

National Republican.

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IF THE AMENDMENT FAILS.

In our issue of yesterday we published an article with the above caption taken from the New York Evening Post, and promised to say a few words on the subject to-day. The question is of great importance to the whole country, and should be calmly considered and candidly discussed.

In the article of yesterday the Post urges on the Southern States the adoption of the proposed amendment, because, among other reasons, its rejection will cause another political struggle more intense than that through which we are now passing, more injurious to the country, and especially to the Southern States—a contest of which the issue is not doubtful, for the twenty millions of the Northern States will begin to see the unreasonableness of the Southern leaders, and will lose patience with these men who so stubbornly refuse the mildest terms ever offered to beaten rebels.

The Congress of the United States, as we have already seen, has no power to interfere with the execution of the laws; its supervision in this behalf is alone in the power to impeach the Executive if he fails to discharge his duty properly; and therefore when, in the opinion of the Executive, the civil authority was adequate to the execution of the laws in the usual way, it was the duty of the President, without any direction from Congress, to recall the army and the navy; and thereupon it became the duty of the judicial department to proceed to the indictment and trial of all individual offenders in the manner provided for in the Constitution and laws of the United States, and in every instance any individual citizen indicted for participating in the late rebellion is authorized to plead his pardon in his defence, if one has been granted him by the pardoning power.

Subsequently, on the 2d of April, 1866, by proclamation of that date, THE PRESIDENT declared that all armed opposition had ceased, and that civil authority was restored throughout all the States lately in rebellion, except the State of Texas. The fact that by an act of Congress, passed after the rebellion began, the people of certain States were declared to be in rebellion against the Constitution and laws of the United States, can have no effect upon this question. If they were not in rebellion, it could not make them so; if they were in rebellion, the omission of Congress to make such a declaration would not relieve THE PRESIDENT from his constitutional obligation to take care that the laws be faithfully executed. The power to decide all judicial questions is vested, as we have already seen, in one Supreme Court. Its decision is final and conclusive, and from it there is no appeal.

All legislative power being vested in Congress, the discretion of that body within the limits of powers granted cannot be called in question by any other department of the Government. In like manner, the execution of the laws is intrusted solely to THE PRESIDENT, and no other department of the Government can supervise his action in that behalf. He must determine when military force is necessary to aid the civil authority, its extent, and he alone must determine when it is no longer necessary. The power to decide this finally must be intrusted to some one department of Government, and under our Constitution this is exclusively given to the Executive Department, as the power to adjudge the laws is given to the judicial department.

As before stated, when any power not strictly legislative in its character is conferred upon Congress, it is done in express terms. The power to admit new States is of this description. This power is expressly given by the Constitution, but we look in vain through that instrument to find any power which authorizes Congress to expel a State from the Union which has once been admitted. No such power is given; on the contrary, in express terms, as we have already seen, it is declared no State, without its consent, shall be deprived of its equal suffrage in the Senate, and it is worthy of note, this imperative prohibition is found in the fifth article, which provides the mode and manner of amending the Constitution of the United States. The fact that resistance was made in the name of a State, by any combination of its citizens, however numerous they may

and all other officers of the United States whose appointments are not otherwise provided for in the Constitution. He has power to fill up all vacancies, and it is made his duty, from time to time, to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

It is worthy of observation that while general terms are employed in the grant of all legislative power to Congress, and to clothe THE PRESIDENT with all the executive power of the Government, in each instance, where a special power is given or duty required of either of these Departments, apt words are used. As a general proposition it may be laid down that it is the duty of Congress to make laws, and of THE PRESIDENT to execute them. Therefore, at the commencement of the rebellion, when it became apparent that civil authority could not be executed in the usual way, it was the duty of THE PRESIDENT to take cognizance of the fact, and to employ such military force as he possessed to execute the laws. It was his duty to do this at once and without waiting to be prompted thereto. If the means at his command proved to be inadequate, it was his duty to give Congress information of the state of the Union, and to recommend to their consideration such an increase of means as was necessary to accomplish this purpose, and to use them for that purpose, as Commander-in-Chief of the army and navy, until all armed opposition to the Constitution and laws of the United States was completely suppressed. He was the judge of when that was accomplished, and he was responsible to Congress by impeachment, to the Judiciary by indictment, and to the great body of the American people at the ballot-box, for the faithful discharge of that duty.

