

WASHINGTON

Prepared for the Great Struggle on Tuesday.

Poland's Whitewash To Be Tinged with Green.

COLFAX SECURE.

The Judiciary Committee's "No Jurisdiction" Theory.

Bingham, Peters and Shoemaker Explain Why.

The Essex Statesman Prepares the Report.

NO IMPEACHMENT.

Dreadful Measures Against Congressional Sinners, on Paper Only.

The President's Budget of Business for the Senate.

THE VICE PRESIDENT ROBBED.

A Professional Gentleman Steals \$4,000 from the Christian Statesman.

WASHINGTON, Feb. 23, 1873.

The Colfax Impeachment—"No Jurisdiction" Theory of the Chairman of the House Judiciary Committee.

When the nine members of the House Committee on the Judiciary concluded a protracted meeting just before midnight last night it was generally believed that something very important had been done. This is the first time this session all the members have met. The cases of Vice President Colfax and Judges Delahay, Durell and Sherman were before them, and must be disposed of within ten days. The resolution of Mr. Tyler by inference might have meant either Colfax or James Brooks, but the latter having already been provided for in another way, the duty of the committee toward the former had evidently been under serious consideration. Then the reticence of the members, their positive refusal to talk or say what had been done, and the cold assurance that the press would find out soon enough, led to speculation as to the result of five long hours' deliberation. The political complexion of the committee also added to the speculative interest of the nine Solons of the House. There were the Chairman, Bingham; Wilson, of Indiana; Shoemaker, of Pennsylvania, and Peters, of Maine, who were radical republicans and within the party traces; Butler, who is always radical; Goodrich, of New York, who had liberalized himself out of Congress, and the trio of democrats, Voorhees, Eldridge and Clarkson N. Potter. It was true the report of Poland's committee was no criterion; but why this positive refusal to talk about committee matters—this careful briding of the tongue? To answer this the task imposed to-day, and to learn at about what time the articles of impeachment against the Vice President might be presented.

In a pleasant room in the Washington House was found the venerable Chairman of the Judiciary Committee, Judge Bingham, hedged about with volumes of the gathered wisdom of a thousand years and numerous copies of the HERALD. A cloud of smoke, like an aureole of glory, floated over his silvery locks; there was something indicative of new life in his features; his eye was brighter, his complexion clearer and his voice more impressive.

"Sit down and make yourself at home," was the cordial greeting when once I was across the threshold of his apartment.

The weather, business before Congress and other minor topics were not breached as preliminary to an attack on the great impeacher, the man who has had more experience in this line than any other member of Congress, so I quickly asked the first question—"What did you do in committee last night that could be repeated without infringing on your agreement?"

"Nothing, sir; and who says to the contrary misrepresents the fact."

Here I was in deep water, with no one but this venerable jurist to save me.

"You are a correspondent for the HERALD, are you? Who writes for that paper with bizzard's quills, and questions my business transactions with Oakes Ames, or any other man, eh?"

"I was not aware that anybody did; I do not at least, I always write with a Faber No. 2, and prefer pen to ink."

The judge looked at me, squared his chair in a better light, and after expressing himself very plainly about the ignorance of the press generally, but not of the HERALD, as he said that was the only paper he ever read, he said:—

"This impeachment business is not so savory as many people would suppose. Let us see. Judge Pickering, of New Hampshire, was impeached about the beginning of this century. After that an attempt was made to impeach Justice Chase, of the Supreme Court, which failed, as did also the attempt to impeach United States District Judge Peck. Judge West Humphries, of Tennessee, was then called the effort to impeach that great and good man, from the same State, Andrew Johnson, President of the United States, in both of which cases I was the leader, and, as you know, not so successful with the last as with the first. Now let us go back again, for I suppose you want to know what the prospect is of impeaching Colfax. Well, somewhere about 1785 Tennessee had a Senator named Blount, whom it was decided could not be impeached; and John Smith, a Senator from Ohio, concerned in Burr's conspiracy, failed to be expelled for lack of votes. But the case which brings us to the point that of Senator Humphrey Marshall, of Kentucky, who was charged with certain grave offenses, committed before his election to the Senate; and the Senate, acting under the precedent of the British Parliament, decided that it had no jurisdiction over offenses not committed while a Senator was not a member of that body."

This last remark brought the question to an issue, and I asked for his application.

