The Pittsburgh Gazette

FROM WASHINGTON.

Impeachment Court Rules.

Discussed in the Senate.

House Impeachment Articles.

Report of the Committee.

(By Telegraph to the Pittsburgh Gazette.)

WASHINGTON, Feb. 29, 1868.

HOUSE OF REPRESENTATIVES.

ARTICLES OF IMPEACHMENT.

At a quarter past two o'clock Mr. BOUTWELL, Chairman of the Select Committee, presented Articles of Impeachment against the President of the United States, which were thereupon read by the Clerk, as follows:

Articles Exhibited by the House of Representatives of the United States, in the Name of themselves and all the People of the United States, against Andrew Johnson, President of the United States, on the Misdemeanor and Offences of their Impeachment against Him for High Crimes and Misdemeanors in Office.

ARTICLE 1. That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirements of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States, issue an order, in writing, for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned by and with the consent of the Senate of the United States as such Secretary, and said Andrew Johnson, President of the United States, on the 12th day of December, in the year of our Lord, 1867, and during the recess of the said Senate, having suspended by his order Edwin M. Stanton from office, and within twenty days after the first day of the next session of said Senate, to wit, on the 12th day of January, in the year of our Lord, 1868, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and refused to concur in said suspension, whereby and by force of the provisions of an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and in pursuance of said conspiracy, did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary of the Department of War under the laws of the United States, from holding said office, to which he had been duly appointed and commissioned, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE 2. That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and in violation of the Constitution and laws of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, and without authority of law, did issue a letter of authority in substance as follows, viz:

Executive Mansion, Washington, D. C., February 21, 1868.—Sir: Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office. Mr. Stanton has been instructed to transfer to you all the records, books, papers and other public property now in his custody and charge. Respectfully yours,

ANDREW JOHNSON.

To Brevet Maj. Gen. Lorenzo Thomas, Adj't. Gen. U. S. A., Washington, D. C.

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE 3. That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, by force to prevent and hinder the execution of an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and in pursuance of said conspiracy did attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE 4. That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, by force to seize and take possession of the property of the United States in the War Department, in violation of the provisions of an act entitled "an act to define and punish certain conspiracies," approved July 31st, 1861, and with intent to violate and disregard an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and contrary to the provisions of said act, and in violation thereof did unlawfully conspire with the said Lorenzo Thomas to seize and take possession of the property of the United States in the War Department, with intent to violate and disregard an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

ARTICLE 5. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, and without authority of law, did issue and deliver to one Lorenzo Thomas a letter in writing, in substance as follows, viz:

Executive Mansion, Washington, D. C., February 21, 1868.—Sir: Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office. Mr. Stanton has been instructed to transfer to you all the records, books, papers and other public property now in his custody and charge. Respectfully yours,

ANDREW JOHNSON.

To Brevet Maj. Gen. Lorenzo Thomas, Adj't. Gen. U. S. A., Washington, D. C.

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE 6. That said Andrew Johnson, President of the United States, unmindful of the duties of his high office and of his oath of office, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas by force to seize and take possession of the property of the United States in the War Department, in violation of the provisions of an act entitled "an act to define and punish certain conspiracies," approved July 31st, 1861, and with intent to violate and disregard an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, whereby the said and Andrew Johnson, President of the United States, did then and there commit high crimes in office.

ARTICLE 7. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution and laws of the United States, did unlawfully conspire with one Lorenzo Thomas to prevent and hinder the execution of an act of the United States, entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and in pursuance of said conspiracy did attempt to prevent Edwin M. Stanton, then and there being Secretary of War, duly appointed and commissioned by and with the consent of the Senate of the United States from holding said office, whereby said Edwin M. Stanton did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE 8. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, whereby said Andrew Johnson, President of the United States, did then and there commit high crimes in office.

ARTICLE 9. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and in violation thereof did unlawfully and corruptly combine with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, by force to prevent and hinder the execution of said act, whereby said Andrew Johnson, President of the United States, did then and there commit high crimes in office.

ARTICLE 10. That said Andrew Johnson, President of the United States, on the 22d day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully and corruptly combine, conspire with one Lorenzo Thomas, and with other persons and corporators unknown, with intent by unlawful means to seize, take and possess the property of the United States in the custody and charge of the Department of War, and to prevent and hinder the execution of an act entitled "an act regulating the tenure of certain civil offices," passed March 2d, 1867, and contrary to the provisions of said act, and in violation thereof did unlawfully conspire to prevent and hinder the execution of said act, whereby said Andrew Johnson, President of the United States, did then and there commit high crimes in office.

