[Continued from the First Page.]

tober next. This was fixing a day for the Congress next succeeding them to convene, as they had before fixed a day for their own reassembling, and in both cases the day fixed was one different from that named *pro forma* in the Constitution.

"On the 5th of May, 1792, Congress resolved that the next session of that body should convene on the first Monday in November next ensuing. On the 30th of May, 1794, the same provision was made by law, and it was repeated on the 3d of March, 1797. On the 13th of May, 1800, Congress fixed the *third* Monday of November, 1800, as the time for reassembling. Again, by repeated acts, the first Monday of November, 1803, 1804, and 1808, and the *fourth* Monday of November, 1809, were fixed as the time of meeting, in lieu of the first Monday in December.

"On the 27th of February, 1813, Congress passed an 'act to alter the time for the next meeting of Congress,' in which it was provided that, 'after the adjournment of the present session the next meeting of Congress shall be on the fourth Monday of May next.' This was during the second war with Great Britain, and the emergency was such as impelled the Congress to take into its own hands the care of the public welfare, and to call together the next succeeding Congress at a period at least six months earlier than that at which it would have been convened under the general provision of the Constitution."

From the above it is evident that Congress can by law regulate its own time of meeting, and that it is perfectly competent for one Congress to provide for the time of the assembling of its successor. The present Congress can clearly name the day when the Fortieth Congress shall meet, and that in accordance with "the Constitution as it is," as well as in conformity with the example of the early fathers. Whether such a step upon the part of Congress at its approaching session shall become necessary, depends altogether upon the conduct of President Johnson. Should he prove restive under wholesome restraint, and disregard the firmly expressed wishes of the people, it will certainly be the duty of their representatives to continue in session at the capital and look after the interests of the Republic.

The Proposed Impeachment.

GENERAL BUTLER'S PLAN.

General Benjamin F. Butler spoke for more than two hours in the Brooklyn Academy of Music last Saturday evening, before an audience of twenty-five hundred persons, on the necessity for impeaching President Johnson.

Beginning with a rapid review of the course and results of the war, he proceeded to show that, among the supreme powers vested in Congress, is "the great constitutional, conservative remedy of impeachment and removal." He cited the cases of Judge Pickering, of Massachusetts, impeached in 1803 for drunkenness; of Judge Chase, of Maryland, impeached in 1804 for arbitrary and illegal conduct on the bench; of Judge Peck, of Missouri, impeached in 1831 for the arbitrary and illegal imprisonment of one Lawless, a lawyer; and of Judge Humphreys, of Tennessee, impeached in 1862, upon the complaint of Andrew Johnson, for defending secession, and decreeing the confiscation of property. Arguing from these cases, General Butler went on to show that in the trials English precedents were strictly followed in all points not provided for by the Constitution of the United States; and he contended that "impeachment is an act of government, and all governmental acts are based upon facts of which history and common fame are the only evidence."

From this point the General made his formal charges and specifications against President Johnson. The charges upon which his articles of impeachment were founded were eight in number, viz.:—

1. Degrading and debasing, even while taking the oath of office, the station and dignity of the office of Vice-President, and that of President, by indecently exhibiting and exposing himself upon official and public occasions in a state of drunkenness, by the voluntary use of intoxicating liquors, to the great scandal and disgrace of the whole people of the United States and the Government thereof.

2. Officially and publicly making declarations and inflammatory harangues, indecent and unbecoming, and in derogation of his high office, dangerous to the permanency of our republican form of government and with intent and design to excite the ridicule, fear, hatred, and contempt of the people against the legislative and judicial departments thereof.

3. Wickedly, tyrannically, and unconstitutionally, as chief executive officer, usurping the lawful rights and powers of the Congress of the United States.

4. Wickedly and corruptly using and abusing the constitutional power of the President of nominating to office and filling vacancies in office during the recess of the Senate, and removing from office with intent and design to undermine, overthrow and evade the power of advising and consenting to appointments to office vested in the Senate by the Constitution, and for the further corrupt purpose of controlling the freedom of election by the people of members of the House, in order to put the House of Representatives in the hands of men lately in rebellion against or evilly disposed towards the Government.