"The resolution referred to our committee requires us to ascertain whether any officer of the government has been guilty of offenses for which he should be impeached. If Mr. Colfax was guilty of accepting bribes while Speaker of the House he might have been expelled for that offense; but as he could not be impeached then, but only expelled, he cannot now be impeached, because he is Vice President. I told you the Senate decided in the case of one of its own members that it had no jurisdiction over the alleged offenses of its members not committed during their connection with the Senate. The resolution is peculiarly worded and refers to Mr. Brooks quite as plainly as to Mr. Colfax. Mr. Brooks held a civil office at one time as Government Director of the Pacific Railroad and was debarred from holding stock. If he did this—but I have no purpose in saying that he did, or that I think he did—if he violated the law he could have been impeached by the Congress then in office, but with that Congress at

authority, by our own and English precedent, ceased. I see that Poland's Committee cite the case of John Wilkes, of the British House of Commons, in support of their recommendations against Ames. It is not for me now to say what may be when that report is discussed, but the fact is that the word 'expunged'—expunged, sir, was written over the very record appealed to by the committee."

Here Mr. Bingham invoked an old volume full of references marks, giving evidence that his experience in impeachment matters had not been forgotten, and the celebrated words of Junius were quoted with a vim.

"But what I asked about—the evidence before Judge Poland's Committee, concerning his veracity."

"That, I must confess I do not understand; unless it is that Judge Poland wants to prove Ames guilty of perjury to sustain the other charge of bribery."

"Then I understand that you are convinced your committee has no jurisdiction over the acts of present officers of the government not committed during their present term of office?"

"That is my opinion."

Respecting his own connection with the Credit Moblier master Mr. Bingham expressed himself as freely and plainly as before the committee. He was sorry it had not yielded a larger dividend, and emphatically denounced the accusation that he had been governed by improper motives. He had nothing to conceal, and the report let him alone. There were strange inconsistencies in it, which would probably provoke a long and earnest discussion. As for the report of his own committee, the work of preparing had been confided to General Butler, and he felt sure the sentiment of the committee would not differ in the main from what he had repeated.

Mr. Peters thinks Ditto.

John A. Peters, another member of the committee, in response to the question as to what passed during the meeting of the committee, last evening said:—"We had our cases before us, namely, those of Judge Durell, Judge Sherman, Judge Delahay and Schuyler Colfax. The case of Judge Durell we did not touch at all, and I do not think that any action will be taken on that matter. It will probably remain on the calendar and die out. As to the case of Judge Delahay, the committee has unanimously decided to report articles of impeachment against him. General Butler, who is drawing up the report, has specially urged this, and the committee are of opinion that the evidence warrants the impeachment of Delahay. The committee then considered Judge Sherman's case, but reached no conclusion. I think, however—and this is also the opinion of the committee—that there has not been evidence enough to take action. Judge Sherman ought first to be heard in his own defence, before the committee take such a grave step, to report articles of impeachment against him. As there are only a few days left of the session his case cannot be investigated as fully as it ought to be, and the committee will therefore recommend that it be referred to the next House for consideration. In the third case—that of Vice President Colfax—the committee is pretty nearly unanimous that it cannot report articles of impeachment against him on the ground that Congress has no jurisdiction over the conduct of Congressmen and officers of the government previous to their election for the present term."

"But is not Congress the guardian of its own honor? Does not one of its acts say that any member who brings Congress into disrepute is a subject for expulsion?"

"I think that Congress has an arbitrary power to expel members or impeach officers of the government; but it would not be discreet and legally right to use that power before the committee take such a grave step, to report articles of impeachment against him. As there are only a few days left of the session his case cannot be investigated as fully as it ought to be, and the committee will therefore recommend that it be referred to the next House for consideration. In the third case—that of Vice President Colfax—the committee is pretty nearly unanimous that it cannot report articles of impeachment against him on the ground that Congress has no jurisdiction over the conduct of Congressmen and officers of the government previous to their election for the present term."

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thinking perhaps the fellow was more officious than discreet.

"Don't know, sir; but he can't see any one; does he any instructions?"

That was perfectly correct; but as I was regretting the refusal another member of the Judiciary Committee sought an interview and he, too, was refused, and so with all the visitors. This accusation is the gossip of the city to-night, and a coup de main on Poland's committee is expected. It may be confidently asserted that the report that General Butler is preparing—the Judiciary report—and has worked on all day will antagonize Poland's report in every particular. He is to save Oakes Ames; and on the same ground the democratic members will view the testimony of the committee will draw the distinction alluded to in the above interviews. In these views Potter and Goodrich coincide.

