# The Columbian.

VOL. 2....NO. 22. BLOOMSBURG, PA., FRIDAY, MAY 29, 1868. PRICE FIVE CENTS.



## BLOOMSBURG DIRECTORY.

### STOVES AND TINWARE.

JACOB METZ, dealer in stoves & tinware, Main st., above court house. vl-n43

A. M. RUPERT, stoves and tinware, Rupert block, Main st., west of Market. vl-n43

REV. A. HARTMAN, Stoves, Tinware of all kinds, Spouting etc. First store on West end of South Main Street. v2-n17

### CLOTHING, &C.

D. LOWENBERG, merchant tailor, Main st., 2d door above American house. vl-n43

J. W. CHEMBERLIN, wholesale and retail dealer in clothing, etc.; Hartman's building, Main street. vl-n43

### DRUGS, CHEMICALS, &C.

L. S. MOYER, druggist and apothecary, Exchange block Main st. vl-n43

E. P. LUTZ, druggist and apothecary, Rupert block, Main st., west of Market. vl-n43

### CLOCKS, WATCHES, &C.

LOUIS BERNHARD, watch and clock maker, near southeast corner Main and Iron sts. vl-n43

C. E. SAVAGE, dealer in clocks, watches and jewelry, Main st., nearly opposite American house. vl-n43

R. CATHCART, watch and clock maker, Market st., below Main. vl-n43

### BOOTS AND SHOES.

C. M. BROWN, boot and shoemaker, Main street opposite Court House. vl-n43

A. SOLLEDER, manufacturer and dealer in boots and shoes, Main st., opposite Episcopal church vl-n43

HENRY KLEIM manufacturer and dealer in boots and shoes, groceries etc., East Bloomsburg Main st. vl-n43

DAVID BETZ, boot and shoemaker, Main st., below Hartman's store, west of Market street. vl-n43

### PROFESSIONAL.

J. B. EVANS, M. D. surgeon and physician south side Main st., below Market. vl-n43

D. B. F. Kinney surgeon dentist, teeth extracted without pain. Main st., nearly opposite Episcopal Church. vl-n43

J. B. M'KELVY, M. D, surgeon and physician south side Main st., below Market. vl-n43

J. C. RUTTER, M. D. surgeon and Physician, Market st., above Main. vl-n43

DR. H. C. HOWER, surgeon dentist, Main st., above court house. vl-n43

J. B. ROBISON, Attorney-at-Law, Office Hartman's building, Main Street. v2-n20

### MILLINERY & FANCY GOODS.

MISS LIZZIE BARKLEY, milliner, Ramsey building, Main st. vl-n43

MISS A. D. WEBB, fancy goods, notions, books, stationery, north side Main street below Market. vl-n43

E. PETERMAN, millinery and fancy goods opposite Episcopal church, Main st. vl-n43

MISS JULIA A. & SADE BARKLEY, ladies cloaks and dress patterns, southeast corner Main and west st. vl-n43

MISS M. DERRICKSON, millinery and fancy goods Main st., opposite Court House. vl-n44

MISS M. B. FURMAN, milliner, Main st., below Hartman's store, west of Market st. vl-n44

THE MISSES HARMAN millinery and fancy goods, Main street just below American house. vl-n44

### HOTELS AND SALOONS.

J. LEACOCK, oyster and eating saloon, American House, Main st., Baltzer Leacock superintendent. vl-n43

WIDMYER & JACOBY, confectionery, bakery, and oyster saloon, wholesale and retail, Exchange block, Main st. vl-n43

FOX & WEBB, confectionery, bakery, and oyster saloon, wholesale and retail, Main st., just below Iron. vl-n43

EXCHANGE HOTEL, by Koons & Clark, Main st., opposite court house. vl-n43

AMERICAN HOUSE, by JOHN LEACOCK, Main st., west of Iron street. vl-n43

FORKS HOTEL, by G. W. MAUGER, east end of Main st. vl-n43

B. STORNER, refreshment saloon, Main st., just above court house. vl-n43

KOONS & CLARK, refreshment saloon, Exchange hotel. vl-n43

W. H. GILEMORE, refreshment saloon, Shive's block south side Main st. vl-n43

### MERCHANTS AND GROCERS.

E. JACOBS, Confectionery, groceries Main st., above Court House. vl-n43

S. H. MILLER, dealer in dry goods, groceries, queensware, flour, salt, shoes, notions, etc. Exchange block, Main street. vl-n43

M'KELVY NEAL & Co., dealers in dry goods, groceries, flour, feed, salt, fish, iron, nails, etc., northeast corner Main and market st. vl-n43

H. C. HOWER, hats and caps, boots and shoes, Main st., above court house. vl-n43

C. C. MARR, dry goods and notions, southwest corner Main and Iron sts. vl-n43

J. J. BROWER, dry goods, groceries, etc., northwest corner Main and Iron sts. vl-n43

REV. A. HARTMAN, dry goods, notions, and groceries, Main st., opposite Corvi's Furniture Rooms. vl-n43