And the House of Representatives by protestation saving to themselves the liberty of exhibiting at any time hereafter any further articles or further accusation against said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make to the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation or impeachment which shall be exhibited by them, as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in this office herein charged upon him, and such proceedings, examinations, trials and judgments may be thereupon had and given as may be agreeable to law and justice.

Mr. BOUTWELL stated the articles except the tenth, were founded on proof before the House: that the tenth article was formed on the testimony of General Sherman. He explained the articles, and would be governed by the decision of the House.

Mr. JENCKES gave notice of an intention to offer an amendment to the articles of impeachment. He proposes he said, to set up facts alleged and couple them with the averment that the acts and declarations of the President show a criminal intent on his part to exercise the powers and authority of Commander-in-Chief of the army and navy, in accordance with the rules for the government and regulation of the military and naval organization of the army and navy, in violation of an act of Congress and of the Constitution.

Mr. BOUTWELL suggested Mr. Jenckes embody his views in a separate article, and Mr. Jenckes said he would.

Mr. BUTLER obtained the floor and the Committee took recess till Monday morning at ten o'clock.

WASHINGTON, March 2, 1868.

VOTES ON THE ARTICLES.

The House proceeded to a vote on the articles. The first article was adopted—yeas, 126; nays, 41; second article—yeas, 126; nays, 42; third—yeas, 121; nays, 42; fourth—yeas, 114; nays, 39; the fifth, sixth, seventh and eighth—yeas, 126; nays, 41; ninth, changed from No. to yeas, 126; nays, 36.

Messrs. Carey and Stewart, voted "No." They were the only Republicans who did so. The Democrats voted "No."

Mr. FOX stated that his colleague (Mr. Morrissey) was absent on account of illness, but he would, if present, vote against each article.

Mr. BROOMALL stated his colleague, (Mr. Moorhead) was presently absent. He thought he would have voted for all the articles.

Mr. KELLEY announced he was paired off with Mr. McCullough.

The following is the vote in detail, the votes showing no party classification:

Year.		Nays.	
Allison,	Gravely,	Perham,	
Ames,	Griswold,	Peters,	
Anderson,	Hailey,	Pike,	
Arnell,	Halsey,	Plants,	
Ashley, Nev.,	Hubby,	Poland,	
Ashley, O.,	Hooper,	Polsley,	
Bailey,	Hopkins,	Pomeroy,	
Baldwin,	Hubbard,	Price,	
Beaty,	Hurlbard,	Raum,	
Benjamin,	Hunter,	Robertson,	
Bingham,	Ingersoll,	Sawyer,	
Benton,	Jencks,	Schenck,	
Bingham,	John,	Scofield,	
Blaine,	Julian,	Smith,	
Boyer,	Kelly,	Spalding,	
Boutwell,	Kasson,	Starkweather,	
Brandegee,	Ketchum,	Stevens, Pa.,	
Broomall,	Kitchen,	Taffe,	
Buckland,	Koontz,	Taffey,	
Butler,	Laflin,	Thayer,	
Cake,	Lawrence,	Thomas,	
Churchill,	Lawrence, O.,	Trowbridge,	
Clarke, Kan.,	Lincoln,	Twitchell,	
Cobb,	Loan,	Upson,	
Cook,	Longaker,	Van Aernam,	
Covode,	Logan,	Van Horn, N Y	
Cullom,	Mallory,	Van Horn, Mo.	
Davis,	Marvin,	Van Wyck,	
Dawes,	McClurg,	Ward,	
Dixon,	McCarthy,	Washburn, W	
Dodge,	Miller,	Washburn, Ill.	
Donnelly,	Moore,	Welker,	
Driggs,	Morrill,	Wilkinson,	
Eggleston,	Myers,	Williams, Pa.,	
Eliot,	Newcomb,	Wilson, Iowa,	
Farnsworth,	Nicholson,	Wilson, Pa.,	
Ferris,	O'Neill,	Windom,	
Ferry,	Orth,		
Garfield,	Paine,		

Nays.	
Adams,	Kerr,
Aldrich,	Mungen,
Axtell,	Newcomb,
Barnes,	Niblack,
Boyd,	Nicholson,
Brooks,	Pruyn,
Chanler,	Randall,
Cox,	Rousseau,
Delano,	Ross,
Denison,	Shanklin,
Dumont,	Smith,
Eldridge,	Stewart,
Fox,	Taber,
Getz,	Trimble, (Ky.)
Glossbrenner,	Van Auken,
Grider,	Wall,
Haight,	Woodward,
Hogan,	Wright,
Holman,	
Hotchkiss,	
Humphrey,	
Jenckes,	
Johnson,	
Kerr,	

NOT VOTING OR PAIRED.

