

ment Managers. THAD. STEVENS lacked strength as well as mental cohesion for such an effort as was required; BOUTWELL'S earnestness would be more available at another stage; BINGHAM'S remarkable rhetorical displays could be given from time to time during the progress of the trial; LOGAN'S rant could be held back at least until it *could not* be held back; and WILSON'S able and earnest arguments were needed for the close. BUTLER had not only the prestige of his name—not only the prestige of being the original proposer of impeachment, and one of the most persistent and formidable enemies of the President, but he has a quality of *sensationalism* as well as a general force, originality and acuteness of mind and character which could be made very *telling* upon such an opportunity as now presented itself. If it has turned out that, on this occasion, he was less sensational and excitable than in his Congressional harangues against the President, it must none the less be admitted that he has justified his selection for the place he occupied yesterday.

He was not very fortunate, at the opening, in his attempt to define an impeachable crime or misdemeanor. If, after saying that it was an offence "in its nature or consequences subversive of some fundamental principle of government," he had abruptly stopped, the definition would have been broad enough and precise enough; but when he added, or an offence "highly prejudicial to the public interest, and may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or without violating any positive law, by the abuse of discretionary powers from improper motives, or for any improper purpose," he passed far beyond the boundaries of definition, and opened the gates so wide that any President might be put through for any unpopular act of his administration. He might have thought it necessary to go thus far in order to cover the case now in hand; but it must have been obvious to every one, that a rule capable of being stretched so far as this, was incapable of any special application to the alleged offences of ANDREW JOHNSON. Having failed upon a particular point where success was uncommonly difficult, he proceeded with his argument in a method which we can only rapidly outline.

He entered on a discussion as to the peculiar characteristics and powers of the Senate when sitting as a Court of Impeachment—showing that it had no analogy to an ordinary court of law, but was merely the United States Senate as a (special) constitutional tribunal. It was bound by no law, either statute or common, limiting its action; it consulted no precedents, save those of the custom of parliamentary bodies; it was a law unto itself, bound only by the natural principles of equity and justice. He doubtless thought it necessary to take this position as an offset to the ground that has recently been taken, that the Senate, acting as a Court, was subject to the rules for the government of ordinary courts of law, and that the presiding officer was clothed with the powers and possessed of the privileges that are exercised by a Judge. The point may be one of no little importance in the progress of the trial, especially as it has been given out that the opinion of Chief Justice CHASE is opposite to that which is enforced by Mr. BUTLER.

Having disposed of this matter, he proceeds directly to the charges against the President set forth in the articles of impeachment. He discusses as a whole, and with much historical illustration, the eight articles relating to the legality of Mr. JOHNSON'S action in the removal of STANTON. He puts the question, (with much foolish verbiage in its form, which we here omit,) Has the President the constitutional power to remove from office all functionaries, without restraint by the Senate or the laws? And against such an assumption he argues at great length and with much vigor, appealing to law, precedent, history, the necessities of a free Government, and the public welfare. He examines the Tenure of Office bill, and its special relation to STANTON'S case. He refers to the President's claim that it is unconstitutional, showing that the President is *stopped* from this pretension by having repeatedly recognized the validity and binding force of the law in his previous intercourse with Congress. He shows the illegality of THOMAS' appointment, and indicates the wicked and desperate purpose of the President in making it. He examines the President's arguments in defence of his right to violate the law, and demolishes the pretext that it was for the purpose of obtaining a decision from the Supreme Court upon its constitutionality. He then puts to the Court which he is addressing the extraordinary query, "Will you hear an argument, as a Senate of the United States, a majority of whom voted for the very bill, upon its constitutionality, in the trial of an Executive officer, for wilfully violating it, before it had been doubted by any Court?" We suppose by this inquiry that BUTLER desires the Court to prevent the President's counsel from any discussion of a matter which is likely to be one of the main points of the defence.

BUTLER argues that the *intent* of the President, in all the offences of which he is accused, is not doubtful. He himself admits that it was his intent to violate the law, and this, with the other evidences of criminal purpose which are furnished, is sufficient for his condemnation.