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have been, cannot have the effect of destroying its political existence, or of affecting its rights in any respect, because their action, call it secession, or rebellion against the Constitution and laws of the United States, or by whatever name you please, is in conflict with that provision of the sixth article already quoted, which declares that the Constitution of the United States is "the supreme law of the land, * * * anything in the Constitution or laws of any State to the contrary notwithstanding." Therefore, the ordinance of secession, intended by its framers to sever the relations of the State with the Union, must be null and void, and an attempt at usurpation, and for the same reason.

We have already seen that THE PRESIDENT is required to swear that he will preserve, protect and defend the Constitution of the United States to the best of his ability, and that among the duties specially imposed on him is this: he shall take care that the laws be faithfully executed.

It is the Constitution which declares that all legislative power is vested in the Congress of the United States; it is the Constitution which declares how that Congress shall be organized, and of what it shall consist; to wit: two Senators from each State, and at least one Representative. When for any cause Congress denies to a State this right of representation, in the Senate and House, it violates the Constitution, which is the supreme law of the land. Whose duty is it to see that the laws are faithfully executed? Is this duty less imperative because the transgressor is Congress instead of the State of South Carolina? Will the Post answer?

We propose to continue this discussion in our next issue.

STATUETTE OF ABRAHAM LINCOLN.

A most excellent model for a life size or colossal statue of ABRAHAM LINCOLN is now on exhibition at PHILP & SOLOMONS'. It is not LINCOLN at a banquet or after hearing of the first battle of Bull Run, nor entertaining a party with a "little story"; but it is the LINCOLN whom we often saw on great occasions, standing erect and patiently and thoughtfully listening to some address to which he was expected to reply. Those who never saw MR. LINCOLN at such a time would not be impressed with the truthfulness of the artist's production. But, in fact, the statuette not only gives a good idea of the tall, gaunt form, but the likeness is excellent, and the peculiar expression of the face is to us perfectly natural, as MR. LINCOLN appeared on state occasions.

The artist has made one mistake in the selection of MR. LINCOLN never wore a cloaklike HENRY CLAY and ANDREW JACKSON. During the progress of the war he walked almost daily from the Executive Mansion to the War Office, where he was in the habit of conversing with his generals in the field by telegraph. On these occasions he frequently wore a large checked Scotch shawl, at other times a "surtout"—a long overcoat which buttoned close to the body. Artists prefer a cloak for paintings and statues, because they think it a little more classical, its folds set off the work a little better. But that should never be done at the expense of an important fact so fresh in the memory of all who knew MR. LINCOLN, as is the one to which we refer. As the statuette of MR. PARKS is only a model for a proposed colossal statue, the alteration to which we allude can easily be made. That the artist who has studied his subject so far as the form, features, and expression worn by MR. LINCOLN are concerned, there can be no doubt in the mind of any person who knew MR. LINCOLN.

AN OPINION AS AN OPINION.

"MALAKOFF." Paris correspondent of the New York Times, speaking of the health of NAPOLEON III, utters the following banality: "He may live yet a long time, or he may not." There's wisdom.

NEW BOOKS.

LAYS VENERABLE, AND OTHER POEMS AND BALLADS. BY ALGERNON CHARLES SWINBURNE. New York: CARLTON, publishers.

This London Examiner, speaking of this work, says: "There is a mass of strength in these poems, outspoken honesty, a sturdy love of freedom, outspoken, poetic insight, truth and beauty of expression, beyond anything attained to by other of the young poets of the day."

OUR ARTIST IN PERU.

LEAVES FROM THE SKETCH BOOK OF A TRAVELER DURING THE WINTER OF 1865-'6, BY GEORGE W. CARLTON, New York: CARLTON, publishers.

