THIRTY-SEVENTH CONGRESS—FIRST SESSION

SENATE.

WASHINGTON, May 12.—A message was received from the President of the United States and laid on the table.

Mr. McDOUGALL, from the select committee on the Pacific Railroad, reported back the House bill to aid in constructing a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes, with amendments.

Mr. WILSON, of Massachusetts, from the Military Committee, reported back without amendment the bill to suspend all payments under the act approved March, 1862, to secure to the officers and men actually employed in the Western Department, pay, bounty, and pension.

Mr. WILSON, of Massachusetts, asked for the Committee on Military Affairs a discharge from further consideration of the bill for the extinguishment of certain claims between the United States and the representatives of Robert Brent, deceased. Granted, and the bill was referred to the Committee on Claims.

On motion of Mr. POWELL, of Kentucky, the bill to regulate the meeting of the United States Circuit Courts in Kentucky was taken up and passed.

Mr. HALE, of New Hampshire, called up the bill to regulate appointments of second lieutenants in the Marine Corps, explaining that it would equalize the distribution of officers among the States.

Mr. HARRIS, of New York, objected, that the measure would operate unjustly in leaving out certain young men who were already in the service, and some of whom had been in action.

After further discussion, in which Mr. Davis, of Kentucky, Mr. Grimes, of Iowa, and others, took part, Mr. HARRIS moved to amend by adding a proviso "that this act shall not apply to or affect any nomination which has already been made."

Mr. DAVIS, of Kentucky, moved to amend the amendment that the appointees under this act shall be first made from the States which have not the number to which they are entitled according to population.

The subject was laid over.

Mr. Doolittle's bill for the collection of direct taxes in insurrectionary districts, came up as the unfinished business

Mr. COLLAMER thought the bill impracticable, as the property would have to be assessed, the titles ascertained, &c.

Mr. DOOLITTLE explained the principles of the bill. The records of all this property existed, and as by the law of last summer the amount of tax for each State was already fixed, this bill only charged up those amounts and provided the means for collection where the law had not been complied with.

There was further debate, in which Messrs. Trumbull, Sherman, Powell and others took part, in the course of which allusion was made to Delaware, when Mr. SAULSBURY explained that the Legislature of that State in omitting to assume the Federal tax, as authorized under the act of Congress, did so merely because the State had not the money in the Treasury, not because the people would be in any way disposed to resist the tax.

Mr. SHERMAN, of Ohio, moved to amend by adding that in addition to the amount of tax charged on the lands, there shall be charged the expenses of collection, including the salary of the commissioners.

Mr. HARRIS objected to the eleventh section of the bill, which authorizes the Commissioners to make such regulations as they may deem proper for the government of all persons within the districts indicated, and on his motion it was struck out.

The bill was then passed—yeas 32, nays 3. The nays being Messrs. Howard, of Michigan, Powell, of Kentucky, and Saulsbury, of Delaware. Among those who voted for the bill were Messrs. Davis, of Kentucky, Henderson, of Missouri, Latham and McDougall, of California, Nesmith, of Oregon, Willey, of Virginia, and Wright, of Indiana.

On motion of Mr. WILSON, of Massachusetts, the resolution authorizing the payment of certain moneys heretofore appropriated for the completion of the Washington aqueduct, was taken up and passed.

Mr. DAVIS called up the joint resolution from the House fixing the third Monday in May for the adjournment of the session of Congress, and moved to amend it by inserting the 7th day of June for the adjournment.

Messrs. WILSON, of Massachusetts, and FESSENDEN, of Maine, suggested the impropriety of considering the resolution at this time, with the important measures still pending, especially the tax bill, which would require most earnest consideration from all the members, and doubtless have to go back to the House and be returned again to the Senate. With this and other important measures also pending, it was impossible to adjourn so early as either period named.

Mr. DAVIS said there was great danger of too much legislation. A great deal of the legislation has been of a mischievous character, and he wanted to set an early day for adjournment, so that they could not pass any more such acts. Congress has passed acts this session which are unconstitutional and iniquitous and unwise, and which will be resisted by the whole white population of Kentucky, and such as he would counsel his people to resist by every mode of resistance they could devise.

Mr. WILSON—I call the gentleman to order for uttering treasonable sentiments on the floor of the Senate.

Mr. DAVIS—Ah, the gentleman is no judge of treason.

The CHAIR—The gentleman from Massachusetts calls the gentleman from Kentucky to order.

Mr. DAVIS sat down, and Mr. WILSON wrote out his point of order, and sent it to the Clerk, charging Mr. Davis as follows:

"Congress has passed measures which the people of Kentucky would resist, and which I shall counsel the people to resist by every means in their power."

Mr. DAVIS—The gentleman from Massachusetts has not given my language correctly. I said, "in my judgment Congress has passed laws which are unconstitutional, and so far as they are unconstitutional, the people of Kentucky will resist them, and I would counsel them to do so," and I here repeat it.

