRESS.

Third Session.

SENATE.

WASHINGTON, Jan. 5, 1869.

The Senate resumed its session at twelve o'clock, the following named Senators being present:—Messrs. Buckalew, Cattell, Cole, Conkling, Dixon, Davis, Edmunds, Ferry, Fessenden, Fowler, Frelinghuysen, Grimes, Harlan, Harris, Howard, Howe, Kellogg, McCreery, Morgan, Morrill, of Vermont; Morton, Nye, Patterson, of New Hampshire; Patterson, of Tennessee; Pomeroy, Rice, Robertson, Ross, Saulsbury, Sherman, Stewart, Sumner, Trumbull, Vickers, Wade, Warner, Willey, Williams, Wilson.

COMMUNICATIONS RECEIVED AND REFERRED.

The PRESIDENT laid before the Senate communications from the Secretary of War transmitting a statement of the number of troops, regular and volunteer, employed in service against the Indians. Referred to the Committee on Military Affairs.

Also a communication from the Secretary of the Treasury, transmitting a report of the Special Commissioner of the Revenue, Mr. D. A. Wells, and asking the attention of Congress to his recommendations. Referred to the Committee on Finance.

Mr. SHERMAN, (rep.) of Ohio, offered a resolution to order the printing of 10,000 copies of the report for the use of the Senate. Referred to the Committee on Printing.

PETITIONS PRESENTED.

Mr. SUMNER, (rep.) of Mass., presented several petitions of citizens of Virginia asking the removal of their political disabilities. Referred to the Committee on the Judiciary.

Also a petition of Hungarian citizens in the United States, praying for the establishment of a Consulate General of the United States at Buda, Pesth. Referred to the Committee on Commerce.

Also the petition of the University of Virginia, praying the remission of duties upon certain apparatus ordered from Europe. Referred to the Committee on the Judiciary.

Also a petition of citizens of Philadelphia and Louisiana, for a constitutional amendment securing equal political rights to all citizens.

Also a petition of citizens of Georgia, setting forth the troubled state of things existing in that State and praying the intervention of Congress. Referred to the Committee on the Judiciary.

Mr. POMEROY, (rep.) of Kan., presented a petition praying for the passage of a civil service bill, the transfer of the Indian Bureau to the War Department and increased economy in every department of the government, which was referred.

SUBMARINE TELEGRAPHS.

Mr. MORTON, (rep.) of Ind., offered a joint resolution forbidding the landing of any submarine cable in any part of the territory of the United States without the consent of Congress. Referred to the Committee on the Judiciary.

THE PRESIDENT'S AMNESTY PROCLAMATION.

Mr. FERRY, (rep.) of Conn., offered a resolution requesting the President to transmit a copy of his late amnesty proclamation, with a statement of the authority by which he issued it. Mr. Ferry said that he offered the resolution because although he favored the amnesty he doubted the right of the President to grant it in this sweeping way, and he wished to have the question settled.

Mr. HOWARD, (rep.) of Mich., was very glad that the attention of the Senate had been called to the question. He thought it important that the people of the United States should know whether the President had such a dispensing power as was implied in the issue of this proclamation. He believed that the assumption by the Executive of such a power was entirely unwarranted by the constitution.

Mr. CONKLING, (rep.) of N. Y., remarked that even in England, of late years, it has never been insisted that the King had a right to pardon by general proclamation without naming anybody pardoned. The President's proclamation assumed not merely that he had a right to pardon A. B., charged with an offence but not convicted, but that he has a right to dispense clemency to all persons whatever. If that assumption is correct, then the Governor of New York had a right to pardon and set free all persons accused or suspected of burglary, arson and murder, or any other crimes—a claimed power never exercised and never claimed.

Mr. DOOLITTLE, (dem.) of Wis., said the Supreme Court had expressly decided in the case of Garland that the President has power, by general proclamation, at any time after the commission of the offence, before legal proceedings or during their pendency, as well after as before conviction, to pardon offenders, and that Congress had no right whatever to limit this power, in the exercise of which the President represents the sovereignty of the people of the United States. He read from the decision of the Supreme Court in the Garland case in support of his position.

Mr. CONKLING inquired whether it was decided in the Garland case that the President could pardon in general terms before conviction.

Mr. DOOLITTLE replied that he believed that Garland was pardoned under such a general proclamation.

Mr. FERRY asked whether the Senator made any distinction between pardon and amnesty.

Mr. DOOLITTLE said no. The question whether the persons pardoned were named in the proclamation, in his opinion, was immaterial and had not been decided by the Court because no one has thought of raising it. The President having the right to pardon one offender had, as a matter of course, a right to pardon another or several persons together, guilty or accused of the same offence.