At a late hour to-night Mr. Butler is still engaged in his office, and if the report can be finished and read to the committee in time to-morrow, Mr. Butler will present it immediately after reading the journal. Mr. Bingham will sign it if there is nothing too offensive to his sense and justice in it. He would have prepared it himself were it not that his name is associated with the scandal and respect for the opinions of those whom he esteemed he would not be right in doing so. It is expected that the report will be a "scorcher," giving the whole pack of speculators from Dawson down to Patterson and from Wilson up to Ames, an unenviable notoriety. Much of the Credit Moblier matter remains untold, but Butler will probably tell it in his report.

At least seven of the nine members of the committee will sign Butler's report, and while its writer had declared Colfax should be impeached, he could not find sufficient grounds on which to base the articles. The report will doubtless have something to say about Henry L. Dawes, Chairman of the Ways and Means Committee, General Garfield, Chairman of the Appropriation Committee; Samuel Hooper, Chairman of the Committee on Banking and Currency; Mr. Scofield, Chairman of the Naval Committee, and Mr. Kellogg, Chairman of the Centennial Celebration Committee.

Judge Durell, of New Orleans, is en route for Washington to prevent action in his case before the Judiciary Committee.

The Report Finished.

The report of General Butler was finished at a late hour to-night, and the committee will ask to be discharged from the further consideration of the charge against Mr. Colfax, and that the resolution offered by Mr. Tyler be laid on the table. The report will certainly be presented to-morrow.

The President's Message to the Senate—Senatorial, Financial, Diplomatic and Political Changes—Committees To Be Reconstructed and "Impure" Politicians Shut Out.

The President's proclamation calling the Senate together for executive business is issued under authority of the third section of the second article of the constitution, which says that "he may, on extraordinary occasions, convene both houses, or either of them." The document is a verbatim copy, with the exception of the dates and the signatures, of that issued from the State Department by direction of President Lincoln just prior to the close of his first term of office. It has not, therefore, any especial significance at the present time, neither are the "objects of interest" of remarkable importance. The necessity for reviving the joint Mexican Claims Commission has been communicated to the Senate in a special message, but there is no time for any action on the subject before the close of the present session. It is also understood that there is an extradition treaty with Honduras ready for ratification, and that a new treaty with the Dominican Republic, in which the rights of the American colony at Samana Bay are to be guaranteed, may reach here in time to be considered. There will also be a considerable number of nominations to be confirmed, including the heads of departments, all of whom will, in accordance with long established usage, tender their resignations on the 3d of March. The postponement by Mr. Boutwell's opponents of the Senatorial election in Massachusetts until March 11 will embarrass the President, but he will reappoint Mr. Boutwell, and should that gentleman be elected Senator, Judge Richardson will be his successor. The friends of Senator Poole, of North Carolina, whose term expires on the 3d of March, have been so clamorous for his appointment to a Cabinet office that they have disgusted the President. Secretary Fish will have a large budget of nominations, as he is anxious to rotate a number of our diplomatic and consular representatives abroad. Schenck will remain at London, Washburne at Paris, Sickles at Madrid and Jay at Vienna. The Assistant Secretary will keep his uncle Bancroft at Berlin, and Senator Edmunds won't have Marsh removed from Rome, while Cameron is willing that Baker should remain at Constantinople; but jovial old Nye must be provided for by rotating out Governor Love from Pekia or Charley De Long from Jeddo, and a new man must supersede Bassett at Hayti, now a first class mission. The Central and South American missions will be much changed, as we need men there who can enlist the different governments in a grand American policy. Ex-Senator Peterson, of Missouri, is spoken of as the probable successor of Mr. Partridge at Rio Janeiro, and had it not been for the Credit Moblier scandal, Mr. Bingham would have been sent to Paraguay and Uruguay. Mr. Pile has been here, urging his retention at Caracas, but his management of the claims against Venezuela has not been altogether satisfactory. Indeed, all of the South and Central American ministers may be rotated. The consular force will certainly be much reconstructed. George E. Seward, who came here from Shanghai hoping to obtain the position of Minister to China, will not even return as Consul General, and scores of other Consuls of high and low degree will have to give way to new appointments. The reports of the special agents sent abroad are not favorable concerning a great majority of the Consuls, and new men will be sent who will obey the law and regulations.

But the Senate, while it will have to sit in judgment on treaties and on nominations, has no home work to perform. The expiration of the terms of a number of Senators vacates the chairmanships of a number of important committees. It will be necessary to provide successors for Cole, on the Committee on Appropriations; Pomeroy, on the Committee on Public Lands; Harlan, on the Committee on Indian Affairs, and Patterson, on the Committee on the District of Columbia, besides less important chairmanships held by Nye, Pool, Sawyer and Kellogg. The entire list of Senate committees will be reconstructed in a caucus of republican Senators and then reported to and adopted by the Senate. But the Senate will also have to scrutinize the credentials of those newly elected Senators who are said to have "bought in," among them Dorsey, of Arkansas; Conover, of Florida; Ingalls, of Kansas; Pinbacker or Warmeth, of Louisiana; Boggs, of Missouri; and Patterson, of South Carolina. Allison, of Iowa, will probably come scorching with Credit Moblier, but he may escape notice. It is the town with of leading Senators, however, not to admit to a seat any one who cannot show a clean bill of electoral health. It will not answer for the Senate to be tainted as it has been of late.