Mr. WILSON then had the language of Mr. Davis, as taken by the official reporters, read as follows: "You have passed measures at the present session that will be resisted by the whole white population of Kentucky—measures that are unconstitutional, unjust, unwise and iniquitous, and such as I would counsel my people to resist by every mode of resistance they can devise."

Mr. Wilson said he had called the Senator to order because of language which patriotism did not sanction. Last summer the gentleman had counseled the people to neutrality, and now he counsels them to resistance.

Does the gentleman mean that the people of Kentucky will resist these laws through the judicial tribunals? If so it means nothing, as every man has that resort. Then does the gentleman mean that he will advise them to resist by arms? If so, that is treason. Mr. Wilson also referred to Mr. Davis having spoken of the time that had been wasted here in discussing subjects, and charged that he had spent more hours than any other Senator in these discussions, and had done so too in a manner more offensive than any other Senator. He did not mean to listen again to such language as had been used here by the Davises, and others in the past. As for the gentleman charging Congress with passing laws that were unconstitutional, that was only a matter of opinion, and he did not know of anything in that Senator that entitled his opinions to more respect than those of any other Senator.

Mr. WILSON then withdrew his point of order.

Mr. DAVIS continued, and denied that he had counselled his people to neutrality, or meant what others had deduced from his language—claiming for the Union men of Kentucky the highest degree of loyalty to the Constitution and devotion to the country, and explaining that he considered revolution the very last of all resorts; and that every citizen had the right to resist what he deemed unconstitutional, taking all the risks of that resistance, but finally submitting to whatever might be the decision of the judicial tribunals in the premises.

Mr. HOWARD, of Michigan, here called attention to speeches made heretofore by Mr. Davis this session, in one of which he declared that a "new war would be commenced" in the event of certain measures being passed.

Mr. DAVIS responded that he had been misconstrued by the gentleman from Michigan. He made no such declaration, and he did not say it.

Mr. HOWARD.—I did not.

Mr. DAVIS turned towards Mr. H, who was sitting near his right hand.

Mr. HOWARD.—I beg your pardon.

Mr. DAVIS.—I beg your's, sir.

The CHAIR suggested that the debate was out of order.

Mr. SAULSBURY thought the Senator from Kentucky should be allowed the opportunity to repel the attacks made upon him.

Mr. DAVIS proceeded further to explain and reiterate his positions, and said it was a new agitation so wholly unprovoked.

Mr. FESSENDEN did not think the gentleman from Kentucky meant resistance by arms, for he was here counselling the putting down of rebellion. He thought he should be so understood, and that it was only a war of words. He moved to lay the resolution on the table, which was carried.

Mr. SUMNER, of Massachusetts, offered a resolution directing the select committee on the confiscation of rebel property to consider the expediency of providing that in all judicial proceedings to confiscate the property and free the slaves of Rebels, there shall be no exclusion of any witness on account of color.

Mr. SAULSBURY objected.

Mr. SUMNER also offered a resolution that the select committee on the confiscation of rebel property be directed to consider the expediency of providing that our soldiers engaged in the suppression of the rebellion may be entitled to bounty land out of the real estate of the Rebels.

On motion of Mr. WILSON, of Massachusetts, the bill to facilitate the discharge of soldiers for physical disability was taken up, and the amendments of the House agreed to, and the bill passed.

Mr. LATHAM called up the bill to establish a bureau of transportation.

On motion, the Senate went into Executive session, and subsequently adjourned.

HOUSE OF REPRESENTATIVES.

Mr. FARNSWORTH, of New York, asked to take from the Speaker's desk Senate bill to discharge sick and disabled soldiers from the service.

Mr. RICHARDSON, of Illinois, moved to amend the bill so that they shall not be discharged unless with their consent. The bill, as amended, passed.

Mr. DAWES, of Massachusetts, introduced a bill to fix the time for the election of Congressional representatives, and for other purposes. Referred.

Mr. RICHARDSON, of Illinois, from the Committee on Military Affairs, reported a bill to pay the band of the 50th regiment of Illinois volunteers. Referred.

Also, a bill to purchase a hospital in the city of Washington. Referred.

Mr. WICKLIFFE, of Kentucky, submitted the following:

RESOLVED, That the Constitution and the laws of the United States, made in pursuance thereof, and all treaties made under the authority of the United States, are the supreme laws of the land in time of war or rebellion, as well as in time of peace, anything in the Constitution or the laws of any State to the contrary notwithstanding.

2d. That the right to disregard and violate the Constitution or any part thereof, by either of the Departments of the Government, does not exist any more in time of rebellion than in time of peace.

3d. That the powers vested in Congress by the Constitution of the United States, are not enlarged, by a state of war, and are ample and full enough to enable the Government to suppress a rebellion and prosecute a war, without the exercise of powers not granted therein.

4th. That it is a disregard of the provisions of the Constitution, under the plea of *necessity*, by Congress, is dangerous to free Governments, and ultimately will lead to despotism if controlled by an unprincipled majority, and dangerous to private rights, and destructive of public property.

