AVE IMPERATOR!

Great Speech of Andrew Johnson in the Senate.

THE THIRD TERM CONSPIRACY.

The Liberties of the People and the Constitution Trampled Upon.

CÆSAR ALMOST ENTHRONED.

Cato's Patriotic Demand Rung in the Ears of Grant.

SHERIDAN IN THE SOUTH

Review of His Rule in Louisiana and His Former Removal.

A FERVENT APPEAL FOR FREEDOM.

Significant Addresses of Other Democratic Senators.

WASHINGTON, March 22, 1875.

The Senate witnessed to-day the unprecedented scene in the history of the United States government of the appearance of an ex-President, now in the *rôle* of a United States Senator, in that same arena in which he was last present by counsel, nine years ago, under impeachment, to answer before the Senate of his country for "high crimes and misdemeanors." The event then was hardly less memorable than the occurrence of to-day. Indeed, Andrew Johnson, Senator from Tennessee, has loomed up no less of a distinguished and vindicated personage now than he was then, a notable and maligned Chief Magistrate, subjected to the severe ordeal of trial by the highest court of his country. On both occasions, as an actor in the stirring scenes of the Republic's varying history, he has played leading engagements. The Chamber was filled in the lobby to-day, and also in most of the Senators' seats, while the galleries were occupied in every available part and crammed in the passageway, as well as in the rear of the tier of seats, where people usually stand up. The audience was of a very respectable and apparently non-political class, a very large proportion being ladies, who evidently came to attest their proverbial admiration of the courageous, if not invincible, speaker of the day, with perhaps an overweening curiosity to scan the man who had achieved success under almost hopeless auspices, and had all but "plucked up drowned honor by the locks." As Mr. Johnson arose, after the Chaplain's prayer, a general leaning forward of heads was apparent, while in the almost breathless silence of the moment every eye was centered upon him. Neatly attired, as is his custom, faultless in the regularity of his dress and firmly planted in attitude, every feature betokening dignity and self-possession, the latent, sad pensiveness of his broad, humane face stood out in relief, softened with the humanities of justice, generosity and forgiveness, while a pleasing decorum betokened all, and his voice pervaded every part of the Senate with the clearness and softness of a silver bell. Louisiana being the theme, of course on its merits not much that was new could be said; but the treatment of his subject, from the general principle laid down by him, enabled Mr. Johnson to digress, as is his manner, and to discuss what seemed to him collateral issues. Among these President Grant received his share of treatment at the hands of Mr. Johnson, and it was pre eminently a settling of old scores. While there was an absence of any coarse arraignment or assault politically the telling innuendoes against President Grant's weak points were powerfully made. The third term ambition of the President and his friends, his taking of presents, his directly charged faithlessness to truth, and then, pointedly, his usurpation of the government of Louisiana, while the same was attempted in Arkansas, were all forcibly hinted at or summed up explicitly, with such occasional circlings of oratorical handling which Mr. Johnson can so well make that the enthusiastic applause of the whole galleries was suddenly called forth, but as promptly suppressed by the determined reminder of the President *pro tempore* of the Senate, who cautioned the audience against its repetition.

The speech, as a whole, is regarded here, outside of the friends of the administration, with great satisfaction, while among the republicans it is belittled and sneered at, though a tinge of respect is retained for Mr. Johnson, as they say, on account of his honesty and loyalty. In a party point of view, neither democrats nor republicans derive any consolation from it, and it may be truthfully said that Mr. Johnson is standing simply alone. During the course of his remarks Senators Morton, Sherman and Boutwell bestowed upon Mr. Johnson the most respectful and continued attention, while many of their *confrères* exhibited their consideration by being absent or engaging in passing diversions of newspaper perusal, writing, talking, joking and laughing. The democrats were a unit in the unbroken attention which they gave him. Judge Christiancy walked about with judicial bearing. Senator Gordon and ex-Representative Beck sat near approvingly, and, at the close of his discourse, the former, with Senator Whyte, of Maryland, led off in congratulations. Senators Bogy, Withers and Randolph followed in brief, but well framed, arguments. Senator Whyte, of Maryland, offered an amendment to the substitute of Mr. Anthony, now pending, inserting the word "disapprove" instead of "approve" in the resolution, upon which Mr. Anthony pertly gave notice that he would press his motion to a vote, which he hoped to get to-morrow early, or otherwise sit out the discussion into the night.

THE PROCEEDINGS OF THE SENATE.

WASHINGTON, March 22, 1875.

The Senate galleries were densely crowded long before the hour of meeting, and by the time the Senate was called to order not even standing room was to be obtained in the passages and doorways. Upon the floor were a large number of members of the House of Representatives and others entitled to that privilege.

After the reading of the journal of Saturday's proceedings, Mr. BOUTWELL, (rep.) of Mass., submitted a resolution providing for the final adjournment of the Senate on the —— day of March, at —— o'clock, and gave notice he would call it up as soon as the resolution now under consideration was disposed of.

EX-PRESIDENT JOHNSON ON LOUISIANA.

The consideration of the unfinished business, being the resolution submitted by Mr. ANTHONY, (rep.) of R. I., on Saturday, approving of the action of the President in protecting the government of Louisiana, of which William P. Kellogg is Executive, and the people of that State against domestic violence and enforcing the laws of the United States in that State, was resumed, and Mr. JOHNSON, (dem.) of Tenn., being entitled to the floor, spoke as follows:—

Mr. PRESIDENT—I have been accustomed to speak in public for a number of years, sometimes in deliberative bodies and sometimes before the people, but notwithstanding this I confess that I appear before the Senate under great embarrassment. I hear that having obtained the floor on Saturday night, and notice having been given that I should address the Senate this morning, an impression may have been created that cannot be realized, and especially in those who are not acquainted with me. If such an impression or such an expectation has been raised I do not think I will justify it, and they will be greatly disappointed on this occasion. It was not my intention when the question was first brought before the Senate to participate in the discussion. My entrance in the Senate was of so recent a date and under such peculiar circumstances that I determined that I would not participate in any discussion during the present session of the Senate; but things have taken such a direction that I feel it incumbent on me to say something in reference to the resolution now under consideration. And what I may say on this occasion I want it distinctly understood grows out of no party bias or partisan feeling, but it is upon the ground that the resolution proposes to cover acts and measures which I think are clearly in violation of the organic law of the land, and without authority. That being so, I cannot give my consent to the resolution, and will be compelled to vote against it.