5 Improperly, wickedly, and corruptly using and abusing the constitutional power of pardons for offenses against the United States, and in order to bring traitors and Rebels into places of honor, trust, and profit under the Government of the United States, and to screen whole classes of criminals from the penalties of their crimes against the laws thereof.

6 Knowingly and wilfully violating the constitutionally enacted laws of the United States by appointing disloyal men to office, and illegally and without right giving to them the emoluments of such office from the Treasury, well knowing the appointees to be ineligible to office.

7. Knowingly and wilfully neglecting and refusing to execute and carry out the constitutional laws of Congress in the insurrectionary States, in order to encourage men lately in rebellion and in arms against the United States, to the oppression and injury of the loyal and true citizens of such States.

8. Unlawfully, corruptly, and wickedly confederating and conspiring with one John T. Mooros, late a Rebel against the Government of the United States, pardoned by himself (that he might hold office), and other evil disposed persons, traitors, and Rebels, as well pardoned as unpardoned, to prevent, hinder, and disperse a lawful, peaceable, and rightful meeting and convention of loyal citizens of the United States, then assembled in New Orleans to consider their constitutional rights and privileges, and to submit to the judgment of the people of the State of Louisiana certain propositions of amendments to the Constitution of that State, for their discussion and action, as such convention might rightfully do.

Elaborate specifications were given to each of these charges, and the General was sometimes exceedingly plain-spoken. He described the scene in the Senate chamber, where Mr. Johnson took the oath as Vice-President, in these words:—"The disgraceful stammering tongue of the Vice-President as he mumbled his oath of office, and slobbered the holy book with a drunken kiss." Of the President's speeches on the route from Washington to Chicago, the General said:—"Has a shocked, outraged, humbled, shamed, and indignant people no remedy for such disgusting humiliation of their pride of country and national self-respect? Must they endure it for two years and more longer? A like record made against any other high officer of the United States to any former President, would he not have removed him for cause? Shall the spectacle remain forever unrebuked of the President debasing himself so as justly to draw from the crowd witnessing the exhibition such expressions as 'Go it, Andy!' 'Keep your temper, Andy!' 'Don't get mad, Andy!' And for the President to reply:—'I left my dignity at Washington!' May not the people say, 'You have quit the dignity of your office once—you shall never again resume it? Are the decent, respectable, and intelligent people of the country always to have their cheeks burn with shame whenever such conduct of their chief is discussed, because the remedy has never been applied or an example made? Is the highest office in the land, the Presidency, to which it is our proudest boast the humblest American boy may aspire, to be so degraded that to any well-bred boy it will not seem worth the aspiration; and yet to be neither remedy or punishment? No—so long as the conservative remedy of impeachment exists, the American people will preserve the Presidential office honored by Washington by punishing this, its degradation, as the highest of all misdemeanors."

General Butler concluded as follows:—"We have paid five billions of dollars and a half million of lives to preserve our free Government. We will not yield it to usurpation now. It is said let us wait and see what the future course of the Executive may be. If a man cheat me once, it is his fault. If he cheat me twice, it is my fault. No! the promptings of self-preservation, the dictates of political wisdom, the inspiration of statesmanship, all teach that it is better to have this great trial of our Government come in 1867 than postponed till 1869—then to be complicated with a Presidential election, and the question whether electors from Rebel States are to dictate the choice of a President to the loyal North, and also perhaps with a foreign war, with all the power it gives to the Executive to control a free people. No! if that 'little bell is to sound,' it is better that its tinkle be heard now, when we have, and shall have for two years, a loyal majority of more than two-thirds in the Government to muffle its clapper. Such a contest, whenever it may come, will show that the strength, permanence, and safety of this Government rest not in executive or legislative or judicial departments, not in the army or navy, but in the education, virtue, and intelligence of the whole people, prizing their liberties, valuing their free institutions, proud of their country as the great exemplar to show mankind that equal power, equal laws, equal rights, and equal justice are the true attributes of democratic elective government."

A United States Judge Impeached by Andrew Johnson.

From the Chicago Tribune.