5th. That no State has the right, by any act, or ordinance, or law, to absolve itself, or any citizens, from their obligations and duties fixed by the Constitution of the United States.

6th. A rebellion and open resistance to the Constitution and the laws of the United States, made in pursuance thereof, cannot abrogate the same, but, during such rebellion and resistance, all the rights and powers of the Constitution are so extended to the citizens of any free portion of the United States, and the rights or powers of the Government, though obstructed, are not destroyed; and when that obstruction shall be overcome, the State government and the citizens thereof are restored to the rights and privileges secured by the Constitution.

7th. That a forcible resistance by arms of the citizens of any portion of the United States, is treason, to be punished as such by the powers of the Government under the provisions and limitations of the Constitution.

8th. That the citizens not engaged in actual war, or who reside within the territory of the *de facto* government which is in rebellion and at war with the United States, is not guilty of treason by obeying the orders of such *de facto* government, or by contributing to its support.

9th. That neither the Government nor the military has the right to seize the property of any of the non-combatant in any of the seceded States, or confiscate the same, even under the authority of an act of Congress. "No person shall be deprived of life, liberty, or property, without due process of law," is the language of the Constitution; therefore, all wholesale confiscation of estates, or property of any kind, whether lands, slaves, or chattles, is a violation of the laws of Congress and forbidden by the Constitution of the United States.

Mr. BLAKE, of Ohio, proposed to debate the resolution.

Mr. HUTCHINS, of Ohio, objected to the introduction of the resolution.

Mr. WICKLIFFE said he would withdraw it and offer it again.

Mr. SHELLABARGER, of Ohio, introduced a bill defining and punishing as a high crime the adhering or giving aid and comfort to persons engaged in a rebellion against the Government of the United States. Referred.

The bill is intended to supply what is understood to be required by recent decisions of our courts, that it is not treason within the meaning of our acts of 1790, to give aid and comfort to a rebellion.

The SPEAKER stated the regular order—the consideration of the bill to render freedom national and slavery sectional.

Mr. FISHER, of Delaware, opposed such a sweeping bill as this, but was in favor of gradual emancipation.

Mr. LOVEJOY, of Illinois, withdrew the bill, and offered the following substitute:

BE IT ENACTED, By the Senate and House of Representatives of the United States of America, in Congress assembled, That slavery and involuntary servitude, in all cases whatsoever, (other than in the punishment of crime, whereof the party shall have been duly convicted,) shall henceforth cease, and be prohibited forever in all the territories of the United States now existing, or hereafter to be formed, or acquired in any way.

Mr. ALLEN, of Ohio, moved to lay it on the table. Lost—yeas 49, nays 81.

The bill then passed—yeas 86, nays 50.

On motion of Mr. MORRILL, of Vermont, the House resolved into Committee of the Whole, and resumed the consideration of House bill making appropriation for the payment of the bounty to widows and legal heirs or representatives of volunteers.

Mr. SHELLABARGER, of Ohio, asked and obtained leave to print a speech, on the right of *habeas corpus*.

Mr. DIXON, of New York, said a General had the right to take possession of any man's farm, and establish his headquarters there, but that did not alter the deed to the original owner. This side of the Chamber (Republican) had been very unfair towards the gentlemen from the border States. The remark had been frequently applied to them, that they loved slavery better than they did the Union. What offence have the gentlemen committed to justify such remarks?

All that they have said is that Congress has no power to legislate for their States, and that the States will not allow Congress to do it. They say this because they love the Constitution better than they do to violate it. It is just. Congress has no right to make or repeal the laws of any State; it must be left to those who have power to make them. Adjourned.

FROM THE SOUTH.

We have Richmond and Southern papers of late date, from which we extract some items of Southern news—*American.*

From the Richmond Dispatch of Thursday.

The War News.

An official despatch was yesterday morning received at the War Department giving intelligence of a severe engagement near Williamsburg on Monday, in which the enemy were repulsed with a heavy loss in killed and wounded. They also lost twelve pieces of artillery and 900 prisoners. The fight lasted from 7 o'clock till 4 o'clock A. M.

The troops engaged on our side consisted of a portion of the division of General Longstreet.

An official letter from General Johnston states that "a handsome affair" took place at Williamsburg on Monday. The enemy attacked our rear guard in great force, and were driven back to the woods about a mile.

Our latest information is complete upon the main points of the results of the engagement. Our loss in killed and wounded was two hundred and twenty. The Federal prisoners captured by our forces numbered six hundred and twenty-three, and the number of field pieces eleven. The extent of their casualties is not correctly known, but it is believed that their loss amounts to upwards of a thousand in killed and wounded. They numbered six thousand strong, and were deployed in a skirt of wood, opposite our position, from which they were driven, subjected to a disastrous fire from the right, left and front. The prisoners taken were yesterday on the road on their way to this city, and were expected to reach here last night. They were but a few miles from the city late in the afternoon. They were marched by land under guard.