THE QUESTION NOT LEGITIMATELY BEFORE THE SENATE.

I think it proper that I should give some few reasons why I cannot give in my vote. In the first place, Mr. President, it seems to me that the consideration of a resolution embracing questions of such grave importance is not legitimately before this body. In other words, it is not legitimate to consider it before a Senate convened as this has been convened. I understand that this Senate has been convened in extra session for the purpose mainly of acting upon executive business, not embracing questions of legislation, but simply to act upon business pertaining to the Executive Department—the Senate being a part of the treaty-making power, and also having to confirm and ratify or reject all nominations that may be made. This I consider the legitimate business of the Senate during this session. But it is assumed now to have the Senate take charge of measures that look to legislation—that look far beyond this—and, if it is legitimate to act upon the measure now under consideration by this body, it is legitimate to consider every act and every question upon which the administration has acted since its advent into power. It would be as legitimate to offer a resolution, for instance, proposing to express an opinion in reference to reducing the expenditures of the government, or with reference to a return to sound currency, and a long list of questions that might be enumerated. It does not seem to me to be travelling much further out of the record for the Executive to come forward and presume to act in defiance of the Legislature than for the Legislature to come forward and approve of the acts of the President. Ordinary measures are presented for the consideration of Congress, and when they are acted upon it is the duty of the President to consider them and to approve or reject them. Neither the Senate nor the Congress of the United States can sit in judgment as it were upon his acts with reference to approving or rejecting such measures as he may think proper to act upon. This would be reversing the whole order of legislation, would be reversing the whole routine of legislation, would be reversing the policy and principle upon which the Legislature has acted for a number of years, or perhaps from the origin of the government until the present time.

REMINISCENCES OF JACKSON.

We remember very well, I presume every Senator here will remember, the famous resolutions that were brought forward years ago by the distinguished Senator from Kentucky, Mr. Clay, with reference to General Jackson, the resolutions condemning him for removing the deposits—condemning and censuring him in strong terms. Both houses of Congress were together sitting as the Legislative Department of the government, and notwithstanding the Senate passed those resolutions, it was considered and was determined by the country afterward that they were illegitimate, as it was not in the power of the Senate to pass upon the Executive, unless they were sitting as a court of impeachment. But now we are called upon in the Senate to approve of the acts of the President of the United States. The nation in reference to the resolution that was adopted condemning General Jackson, when he was President of the United States, and when both houses of Congress were in session, and when they were convened under the provisions of the constitution, and when they were acting in their legislative capacity, repudiated the action of the Senate, and years afterward those resolutions were expunged from the journal of the Senate. Now, it seems to me that should settle the question most clearly; that we have no authority to act upon a resolution of this kind, and especially so in the absence of the other house. There are many things that are as legitimate for us to express an opinion upon as upon this resolution. What does this resolution propose? It seems it has required great care to prepare it. The first one introduced by the Senator from Indiana (Mr. Morton) was drawn up in somewhat broader terms; perhaps too broad for some members of the Senate to support. Then the Senator from New Jersey (Mr. Frelinghuysen) introduced a resolution seemingly not so broad as the one introduced by the Senator from Indiana. It seems to narrow it down to almost an abstract idea, but when we come to get at it in substance the resolutions are the same, a mere modification in the matter of verbiage to suit the particular views of some individuals, and it does not affect the substance in the slightest degree. It is simply calling upon the Senate to express an opinion with reference to Executive conduct in the organization of the State government of Louisiana and approve of that action.

FORMER COURSE OF THE GOVERNMENT.

Now the query comes up, What has been the course of the government with reference to cases of this kind? I will refer to one for the sake of making an introduction to what I am going to say. That was the case which occurred in 1866. We found in the State of Tennessee, in the organization of the government there, that there was a Governor elected and a Legislature elected under an amended constitution, which had been adopted by the people in convention. The Legislature was convened, the Governor was qualified and in the discharge of his duties as Governor of the State. Here was the Legislative Department, here was the Executive Department, co-ordinate branches of the government. The Judicial Department was also in full operation, and each one of these branches of the government moved in its appropriate sphere, and one had no right to encroach upon the rights of the other. When this Legislature convened there was a difference of opinion between the Governor of the State and the Legislature, and that difference of opinion became almost factious. The Legislature became refractory and the Governor became refractory. The Governor undertook to control the Legislature and the Legislature refused to have a quorum. There was a contest between two departments of the government. The Governor wanted his policy carried out, his measures acted upon. The Legislature was opposed to them, and, for the purpose of deterring the Governor from carrying out his plans, it refused to compel a quorum to be in attendance, and hence the contest and the struggle between the two. According to the constitution they were co-ordinate branches of the government, and one had no right to encroach upon the other. We know that provision is made in nearly all the constitutions. Perhaps in all of them certain rules are laid down in regard to the organization of the government. Certain rules are prescribed for the Executive Department, and certain rules are prescribed for the Legislative Department.

THE LEGISLATURE RULES ITSELF.

The Legislature has the power to be the judge of the qualifications and election of its own members. It has the right to prescribe rules for its own government; it has the power to compel the attendance of absent members, thereby making inherent in that body the power to preserve its organization, and the responsibility to do that is with the Legislature and not with the Executive. Hence to defeat some measures that were favored and advocated by the Executive Department the Legislature reduced its number below a quorum and the struggle began. The Executive undertook to take charge of the Legislature, and to have the members brought in and compel them to act. Some of the members tendered their resignations, which were rejected by the Governor. Others absented themselves or refused to vote, and reduced the House below a quorum. Now, here is the precise case that you have in Louisiana. Here is a struggle between the government and contending members for seats in the Legislature; but the main issue is between the Legislature and the Governor. It is conceded by all who have spoken on the subject that the military were those obeying the behests of the Governor to organize the Legislature, and to organize the Legislature that favored him. In principle it is precisely the same case.