This is an excellent series of sketches by CARLTON, whereof he is not only publisher, but author as well. They are sketches not only with the pen, but with the pencil. The public will be equally surprised and delighted at the novel talent they display. They are fifty in number, and hit off to perfection all the most prominent objects that attract the eye of the stranger who for the first time sets foot in Havana—Spanish men and women, whether at home, in church, or theatre, or riding in their volantes, priests, nuns and beggars, horses and donkeys, and all the peculiarities of life in the tropics. The sketches are exceedingly clever, and give us a better idea of Havana than many elaborate books of description.

The above-named works are for sale at PHILP & SOLOMONS'.

THE BLOW PAPERS, BY JAMES RUSSELL LOWELL.

LOWELL has already been elaborately noticed in the REPUBLICAN. For sale at HOBSON TAYLOR'S.

THE ENGLISH OPERA.

A crowded, critical and fashionable house last night attended the representation for Miss CAROLINE RICHTON on her benefit. Miss RICHTON never was in better voice, and she was received by our music-loving citizens with great enthusiasm.

THE DEPARTMENTS.

Clerks at the Executive Mansion. Yesterday THE PRESIDENT appointed SAMUEL A. WIGGINS, of Massachusetts, CASPER H. CONRAD and OLIVER C. SHIFFER, of New York, fourth class clerks in the Executive Mansion, under the act of Congress approved July 30, 1866. Under the same act THE PRESIDENT also appointed WM. H. FRY, of Pennsylvania, to be clerk of pardons. All the above-named appointees have been in the employ of THE PRESIDENT for a long while, and this is a renewal of the assurances of THE PRESIDENT'S distinguished consideration. They are not sorry, and we are sure THE PRESIDENT will not be if industry and faithfulness are requisites in the public service.

Post Office Department. PRESIDENTIAL APPOINTMENTS. Joseph P. Cantwell, postmaster at Elkton, Maryland, vice J. McKimsey, resigned. I. P. Evans, postmaster, Waterloo, Iowa, vice S. Cleveland. Andrew G. Wood, postmaster, Warsaw, Indiana, vice J. L. Runyon, removed.

West Virginia—Re-established. Roane county, John B. Stone, postmaster. Muses Bottom, Jackson county, Solomon S. Bigley, postmaster. Brown's Mills, Harrison county, Elbert R. Watkins, postmaster.

At Randall, Monongalia county, appoint Festus Bassett postmaster, vice E. S. Yeager, removed. In Virginia re-establish Freehale, Middlesex county, and appoint Hollis M. Rose postmaster.

At Andrews, Spottsylvania county, Geo. M. Kelley, postmaster, vice L. R. D. Clifton, declined. At Mount Athos, Campbell county, Jas. M. Smith, postmaster, vice Miss A. V. Smith, who cannot take the oath.

At Dunsville, Essex county, Joseph Durham, postmaster, vice M. Hail, who cannot take the oath. At Riceville, Pittsylvania county, Geo. W. Thompson, postmaster, vice M. W. Walker, no bond.

The Pension Office.

The following regulations relative to the applications of pensioners for increase of pensions granted by a recent act of Congress were yesterday issued by the Commissioner: Applications for increase of pensions, under the acts of June 8th and July 23rd, 1866, form a part of the adjudicated, or pending claim, and their receipt is not acknowledged by this office. The condition of all unadjudicated claims is reported from time to time, by circular or by letter, and will not be reported to any agent, unless he shall have been recognized by the office in the case, nor will the application shall have been on file at least three months, special cases excepted. Only a duly executed power of attorney confers upon an agent the right to appear in a case, and no adjudicated claim will be taken from the files for examination unless material evidence shall have been offered to establish its validity. During the past month 1,741 applications of widows were received at the Pension Office, of which 1,564 were allowed and 187 were rejected. The number of applications received for invalid pension was 3,500. Of these the number allowed was 3,058; rejected, 442.

Navy Bulletin.