Among others killed or wounded we have the names of the following officers: Killed—Colonel Ward, of the 4th Florida regiment; Major Wm. H. Palmer, of the 1st Virginia regiment (and son of Mr. Wm. Palmer, of this city), and Captain Jack Humphreys, of the 17th Virginia regiment.—Wounded—Colonel Corse, of the 17th Virginia regiment; Colonel Kemper, of the 7th Virginia regiment; and Colonel Garland, of Lynchburg, severely.

Another heavy battle took place yesterday near Barhamsville, in the county of New Kent, but with what result was not known, as the courier who brought the intelligence to this city left at 12 o'clock. The enemy landed their forces from gunboats (twenty-four in number), at or near West Point.

The number engaged on either side is not known, but that of the enemy was supposed to be very large. A general engagement of the two armies is expected. The loss on both sides in the fight of yesterday was very heavy, ours believed to be not less than 1,000 up to 12 o'clock. The enemy had, up to that hour, been driven back three times to within range of their gunboats.

Later.

At a late hour last night we learned some further particulars of the fight on Monday.

General Early is mortally wounded.

General Anderson, of North Carolina, we believe, killed.

Colonel Mott, of Mississippi, killed.

General Rains, slightly wounded.

Captain Echols, of Lynchburg, slighty wounded.

Captain Irwin, of Seales's North Carolina regiment, wounded.

The 1st Virginia regiment was badly cut up. Out of 200 men in the fight, some 80 or 90 are reported killed or wounded.

Colonel Kemper's regiment suffered terribly, though we have no account of the extent of the casualties.

We learn that General Magruder has been for several days quite sick at Westover, on James river.

The enemy had not occupied Jamestown at six o'clock on Tuesday evening, but were in large force at Grove wharf and King's mill. They are also understood to be landing forces at West Point.

The "Virginia" (No. 2) was passed on James river yesterday, and will be at Richmond to-day.

We have conflicting reports of the fight at Barhamsville yesterday, and prefer waiting for an official statement before giving publicity to rumors.

Later from New Orleans.

AUGUSTA, May 7.—The Mobile *Tribune* of the 4th has despatches from Jackson, Mississippi, dated 2d inst. The *Delta* of Thursday last says the business in New Orleans is generally suspended, most of the banks are closed, and that the city everywhere presents a sad appearance. The postoffice remains open, guarded by marines. The telegraph offices are closed and the railroad travel stopped. The mutiny at the fort was caused by the false news that the city had surrendered. The *Delta* says that three hundred and eighty men mutinied and marched off to the enemy from the fort. One company stood firm.

The Mobile *Tribune* has an official despatch from Camp Moore, dated 2d inst., which says: "A deserter from the Yankee fleet, who has reached here, says that Commodore Porter has left the river for the purpose of attacking Mobile. We have faith in his statements."

In answer to the foreign Consuls, Farragut said he would allow permission to reach the city on flat boats and skiffs, but no steamboats would be allowed.

Farragut notified the Mayor that he would hold no further communication with the city authorities, as he had been misrepresented. He stated that Gen. Hunter was soon expected, and he would turn the command of the city over to him.

New Orleans Before the Surrender.

A citizen of New Orleans communicates to the Mobile *Tribune* some details of events previous to his leaving, which we copy:

On Wednesday a despatch was published from General Duncan to General Lovell, stating that the forts had thus far held out wonderfully, and exhorted the people to continue confident. That evening General Lovell left the city for the fortson the steamer Doubloon. Several members of the Safety Committee also left on the steamer Eleanor, for the same destination, for the purpose of making an attack upon the enemy with fire, that they had labored day and night to prepare—the writer was advised as to the nature of the fire attack—and felt great confidence as to the result. On Thursday morning, business opening as usual, at seven o'clock Governor More received a despatch stating that several gunboats had passed the forts. He immediately issued orders to stop the Jackson train of cars; but Mr. Williams, the Superintendent, thought best to send it off. At nine o'clock it became generally known or rather the report that had been spread around—for such was the confidence of the people that they did not like to believe it until further information was received.

The stores were all closed and everything was in the greatest confusion until twelve o'clock, at which hour Gen. Lovell arrived, having had his horse sent down to him at the English Turn. Upon his arrival it would seem as if the whole city felt his presence, and everything became calm. Gen. Lovell was unable to reach the fort, as the Federal gunboats had passed the forts, and came very near capturing his boat as well as the other upon which members of the Safety Committee were on board. Our attack with fire was of course thwarted. Gen. Lovell at once addressed himself to the task before him—immense, as it was unexpected. He issued orders for the transportation of all public stores to points not prudent to mention, and twenty minutes after his arrival every vehicle, wagon, cart, or dray, was pressed into the service, hauling. All the cotton in the city was placed where it could be burned without endangering the city.