Year.		Nays.	
Anderson,	Kelley,	Ritchie,	
Arnell,	Lash,	Robinson,	
Ashley, Nev.,	Lynch,	Rogers,	
Bailey,	Marshall,	Sitgreaves,	
Beaman,	McCullough,	Stevens,	
Bergen,	Moorhead,	Stewart,	
Bromberg,	Morrissey,	Thomas,	
Cary,	Mullins,	Trimble, (Ky.)	
Culver,	Myers,	Van Auken,	
Delano,	Newcomb,	Wall,	
Fox,	Nicholson,	Woodward—41	
Getz,	Orth,		
Glossbrenner,	Pomeroy,		

IMPEACHMENT MANAGERS.

The Speaker announced that Messrs. Stevens, Butler, Bingham, Wilson, Williams and Logan, having received a majority of the votes cast, were duly elected.

Mr. BOUTWELL offered a resolution for printing one thousand copies of the articles of impeachment for use. Referred to Committee on Printing.

Mr. BOUTWELL offered a resolution that a message be sent to the Senate informing that body that the House had appointed managers to conduct the impeachment against Andrew Johnson, President of the United States, and had directed such managers to carry to the Senate articles agreed upon by the House to be exhibited in maintainance of such impeachment, and that the Clerk of the House shall go with such message. Adopted.

Mr. BOUTWELL offered a resolution that the articles agreed to by the House to be exhibited in its name and in the name of the people of the United States against Andrew Johnson, President of the United States, in maintenance of impeachment against him for high crimes and misdemeanors in office, be carried to the Senate by the managers appointed to conduct such impeachment.

Mr. ROSS suggested to strike out the words "the people of the United States."

Mr. PERHAM suggested that all the Democratic members of Congress might be struck out.

The resolution was adopted.

On motion of Mr. SCHENCK it was ordered it shall be the order to-morrow (as if it were Monday, to move to suspend the rules.

Mr. ELDRIDGE moved to suspend the rules for the purpose of considering the protest of the Democratic members.

Mr. SCOFIELD objected.

The House at a quarter before seven adjourned.

SENATE.

The CHAIR presented a memorial of the members of the Grand Army of the Republic, setting forth that their services were not sufficiently recognized, and praying for a portion of the departmental offices.

Mr. CONKLING presented a memorial of the Buffalo Board of Trade, asking an appropriation to complete the improvement at the entrance of the harbor.

Mr. CATTELL presented a petition of soldiers of the war of 1812, asking to be placed on the same footing with soldiers of the Mexican war. Referred.

Mr. WILSON, from the Military Committee, reported a bill for the settlement of Paymasters' accounts.

The Senate passed the bill authorizing the Secretary of the Treasury to sell an unoccupied military site at Waterford, Pennsylvania.

IMPEACHMENT RULES.

On motion of Mr. HOWARD, the Senate proceeded to the consideration of the impeachment rules. Mr. ANTHONY in the Chair.

Mr. DRAKE moved as an amendment to the fifteenth rule, "or any Senator," allowing them to direct the reduction to writing of any motion.

Mr. DRAKE also offered a substitute for the twentieth Rule, providing that agreements or propositions of counsel touching matters shall be allowed for one hour in opening and fifteen minutes in closing, one person only to be heard on each side.

Mr. CONKLING said: This, like many other questions, is novel in the Court. There was a practice in Courts which doubtless would be followed in this case.

Mr. DRAKE withdrew his amendment.

Mr. GRIMES moved to strike out the rule as unnecessary, holding that it had been a matter of discretion heretofore, and such rule had ever been adopted by the Senate.

A long debate followed, during which Mr. FRELINGHUYSEN moved to amend by allowing two hours for argument on each side, to both questions, or motions for extension of time to be applied before hand.

The amendment was finally rejected—twenty-four against twenty.

Mr. HENDRICKS moved to amend the second article by striking out the words 'Grand Inquest of the Nation,' and insert "House of Representatives."

Mr. DRAKE moved to strike out the provisions in the seventeenth Rule, allowing the presiding office to decide incidental questions, unless a formal vote was called for.

Mr. SHERMAN opposed this and Mr. HOWARD offered an amendment, which Mr. DRAKE accepted, providing for the submission by the presiding officer of all incidental questions to the Senate to be decided, if demanded by one-fifth of the members, by yeas and nays.

After debate Mr. POMEROY moved to amend Rule 22 by striking out the portions calling the Senate a Court, &c.

At ten o'clock Mr. HOWARD said he was not satisfied with its own report; he would move to adjourn, and report Monday.

Mr. POMEROY'S amendment was lost—eleven to seventeen.