THE MILITARY IN TENNESSEE.

Now what was done in the case that I have referred to? There was an attempt to force members to act in the Legislature by the Governor refusing to accept their resignations. It was not for them to organize the Legislature; it was not for the Governor to compel the attendance of absent members. The Governor applied to the military commander of the district for assistance in bringing the fugitive members back to their seats, and the following correspondence took place. General Thomas was then in command of that department and he was induced by the Governor to apply to the General of the army here at that time for military aid to aid Governor Brownlow to organize the Legislature:—

NASHVILLE, Tenn., July 14, 1866.

To LIEUTENANT GENERAL GRANT:—

Some of the members of the Tennessee General Assembly conduct themselves in a very refractory manner, absenting themselves to prevent a quorum. This is an obstruction to business. The Governor cannot manage them with the means at his disposal and has applied to me for military assistance. Shall I furnish it?

GEORGE H. THOMAS, Major General Commanding.

This despatch was sent to the General of the Army at that time, and in saying that I do not wish to mention any names. It is not my intention to indulge in a single personal expression, but to speak of public acts in a manner that a public man has a right to speak of them. This despatch was brought to the Secretary of War, and the Secretary of War brought it to the President of the United States, and the following despatch was prepared and forwarded to General Thomas, to which I call the attention of the Senate:—

WASHINGTON, D. C., July 17, 1866.

General Grant will instruct General Thomas that the facts stated in his telegram do not warrant the interference of the military. The administration of the laws and the preservation of the peace in Nashville belong properly to the State authorities, and the duty of the United States authorities is not to interfere in any way in the controversy between the public authorities of the State, and General Thomas will strictly abstain from any interference between them.

THE PARALLEL CASE IN LOUISIANA.

Here is a precise case, and that was the action of the government. It was believed that it was a civil strife—a contest between two divisions of the civil government—and was a case as stated in the telegram sent back to General Thomas, similar to the one in Louisiana. That despatch was signed by the Secretary of War, and was written in the presence of the President and sent to General Grant to send to General Thomas. He was told that this was not a case calling for the interference of the military, and he (General Thomas) should abstain from interference under any circumstances whatever. It would seem that this marks the line between the civil and military authorities. There is the precedent of the government in that case, and the cases are almost parallel, and that was what the government did then. What are we told now? We see, then, that the present President of the United States was familiar with and understood what was the action of the government in cases of this kind, and of the duty of the military and civil authorities. We see, then, that the question was not unknown to him, and he has not acted without proper and sufficient information upon the subject. If he has been informed of and acted and carried out the order or telegram that I have read, he must have understood it and have known that it was the true doctrine and principle upon which cases of this kind should be managed by the military.

GENERAL SHERIDAN'S REMOVAL IN 1867.

But there is another fact or another circumstance in this line of thought, a great fact, as I conceive it, and that is in 1867 General Sheridan was in command of the Fifth Military District, as it was called at that time. In consequence of his mismanagement of that district he produced so much dissatisfaction and such was his officious interference, and such were his oppressive acts, that there was one general wail, one unanimous murmur came up from that section of the country, and that was for his removal. He was removed from the command. I merely refer to this fact to show that these parties now engaged in the work of usurpation, in the work of tyranny, in the work of violating the organic law of the land, that it is not a new thing to them. In consequence of this wail that came up from the people, it was determined by the President then that this man should be removed, and his removal was ordered. In the order dated August 26, 1867, it was stated that Major General P. H. Sheridan will at once turn over his present command to the officer next in rank to himself, and proceed without delay to Fort Leavenworth, Kansas, and relieve General Winfield S. Hancock, in command of the Department of the Missouri, and General George H. Thomas will take command in his place. This order was afterward changed, and General Hancock sent to take command of the Department of Louisiana on account of the indisposition and sickness of General Thomas. It will be remembered, I know, by most persons, and especially by Senators here, that when General Hancock took command some of the persons who had been removed from office by General Sheridan were reinstated, that peace and quiet were restored, general satisfaction was given and General Hancock, in an order addressed to the people of that State, laid down the true dividing line between military and civil supremacy.

JOHNSON JUSTIFIES HIS PRESIDENTIAL POLICY.

When this order was made, there sprung up a controversy between the Executive and the General of the Army, the latter protesting against the removal of General Sheridan, saying he was a very popular man and was following the will of the people; but notwithstanding this assertion, which was a mere assertion, he was not reinstated. At that time the people of Louisiana appeared to be in a disturbed condition and most of the antagonism seems to have resulted from General Sheridan's management. He rendered himself exceedingly obnoxious by the manner in which he exercised the powers conferred by Congress, and still more so by resorting to authority not granted by law, nor necessary to its efficient execution. His rule, in fact, was one of absolute tyranny without reference to the principles of our government nor the nature of our free institutions. This state of affairs, which resulted from the course which he pursued, seriously interfered with the harmonious, satisfactory and speedy execution of the acts of Congress, and was sufficient to justify his removal. It, therefore, could not be regarded as an effort to defeat the laws of Congress, for the object was to facilitate their execution through an officer who had never failed to obey the statutes of the land and to exact within his jurisdiction a like obedience from others. This was what I then said to the General of the Army. Upon the transfer of General Hancock and after he took command of the department he issued the circular I have alluded to, giving general satisfaction and showing and acknowledging the supremacy of the civil over the military authorities of the United States. Well, then, you see how we travel in that line.

MILITARY TYRANNY AND A THIRD TERM.