Detached, Oct. 25.—Commander Wm. G. Temple, from command of the Tacony, and granted sick leave of absence; Oct. 26, Acting Masters James B. Wood, Charles C. Butler, John W. Cook, and Acting Ensign George W. Beverly, from special duty at New York, and placed on waiting orders; Paymaster T. M. Taylor, from special duty at New York, and ordered to transfer his accounts and funds to Paymaster James H. Watnough, at the New York navy yard, and settle his accounts; Commodore A. H. Kilty and Cadwallader Ringgold, Commander George M. Ransom, First Assistant Engineer Thomas S. Cunningham, Second Assistant Engineer George M. Hall, and Carpenter Henry M. Lowry, from special duty at New York, and placed on waiting orders.

Honorably Discharged.—Acting Ensign A. Kalinski, to date from October 26. Ordered, Oct. 26.—Mate Edward K. Greene, to the Ohio.

Navy Department—News from U. S. Steamers.

Under date of Havana, October 25, Rear Admiral Palmer, commanding the North Atlantic squadron, reports to the Navy Department the arrival at that port of his flagship, the Rhode Island. Reports have also been received from the commander of the United States steamer Monocacy, at Carlisle Bay, Barbadoes, dated on the same day. On the 19th ult. the United States steamer Mackinaw left Pointe-a-Petre, Guadaloupe, for a cruise among the windward islands; and on the 16th ult. the United States steamer Swatara was at Bordeaux, France.

Important from the Comptroller of the Currency—No More National Banks to be Established.

The Acting Comptroller of the Currency announced yesterday that bonds had been received for deposit with the Treasurer of the United States to an amount sufficient to secure the entire circulation of \$300,000,000 of national circulation authorized by law; and no more would be received after this date. The limit having been reached, hereafter it will be useless to forward bonds or to apply for increase of capital or for the organization of new national banks with the expectation of obtaining circulating notes.

The General Land Office.

Returns received at the General Land Office show that an aggregate of 51,714 acres of the public lands were disposed of in September last, at the following local offices: San Francisco, Cal., 3,666 acres; Marysville, Cal., 11,006 acres; and East Saginaw, Mich., 33,403 acres. The greater portion of the lands were taken up for actual settlement and cultivation. The cash sales during the month amounted to \$27,652.

INTERNAL REVENUE.—The receipts from this source yesterday were \$1,750,550.

MUSICAL AND DRAMATIC.

MOBILE is to have a splendid theatre. The Bostonians are in ecstasies over Ristori's acting. O. P. Baldwin, formerly a journalist of Richmond, Va., is on the stage. STONE & CO.'S Circus is at Richmond, Va., the only place of amusement in that city.

MARY SMITH has brought out, at the New York theatre, "The Boy and the Girl." THE RICHMOND ENGLISH OPERA TROUPE opens in Richmond on Monday.

A PLAY has been adapted for Miss Malilda Heron from the "Maid's Tragedy of Beaumont and Fletcher." It is very rombe and bloody. MADAME CHERIE is playing in California, and she gets thence to Australia, and so on around the world.

PATTI appeared at the opening of the Italian opera house in Paris, as "Amina." She was almost smothered with flowers.

The death is announced of M. Joseph Thierry, one of the most distinguished French dramatic poets. He had been principal librettist of Paris for a great number of his finest scenes.

BY TELEGRAPH.

The National Republican.

FROM EUROPE BY CABLE.

BANQUETS IN GREAT BRITAIN.

A PIECE OF ADVICE FROM NAPOLEON.

ITALY AND THE POPE.

THE CANDIAN INSURRECTION.

A Victory Claimed by the Turks.

THE FENIAN EXCITEMENT.

ADDRESS FROM COL. ROBERTS.

THE TRIAL OF FENIANS IN CANADA.

THE BALTIMORE POLICE CASE.

A RADICAL MASS MEETING.

DENUNCIATION OF GOVERNOR SWANN.

Parson Harlan Among the Agitators Against the Public Peace.

The New Commissioners to Demand Possession of the Station-Houses To-day.

The Courts to be Appealed to.

PROCLAMATION OF THE NEW BOARD.

THEY INVOKE THE ASSISTANCE OF CITIZENS TO KEEP ORDER.

FROM EUROPE.