After thus enforcing the charges in the first eight articles, he triumphantly asks:

"Having shown that the President wilfully violated an act of Congress, without justification, both in the removal of STANTON and the appointment of THOMAS, for the purpose of obtaining wrongfully the possession of the War Office by force, if need be, and certainly by threats and intimidations, for the purpose of controlling its appropriations through its *ad interim* chief, who shall say that ANDREW JOHNSON is not guilty of the high crime and misdemeanor charged against him in the first eight articles?"

The ninth article, charging the President with entering into a conspiracy with Gen. EMORY, is next in order. BUTLER admits that the direct proof in this case is inconclusive; but he argues that it is sustained by the knowledge we otherwise possess of the President's designs, and by numerous collateral circumstances which he develops in the true style of a pettifogger.

BUTLER'S own article (the tenth) referring to the President's speeches against Congress at St. Louis and other places, calls from him an especially bitter diatribe. These speeches were proof of an atrocious conspiracy. They were meant to prepare the way for a despotism. They were intended to inflame the popular mind to such a

pitch that Mr. JOHNSON would be enabled to overthrow the Government and establish his own tyrannical power on its ruins. He was attempting to follow in the footsteps of CROMWELL, in the footsteps of NAPOLEON, in the footsteps of all the ambitious criminals who had taken the same means to break down the established institutions or liberties of a nation.

The evidence for the eleventh charge shows that the President was lost to all decency and propriety of conduct. It is no matter about the truth or falsity of the allegations in JOHNSON'S speeches; it is the *scandal* of such speeches being made by a man who is President of the United States.

Having thus disposed of all the charges in the articles of impeachment, BUTLER goes on, upon his own account, to charge the President with a score of other crimes and misdemeanors more wicked than those for which he is on trial. And he closes with an appeal for the Senate to convict, dealing in what, we fancy, must be considered the slightly exaggerated style of lawyers when closing a case in Court: "Never again, if ANDREW JOHNSON go quit and free this day, can the people of this or any other country, by constitutional checks and guards, stay the usurpations of Executive power. The future political welfare and liberties of all men hang trembling on the decision of the hour."

One thing will strike all who carefully peruse Mr. BUTLER'S speech, and that is the remarkable absence of anything like *novelty* in the statement or arguments. The whole matter has been so long and so thoroughly discussed in the Press and in Congress, that it seems everything that can be said about it has already been said.

The President's Trial--Gen Butler's Opening Speech.

Gen. BUTLER'S opening speech for the prosecution—though not exactly all that his admirers proclaimed in advance it would be in the way of power, eloquence and conclusiveness—is yet what all who know BUTLER'S talents felt assured it would be—a very sharp and clever piece of argumentation, and a very vehement denunciation of the course and character of President JOHNSON. The method is systematic, the treatment coherent, the argument broader and more dignified than any of BUTLER'S previous efforts. He frequently weakens the force of his statement by unnecessary violence of language; he occasionally descends to sophistries that are disgraceful to his reason; he attempts to bolster up slim points that had better have been passed over; he is guilty of perversions that are more ingenious than honorable; he makes appeals that might be very effective in a stump speech, but are grossly offensive in a legal argument addressed to such a body as the Senate; and he indulges in vituperation that is entirely misplaced at the opening of such a trial. And yet withal, the speech is of such length and elaborateness, that, after making allowance for all these vicious faults, there is yet room for a constitutional and legal argument which, as a whole, is far above the range that might have been expected from the speaker. We are glad that he has put his main positions on the broad basis upon which they are planted, that they are possessed of such scope and elevation, and that they are capable of being discussed according to the higher principles of law that ought to govern this unprecedented trial.

Gen. BUTLER was in many respects the fittest of the Managers to open the case. A man was wanted who could make an impression,—an impression on the country even more than on the Senate; and there was greater reason to expect this from BUTLER than from any other of the Impeach-