Now the query comes up in this distracted condition of affairs in Louisiana, Why is it? I ask, has this man been selected and sent back to this people, who before condemned him and prayed for his removal? Why is it that he was sent back there? It was known that he was the source of irritation and dissatisfaction when he was there before, and yet he was sent again. A man who was obnoxious to the whole country, except a few persons who may have been interested in a particular line of policy or measure or something they wanted to accomplish. Why has he been sent there? Was it for the purpose of irritating them? Was it for the purpose of driving the people to acts of violence? Was it for the purpose of getting up insurrections, mobs and riots, and the cry was to be raised that the Southern people were in revolt, and in the midst of that cry and the prejudice of one part of the country being incited against another, to go into a Presidential election? It is very easy to see what the results would be. No, "let us have peace." I know the determination of that people. Their great object is to be restored back into the Union upon an equal footing with all the other States, and that is all they desired—a fair participation in the legislation of the country. I will tell some of those who are acting behind the curtain and who are clinging to power that it cannot be obtained by popular consent and the approval of their public acts here. We shall have a system of terrorism, and in the midst of excitement, and in the midst of a war cry, they will triumphantly ride into the Presidency for a third Presidential term; and when this shall have been accomplished that will be the end of the liberties of this country. (Applause in the galleries.)

The PRESIDENT *pro tem.* (Mr. Ferry, of Michigan)—The Chair will interfere with the gentleman from Tennessee to inform the galleries that it is in violation of the rules of the Senate to express approval or disapproval of the proceedings of the Senate. The Sergeant-at-Arms will put a sufficient force in the galleries to preserve order.

THE UNWRITTEN CONSTITUTION.

Mr. JOHNSON (resuming) said:—Yes, it is my honest conviction that a third term for the President of the United States violates the example set by Washington, which has become a part of the constitution by the general acquiescence and approval of the people, who would look upon its violation as a sacrilege. Even Washington, the Father of His Country, when he served four years, wanted to retire at the expiration of that term. He thought that that was long enough, and his Farewell Address was partly prepared at the end of the first four years; but being prevailed upon by those surrounding him on account of the peculiar condition of the country to accept a second term, and on the expiration of that term terminated his connection with the government. That example has been pursued and followed ever since and has been looked upon as part of the constitution of the country, but it is almost out of order to refer to such a man as Washington in these times. Let us look at the example which he set in many things; look at the great probity of his character. We find that Washington was opposed to a third term, and set an example by serving but two. But I find another thing in regard to Washington's character in sustaining the morals of the country, in setting the example in practice and precept. Washington received no more while he was serving the country, even in the army, than barely sufficed to defray his expenses.

GIFTS AND GIFT-TAKING.

We find a provision contained in the constitution which declares that no title of nobility shall be granted to any officer of the United States, nor shall any officer receive any present or gift from any prince, potentate or foreign Power. What a fortunate thing it would have been if in the formation of the constitution, when our mind was directed to the side of the voter and we were contemplating what was likely to come from that direction, if in the last clause or two, the last line or two of this section of the constitution we had added, "or any citizen of the United States;" for there is as much danger in gifts and presents and gratuities from citizens of the United States to public officers as there is from princes and potentates of foreign Powers. Here it is in our midst and right among us, and if it had suited at this time to introduce some proposition like that—a resolution suggesting the propriety or giving it as the Senate's opinion that the constitution ought to be amended in this way, it could be a subject of important consideration about this particular period. There was a resolution in 1695 in the House of Commons in reference to the Speaker of that body, Sir John Trevai, who rose from obscurity to be Speaker of the British House of Commons, attracted public attention and occupied a large space in the public mind, and on the death of Queen Mary—who seemed to be one of those queens that were beloved and respected by the populace—he occupied a front rank in the funeral procession, bedecked and adorned in all the paraphernalia suitable to the occasion. In less than two weeks afterward the following resolution was adopted in the body over which he presided:—"Resolved, That Sir John Trevai, Speaker of the House of Commons, for receiving a gratuity of 1,000 guineas from the city of London is guilty of a high crime." Is guilty of a high crime—this was the resolution and this was the language they used in 1695, notwithstanding there has been so much reference to the corruptions of England and the English government. But such was their view and such was their action in reference to their Speaker, who had received 1,000 guineas as a gratuity for his influence and assistance in passing a bill through the House for the benefit of the city of London. One thousand guineas; only $5,000! Look around and contemplate for one moment. Can we not find where the principle could be applied? And perhaps it would be as legitimate to have a resolution of the character under consideration for an expression of opinion on that subject as the one we have had. This resolution was adopted on the 5th of March, 1695—now 280 years ago—and still it lives in history; and, notwithstanding the British government is called corrupt, that was their view of gratuities. I am reading from a newspaper; but you will find it in Macaulay or in the "History of the Speakers of the House of Commons," fourth volume. They carried this proposition so far that he was made to read the resolution and did read it and left to the fullest, deepest extent his own degradation, and when the resolution was adopted he was made to get up and read the resolution which condemned him. Now, this would be just as legitimate a subject to consider here to-day as the subject we have now under consideration. We could consider just as well a resolution expressing an opinion with reference to officers of the United States receiving gifts from citizens of the United States. Why not consider a subject like that? Let the popular heart understand it, and let it respond. It is time we turned our attention to things like this. I merely read this resolution for the purpose of making a general application to anybody who is guilty of like conduct. This is what England did with one of her Speakers who had received a gratuity for aiding the corporation of the city of London.

THE REPORT OF THE SENATE COMMITTEE.