The latest, and, from its character, the governing case of impeachment, is that of West H. Humphreys, Judge of the District Court of the United States for the Eastern, Middle, and Western Districts of Tennessee. The House of Representatives, at the session commencing December, 1861, adopted a series of articles impeaching Judge Humphreys, and on the 22d of May, 1862, the Senate commenced the trial of the said charges. The articles of impeachment were seven in number. The first of these was to the effect:—

That, regardless of his duties as a citizen of the United State, and unmindful of the duties of his said office, and in violation of the sacred obligation of his official oath, * * the said West H. Humphreys, on the 29th day of December, A. D. 1860, in the city of Nashville, in said State, the said West H. Humphreys then being a citizen of the United States, and owing allegiance thereto, and then and there being judge, etc, at a public meeting on the day and year last aforesaid, held in said city of Nashville, and in the hearing of divers persons there present, did endeavor, by public speech, to incite revolt and rebellion within said State against the Constitution and Government of the United States, and did then and there publicly declare that it was the right of the people of said State, by an ordinance of secession, to absolve themselves from all allegiance to the Government of the United States, the Constitution and the laws thereof.

It will be remembered that this man was a judge of a United States Court, in a State whereof Andrew Johnson was then Governor. He was impeached through the instrumentality of Andrew Johnson, and other citizens of Tennessee. He was impeached by a House of Representatives from which ten States were excluded. He was impeached by a House of Representatives in which he had no Representative, and in which only a small portion of the people of Tennessee could be heard. He was impeached by a "Rump Congress"—by a body "hanging on the verge of the Government" and "calling itself the Congress of the United States." He was tried by a Senate in which eleven States had no members. He was tried by a Senate from which eleven States, entitled to twenty-two votes, were excluded. He was tried by a Senate which, had these twenty-two votes been present, would not have convicted him. He was impeached by a House and tried by a Senate into either of which no member from ten States could have been admitted.

But what makes this case a stronger precedent at the present time, is that the first article of the impeachment is for a speech, the sentiments of which were in contravention of his official duty. Upon this article the vote was unanimously "guilty." Upon most of the charges there were some votes of not guilty, and upon one or more he was acquitted, but upon the charge of having made that speech he was convicted by a unanimous vote. The Constitution provides that—

"The President, Vice-President, and all civil officers of the United States shall be removed from office for and conviction of treason, bribery, or other high crimes and misdemeanors."

The House of Representatives is invested by the Constitution with the exclusive duty and power of impeaching a public officer. The Senate is invested with the exclusive duty and power of trying him. The House prepares the charges; the Senate, sitting as a Court, decides upon the sufficiency of the accusation, and whether it, if proved, constitutes "treason, bribery, or other high crime or misdemeanor." They hear the evidence. Their judgment is final, and the Constitution says that a conviction by two-thirds of the Senators present shall be sufficient.

In this case of Humphreys, who was impeached, tried, convicted, and removed from office through the active agency of Andrew Johnson, the Senate decided that a speech inciting people to revolt or rebellion against the Constitution and Government, by an officer sworn to fidelity to both, was sufficient offense to sustain an impeachment therefor. This decision was rendered by a unanimous vote of the Senate. It follows, therefore, that no other act of rebellion is needed. It does not require, for instance, that Andrew Johnson shall actually march troops into the halls of Congress, and shoot down the members, or disperse them by the bayonet, to render him liable to impeachment; it does not require that he shall actually issue orders forbidding the execution of the laws. It is sufficient that he, as President of the United States, sworn to preserve and protect the Constitution, and see that the laws are executed, shall, in some public manner, declare his purpose thus to act, and urge and incite the people to aid and assist him in these or any other acts for the destruction of the Government or any of its departments.

The precedent, which was not adopted hastily or in passion, is one resulting from proceedings instituted at the suggestion of Andrew Johnson. Judge Humphreys was amenable to no law but that to which the President and all other civil officers are amenable. The same Constitution protected him that covers Andrew Johnson. The House that was competent to impeach him is as competent to impeach the President or any other officer. The Senate that was competent to try and convict him is as competent to try and convict any other civil officer. There is no escaping the precedent of this Humphreys' case, for which the country is indebted to Andrew Johnson.

The plea of Johnson's followers is that speeches, no matter how revolutionary and rebellious they may be, cannot furnish legal ground for impeachment. But the Senate, upon a case forced upon them by Andrew Johnson, by a unanimous vote, decided that such a speech by an officer of the Government, sworn to the support and execution of the laws, was sufficient to warrant impeachment, and to warrant, upon proof, the conviction and deposition of the guilty official.