The people were no longer confused, but soldiers were assembling at their headquarters fully equipped. Exempt citizens were calm but determined. The writer did not see a solitary individual who was willing to surrender the city without resisting with all their might. That evening the levees witnessed the grandest spectacle the world ever beheld—12,000 bales of cotton rolled along the levee in one sheet of flame. Grand because its huge flame, climbing high in the air, told the enemy that which they most wanted they would get the least of. Grand because it was but the beginning of sacrifices that our patriotic people would offer upon the altar of their country. Grand because it will show England and France that in leaning towards the enemy they have leaned upon a bruised reed that will break and pierce them. It will convince them that we are terribly in earnest.

The writer left the city on Friday morning at a quarter past nine o'clock, on the Jackson train, at which hour nothing further was known except that General Lovell had determined to fight them in any way that promised success. At half-past twelve Major Pickett came up with an ammunition train, and informed us that eleven Federal gunboats were within ten miles of the city.

In travelling along the road the writer was pained and grieved to hear persons censuring Gen. Lovell, and some who did not know him had lost confidence in him. I did all in my power to convince them of their error, for recently I have been thrown in contact with him, and am prepared to write whereof I know—that General Lovell has left no stone unturned, has left nothing undone that could have been done, and has with sleepless energy that has spurned fatigue made every possible effort to defeat the enemy. And if his life is spared, his record will be full of acts of bravery and heroism—a record of which his country will in all ages be proud.

Expectation of the Enemy.

The easy surrender of New Orleans has inspired the New York journals with the pleasing conviction that the capture of Richmond is a matter to be accomplished with equal ease. They will be undeceived whenever they make the attempt. No Southern position capable of defence has yet fallen into their hands except through rank treason. There is no more chance for treason now that our eyes are open. If they get Richmond it will be through seas of blood. The spirit of the South has been only roused by its adversities, and it is a long lane that has no turning. We rather think this long turn in the Yankee lane of fortune will take place not far from this city.—*Dispatch.*

Letter from Baltimore.

The Richmond *Dispatch* gives the following extracts from a letter written by a lady in Baltimore to a Confederate who fought in the battle of Kernstown:

"Our polluted streets and city were honored by the presence of the brave Virginians who were taken in the fight. They were kept in jail until they were sent to Fort Delaware. Only two or three persons were allowed to see them.

* * * "You cannot imagine the excitement about our poor prisoners. The jail was fairly besieged with crowds of ladies, while loads of clothing and all sorts of delicacies were sent them. The day after they arrived it was reported that more were coming, and the streets were crowded with friends ready to receive them as they deserved.—Ladies were provided with flowers to strew in their path; but there were no more to come.

"When the prisoners were taken away handkerchiefs were raised, the people cheered and everything was done to show them our real feeling.—For a time we forgot the Yankees in our midst, and took complete possession of the city. What would have been done if any of you had been brought here as prisoners I cannot imagine. Thank God you are safe, fighting in a fearful necessity. Even your enemies could not help bearing testimony to your bravery and valor. They say they never saw such splendid fighting, and old Shields says, in his report, 'the bravery and discipline of the enemy was such that in the whole fight and retreat there was never the slightest panic!' I wish you could have held your ground, but I hope for better things next time.

"I hope you will stand by the just cause until it is triumphant, as it must be sooner or later. Admire your heroic Jackson, as Captain — called him, and think Col. Ashby a real hero. I have watched him for a long time.

"I hope the 'Stone Wall' will be stronger next time, and the enemy be dashed to pieces against it. The Yankees are desperate. They have collected the largest army they can, and they are armed, equipped and provided in the best manner possible, and enraged that the Confederates won't give up. They are really vengeful; but the firm, determined spirit of the South, never daunted—if driven off at one place appearing at another—must overcome them at last."

NEW ORLEANS PENDING THE SURRENDER.

From the New Orleans Delta, April 26.

OUR GREAT DISASTER AND HUMILIATION.

Yesterday New Orleans was subjected to the most terrible humiliation and degradation which have ever fallen upon a brave and true people. After a valiant defence by our forts below the city—after exhausting all our resources and skill—the greater resources on water of the enemy enabled them to pass our exterior fortifications with their large fleet, and they approached the city with a squadron of fifteen of their largest vessels, all steamships, gunboats or mortar vessels. There was a large force of land troops in the city—but of what avail were they against the ships and gunboats of the enemy? At the moment it was announced that the ships had passed the forts, it became evident to all reflecting persons that the city was defenceless. Steps were then taken to render it a barren conquest. By order of the Governor and military authorities, all the Government munitions and stores were sent away. Such material of war as could not be removed was destroyed. Orders were also issued to destroy all the cotton in the city. This was also done.