(By Cable to the Associated Press.) LIVERPOOL, Oct. 31.—The steamship Hibernian has arrived.

BREIT, Oct. 31.—The steamship Europe has arrived.

A BANQUET TO MR. JOHN BRIGHT. DUBLIN, Oct. 31.—Mr. Bright has arrived in this city. A grand banquet was given him. He made a speech, in which he urged in strong language the application of proper remedies for the removal of Irish grievances.

THE LORD MAYOR'S BANQUET. LONDON, Oct. 31.—The Lord Mayor's banquet in honor of the successful laying of the cable came off last night, and was a most brilliant success. The Lord Mayor was necessarily absent, being too ill to attend. Eloquent speeches were made by many distinguished gentlemen.

NAPOLEON'S ADVISOR TO CARLOTTA. PARIS, Oct. 31.—It is said that the Emperor Napoleon informed the Empress Carotta that she had better tell the Emperor Maximilian to cede two of his provinces to the United States in order to consolidate his rule in Mexico.

FROM AUSTRIA. VIENNA, Oct. 31.—It is confirmed that M. Brest is to be the new Foreign Minister of Austria.

THE COURSE OF ITALY CONDENSED BY THE POPE. ROME, Oct. 31.—The Pope has delivered an allocution condemning the conduct of Italy, declaring that he is ready to die in defence of the right, and that in case of need he will seek the free exercise of his ministry in another land.

FINANCIAL AND COMMERCIAL. LONDON, Oct. 31.—Consols, 89 1/4 for money; United States Five-Twenties, 69; Illinois Central, 77 1/4; Erie, 51 1/2.

LIVERPOOL, Oct. 31.—Cotton sales to-day 13,000 bales, at 14 7/8-salid. for Middling Uplands.

LIVERPOOL, Oct. 31.—Tallow remains without change.

MARINE INTELLIGENCE. SOUTHAMPTON, NOV. 1.—The steamship Bavaria has arrived.

LIVERPOOL, NOV. 1.—The steamship Queen has arrived.

REORGANIZATION OF THE FRENCH ARMY. PARIS, NOV. 1.—A decree has been issued appointing commissioners for reorganizing the French army. The Emperor Napoleon will preside over the commission.

RUSSIA. BERLIN, Oct. 31.—The Government has issued a decree ordering that the fortresses of Saar, Lomo, Mentz and Coblenz be dismantled. The artillery force will be reduced to a peace footing.

FROM TURKEY—THE TURKS CLAIM GREAT VICTORIES. LONDON, Oct. 31.—The Turks claim great victories over the Christians in Candia. In a hard fought battle near Odessa, the Christian lost 700 men, while the Turkish loss was very heavy. Three thousand Christians had been drowned in a cave, where they had sought a hiding place and refuge, a tide rising and submerging them. Large submissions were being made by the Christians to the Turkish authority.

MARINE DISASTER. LIVERPOOL, NOV. 1.—The ship C. Larkin, from Balvia for New York, is at Pernambuco, dismasted.

COMMERCIAL INTELLIGENCE. LONDON, NOV. 1.—To-day being "All Saints' Day," it is being observed as a holiday, and no stock market is held.

THE FENIANS.

Colonel Roberts Issues an Address—He Requests the Fenian Brotherhood to Form Themselves into Military Companies. NEW YORK, Nov. 2.—Colonel Roberts has issued a stirring address to the Fenian Brotherhood, calling on them to form themselves into military companies at once. The neutrality laws, he says, cannot prevent them, and British influence will no longer be allowed to rule this country to your injury and Ireland's shame. Strange events are in the future, and you know not how soon you may be called upon to strike again for Ireland. Let not the occasion or call find you unprepared.

He treats them to work. Instructions requiring secrecy will be sent to all the circles. A letter recently received here says two Fenian prisoners who were recently in the hands of the Canadian authorities have escaped, and are now in Rochester. They state that the American Consul at Toronto expressed a hope that the Canadian Government would hang them all.

General Gleason, in New York, is preparing a claim against the British Government, to be forwarded to Washington, for \$60,000, for illegal imprisonment in Ireland.