The Constitution, it is true, confines impeachment to "treason, bribery, and other high crimes and misdemeanors," but there is a vast difference between the criminality of the act by one holding an office under the United States and a private citizen. Drunkenness while in the discharge of official duties has been adjudged a sufficiently "high crime or misdemeanor" to warrant impeachment. A revolutionary speech by a President, or other person in authority, in disregard of his official oath, is, we have seen, sufficient to warrant not only the impeachment, but the conviction and deposition of the accused officer. In the case of impeachment, the actual offense receives the criminality from the official position of the accused.

A treasonable speech by the President, or a Cabinet officer, or Federal judge, while it would not warrant a conviction for treason before a court and jury, warrants an impeachment, and, upon conviction, a removal from office. An impeachment, in point of fact, raises only the question whether such a person is fit to hold office. Numerous precedents furnish a variety of causes justifying impeachment, but we have preferred to cite this case because it is the most recent, and all the circumstances surrounding it make it a precedent covering the case of Andrew Johnson, and because it is one procured by his own agency, and the authority of which he is estopped from denying.

IMPEACHMENT.

The Law of Impeachments—How and when Exercised—Will Congress impeach Mr. Johnson?—Highly Interesting Document.

In view of the threatened impeachment of Mr. Johnson by the radicals, the following, prepared for the Richmond *Examiner*, will be read with deep interest. It gives the law, and cites the instances in which impeachment has been effected:—

The strong probability that the President of the United States will be impeached this winter, makes it interesting for our readers to have some light thrown upon the law of impeachment.

Impeachment is an old affair in the history of our English ancestors.

The first authentic case of impeachment was in 1376, in the reign of Edward III. They were frequent for several reigns afterwards. There were none in the reigns of Edward IV, Henry VIII, and Elizabeth.

When the reins of regal power were held by feeble hands, impeachments were most resorted to. When the kingly authority was in strong hands, impeachments were not favored. This is said by historians to be owing to two causes—the weakness of the House of Commons and the preference of the Tudor Princes for the more summary proceedings of bills of attainder and the Star Chamber.

After the reign of Elizabeth impeachments revived, and between 1620 and 1688 there were forty cases of impeachment, including the memorable and melancholy case of that wonderful genius, Lord Bacon.

In the reign of William III, Anne, and George I there were fifteen impeachments. In the reign of George II only one, that of Lord Lovel, for treason. One of the last cases was that of Warren Hastings, so memorable on account of the eminence of the accused, a man who stands out statuesque in history, and the extraordinary genius of the prosecutors, Edmund Burke, Charles J. Fox, and Sheridan, making it the most famous trial in history.

The last case of impeachment in England was that of Lord Melville, in 1805.

Impeachments have been found to be cumbersome proceedings in England, and they have fallen into disuse there.

In impeachments the House of Commons act as in the nature of a grand jury, making their presentment to the House of Lords.

The House of Lords act as a judicial body.

Any member of the House of Commons may institute the proceedings, by making his charges against the accused, with his proofs. This may be voted upon directly by the House, or referred to a committee to report upon.

If the House resolves to impeach certain members are ordered to proceed to the House of Lords and make known the resolution of the House. As many members as choose accompany the members who communicate the impeachment to the Lords.

Articles of impeachment are usually prepared after the formal notice given to the Lords. The articles of impeachment are prepared by a committee appointed for that purpose, and are first submitted to the House, and if approved by the House, they are delivered to the Lords.

Upon the formal impeachment, at the bar of the Lords, the party impeached is taken into custody, but may be bailed.

The Lords appoint a day for the trial. Commons appoint managers to prepare evidence, and conduct the proceedings.

An important inquiry is, What offenses are the the subject of impeachment in England?

The most satisfactory answer to that question is to refer to the prominent cases of impeachment cited in the books

1. Duke of Suffolk for high treason.

2. Lord Finch, Sir Robert Berkeley, Lord Strafford for high treason in subverting the fundamental laws and introducing arbitrary power. Under this impeachment Lord Strafford, to the eternal shame of Charles I, was executed.

3. Duke of Suffolk, for that, being ambassador, he consented to the delivery of divers towns to the King of France, without privity of other ambassadors.

4. Earl of Bristol, that being ambassador, he gave false information to the King; that he did not pursue his instructions; that he pursued his embassy for his own profit.