The troops under General Lovell were marched to the interior lines of the city—a few miles below. These lines would have been formidable against any army advancing by land, but the batteries near the river were quite weak and ineffective against the ships, especially in the present stage of the river—the high surface of the water enabling them completely to command the surrounding country. In the condition of affairs it was quite obvious that the enemy's fleet would meet with no serious obstacle in passing up the river. Accordingly it was announced at an early hour that they were coming. Their vessels came up slowly, as if feeling their way—the Hartford, the flag-ship of Com. Farragut, leading. Then followed the Brooklyn, the Richmond, and nine other ships, big and little. As these ships approached the batteries, about six or seven miles below the city, our artillerists opened upon them from both sides of the river, but, as the guns were only twenty-fours, they produced but little effect. The ships replied with several broadsides, which showed that they completely commanded our practised gunners, kept up the fire for some time, but with no effect, and under such discouraging circumstances as to render it an obvious policy to withdraw the gunners and the troops. The batteries were accordingly abandoned, and the troops were marched to the Jackson Railroad. In the meantime the hostile squadron steamed up the river. A terrible and melancholy spectacle was presented to the victorious ships. The whole levee, for miles, was wrapped in smoke from the burning cotton and gun-carriages which the authorities had ordered to be consumed. In the river were many hulls of burning ships, the *debris* of our fleet, and of the merchant vessels and steamers which contained cotton.

The squadron proceeding up the river, the great multitude clustered on the levee, looking on in disgust and horror at the dismal spectacle. As they passed, a few shots were fired by some of our soldiers, but without orders. The ships did not reply, but proceeded slowly along our levee. At feeble cheer was raised on board of one of the ships, which was responded to by something like a cheer from a few persons in the crowd. The cheers, whether intended as such or not, drew upon the parties who uttered them suspicion of giving them some dozen or two of pistol-shots, by which several persons were wounded. The squadron being advanced, the foremost ship, as far as the Fourth district, came to an anchor—the ships to the number of thirteen taking up positions in front of the city, so as to command the several streets. After remaining in this position for half an hour, a boat came ashore with two officers, one Captain Bayliss, second in command of the squadron, Captain Farragut being flag-officer, and a lieutenant. These officers were greeted on the shore with the most uproarious buzzas for Jeff. Davis and the South, and with the most threatening demonstrations. They had neglected to bring a flag of truce, and it was a proof of the good sense of even an inferiated multitude that they were allowed to land. They, however, proceeded under the protection of some gentlemen, who undertook to conduct them to the Mayor's office, in a drenching rain, followed by a furious and excited mob. Though no violence was offered to the officers, certain persons who were suspected of favoring their flag and cause, were set upon with great fury and roughly handled. On arriving at the City Hall *it required the intervention of several citizens to prevent violence being offered to the rash ambassador of an execrated dynasty and government.*

The Mayor received the Federal officers in his office, with proper dignity. Captain Bayliss stated the purport of his mission. He had been sent by Captain Farragut to demand the surrender of the city and the elevation of the flag of the United States over the Custom House, the Post Office, the Mint and the City Hall. The Mayor replied that he was not the military commander of the city, that he had no authority to surrender it, and would not do so, but that there was a military commander now in the city, and he would send for him, to receive and reply to the demand.

A messenger was despatched for General Lovell. In the interval a number of citizens who were present got into conversation with the United States naval officers. The Lieutenant seemed to be a courteous, well behaved gentleman, who bore testimony with apparent earnestness to the vigor and valor of the defence of our forts, and was quite communicative. The senior officer was more reserved, but still made large professions of peaceful intents. It was difficult, however, for him to conceal the bitter sectional hate of a Massachusetts man against a true Southern community. In the course of the conversation, however, this officer remarked that Capt. Farragut deeply regretted to see the spirit of incendiarism which prevailed in the city in the destruction of cotton and other things. The Mayor remarked that he differed from him; that the destruction was of our own property, and did not concern outsiders. Capt. Bayliss replied that it looked like biting off one's nose to spite his face. The Mayor replied that we had judged differently.

After a while Gen. Lovell arrived in front of the City Hall, and was greeted with loud cheers by the crowd outside. On entering the Mayor's office, Capt. Bayliss introduced himself as second in command of the United States squadron in front of the city. Gen. Lovell replied, "I am Gen. Lovell, of the army of the Confederate States, commanding this Department." The officers then shook hands, and Capt. Bayliss stated his mission to demand the surrender of the city and the elevation of the United States flag over the Custom House, Mint and Post Office—adding that he was instructed by Capt. Farragut to state that he came to protect private property and personal rights; that he had no design to interfere with any private rights, and especially not with the negro property.

General Lovell replied that he would not surrender the city, nor allow it to be surrendered; that he was overpowered on the water by their superior squadron, but that he intended to fight them on land as long as he could muster a soldier; that he had marched all of his armed men out of the city; that he had evacuated it, and if they desired to shell the town, destroying women and children, they could do so. That it was to avoid this he had marched his troops beyond the city limits, but that a large number even of the women of the city had begged him to remain and defend the city even against shelling. He did not think he would be justified in doing so. He would, therefore, retire and leave the city authorities to pursue what course they should think proper. Capt. Bayliss said that no such purpose was entertained by Captain Farragut; reiterating his expression of regret at the destruction of cotton. General Lovell interrupted him by saying that it was done by his authority. Captain Bayliss said that he had no doubt General Lovell had done his duty, and they were doing theirs. It was then concluded that Captain Bayliss and the other officer would return to their ships, and the Mayor would call the Council and lay before it the demand of Captain Farragut. The officers requested to be protected in their return to their ships, and General Lovell directed Colonel Lovell and Major James to accompany them. The officers accordingly proceeded to the rear of the City Hall, where they took a cab and proceeded to the wharf.