Well, when we get to the Kellogg government in Louisiana, what do we find there? Do we find a case like the one I call the attention of the Senate to? And then do we find the action to correspond with the course then taken? We find, when we get to Louisiana, that Kellogg comes in as Governor, and how? The committee of able gentlemen of this Senate made a report in reference to Mr. Kellogg and in reference to the government of Louisiana. In the conclusion of their report they say "It cannot be maintained that its proper exercise violates the rights of the States, because the States have no protection or security from fraud or violence without calling upon the national government, and the government cannot refuse or neglect to exercise it in a proper case. The condition of the people of Louisiana is substantially one of anarchy, and it becomes the duty of Congress to act in the premises." The committee report and say that it is the duty of Congress to act in the premises. When we come to examine that clause of the constitution as the committee argue, and, I think, very ably, we find that it is not the Executive, that it is not the Senate, that it is not the House of Representatives, but that the United States shall guarantee to every State in this Union a republican form of government. Has the President of the United States such power? I do not understand him to be the United States. Does that provision authorize the Executive, upon his own volition, to go and take charge in person or by his agent—some man selected from the army—of the government of a State? No, sir. There is no such thing in the constitution; and the interfering in the State of Louisiana in the taking of that government is a palpable violation of the constitution of the United States. The committee in their resolution say:—"Therefore, your committee recommend the adoption of the following resolution:—

Resolved, That there is no State government at present existing in the State of Louisiana.

There is no State government existing in the State of Louisiana, hence the power of Congress. The State has reached that point in which she shows her incapacity, her want of capability to govern herself, and the committee ably argue that it must be a very extreme case for even Congress to act in the matter. I should think that in a great case of emergency, when a State was in anarchy and all was confusion and disorder, there might possibly arise a case in which the government of the United States, or the United States according to the forms of law and the constitution, might pass upon and save them from anarchy and disorder. But the case must be an extreme one and the interference must be well considered before it is done.

THE PRESIDENT VIOLATES THE CONSTITUTION.

But how is it in this case? The President of the United States assumes to take command of the State and give these people a government. What does he say himself on that point? He says in his Message:—"It has been generally conceded that Kellogg was not elected. Whether he was or not is not altogether certain; nor is it any more certain that his competitor, Mr. McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns. Kellogg retained the office, and McEnery has no more right to it than he has." Here are two men competing for the Gubernatorial chair of the State, neither entitled to it; and if there have been gigantic frauds in the election the proceedings should be looked over; but the President comes along, finds the usurper in power, and takes it upon himself to make the government of the United States a party to this usurpation. Why, Mr. President, if this course is to be practised, and the federal government is going to be a partner to disappointed candidates for the office of Governor of a State, we have inaugurated a state of things which will result in the overthrow of the constitution, which binds the nation together, and is the foundation of the government.

A MONSTROUS USURPATION.

These distinguished Senators say in their report that there was no government in Louisiana, and they reported a bill to provide for the difficulty and not to authorize General Grant to take possession of Louisiana and make himself master there. Is not this monstrous? Why, the time has been in this country, and since my recollection too, that, if an act like this, if an usurpation like this had been attempted it would have produced a shock throughout the nation. The nation would have been indignant from one extreme to the other, and would have been ready to hurl from power the perpetrator of such an act. But now we see things differently. We can see men come into power and exercise power not authorized by the organic law of the land. We have gone outside of the constitution in a way that will bring this government to an end, or change its character so that its present features and present structure will all be lost. What more do we find? Looking at General Grant's Message we find he says:—"I sent General Sheridan there, as it were, to make a reconnoitre—look over the country." Then, in the report of the Secretary of War we find a strange letter which General Sheridan received from the Secretary of War. Mr. Johnson here read the letter of instruction which was sent to General Sheridan when he was ordered on a Southern tour. Resuming he said:—"He says in the letter he considered it a tour of pleasure to look after the condition of the country with a retinue of officers with their glittering swords and regalia. They were to travel over the country, and let the people, the sovereigns, the working and producing people of the county, see them in their splendor as the representatives of General Grant in that region of the country." The President says to him, "I think the trip South will be agreeable to you and you can obtain a good deal of information which we might desire to learn." It might be agreeable to him with a staff of officers travelling over the country, displaying themselves before the people, and getting such information as General Grant might want, and I suppose to manufacture public opinion if he could; and he thinks it would have a beneficial influence on that portion of the country to see General Sheridan, the representative of the President of the United States, displaying himself all through these States. Now, what is still more remarkable is a telegram, dated New Orleans, January 4, 1875 (referring to the telegram of General Sheridan as to when he took command). Here is a bit of special pleading. The President said that General Sheridan did not take command until after the organization of the Legislature on that day. Here the General takes the responsibility for all that was done by the military on that day. He was there all the time, and I will now read his order on taking command:—

NEW ORLEANS, Jan. 4, 1875—9 P. M.

GENERAL ORDER NO. 1.

In accordance with instructions from the President of the United States the undersigned assumes control of the Department of the Gulf, consisting of the States of Louisiana, Mississippi and the Gulf posts as far eastward as Fort Jefferson and Barancas, Florida, including the forts in Mobile Bay, which will hereafter constitute a department in the military division of the Missouri.

P. H. SHERIDAN.

ABSOLUTE AS AN EMPEROR.

Resuming his argument Mr. Johnson said, here is a General of the Army, who is sent back to the people that repudiated him, with authority to go and look over this country and to mark himself out an Empire, prescribe the limits of his government or what he shall take under control. He marks out the area. He describes the points and limits of his command. His power is as absolute as that of an Emperor. In all those proceedings does anybody see anything of the General of the Army? Where is General Sherman all this time? Perhaps he may not be in accord with these proceedings, and General Sheridan is placed in direct connection with the President of the United States and the Secretary of War, and is authorized to go South, mark out his command and take charge of it. Where is this authority derived from? The President of the United States, it is true, is made Commander-in-Chief of the Army and Navy; but has he a right to delegate his power of laying off and defining districts to another at his discretion? Was there ever such an assumption of power? He might lay off the whole South in one military district and take charge of it himself. Look at the growth of power. Look at the advances which usurpation is making, and when we come to consider calmly and deliberately, without party bias or prejudice, we find that these acts are none other than those of usurpation and tyranny. Where does all this power come from? And I might ask, "Upon what meat doth this our Cæsar feed that he is grown so great" that he can prescribe and lay down empires and place commanders over them? It is time the country was awakened and considered these things. If the excitement has been so high in times gone by that many things have been overlooked I think the time has arrived, and I trust the excitement has gone down and that the American people can return to the organic law of the land. It is time that the people had begun to consider and weigh well these things.