5. The famous Cardinal Wolsey, for whom Shakespeare makes us feel so sorry by the sad speeches he puts in his mouth after his fall from power, that he made a treaty between the Pope and the King of France when Ambassador of Henry VIII, without privity of the King.

That he joined himself with the King, the memorable words Shakespeare alludes to, *"Ego et Regius meus."*

6. The Earl of Bristol, for counselling against a war with Spain.

For advising a toleration of Papists.

(This would constitute a good article against the President for advising a toleration of "Rebels.")

Entering the King to Popery.

7. Michael de la Poole, inciting King to act against the advice of Parliament.

8. The Spencers, that they gave bad counsel to the King.

9. Earl of Oxford, for advising a prejudicial peace.

10. Lord Finch, that, being Speaker of the Commons, he refused to proceed in the House.

11 Duke of Buckingham, that, being admiral of, he neglected the safeguard of the sea.

Earl of Oxford, for hazarding the navy and neglecting to take ships of the enemy.

12. Michael de la Poole that, being Chancellor, he acted contrary to his duty.

13. Lord Somers, for ratifying a peace under the great seal not approved of by the parties concerned.

Putting the great seal to a blank commission.

Delaying justice.

14. Purchasing lands of the King under their value.

15. Duke of Buckingham.

Plurality of offices.

Purchasing offices.

16. Earl of Oxford, for exercising incompatible offices.

17. Duke of Buckingham for giving medicine to the King without advice of the physicians.

18. The Spencers, that they prevented the great men of the realm from giving counsel to the King, except in their presence.

For putting good magistrates out of office and putting in bad, (Another precedent, turning out radicals and putting in Copperheads.)

19. Earl of Oxford, for encouraging pirates.

20. Sir G. Mourpesson for procurement of patents on monopoly.

21. Lord Bacon, alas, for poor human nature!—for taking bribes.

22 Lord Finch, for unlawfully enlarging the forest.

For threatening other judges to make them subscribe to his opinion.

For delivering opinions knowing them to be contrary to law.

For drawing business of the courts to his chamber.

23 For extortions and deceits.

24. Cardinal Wolsey for exercising legislative powers.

25 For converting public money to his own use.

For procuring exorbitant grants of land from the King.

26. Lord Halifax, for obtaining grants of estates forfeited for Rebellion.

For obtaining grants of money when there was war and heavy taxes.

All are familiar with Warren Hastings' trial, and it is not necessary, therefore, to allude to the charges against him.

From this summary of the principal cases of impeachment which have occurred in England, we think it follows that, according to the practice there, the House of Commons have been in the usage of impeaching for anything they chose to consider an offense. Evidently, whenever the House of Commons wanted to get rid of a public officer, all they had to do to get up an impeachment was to work up the best charge they could against him. There was no limit to the exercise of the power of impeachment but their own discretion. Impeachment was a political contrivance to get rid of an obnoxious officer. The practical result was that every man held his office at the discretion of a majority of the House of Commons and a majority of the House of Lords.

Such was the practice, and therefore the parliamentary law of impeachment in England when the Constitution of the United States was adopted.

The Constitution, Article II, section 4, provides:—

"The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

Article 1, Section 3. "The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath, or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

The first inquiry is, What the President may be impeached for? The Constitution says he may be impeached for misdemeanors. What is a misdemeanor in a public officer? Any violation of duty; doing anything he ought not to do, neglecting to do anything he ought to do.

Any public officer is indictable for misbehavior in his office. (Ledford vs. Thomas. 6 Modern R. 96. 1 Russell on Crimes.)

Any neglect of duty ground for indictment. (Regina vs. Wyatt. 1 Salkeld R. 381. 1 Russell on Crimes 187.)

The great principle of the parliamentary law and the common law is that any official misconduct is a misdemeanor.

An interesting inquiry arises here—Is it necessary before the Senate can act on a case of impeachment, that a statute law should have been previously passed defining for what offenses impeachment lies? It is a familiar principle that the courts of the United States cannot take cognizance of any criminal offense unless it is an offense against some statute of the United States. In other words, the United States courts exercise no criminal jurisdiction derivable merely from the common law.