During the interview an immense and excited crowd of people had congregated about the City Hall, who alternately hurrahed for Jeff. Davis, for General Lovell, and most vigorously groaned for "Lincoln and his squadron."

To calm this multitude, Pierre Soule addressed them in a few eloquent and effective words, counselling moderation, self-possession, fortitude, and confidence in their cause, declaring that the honor of the government and city was in safe hands, and reminding them that the hero of Fort Pickens would be worthy of the commander of a brave people.

General Lovell, on appearing on the steps, was also loudly cheered. He addressed the multitude in a short speech, declaring his purpose not to surrender the city, but to retire with his army and fight the Lincolnites, whom they could always whip on land. He briefly sketched his course in the preparation of the defence of the city. That he had done all he could do with the means at his disposal. That he came here six months too late. That it was beyond his resources to contend successfully against the enemy's power on water.

He advised the citizens to bear themselves manfully, never to stoop or submit to the Lincoln domination, and to wait with patient fortitude for the deliverance from bondage which must soon come to them. The General then mounted his horse, and accompanied by his staff, rode to the Jackson railroad, where he took the last car, having already sent his army ahead of him.

THE SITUATION.

From the New Orleans Bee, April 28.

Since the date of our last publication there has been no material change in the position of affairs in our city. While confessedly in the power of the Federal fleet, New Orleans has not yet been formally surrendered to the enemy. The position assumed by the Mayor and Common Council in relation to the demands upon them by the commander of the United States naval forces now in our river, remains unaltered so far as we can learn. While the difference between them seems to rest upon little more than a question of punctilio, the views of the municipal authorities undoubtedly meet the approbation of a large majority of the people. No one feels the slightest wish to exhibit disrepect towards the Federals. They are here in consequence of having overcome our limited means of resistance; they hold the city at their mercy, because we are powerless and they are strong. They may haul down our flags and substitute their own, and the population will not attempt to interfere, painful as the spectacle may be. In fact, they have no right to interfere. The law of might now governs them, and they are bound to submit. Under these circumstances we conceive that it is really of small moment whether the State flag be removed from the summit of the City Hall either by the Federals or by us. Indeed, we can perceive no reason why the emblem, which is totally distinct from the Confederate flag, should be in the slightest degree obnoxious to the commander of the naval expedition. Every State possesses a particular flag, which does not conflict with that recognized as the Stars and Stripes, and it may be remarked that a city hall, though a public edifice, has not the most remote connection with the buildings claimed as belonging to the Confederate Government.

Our local columns contain full accounts of the discussion between the Federal commander and the city authorities to the latest date. The question is yet unsettled, but will, we hope, be definitively and satisfactorily arranged to-day. Meanwhile several vessels of the hostile fleet have gone up the river, and though rumor with her thousand tongues assigns various objects to this unexpected exodus, we profess our entire ignorance of the designs in view. We might guess, but prefer to suffer events to speak for themselves.

The intelligence from the forts, referred to elsewhere, diffused considerable satisfaction among our citizens. It is somewhat comforting to know that, in the midst of our disaster, the sole defenses of the river have not yet been destroyed, or materially damaged, and, above all, that the heroic commander has escaped without injury. From all accounts the forts fought the enemy with the utmost desperation, and the proof of the determined courage and constancy of their garrison is, that while they were passed they have not been reduced.

With respect to the inhabitants and their feelings we have to say that, with the exception of a few intemperate and reckless men, we believe, will henceforth be properly restrained, the great majority have become comparatively calm and quiet. No Southern man can of course behold this fair metropolis—the pride and glory of the Southwest—given over, even though it be temporarily, to the possession of our foes, without experiencing emotions of profound and poignant sorrow. The loss of New Orleans to the Confederate Government is a most serious one, and it is folly to seek to palliate or deny the extent of the misfortune. But though conquered, the citizens are not dismayed. They have not sacrificed their self-respect or impaired their dignity. They do not indulge in bootless lamentations, nor are they guilty of the puerile absurdity of hunting up victims for their wrath and resentment. As it matters not now whether an effort that might have been done to protect our city was done, and as we know that, with the means at our command, its approaches were defended with persevering and indomitable bravery, we can afford to regard the calamitous result with unshaken fortitude and manly resignation. Any other course of conduct would be unworthy of us.

In conclusion, we have to express the thanks and gratitude of all good citizens towards the European and French brigades for their patriotic services in patrolling the city at night, and their successful exertions in securing public order.

THE SITUATION—Continued.

From the New Orleans Crescent, April 28.

The circumstances surrounding us, their nature and extent, must be patent to all and need no reiteration at this time. With a large and powerful Federal fleet before our city demanding its surrender, the reply of our city authorities, dignifiedly and determinedly refusing to accede to the demand—these and all other things connected with our unpleasant and humiliating condition, are familiar to our readers, and prudence requires that little be said thereof in these columns. But, little as we shall say, we will utter in calm, determined, sober and unmistakable language.