THE 4TH OF JANUARY.

We find with reference to this Kellogg government that General Grant says it was a gigantic fraud, and neither he nor McEnery was entitled to the office of Governor, but having found a usurper in, he takes him by the hand and sustains him. Well, we come up to the organization of this recent Legislature. There seems to be a division. He says that the democrats asked for the interference of the military first, and then the republicans afterward asked for it. He looks upon it as a mere matter of party, not as a matter of principle; but he says the democrats asked him to interfere and then the republicans made a request, signed by fifty-two. I believe then the military went in there, and what did that military do? They went in and, as General Sheridan says himself, Mr. Kellogg said to the army, or to the military, put this man in and put that man out, and the Legislature is set up by the military at the point of the bayonet. And that is done under the pretence of keeping the peace. The Legislature is qualified and organized, surrounded by armed soldiers. That is a new way of qualifying members of the Legislature, and contrary to the genius and theory of our government, and contrary to the genius and theory of any free government. If we can go back to the times of Cromwell, when an officer rode into Parliament Hall, booted and spurred, and drove out members of the Parliament, we can find a parallel case. There stands the military with bayonets, the Legislature is qualified and go into power surrounded by them. May we not well inquire What meat does this our Cæsar feed upon that he hath grown so great? How has it come that all these things are being enacted in this country? In the progress of investigation this case gets worse and worse. It is a state of things that ought not to be tolerated. In the case of Tennessee, when the military was forbidden to interfere, the Legislature got together and went on harmoniously and passed laws. In this case, if there was likely to be a riot or disturbance, and they had tried to suppress it without first making application to the President of the United States, as they can do in case of insurrection or riot, they might have preserved the peace. There would have been no bloodshed. They would have managed to have settled it without any difficulty. This talk about the sacrifice of lives, and the shedding of blood, is thrown in simply to justify the arbitrary act that has been practised by the military in Louisiana.

PRINCIPLE AND THE CONSTITUTION TRAMPLED UPON.

So far, then, as Louisiana is concerned, for the reasons which I have given, I cannot regard the action of the military or of the President as in accordance with the constitution. I cannot record my vote for this resolution. I will not vote against the resolution because it is a republican measure, but I will vote against it on principle. This resolution mentions the President to express an opinion favoring practices which I think are unauthorized and unwarranted; but if we record one vote sanctioning the Presidential interference what are we to do in other cases? Why single out this particular act and in principle sanction it and not sanction all the high-handed measures which preceded it. We find another case of this kind, which is familiar to Senators around me, and I will ask the indulgence of the Senate while I refer to it for a few moments. We find that General Grant issued a proclamation to the people of Arkansas on the 15th of May, 1874. Mr. Johnson read the President's proclamation of that date, and said:—What does that mean?—the President, in this case, recognizing in the proclamation Baxter as being the genuine and true Governor and the lawful authority of the State? How can this be so by the simple recognition of the President of the United States?

A DANGEROUS DOCTRINE.

If these proceedings are permitted, are followed, are allowed to stand as a precedent, it will change our own form of government. It is assumed by the States readmitted under the reconstruction acts, as the President assumes in his proclamation, that their constitutions are to stand unchanged, immovable and unalterable for all time, unless it can be done by the federal government, then our form of government is changed. Here is a blow struck at one of the fundamental principles of the government directly. To deny the States of this Union authority to change their fundamental law will be to subvert their government. This principle is guaranteed by the Bill of Rights and by the constitution of the United States, and it cannot be denied by any one who has any regard for the rights of the States and for constitutional law that the people have a right to change, alter or to amend their form of government in their own mode and manner within certain limits. Those limits are prescribed by the constitution, and are that it must be a republican form of government. If that is so I should like to know where the authority is to interfere with them. These ideas have come from these usurpations of power. Let me refer again to the President's Message—"I earnestly ask that Congress shall take definite action in this matter and relieve the Executive from acting upon questions which should be decided by the legislative branch of the government."

THE IRON HAND CLOTHED IN SILK.

A threat—the iron hand, though clothed in silk, is laid upon us. If you don't do so and so I will do it. If the resolution under consideration inquired in regard to this threat; into the proposed exercise of such a power as this, it would be more legitimate than the one now under consideration, which is for its indorsement. Hence we see how this power travels. An Empire laid off in the South, commanded by a military chief. Then we come along to the Force bill; then we come along to the indorsement by Congress, and looking over these things we inquire, What lies behind all this? Don't we see that the change of opinion, that the change of position, must be for some purpose? From May 15 up to the action of General Sheridan was only nine months. There must be something behind all this action of the President; there must be something to explain his inconsistency; there must be something that underlies all this. The Force bill, with the authority to take away State governments—an arbitrary military empire laid off in the South and placed under the control of a dictator—must mean something. We can only look at it in the light of events that will transpire in the approaching Presidential election.

THE EMPIRE COMING.

When we have the conqueror and usurper installed in the government and he has gone on extending his military power until he has accomplished his purposes, the time may come when some member of the other Hall may introduce resolutions like this:—

Whereas great disturbances and dissatisfactions exist in the country, and for the sake of preserving peace and harmony in the country, be it

Resolved, that A. or B. is hereby declared President.