Does the same rule prevail in regard to the Senate of the United States acting as a court of impeachment? Judge Story, in his "Commentaries," decides this question in the negative. He says:—

"No one asserts that the power of impeachment is limited to statute offenses."—Second Story, p. 264, sec. 795.

Yet he protests against the whole subject being left to the "arbitrary discretion of the Senate," and insists that 'resort must be had either to parliamentary practice and the common law in order to ascertain" what are impeachable offenses.

But when we consider that the parliamentary practice gives the House of Commons an unlimited discretion in the nature of the charges, provided they allege some violation of duty, and the common law lays down a principle equally comprehensive as to indictable offenses in officers, we do not perceive that there is any difference, practically, between leaving the whole subject to the "arbitrary discretion of the Senate," which he objects to so vehemently, and leaving it to them under the restriction of parliamentary practice and the common law, which, in effect, as we have seen, is no restriction at all. According to Judge Story, you cannot impeach the President for having a red head, a mere arbitrary offense. But all that you have to do, in order to impeach, is to charge some alleged violation of duty.

The practice of the Senate, in the four cases of impeachment which they have had before them, assumes a jurisdiction to proceed without any previous statutory enactments.

It may be interesting to note what Judge Curtis, an eminent member at one time of the Bench of the Supreme Court of the United States, says on this general subject:—

"The purposes of an impeachment lie wholly beyond the penalties of the statute or customary law. The object of the proceeding is to ascertain whether the cause exists for removing a public officer from office. * * A cause for removal from office may exist where no offense against positive law has been committed, or where the individual has, from immorality or imbecility, or mal-administration, become unfit to exercise the office. (Second Curtis. History of the Origin of Courts, 261.)

Practically, the President holds his office at the discretion of a majority of the House of Representatives and two-thirds of the Senate. It may be, as Mr. Curtis suggests in another passage than the one cited, that the framers of the Constitution only reconciled themselves to the great prerogatives conferred on the Executive by making him removable, in effect, at the will of a majority of the House and two-thirds of the Senate.

It is said of the Government of Russia that it is a despotism tempered by assassination. Our President may be then defined an authority tempered by the power of impeachment.

The result of our examination of this subject has been to give us the impression that the impeachment power is a prerogative, which places the President in a greater degree of dependence and insecurity than in our casual reflection upon the subject we had previously supposed.

The real outrage, in the case of President Johnson, would be to exercise this great prerogative in the absence of the Senators of ten States.

There is one further question of immense importance in this case. It is this:—

Can the impeachment be made to operate a suspension of the President from the exercise of the functions of his office upon its institution? In other words, can the Senate, sitting as a high court of impeachment, order a cessation of the executive functions in the person of Mr. Johnson during the pendency of the trial?

Unfortunately, the Constitution is silent on this vital point, and, so far as we have been able to discover, the information from the practice of the House of Lords is not conclusive.

There is one provision of the Constitution which may be considered to have some bearing on this point. It is the provision that, in case of the "inability" of the President "to discharge the powers and duties of the said office, the same shall devolve on the Vice-President."

This is a different thing from his "removal." That is also provided against. "Inability" might arise from lunacy, as was the case with George III.

Is there anything in the practical operation of an impeachment to constitute this "inability?" We think not.

According to our conception of the law, the Senate would, until a conviction, have no power over the President, more than was necessary as a court to try him. We do not think that this power to try him would give the Senate the power to imprison him during the trial.

It must be remembered that the object of imprisonment is to make sure that the accused will be in control of the Court to receive sentence. Hence, ordinarily, a party is not entitled to bail in capital cases, but is in all other cases.

When it is further remembered that the only sentence that can be passed on conviction by impeachment is removal from office, and disqualification for further office, it would seem to follow that, there being no necessity for imprisonment, it would not be within the power of the Senate.

This distinction seems to have been taken in England. Hence it is laid down:—

"In an impeachment for a capital offense he shall be committed to custody."—5 Comyn Title Parliament, p. 289.

Therefore Commons complained in the case of Lord Clarendon that he was not committed."—*Idem*, 289.

"Party impeached for a misdemeanor, whether a peer or a commoner, not to be committed until judgment."—*Idem*, 289.

"So a peer may continue in his place, except upon debate in his own case, till judgment."—*Idem*, 259.