Mr. FRELINGHUYSEN, (rep.) of N. J., also was glad that attention was called to the proclamation, although he thought it more important as raising a great question in regard to the powers of the Executive than in any other respect. He did not find in the constitution a grant of any such power as the President claimed in the case, nor power to grant amnesty at all. In England the king had such power, but that was because he represented the sovereignty of the nation, against which the offence is committed. There it is the King vs. A. B.; but in the United States it is not the President vs. A. B., but the People vs. A. B.

Mr. DAVIS, (dem.) of Ky., approved of the resolution of inquiry because the subject was important; but he had no doubt of the President's right to grant the amnesty, the constitution vesting such power wholly in the President—not at all in Congress. He thought there could be no doubt of the right to pardon before conviction as well as after.

Mr. CONKLING remarked that the decision in the Garland case did not go so far as Mr. Doolittle thought it did. The question, he said, was not whether the President could pardon a man for an offence, but whether he could thus pardon all men for all offences—a very important question.

Mr. DOOLITTLE said that he had been mistaken in saying that Garland was pardoned under a general amnesty without being named; but he held the decision in that case to be that the power of the President to pardon and grant reprieves except in the case of impeachment is unlimited.

The question was then taken upon the resolution and it was adopted.

AMENDMENT OF THE NATIONAL BANKING LAW.

Mr. WILSON, (rep.) of Mass., introduced a bill to amend the act entitled "An act to provide a national currency, secured by pledge of public stocks, and to provide for the circulation and redemption thereof," which was referred to the Committee on Finance.

Section one makes it unlawful for any bank organized under the said act to pay or receive interest or money in any form for or on account of any deposit made by, with, or on account of any other bank, corporation or individual; provided, however, that the State, city and town treasuries may receive interest on their deposits in any bank or banks.

Section two prohibits any bank officers from certifying as good any check, draft or note, or to issue certificates of deposit or other evidence of debt, unless at the time of such certificate or issue the whole amount so certified is in the actual keeping of said bank and payable on demand.

Section three provides that hereafter all deposits in behalf of the United States in any national bank shall be special deposits, not to be used by said banks for loans or discounts, but held subject to draft by the Treasurer of the United States or other disbursing officers; and such deposits shall not be subject to taxation.

Section four provides that the Comptroller of the Currency may at any time call on any banking association for a statement of its affairs on any past day to be by him specified, and such report shall be made within five days after the receipt of the requisition therefor, with a penalty of $100 for every day's delay of such report after the said five days; abstracts of such report shall be published by the Comptroller in a newspaper in the city of Washington, and a report of each separate association shall be published in a newspaper in the place where the association is established or in the nearest place thereto, such publication to be at the expense of the association making said report. Each association is required to report to the Comptroller on the first Tuesday of each month the condition of the association on the preceding day, said statement to include a report of loans and discounts, specie, deposits and circulation.

MEXICAN MAIL STEAMSHIP SERVICE.

Mr. POMEROY introduced a bill to authorize the establishment of ocean mail steamship service between the United States and Mexico, which was referred to the Committee of Post Offices and Roads.

It authorizes the Postmaster General to make contracts, to continue not exceeding ten years, for the transportation of all mailable matter between New York and the ports of Sisal and Vera Cruz, with responsible parties possessing ample ability to furnish the necessary steamships, provided that he require the departure of a mail steamship from New York at least once in fifteen days, and that the expense of such service shall not exceed $5,000 per round trip. In case of failure to perform regular voyages, a *pro rata* deduction is to be made from the compensation, and suitable fines and penalties may also be imposed for delays and irregularities in the performance of service according to contract.

THE NEW YORK AND LONDON TELEGRAPH.

Mr. CONKLING introduced a bill to authorize the New York, Newfoundland and London Telegraph Company to land one or more submarine cables upon the shores of the United States, and to maintain and work such cables for the transmission of messages and intelligence between the United States and Europe, or any of the intermediate places, during the existence of the company's charter. Referred to the Committee on Commerce.

RECONSTRUCTION OF GEORGIA.

Mr. STEWART, (rep.) of Nev., introduced a bill to enable the people of Georgia to form a State government, republican in form, which was referred to the Committee on the Judiciary.