I don't care whether you call him monarch or King or President, for the next Presidential term or the next eight years, what would you do then? Where is the power to prevent it? Where is the army? Where is the navy? What would you do? The impotency and the weakness of an unarmed people when brought in contact with the armed we all know. We would be powerless, and I here to-day say in the presence of this Senate, and I warn the people against the approaching danger, I tell my countrymen, Mr. President, that the Empire is ahead, and that, instead of having a free and republican government, now we have a kind of government which is called a stratocracy. I hold in my hand a book which treats of the various kinds of governments and defines them, and after going on and laying down the three great principal forms of government—monarchy, aristocracy and democracy—the writer says that a government of these three can be divided into infinity, combining them all in different forms, and that one of the forms of the combination is called a stratocracy, which is a military government where the country is ruled by a military chieftain and where the army is the power. That is the government you have got now. The army is the power. We have got a stratocracy. We have not got a democracy; we have not got a republican form of government. That is all the government you have got. How far off is the Empire? How far off is military despotism? I warn the people of my native country against the dangers which are coming. Many years ago I warned them against bringing on a strife and contest which would result in the shedding of blood and the sacrifice of property. I warned them against arraying brother against brother. I warned my countrymen of the fraternal strife which I saw was inevitable. That warning turned out to be true. I wish I had proved a false prophet. I here to-day in my place warn the people of the United States against the encroachments, against the violations and against the total disregard of the constitution of the United States. Don't let us talk about party; let us talk a little about the country, for party on the one side or the other is running this government well-nigh to destruction. The party has been running this government long enough. Let the people who compose the government run it for a while.

LET US SAVE THE COUNTRY.

The great cry now is to save the party, and if the party can be saved all is well, the country may go. Let us try to save the country and preserve it in its original form, in its original shape as handed down to us by the founders of the Republic. I warn my countrymen here to-day against these encroachments that are being made upon the constitution of their fathers. The Empire will come if there is not a return made to these great principles, these great truths which are recognized in the constitution. I tell you this government is overthrown and its character changed. It is unfortunate then that we have been divided into parties. Let us not teach the people opposition to the government, as has been the case sometimes. A great clamor is made against the government, when it is the rulers of the government who are to blame. Let us make the proper distinction. The government is good enough. The organic law is all right, speaking in general terms, and, if carried out according to its design, would produce happiness and prosperity to the people and result in making us the greatest government in the world. We should make the distinction between the government and the administrators of the government. Let us bring the hearts of the people up to the government and arouse them against the corruption, against the profligacy, against the usurpations of this administration.

THE ADMINISTRATION IS TRYING TO OVERTHROW THE GOVERNMENT.

Let every effort be made to sustain the government and eject from power the corrupt and usurping rulers. I do not belong to one party or another. I have certain great principles laid down for my guidance. If our principles are correct we can never reach wrong conclusions. The constitution is my guide. I intend to follow it, and when it is encroached upon, according to my judgment, with all the ability I may have I will resist it and call the attention of the people to it.

So much then for the Louisiana portion of the question and the Arkansas part of it. Now the Arkansas government is going along, but if Congress should have passed the Force bill there seems to be some little doubt what government they would have had there now. See the power he has asked for. We see him gathering power in every move. In every phase of his administration there is a desire to get beyond the control of the people, to get from under the constitution, which is nothing more or less than the combined and expressed will of the people, and, if it shall be violated, it will overturn the government itself. Then we have referred to the provision of the constitution which says expressly that the United States shall guarantee to each State a republican form of government. We see, first, as we travel along in the discussion of this subject, how party zeal and party interests may carry us. We see that these encroachments are being made and the query then comes up, "What is a republican form of government?" We know what the constitution says, "That all powers not delegated to the federal government are reserved to the people or the States respectively." I shall not discuss the question of State sovereignty. It is one about which there has been much division of sentiment, and about which there has been much controversy. I shall not discuss that now; but I shall pass to the point where I think sovereignty resides in a free government. Here we find that all power is derived from the people; the people wear the crown. They are the source of power; they are the sovereigns. The State governments derive all their power from the people; the federal government derives all its power from the States, or from the people direct. I shall not discuss that, but merely state that the source of power primarily resides in the people, and that they, under our form of government, can change the constitution in the mode and manner pointed out by it. But these changes having been going on gradually and by usurpation, by arbitrary measures and by the action of the military, our form of government is gradually changing: but if we still hold to our moorings and go back to the people, who are the source of all power, we can remedy these insidious changes, and the time has come, Mr. President, that it is important to discuss these fundamental principles. A rigid rule must be laid down and the rulers of the country must be made to conform to it. I would for one make the constitution of the country as inflexible as

A PROCRUSTEAN BEDSTEAD.

The agent acting under the constitution, when he comes into power, should be measured by the constitution, and if he is too short let him be stretched out if it breaks the ligaments. If he were too long I would reduce him to the dimensions of the bedstead. I would cut him off. We have been in a civil war; the public mind has been agitated; the constitution has been violated so frequently by tyranny in office, trampling it under foot, that the public have become hardened to it. The people do inquire whether the Legislature has done so and so; but they do not inquire whether it has acted within the limits of its power or not. Give me the constitution of my country unimpaired, and make no change in it except in the manner and mode pointed out by it. Give me back the constitution you took away. Don't give arbitrary power, don't give me usurpation; but give me back the constitution that was handed down to me by our fathers. Look at the encroachments which have been made on the constitution. They are done insensibly, and we do not take any notice of them at the time; but they finally undermine the constitution and the framework of the government. These States are commonwealths—they are sovereign in a great many of their capacities—and the interference by the President in their government is an usurpation.

CATO TO CÆSAR.

Instead of the resolution now before the Senate I would go to him with the language, if I was permitted to prepare the resolution, that Cato used to the Ambassador of Cæsar when the Ambassador approached him and asked him to capitulate, saying that his name would be second to none but that of Cæsar. I would say to this Emperor, I would say to this Dictator, what Cato said to the Ambassador—"Go and tell this Emperor to disband his legions and restore the liberties of the people." This I would say to him, even as humble as I am. I would tell him to stop his encroachments upon the constitution and close the gulf between the people and bring peace and prosperity to the country. Do this and I will mount the rostrum and contrive to gain his pardon from the people for his violations of the constitution of his country and the transcendent impositions that he has practised upon the country. This, even as humble as I am, for the sake of peace, for the sake of concord, for the restoration of prosperity. I am even willing to mount the rostrum and strive to gain his pardon from an indignant people. You must close up the gulf, restore peace and prosperity to the country, restore the government to what it originally was in fact and in practice. It is the home of the emigrant and asylum of the exile for all time.