The Vice President Robbed of \$4,000.

Misfortune never comes singly. Poor Colfax will testify to the truth of this saying. Yesterday afternoon, while he and his father-in-law, Matthews, were engaged in their respective duties at the Capitol, a plausible, stylishly dressed young man, who had been staying at a guest at Wormley's Hotel, walked into Colfax's room, broke his trunk open and helped himself to the valuables, consisting of four thousand dollars' worth of bonds and coupons. When Colfax returned in the evening the remnant of that happy smile which ornamented his face before the black days of Credit Moblier was chilled into blank amazement. It is not deemed good to mention for the present the registered name of that plausible young stranger, although it was probably, like the shirt on his back, changed as often as convenient. Suffice it to say that he is supposed to have taken

the one o'clock P. M. train for New York yesterday, immediately after his transaction was executed. He did not leave his future address behind him. The only token of his visit to the Vice President's room was an umbrella which he left on the bed, and which has been identified as having belonged to him. The thief was a gentlemanly looking man of about thirty-five, with high-toned English air about him. Some suppose him to have been an emissary from an investigating committee of light-fingered gentry in New York, who presumably came here in response to Colfax's late challenge to the Poland committee to investigate his household affairs. It is a remarkable coincidence, too, that the value of the bonds and coupons abstracted by the emissary aforesaid should have been \$4,000, the very amount which Colfax is alleged to have received from the liberal government contractor, Nesbitt, as a donation, or, as malicious persons have it, as a year's salary in quarterly instalments. The colored gentlemen at Wormley's are very mysterious about the theft, as Mr. Colfax has specially requested that the matter remain a profound secret.

Utah Has Another Chance Yet.

The Utah question will not be disposed of by the House Judiciary Committee this session, and the best chance remains as at present until the next session of Congress.

Spain and Cuban Slavery—Downing Down on Hasty Measures.

George W. Downing, the well-known representative colored man, has written a letter saying the unexpected change of government in Spain should restrain for the present our government from declaring belligerent rights to the Cuban patriots; that it refused to grant belligerent rights to them while Spain was a monarchy, upholding slavery, and perfidious in her course towards our government; that the new Republic of Spain should be allowed reasonable time to act for freedom and Cuba; and that we should be cautious not to embarrass the new ally to republicanism by prejudging her unfavorably; that as republicanism is progressing with hopes of success in at least four nations of Europe, we should be careful not to cross and impede its progress in these countries as well as in Cuba and elsewhere. The letter has been written because action has been taken by colored men in different parts of the country on the simple announcement of an intention to issue a call for a national assembling of colored men in Washington on the 3d of March in favor of freedom in Cuba and the declaring of belligerent rights to the Cuban patriots. Though no formal call has been issued, a National Assembly will meet to urge Spain to immediately free her slaves, to sympathize with Cuba and to inaugurate further efforts to induce early action on the part of the incoming administration, to the end of securing all citizens of our country in their civil rights.

Comstock's Christianity Refused by the Senate.

The Senate cruelly put off and last evening to the hopes of a fellow named Comstock, who came here a few weeks ago with a budget of indecent engravings and immoral articles, which he pressed to have obtained in response to letters which he sent, enclosing money, to parties who advertised them for sale. His first exhibition was at the house of that statesman, Sub. Pomeroy, and the leading lights of the Young Men's Christian Association were invited by printed circulars to go there and gaze upon this collection. Then they were displayed in the room of Colfax at the Capitol, and Comstock eloquently decanted on the necessity for a law not only to prevent the sale of the dirty trash, but to suppress all advertisements which did not meet his approval. Even such a law as he desired, he said, would be a dead letter on the statute book unless there could be a special postal agent appointed, who could enforce it. "But," said the learned Comstock, "if I receive this appointment I shall endeavor to reform the advertisements of every newspaper in the country." Alas, for Comstock! He adroitly managed to have the paragraph authorizing the coveted appointment inserted in the Postal Appropriation bill, but when it came before the Senate it was unceremoniously rejected, and he was left out in the cold with his indecent stock in trade. When the government desires a censor of advertisements or of morals he will doubtless be appointed.