It provides for the repealing of so much of the act of June 25, 1868, as relates to Georgia, and making the government of the State provisional only, and subject to the act of March 2, 1867. All officers elected under the present proposed constitution of said State who are not disfranchised by the fourteenth amendment or any of the acts above mentioned, except members of the Legislature, shall continue in office until the State be fully restored. It further provides that such members of the Convention elected under the laws of Congress to form a State constitution as are not disfranchised shall assemble on the first Monday of March next, with full powers to alter or amend said constitution in any manner not in conflict with the laws of Congress and the constitution. Said State constitution, as amended, shall be submitted to the people at such time as the Convention may appoint, and on ratification or rejection of said amended constitution such persons, and no others, shall vote as shall be prescribed in said amended constitution, provided that no person shall be excluded from voting on account of race or color. When said amended constitution shall have been ratified by a majority of the votes it may be submitted for the consideration of Congress.

BILLS REFERRED.

Mr. SUMNER introduced a bill providing that accessories to a violation of the fifty-fifth section of the National Currency act shall receive the same punishment as the principal of the association.

Also a bill declaring that the words "trial at common law," in the first section of the act of July, 1862, relating to the competency of witnesses, shall be held to include criminal trials and proceedings; also judges to impose sentences of imprisonment, with hard labor, in cases where the law merely provides for imprisonment.

Also a bill to regulate prosecutions under the laws of the United States for embezzling and kindred offences, making a general allegation of embezzlement, &c., sufficient in the indictment, and making no restriction as to the amount embezzled.

Also a bill to repeal the act of February 28, 1803, prohibiting the importation of certain persons into certain States.

All of which were referred to the Committee on the Judiciary.

Mr. SUMNER also introduced a bill to provide for the execution in the District of Columbia of commissions issued by the courts of the States and Territories and of foreign nations, and for taking depositions to be used in such courts. Referred to the Committee on the District of Columbia.

Also a bill to provide for the punishment of accessories in criminal offences against the United States. Referred to the Committee on the Judiciary.

REPORTS OF PACIFIC RAILROAD COMPANIES.

Mr. HOWARD offered a resolution directing the Secretary of the Treasury to transmit copies of the last annual reports of the Union Pacific Railroad Company, the Northern Pacific Railroad Company, the Atlantic and Pacific Railroad Company, and the Southern Pacific Railroad Company, which was adopted.

THE CLAIM OF SUE MURPHY, OF ALABAMA.

Mr. HOWE, (rep.) of Wis., called up the bill for the relief of Sue Murphy, of Decatur, Ala.

Messrs. FRELINGHUYSEN, (rep.) of N. J., and HOWARD read arguments against allowing the claim, taking the general ground that the government was not bound to indemnify persons for losses inflicted by the war.

Mr. HOWE advocated the claim upon the ground that even if the government were not obliged to pay for losses inflicted by the army, it certainly was obliged to pay for property of loyal citizens taken and used by itself.

Mr. CONKLING made an argument against paying the claim.

ADJOURNMENT.

Without acting upon the bill the Senate at forty minutes past three went into executive session, after which a short open session was held and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Jan. 5, 1869.

The SPEAKER announced that the recess having expired the House resumed its session.

THE DIPLOMATIC APPROPRIATION BILL.

Mr. WASHBURNE, (rep.) of Ill., from the Committee on Appropriations, reported a bill making appropriations for the consular and diplomatic expenses of the government for the year ending June 30, 1870.

Mr. MULLINS, (rep.) of Tenn., rose to a question of order, believing that a quorum was not present. He moved that the roll of members be called. The question was taken and decided in the negative.

The bill reported by Mr. Washburne was referred to the Committee of the Whole on the State of the Union, and made the special order for to-morrow and from day to day until disposed of.

TRANSPORTATION OF THE OVERLAND MAIL.

Mr. WASHBURNE, (rep.) of Ill., by instruction of the Committee on Appropriations, offered a preamble and resolution setting forth that on the 16th of December, 1868, the House referred to that committee a letter from the Postmaster General in answer to a resolution of the House relative to the contract for carrying the overland mails, and

Whereas it appears from a communication from Special Agent Hall to the Hon. George W. McLellan, Second Assistant Postmaster General, stating that Wells, Fargo & Co., the contractors for the transportation of said mail, have not provided adequate facilities, and that express matter has been carried to the exclusion of the mails, which were left on the route day after day and week after week, and never protected, and that on the 15th of November 5,000 pounds of mail matter were piled up in an open stock yard; and whereas it is reported by the special agent that the employes of Wells, Fargo & Co. have had a hand in rifling the letter mail; therefore, be it

Resolved, That the Postmaster General be directed to make no payment to Wells, Fargo & Co. until a full examination be made into the contract with Wells, Fargo & Co., and into the truth of the charges of the special agent of the Post Office Department respecting the delinquencies of said firm in carrying the mails.