THE BALTIMORE POLICE CASE.

BALTIMORE, Nov. 2.—The latest report is that Mr. Barry has positively declined the appointment of Police Commissioner tendered by Governor Swann.

BALTIMORE, Nov. 2.—James Young and Wm. T. Valliant have been commissioned as the new Police Commissioners, and were sworn before Judge Martin, of the Superior Court. There was no opposition offered to their being sworn. The counsel for the old Commissioners declared that they would offer no impediment to their taking the oath.

The new Police Commissioners called at the Police Commission Office, but the Board had adjourned. Thus the matter rests. It is supposed the new appointees will see out a writ of mandamus. In the meantime the old force remains on duty, and the police stations are strongly guarded.

The newly appointed Commissioners have not yet designated their Marshal. All is quiet, but much interest is manifested as to the result of the issue.

Mr. Young is president of the Conservative City Convention.

BALTIMORE, Nov. 2.—The following is what was said by Judge Martin, of the Superior Court of Baltimore city, before permitting the oath to be administered to the commissioners appointed by Governor Swann:

"In the matter of Wm. T. Valliant and James Young, who have applied to be allowed to take the oath prescribed by the first section of the act of 1862, chapter 131: In allowing the applicants to take the oaths required by the first section of the act of 1862, chapter 131, I desire to be understood expressing no opinion on the question as to the jurisdiction of the Governor of Maryland to remove the Police Commissioners who were in the office under appointment of the Legislature, for official misconduct, or as to the validity of the title of these applicants to the office which they claim under the appointment of the Executive.

"In directing to be administered to these applicants the oaths required to be taken by them by the act of the Assembly of 1862, chapter 131, the court performs only a ministerial duty, which may be discharged by the clerk. It is no evidence of title in these applicants to the office claimed by them, but only puts them in a condition to maintain the validity of that title. The taking of the oath prescribed by the police act is only a compliance with the conditions demanded by the statute, and without the performance of which the applicants could not be regarded as entitled to hold the office of police commissioners or to discharge its duty, even assuming the mode in which they have been appointed was entirely unexceptionable. The question of their title to this office cannot be tried in this form."

Letter from Baltimore. BALTIMORE, Nov. 2.—A very large meeting of Republicans is being held to-night at the Free Street Theatre. Gen. John H. Kenly and Ex-Secretary Harlan are among the speakers. The meeting adopted a declaration addressed to the country, declaring that they were anxious to maintain the peace; that all doubts as to the construction of the law relative to the removal of the Police Commissioners should be decided by the courts, and bitterly denouncing the action of Gov. Swann in attempting to remove the Police Commissioners, and declaring that it was not justice he sought, but the promotion of political and personal ends, by the transfer of the power of the State to a faction composed chiefly of those who were sympathizers and abettors of the late rebellion.

BALTIMORE, Nov. 2.—The latest reports in regard to the Police Commissioners is that the newly appointed Commissioners will make a formal deputation to-morrow morning for the surrender to them of all the station-houses and other property, together with the arms, &c., belonging to the force. This demand, it is further said, will be supported and enforced by the sheriff with a large posse. The demand, it is understood, will be refused, and the Commissioners will announce their determination to submit only to the decision of the courts.

They have sworn a large number of special policemen, which they suppose will be superior to any force the claimants will be able to summon to enforce the demand.

All is quiet to-night, and it is hoped that the whole matter will yet be settled without any serious disturbance of the public peace.

There have been several persons named for marshal under the new Commissioners, but it could not be ascertained that they had yet settled on any one.

PROCLAMATION OF THE COMMISSIONERS. BALTIMORE, Nov. 2.—The following proclamation has just been issued by the newly-appointed Commissioners:

BOARD OF POLICE, BALTIMORE, Nov. 2, 1866. Having been appointed Police Commissioners by His Excellency, Gov. Swann, vice Samuel Hindes and Nicholas L. Wood, removed, we desire to say that in the prosecution of the duties assigned us we do not design interfering in any respect with the police now organized, or to remove any person connected with it for his political opinions, provided he does not hereafter render himself amenable to the laws now in force for the government of the police of Baltimore. We believe the officers and men are disposed to be what the law requires them to be—conservators of the peace; and it is hoped and expected that they will cheerfully aid us in preserving the peace of the city.