Pictured Glories of the Inauguration Ceremonies.

Thousands of persons in distant cities have engaged quarters at hotels and boarding houses for inauguration week, and large sums have been paid for front rooms on Pennsylvania avenue, from which to see the procession. The arrangements for the ceremonies are fully matured, and will be carried out upon a scale far exceeding any display heretofore attempted in the history of the Republic. There will be almost fifty military and civic organizations in procession, each preceded by a band of music, and will form a parade only equalled at the time that Grant and Sherman's armies were reviewed here at the closing of the war, in the Spring of 1865. The Inauguration Ball, for which tickets are selling rapidly, will be the grandest ever given in this country. The building is the largest ever erected for such purpose, it being 350 feet in length by 160 feet in width, and its complete appointments for comfort and convenience are unsurpassed. The West Point and Naval Cadets will attend the ball in force, as will numbers of the officers and members of the other military organizations. The President, Vice-President, Cabinet Ministers, Senators, Representatives, foreign Ministers and distinguished civilians from all parts of the Union will be in attendance. On the 6th of March the President, the Secretary of War and the Secretary of the Navy will review the West Point and naval cadets. A portion of Pennsylvania avenue will be almost three miles long and marvellous. As numerous volunteer organizations will be in attendance it is probable that several of the broad avenues will be occupied by them in their competition drill. This will afford an opportunity to compare the West Point school with the volunteer system.

Lobbyists Out of Luck.

This has been a bad year in the Senate for lobbyists, as well as for Christian statesmen. At the commencement of the session they had extravagant losses of lives, of lines of mail steamers to be subsidized, gigantic ship yards to be built with bonds guaranteed by government, land-grabbing schemes of all sorts, with scores of other schemes; but as the session draws near to a close they see their hopes extinguished, one after another, until it is evident that some of them must be disappointed in their "fast" money.

Legislative Dealings in Spirits.

The Interior Revenue Office still has under consideration the appeal presented by importers of liquors against the ruling holding them to be rectifiers when they mix wines. The decision will be rendered in a day or two. The representatives of the importers have also had an interview with the Secretary of the Treasury on the subject.

Crime at the Capital.

Immoral houses are now in full operation in Washington, ready for such visitors as may choose to be victimized. The managers have thus far been very successful on a few residents here, and several large robberies have been reported. A large influx of thieves, burglars, pickpockets, &c., are not only expected, but will be duly provided for by a corps of detectives, whose services are considered necessary to the good name of Washington.

The Tax on Banking.

Senator Morrill, of Vermont, recently made a report from the Committee of Finance on the petitions of bankers and merchants for the removal of all taxes whatever on State and national banking institutions. The committee expressed the opinion that no legislation is at present required on the subject, and ask to be discharged from the further consideration of the petitions. They say, in concluding their report:—

It is argued that the removal of national taxes from banks would cheapen or lower the rate of interest paid by those who obtain loans from banks, and it is not known whether or not the removal would make any appreciable difference to the advantage of the customers of banks. Banks are by no means the sole creditors of the community, nor the sole holders of money, and they are compelled to lend on as favorable terms as can be obtained elsewhere, or their loanable funds will lie idle.

Banking institutions are intended to be and are institutions for the accommodation of the public; but their managers do not forget that their stockholders prefer large rather than small dividends, and therefore they seek the highest legal rates of interest compatible with the laws of the country, and their capital. They will demand about the usual market rates. The value of money in banks is not exempt from the universal law of supply and demand. Exemption from taxation would not increase the amount or diminish the demand. The rate of interest on capital available for use as money cannot be reduced except by competition, or except by increasing the amount to be loaned, or by diminishing the amount required by borrowers. Those who have money to lend, including the banks, will get the highest rates for it. Though it cost the lender much or little, the price for its use will be regulated, not by the force of the government, but by the demand. It is believed by the committee, therefore, that the abandonment of national taxes upon national banks would do no more than favor to take the business of their stockholders, and the latter do not appear to be very greatly oppressed or restrained from receiving reasonable dividends.

It is not even pretended that banks and bankers are not receiving ample profits from their business; and if it had been, the returns by the Comptroller of the Currency, showing the dividend exceeding a fraction over ten per cent, for several years past, would have been a constant increasing surplus, would have reflected the fact.

It is very clear, while national banks can loan all their capital, two-thirds of the deposits, and all of their surplus, and their reserves, that the business of banking need not be unprofitable. The taxes sought to be repealed on the capital, deposits and circulation of State banks and banks yielded for the fiscal year ending on June 30, 1872, \$4,628,220 1/4; the estimated