Mr. JOHNSON, (dem.) of Cal., objected to the consideration of the resolution at this time.

Mr. WASHBURNE said he would move a suspension of the rules on Monday next to see whether the House would pass the resolution.

Mr. FARNSWORTH, (rep.) of Ill., referring to the subject of the overland mail in connection with Wells, Fargo & Co., asked permission of the House that a resolution be offered for the appointment of a special committee to investigate the charges.

Mr. WASHBURNE said the Committee on Appropriations were desirous that a special committee should be raised.

ENCOURAGEMENT OF HORTICULTURE.

Mr. KETCHAM, (rep.) of N. Y., presented the petition of A. J. Caywood, of Poughkeepsie, N. Y., and others, members of the Grape Growers' Association, asking for legislation to protect and encourage inventors of new fruits.

REGISTRATION OF VESSELS.

Mr. ELIOT, (rep.) of Mass., introduced a bill, which was referred to the Committee on Commerce, to extend the laws relative to the register of vessels.

ILLEGAL CONSULAR FEES.

On motion of Mr. WASHBURNE, of Illinois, a resolution was adopted that the Secretary of the Treasury be directed to inform the House whether any consular officers of the United States have demanded and received or are now demanding and receiving for the verification of invoices fees greater than those provided by law; if so, what consular officers and what amount received; and that the Secretary also inform the House what consuls have failed or neglected to make returns and for how long a time; and that he further inform the House of the probable amount now due to the United States in the hands of such officers.

FREEDOM OF TRANSIT IN THE UNITED STATES.

Mr. BUTLER, (rep.) of Mass., introduced a bill to secure and protect the freedom of transit in the United States. Referred to the Judiciary Committee.

It provides that no citizen of the United States, in passing from one place to another within the same, shall be subject to capias, summons, citation or other process, of whatever name or nature in civil action, suit or cause, whether on mesne process or execution in any State, Territory or district through which he may be passing and of which he is not a citizen, unless he shall voluntarily tarry therein for the space of more than forty-eight hours. All processes and writs contrary to the provisions of this bill shall be held null and void. Persons offending shall be held guilty of a high misdemeanor and subject to indictment, and on conviction be fined not less than $1,000 nor more than $10,000, and imprisoned not less than one nor more than ten years, in the discretion of the Court.

THE ARIZONA MAIL SERVICE.

Mr. ELA, (rep.) of N. H., asked leave to offer a preamble and resolution providing for a special committee of five members, to investigate certain newspaper charges against Postmaster General Randall in connection with the Arizona mail service.

Mr. MCKEE, (rep.) of Ky., objected to the consideration of the resolution.

RESUMPTION OF SPECIE PAYMENTS.

Mr. BARNES, (dem.) of N. Y., offered the following resolution:—

Be it resolved, &c., That it is the imperative duty of this government to develop its resources, increase its revenue and retain its surplus gold with a view to as speedy a return to specie payment as is possible; that it will retard this purpose, disturb values and interfere with the revenue to contract the currency in any respect, or to undertake to fix the time by law when specie payments shall commence, until gold and legal tender notes have more nearly approximated in value through the operation of natural causes.

The consideration of the resolution was objected to.

THE LINCOLN ART ASSOCIATION.

Mr. CULLOM, (rep.) of Ill, introduced a bill to incorporate the Lincoln Art Association of Washington, which was referred to the Committee for the District of Columbia.

SITE FOR A NEW EXECUTIVE MANSION.

Mr. MILLER, (rep.) of Pa., introduced a bill in relation to a site for an Executive mansion on Meridian Hill, in the county of Washington, District of Columbia.

It proposes to have appropriated a tract of land beginning at a point on the northern side of Boundary street, opposite the eastern side of Fifteenth street, west, where it intersects Boundary street; extending thence along the northern side of Boundary to a point opposite the western side of Seventeenth street, west; thence in a northern direction to intersect the western side of Central avenue.

The bill was referred to the Committee on Public Buildings and Grounds.

THE FRANKING PRIVILEGE—PERSONAL EXPLANATION.