We also invoke all good citizens to assist us by their counsel and example, and that they will use their best endeavors to prevent any undue excitement, and that they will also advise all disposed to act otherwise to quietly and peaceably acquiesce in the measures now about being inaugurated by the authority of the Governor.

JAMES YOUNG, WM. T. VALLIANT.

BALTIMORE, Nov. 2.—The commissioners have not issued any counter-proclamation, but their action will be taken to-morrow morning.

TRIALS OF THE FENIANS. Precipitate Action of the Canadian Government—A New Batch of Fenians Indicted. TORONTO, Nov. 2.—It is not being understood that any Fenian would be tried, the attendance at the opening of the court was not very large; but upon Daniel Whelan's being placed in the dock, the court rapidly filled and the room became crowded. Mr. McKenzie asked for a postponement of the trial until the 17th of next month; and after a discussion the 17th was fixed upon.

Mr. McKenzie then said he was ready to proceed with the trial of Harris, but the Crown witness not being present, it was postponed until Tuesday next.

The grand jury then entered the room with true bills against Thomas Conroy, Thomas School, Wm. Duggan, and John O'Connor, all Fenian prisoners. Conroy was then placed in the dock, and pleaded not guilty. His trial was fixed for the 13th inst. School was next placed in the dock. He claimed to be an American citizen, and pleaded not guilty. His trial was fixed for the 16th inst. Duggan pleaded the same, and his trial was also fixed for the 16th inst. Mr. McKenzie then applied to have the indictment quashed on the ground that the different counts charged the prisoners with being foreign subjects and British subjects. He submitted that they could not be both, and if held to be British subjects they must be indicted for treason. The judge overruled the objection for the present. Mr. McKenzie gave notice he would move the Crown to elect whether to try them as British subjects or American citizens. His Lordship remarked that he thought it was intended that the motion should be a very proper one, but he would leave the jury to say whether they were British or American subjects. A similar notice was given for John O'Connor; and the Court then adjourned until to-morrow, when the Rev. Mr. Lumsden's case comes up.

From Fortress Monroe—Arrival of the Flagship of the West India Squadron—Baltimore Picked. FORTRESS MONROE, Nov. 2.—The gunboat Rhode Island, Commander Fairfax, the flagship of the

West India squadron, arrived this afternoon, from Havana. Attached to the Rhode Island, the gunboat, was received by Commodore Lumsden, the usual ceremonies and a salute from the gunboats Teacy and Yantic.

Commodore Lumsden transferred, immediately, the Atlantic coast squadron to Admiral Palmer, thus consolidating it with the North Atlantic squadron, the stations of which will extend from Halifax to the Cape of Florida, including the West Indies.

FORTRESS MONROE, Nov. 2.—Arrived, at eight o'clock to-night, the steamship Mississippi, Capt. George Somers, from New Orleans on the 27th, for New York, with 400 troops of the 7th United States colored regiment, Gen. James Shaw commanding, on route to Baltimore to be mustered out. The Mississippi encountered strong northeast gales. She passed the steamer Monterey, from New York for New Orleans, on Tuesday, twenty miles north of Curry's Fort. All were well on board.

Gen. Schofield, accompanied by Brig. Gen. Burton, commander of the Fort, and staff, reviewed the troops and inspected the hospitals in Norfolk to-day, and returned to Richmond to-night.

Fire in New Orleans. NEW ORLEANS, Nov. 2.—A fire last night destroyed the large clothing store of Thomas C. Pagan, No. 17 Canal street. The flames communicated to a building occupied by Darry & Wheeler, also wholesale clothiers, destroying the upper portion entirely. Loss, \$300,000; insured.

Fate of Marauders—Col Young Executed. GALVESTON, Nov. 2.—The gang of marauders which infested certain portions of the State have been captured, shot or hung.