If we argue from the reason of the matter, it is clear that the Senate, on impeachment of the President, has no power to imprison him, because an order of this kind could be issued by a majority, whereas the Constitution requires two-thirds to remove, thus, by imprisoning him, less than the constitutional number might practically remove him.

The inconvenience of interrupting the operations of the great Executive branch of the Government, on a mere charge against the President, is a powerful argument against the exercise of the power to imprison him.

The practice of the Senate may be considered as almost conclusive on the subject.

In all the cases of impeachment the Senate have proceeded by summons notifying the accused, without any arrest of the person.

We conclude, therefore, that the Senate have no right to commit the President to prison, without bail on his impeachment, and as this way alone could an "inability" be produced, which would open the way for a vacancy in his office; therefore, an impeachment of the President does not, and cannot be made before conviction, to operate as a suspension of the President from the Executive functions.

What Congress may do with the Executive.

It is proposed that, in place of impeaching the President, Congress shall curtail his powers of dispensing public patronage, and insist that Executive appointments shall be more immediately under the control of the Senate than they are at present.

To this end, we presume a bill will be passed which will prevent the President from issuing a commission of office to any one until the Senate has approved of the appointment. Such a course would seem appropriate, whether Mr. Johnson is removed or not, and we have no doubt some such scheme will be inaugurated at once.

The Public Debt—The Taxes.

Mr. McCulloch has discovered that, with our present revenue, our national debt can be liquidated in ten years. This is too rapid for the interests of both the Government and the people.

Congress therefore should, and no doubt will, authorize the Secretary to pay off the debt in such time as to consume at least thirty years in its entire liquidation, and to do this properly, safely, and easily, a long, popular five per centum loan might be arranged for, into which our present debt might be funded gradually at maturity, at the option of the bondholders.

This is but just. Our posterity will reap more benefits from our success in saving the Union than we will, and hence should be made to pay some of the national debt incurred in obtaining security, prosperity, Union and power.

Such a course would enable the Government to abrogate or lessen the tax upon incomes, reduce and systematize the stamp duties, and regulate and reduce the excise tax. Apart from the justice of this measure, nothing could be more popular.

The Internal Revenue system is very faulty. It is a great burden upon the people, and it is said to be a vast field for peculation of every description.

What the President Proposes.

Since Mr. Johnson has occupied the Presidential chair, he has not deemed any further amendments to the Constitution necessary; but in the forthcoming Message, in view of the exigencies of the day, he will recommend several matters as subjects to be embraced in proposed amendments to that instrument. Among them may be mentioned the abolishment of the Electoral College, and the election of President and Vice-President directly by the voters at large, without regard to State boundaries. Another amendment suggested is the election of United States Senators by the voters at large in the several States, instead of electing them by the State Legislatures; and still another amendment named is the appointment of judges of the United States Supreme Court for a term of twelve years each, one-third of the entire number to be appointed every four years. These amendments were proposed some years ago by Mr. Johnson in the United States Senate, while he was a member of that body. The amendment proposing the election of President by male voters at large, in the opinion of Mr. Johnson, will eventually regulate the question of suffrage within the States, by making it of imperative interest that each State include as many voters as possible, and thus in proper time the franchise will be extended to the colored people. It is not expected that Mr. Johnson will propose action on the amnesty question by Congress, inasmuch as he holds that under the Constitution, the Executive has the sole power to grant amnesty and pardon, and therefore he will not propose that Congress legislate upon that subject.

The only statesmanlike proposition here is that which takes the election of Senators from the Legislatures, and puts it immediately in the hands of the people. This will be acceptable to the masses, but the politicians will object seriously. Why? Because it is the revival of Hamilton's idea of having a more centralized Government. It is a step towards abolishing our State Legislatures. Its advocacy by Johnson would seem to indicate that he has changed his politics—from Democrat to Federalist.

Our Foreign Relations.

It is said that General Banks, Chairman of the House Committee on Foreign Relations, has prepared bills looking to an alliance between the United States, Russia, and Prussia; and for the purpose of occupying Mexico, dividing it into fifteen States, guaranteeing them a republican form of government. We can only hope that this is true, and that these bills will speedily be passed and put into execution.

The "holy alliance" will give us not only Mexico, Cuba, and the whole Continent and the Isthmus, but it will secure them to us in a peaceful way. War will be impossible if the diplomacy is placed in good hands.