Mr. LYNCH, (rep.) of Me., upon a question of privilege, had read extracts from articles in the Cincinnati *Gazette* and the Worcester *Spy*, intimating that he had sold the use of his frank, which was a common thing among members of Congress. He should have taken no notice of the matter here but for the article in the *Spy*, which was edited by a member of the House, and from the fact that the paper which originated the libel had substantially reiterated it after all the circumstances had been fully explained by telegraph. He had franked the *Mercantile Journal*, containing his speech, as it had been the uniform practice of members to do, which was in conformity to law, and was one of the purposes for which the privilege was conferred. Believing the newspaper a better medium of circulation than pamphlets he should use it whenever he had occasion, so long as the law allowed it. The right to do so was precisely the same as that of newspaper publishers to exchange. It was well known that pamphlets had been in general use for franking for many years by many members, and that tons of newspapers and other documents had been franked by committees of both parties pending the late election which were not entitled to the frank at all, and that the very newspaper which published the libel upon him had been so franked. These papers had known all this and had never called it an abuse. Having explained the matter fully and shown, as he said, the unfairness and inconsistency of the papers, he would leave it without further comment.

Mr. BALDWIN, (rep.) of Mass., who is the proprietor of the Worcester *Spy*, said the gentlemen certainly did not suppose that he was responsible for the article in question, which appeared in the *Spy* during his absence from that city. His knowledge of the gentleman from Maine assured him the charges could not possibly be true to the extent represented. From the result of his investigation he found that the gentleman had acted entirely within the law. It was, however, undoubtedly true that the law was defective, and accordingly the required modifications ought to be made.

Mr. CARY, (dem.) of Ohio, said the gentleman from Maine was not the only member of the House attacked by the Cincinnati *Gazette*, which paper had made false charges against him. He would not have cared for the article in the *Gazette* had it not been copied into respectable papers like the New York *Tribune* and commented upon. He did not consider the *Gazette* capable of slandering him.

AMERICAN IRON FOR RAILROADS.

Mr. PRICE, (rep.) of Iowa, introduced a bill providing that all railroad companies which have accepted or may hereafter accept any grant of land from the United States or from any State which has received grants of the public lands, shall, in the construction of their railroads and in the subsequent repair of the same, use only iron of American manufacture; and, in case of their refusal or neglect to do so, all such grants of land to said companies shall be null and void.

The bill was referred to the committee which reported it.

RELIEF OF THE POOR OF THE DISTRICT.

An ineffectual effort was made to take up, with a view to its passage, the bill appropriating $30,000 for the temporary relief of the poor and destitute population in the District of Columbia.

IOWA WAR CLAIMS.

The bill in regard to the claims of the State of Iowa on account of the late war was reported. It was referred back to the committee which reported it with instructions.

MECHANICS AND FARMERS' BANK OF ALBANY, N. Y.

On motion of Mr. HOOPER, (rep.) of Mass., a resolution was passed calling on the Secretary of the Treasury for information in relation to the Mechanics and Farmers' Bank of Albany, N. Y., whether there have been evasions of law and omissions to comply with the national currency act.

APPOINTMENT OF STEAM ENGINEERS IN THE NAVY.

Mr. KELLEY, (rep.) of Pa., from the Committee on Naval Affairs, reported a bill providing that from and after this date, in order to secure further efficiency of the navy, a civilian may be appointed by and with the advice and consent of the Senate, to fill the position of Chief of the Bureau of Steam Engineering in the Navy Department.

THE PRESIDENT'S ANNUAL MESSAGE.

Mr. JONES, (dem.) of Ky., asked leave to offer a preamble setting forth that,

Whereas resolutions have been introduced and passed in both houses of Congress severely criticising and condemning the late Message of the President of the United States, and especially upon the subject of the national finances and his suggestions relative to the alleviation of the national embarrassment; and whereas it is the right and duty of the President to give to Congress information of the state of the Union and recommend to their consideration such measures as he shall deem necessary and expedient; be it therefore

Resolved, That such resolutions are an infringement upon the rights of the Executive and are calculated to obstruct the faithful discharge of his constitutional duty, and that however much the Congress may differ with the President upon his recommendations in regard to the discharge of the national debt it involves a question which should be maturely considered by every American citizen, and which the American people have the right to determine, as they doubtless in their own good time will, governed by the precedents and principles which have controlled the enlightened nations of the world and according to the exigencies which surround them, in a manner which will vindicate their credit and honor.

Resolved, That 100,000 copies of the late annual Message of the President be published for the benefit of the people of the United States.

Objection was made to the consideration of the above resolution.

Other business was transacted, including the introduction of bills and resolutions.

THE HOUSE IN COMMITTEE OF THE WHOLE.

On motion of Mr. WASHBURNE, of Ill., the House went into Committee of the Whole on the state of the Union, Mr. Cullom in the chair, and proceeded to the consideration of the President's annual Message of 1867.

Mr. WINDOM, of Minn., obtained the floor and addressed the House on the sub