While we counsel prudence and discretion with our citizens—that no act be committed tending to insult or to exasperate the enemy in our front—yet our people should quietly wait, with unflinching spirits, the time when the free, unfettered soul may send forth its natural and patriotic impulses.

Let that day be near or far off, it is not of our knowledge at this time to say; but the hope and belief is strong within us that their triumph, yet incomplete, will be of short duration, and this city soon again breathe the pure air of the free.

It is with feelings of the deepest pride that we point the Federal officers to the fact that no Union sentiment exists in our midst—that with almost one voice and with one tongue this community entirely repudiates all allegiance to the old Government, and warmly and devotedly adheres to the new.—And we respectfully but firmly assert that this sentiment, this feeling, is so firmly planted in the breasts of our people that no time, no circumstance, no change can serve to eradicate it, or still their free souls in the struggle for their independence. They have suffered, they may suffer unspeakably in the future, but we hazard nothing in saying that no sacrifice, even to the last life, will be too much to accomplish the one great, mighty and glorious undertaking. This we honestly believe, and while we do not utter our convictions in a vain glorious spirit, we will not shrink from their free and independent expression.

The action of our city authorities—the Mayor and Common Council—has been such as to fill every patriotic breast with honest pride. The answer of the Mayor to the demand of the Federal commander is at once able, courteous and dignified, and will reflect imperishable honor in the annals of historic times. The Council has fully justified the expectations of the people; and for weal or for woe, their conduct in this trying crisis will be upheld and maintained by every being who can assert the soul of man. We may be "conquered, not subdued." We may be defenceless, but the craven-heart must not be found among us who would gloriously yield obedience to an unjust demand. Our powerful enemy may "cry havoc, and let slip the dogs of war," and a generous, brave, devoted people suffer the horrors thereof, and the innocent welter in their gore. God forbid! We do not believe it. The world would stand aghast. All Christendom would awake as from a horrid dream, and retributors of the dastardly outrage. No! We will do our enemy the justice to believe them incapable of such an atrocity. They are men—must have the souls of men—and however much their devotion to their cause and flag, they must remember and grant us the same rectitude of purpose; and still more, the God-given right to protect our homes.

But what will we say for our brave garrisons and their glorious commanders—Forts Jackson and St. Philip—for the gallant crews and officers of our gunboats, all of whom have performed deeds of daring that will live in all coming time? The name of Duncan will shine on the historic page in bright and unfading glory. His bold and determined spirit, with that of his gallant compatriots, has held the forts, and still holds them, against the mighty force that seeks to encompass them. Their success has served to ameliorate our condition in other respects, and inspires the hope that every thing may yet be regained. We will at least hope and believe so, and seek to counsel our people to patience and fortitude in this their hour of trial.—We have cheering news from many sources. Be confident of the future. Raised be the arm and still the coward heart that falters in his duty now. All may be lost but our honor, and with our honor left, our deliverance will be swift and certain.

We have only now to remind our merchants and shop-keepers of their duty in this crisis. Their stores should all be open as usual. They must not add to the general distress by keeping closed doors. The wants and necessities of the community must be met, and we have no hesitation in asserting that all will be found this morning ready and anxious to alleviate the general distress. The currency should continue as it has been; there is no reason for distrust. A few days, by the wise action of our authorities and the public, matters will assume their wonted course, and quiet and order reign once more in our heretofore happy homes.

FROM WASHINGTON.

From the Washington Star, of yesterday.

DIRECT FROM NORFOLK—PRESIDENT LINCOLN AND SECRETARIES STANTON AND CHASE VISIT NORFOLK—MATTERS AND THINGS THERE—THE WRECK OF THE MERRIMAC.

The steamer Baltimore arrived at the Navy Yard this morning from Old Point, having left yesterday afternoon. She brought up President Lincoln and Secretaries Chase and Stanton, who went up in her to Norfolk yesterday morning. The Baltimore arrived off Norfolk about 10 o'clock yesterday morning, and stopped about one hour. She found the United States troops in possession, and a large number of contrabands on the wharves, with some white people, mostly of the working class. The city seemed to be very quiet. The Navy Yard at Gosport appeared from where the Baltimore was laying, to be much dilapidated, and sadly in want of repair, but she did not go near enough for her passengers to observe the yard particularly. The Monitor and four other vessels went with the Baltimore to Norfolk, and anchored off the city, where they were left.

The officers of the Baltimore describe the blowing up of the Merrimac as one of the grandest sights ever seen. On the way to Norfolk the Baltimore stopped near where the Merrimac had been blown up, and picked up pieces of the wreck, which were brought up to the city and divided among the friends of the officers. We saw on the boat this morning three large pieces of the wreck, all of pine, and well soaked in water. One piece of yellow pine, about eight inches wide and five thick, is supposed to have been a portion of her keel, and had two holes in it, through which spikes had been driven.

As may be supposed, the