Mr. HOWARD'S amendment was adopted—twenty-one to seven.

Mr. FERRY moved to strike out the provision in the Court of Impeachment," and other language conveying the implication that the Senate is changed to a Court in the trial. Agreed to.

On motion of Mr. DRAKE the provision in the twenty-fourth article, administering the same oath to the presiding officer as to the Senate, was stricken out.

Mr. MCCREARY moved to insert the word 'Saturday' before words 'except Sundays,' in third section, providing for a daily session.

Mr. BUCKALEW moved to strike out the words "so help you God," at the end of the oath in section seventeen, on the ground that affirmations as well as oaths were received. Lost.

The rules were passed finally, and at quarter before eleven the Senate adjourned.

THE TESTIMONY OF GEN. EMORY.

The following is General Emory's testimony relative to the conversation with the President on the 22d of February:

The President asked me if I recollected the conversation I had with him, when I first took command of the Department, in reference to the strength of the garrison of Washington and the general disposition of the troops. I replied that I recollected it distinctly. He asked me if I had any thing further to say. I replied, there had been no material changes, but such as I stated at that time. I then went on to state that six companies of the 19th Infantry had been ordered to Texas, and that they had been offset by detaching four companies of the 15th Infantry from Louisiana and Texas, and that two companies of the 14th Artillery had been detached from Louisiana, leaving Captain Canby in command of the Department; one of them sent to the Northern frontier during the Fenian difficulties, and been returned to their regiment, stationed at Jackson Barracks, New Orleans. That though the command had been increased in the number of companies, it had been reduced in the aggregate by a reduction in the numerical strength of the command, growing out of the consolidation of infantry companies from the maximum of the war establishment, to the present peace establishment, but this was more than offset by the gain of additional companies. The President said: "Do you see any thing further?" I said I did not know exactly what he referred to. He answered: "Any changes I have made?" I said I had not been any made to my knowledge; that if he would give me any idea of what he had made in contemplation, or which he had made the order, I could perhaps give him an answer. He said, "Have you not received any orders?" I said I had received orders from the Secretary of War, through the Adjutant General of the army, which I considered I was bound to obey. He then asked me if I had received any orders from him. I stated I referred to order No. 15 or 17, I could not recollect which, that had been published to the army some time in May last. He said "I was to see the order." I replied that I would send for it. He said "Do I have all the orders about the house," and a messenger was sent for it. At that time Colonel Cooper came in and presented the President's attention for some time upon another subject, as I supposed, for I withdrew to the other end of the room. While there a messenger came and brought the order. After Colonel Cooper had gone out, I returned to the President, with this order in my hand, and said: "Mr. President, I will take it as a great favor if you will permit me to call your attention to this order, or act." He assented in an appropriation bill and it is possible you may never have seen it." He took the order and read it, and observed, "This is not in accordance with the Constitution of the United States, which makes me Commander-in-Chief of the Army and Navy, or with the language of the commission which you hold." I replied that I was no matter for officers to determine, it was an order sent to us, approved by him, and we were all governed by the order.

Question—Do you mean that the order, or the act, was approved by the President?

Answer—I mean the act, but as far as that was concerned the order and act approved by him are the same thing, for the order contained nothing but the act. He said, "Am I to understand that the President of the United States cannot give an order to the Secretary of War, or General Grant?" I replied "Mr. President, that is the order which you approved and which has been issued for the government of the army, and I think it due to you to say that when that order first came out it was very much discussed in the army, and some leading lawyers of the country were consulted as to what was the duty of an officer under that law and order, and I observed, 'one consulted, and I consider him perhaps one of the greatest Constitutional lawyers in the country, give it as his opinion that if an order could be given to anything under my command, without coming through me, that it by any possibility an order issued by me, it was the duty of the officer receiving it to notify me. He then asked me if the order in the 17th Article I referred to order No. 15 or 17, I could not recollect which, that had been published to the army some time in May last. He said "I was to see the order." I replied that I would send for it. He said "Do I have all the orders about the house," and a messenger was sent for it. At that time Colonel Cooper came in and presented the President's attention for some time upon another subject, as I supposed, for I withdrew to the other end of the room. While there a messenger came and brought the order. After Colonel Cooper had gone out, I returned to the President, with this order in my hand, and said: "Mr. President, I will take it as a great favor if you will permit me to call your attention to this order, or act." He assented in an appropriation bill and it is possible you may never have seen it." He took the order and read it, and observed, "This is not in accordance with the Constitution of the United States, which makes me Commander-in-Chief of the Army and Navy, or with the language of the commission which you hold." I replied that I was no matter for officers to determine, it was an order sent to us, approved by him, and we were all governed by the order.

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