GOD PRESERVE THE COUNTRY!

Let it be saved. I would rather see these pillars fall against each other, I would rather see us all wiped out of existence, than to see the constitution of my country destroyed. To save the constitution is to save the country, and in saving the country you will restore it to peace and prosperity. What does your flag indicate? What does the flag upon the dome that daunts upon the breeze to-day indicate? Is it true that it is the great emblem of freedom? Or is it a falsehood? Does not the flag represent a country of freedom and protection to its citizens? Don't let us consider about party, but consider the country, the whole country, and nothing but the country. Let us do this. In the language of Webster, let this Union be preserved, "one and inseparable;" let us stand equal in the Union, all upon an equal footing; let peace and prosperity be restored to the land. May God bless the country, and may God save the constitution! I know when I give utterance to this it comes from a heart that never beat hostile to it. Let us come up to this good work and let us forget what has been heretofore; let us lay aside our personal differences; let us lay aside party discipline; let us give up our parties to the constitution of our country and lay them on the altar in defence of the constitution. I thank you, Mr. President, and you, Senators, for your kind attention. (Applause in the galleries, which was checked by the President *pro tem.*)

THE TWEED CASE.

ALBANY, March 22, 1875.

The Tweed habeas corpus case was called in the Court of Appeals at a quarter to one o'clock to-day. Judge George F. Comstock, D. D. Field and W. O. Bartlett appeared for Tweed, and District Attorney Phelps and Wheeler H. Peckham for the people.

Mr. Field proceeded to open the case, stating its history.

Mr. W. O. Bartlett followed Mr. Field, holding that the indictment was never read to Tweed, and that one Oyer and Terminer adjourned over the term to escape hearing it read. The indictment contained 220 counts and occupied 1,050 pages.

After Mr. Bartlett concluded Mr. Field continued up to the hour of adjournment and will continue to-morrow.

Mr. Field claimed that the indictment had been found on the complaint of one person, and that the verdict had been altered by the Judge after it was received. He held that the seventh count in the indictment contains no charge of any offence, not even an offence against the statute on which it was founded when the statute was in force, and yet this is one of the counts on which the sentence was specifically and numerically imposed.

The following are the points made by Mr. Tweed's counsel:—

First—There can be no doubt that if the commitment is not warranted by the judgment it fails to show any authority for detaining the relator. Tweed is in the Penitentiary, and he must be discharged from imprisonment under that warrant; nor can there be any doubt that if the Court of Oyer and Terminer had not jurisdiction to receive and try an indictment for misdemeanor without the previous action of a committing magistrate or the Special Sessions, or if for any other reason the Oyer and Terminer had not jurisdiction to receive and try this indictment, then the Court was not competent to render any judgment and was not a competent Court in this action. If the Court had not jurisdiction to render the judgment or sentence under which the relator is now held, then the Court was not a competent Court.

Second—The warrant of commitment directs that the relator be imprisoned in the Penitentiary of the city of New York. The judgment directs that he be imprisoned in the County Jail of the city and county of New York. The burden of showing that the two places are one rested with the respondent, and he has not yet shown it.

Third—All the sentences subsequent to the first were void.

Fourth—He was not liable to conviction and punishment for misdemeanor under the second revised statute, 696, section 38, because a special provision had been made for the punishment with which he was charged.

Fifth—The jury was not competent.

Sixth—The Court was not a competent Court to try this case or to pronounce any judgment in it.

Seventh—When the relator was tried the fourth section of the act of April 26, 1870—that under which he was indicted—had expired, both by its repeal and by the lapse of time.

Eighth—The judgment of the Supreme Court should be reversed and the relator discharged.

The following is a summary of the points made against the appeal:—

This case comes here upon error to review a judgment of the Supreme Court at a General Term in the First district upon certiorari affirming a decision of the Oyer and Terminer in the First district, dismissing a writ of habeas corpus sued out by the relator herein and remanding him to the Penitentiary.

The first point claims the writ was properly dismissed by the Supreme Court. The second and third points hold that the relator cannot invoke the aid of the higher courts, inasmuch as he has neglected to comply with the requirements of the forty-fifth section of the act. The fourth point holds that the Court of Oyer and Terminer, having assumed jurisdiction of the case, cannot be attacked collaterally in this proceeding. The fifth point holds that there was no error in the rejection of the testimony excluded by the courts on the hearing. The other points treat of the danger of reviewing questions on habeas corpus proceedings.

PARRICIDAL PISTOLING.

An old family quarrel, of long standing, arising from a divorce on the ground of adultery, obtained by Captain John. W. Lovejoy, and his subsequent remarriage, was nearly settled by the murder of the Captain by his sons, Lorenzo and William, but fortunately, through the effects of the liquor drank to brace them up to the deed, the father escaped unscathed.

The young men called at the residence of the father, at 38 Ten Eyck street, Williamsburg, on Sunday afternoon, and after a scuffle Lorenzo drew a pistol and threatened to shoot. He was then ejected, William following him. When the sidewalk was reached Lorenzo again drew the pistol and fired five times at his father and then fled. As he has since threatened to shoot his father, he and his brother were arrested at ten o'clock last night by Captain Kaiser and officer Tuue.

THE WEATHER YESTERDAY.

The following record will show the changes in the temperature for the past twenty-four hours, in comparison with the corresponding date of last year, as indicated by the thermometer at Hudnut's Pharmacy, HERALD Building:—

	1874.	1875.		1874.	1875.
3 A. M.	41	14	3:30 P. M.	49	33
6 A. M.	41	13	6 P. M.	48	23
9 A. M.	45	16	9 P. M.	43	20
12 M.	45	24	12 P. M.	43	15

Average temperature yesterday 19¾

Average temperature for corresponding date last year 44½