H. H. HUNSBERGER, (agent,) groceries, tobacco, and confectionary, Main st., opposite Episcopal Church. vl-n43

D. A. BECKLEY, Keystone store, books and stationery, southwest corner Market and Main sts. vl-n43

WILLIAM ERASMUS, confectionaries, Main st., just above court house. vl-n43

E. MENDENHALL, general stock of merchandise and lumber, corner of Main street and Berwick road. vl-n43

J. J. ROBBINS, dealer in dry goods groceries etc. Shive's block, Main st., below Iron vl-n43

J. K. GIRTON, Groceries & Provisions, southeast corner Main and Iron Streets. vl-n44

C. W. SNYDER, hardware, cutlery, guns, etc. Main st., below Iron. vl-n44

A. J. SLOAN, dealer in choice dry goods, Housekeeping goods, fresh groceries, etc., etc. Main st., opposite court house. v1-n43

J. K. EYER, groceries and general merchandise Main st., above West. vl-n43

T. SHARPLESS, dry goods, groceries, boots, shoes, etc., Rupert block, Main st., west of Market. vl-n43

S. CRAMER & A. E. HAYHURST, Dealers in Groceries, Confectionaries and Notions, Scottown, south side, two doors above Brobst's wagonmaker shop. v2-n18

### MISCELLANEOUS.

G. W. CORELL, furniture rooms, three story brick on Main st., west of Market st. vl-n43

E. J. THORNTON, wall paper, window shades, and fixtures, Rupert block, Main st. vl-n43

H. ROSENSTOCK, photographer, Exchange block, Main st., opposite court house. vl-n43

J. F. BROADT, photographer, Hartman's building northeast corner Main and Market st. vl-n43

E. J. BIDLEMAN, Agent Munson's Copper Tubular Lightning Rod. v2-n19

J. H. PURSELL, saddle, trunk and harness maker, Main st., below court, house. vl-n43

C. FOSTER, Glue Maker, and White and Spotted Tanner, Scottown. vl-n43

BLOOMSBURG LUMBER CO., manufacturers and dealers in Lumber, of all kinds, planing mill near the rail-road. vl-n43

W. J. BIDLEMAN, saddle and harness maker, near southwest corner Main and Market st. vl-n43

A. WITMAN, marble works, near southwest corner Main and Market sts. vl-n43

R. RINGLER, dealer in pianos, organs and melodeons, at G. W. Corell's furniture rooms vl-n43

T. H. MASTERS, agent for Grover & Baker's sewing machine, Main st., Hartman's building, up stairs. vl-n43

D. W. ROBBINS, liquor dealer second door from northwest corner Main and Iron sts. vl-n43

W. PEACOCK, Notary Public, northeast corner Main and Market st. vl-n43

JOHN A. FUNSTON, mutual and cash rates fire insurance company, northeast corner Main and West st. vl-n43

GEORGE HASSKIT, manufacturer and repairer of threshing machines, Chamberlin's alley, near Sharpless' foundry. v1n43

I. S. KUHN, dealer in neat tallow, etc., Chemberlin's alley, back of American house. vl-n43

SAMUEL JACOBY, Marble and Brown Stone Works, East Bloomsburg, Berwick road. v1n43

## ORANGEVILLE DIRECTORY.

DR. O. A. MEGARGEL, physician and surgeon, Main st., next door to Good's Hotel. vl-n17

BRICK HOTEL and refreshment saloon, Isaac Sand, Everett, cor. of Main and Pine sts. vl-n17

SWAN HOTEL, the upper house by John Snyder, Main st., above Pine. vl-n17

D. K. SLOAN, dealer in dry goods, groceries, lumber and general Merchandise Main st. vl-n17

GEORGE LAZARUS, saddle and harness maker Main st., above the Swan Hotel. vl-n17

W. H. SMITH, manufacturer of tin ware and dealer in stoves etc., Main st., above the Swan Hotel. vl-n17

A. & E. W. COLEMAN, Merchant tailor and Gent's furnishing goods, Main St., next door to the brick hotel. vl-n17

M. S. HAYHURST, Clocks, Watches and Guns repaired. Guns and Watches for sale, Main St., below Pine. vl-n17

JAMES B. HARMAN, Cabinet Maker, and Undertaker, Main St., below Pine. vl-n17

MICHAEL G. KELLER, Confectionery, Oysters &c., &c., on Pine St., between Main and Mill. vl-n17

H. H. & C. KELCHNER, Blacksmiths, on Mill Street, near Pine. vl-n17

WILLIAM DELONG, Shoemaker and manufacturer of Brush, Mill St., west of Pine vl-n17

ELIAS SNYDER, Flour and Grist Mill, and dealer in grain, Mill Street. vl-n17

LEWIS H. SCHUYLER, Iron founder, Machinist, and Manufacturer of plows, Mill St. vl-n17

MILES A. WILLIAMS & Co., Tanners and Manufacturers of leather, Mill Street. vl-n17

JOHN KELLER, Boot and Shoemaker, Pine Street, opposite the Academy vl-n17

A. B. HERRING & BROTHER, Carpenters and Builders, Main Street, below Pine. vl-n17

SAMUEL SHARPLESS, Maker of the Hayhurst Grain Cradle, Main St. v2n5

J. M. HARMAN, saddle and harness maker Orangeville, opposite Frame church. v2n11

## CATAWISSA DIRECTORY.

SUSQUEHANNA or Brick Hotel, S. Kostelander proprietor, south-east corner Main and Second Street. v2-n12

J. H. CREASY, dry goods, groceries, and general Merchandise, Main Street. v2-n12

S. D. RINARD, dealer in stoves and tin-ware, Main Street. v2-n12

WM. H. ABBETT, attorney at law, Main Street. v2-n12

GILBERT & KLINE, dry goods, groceries, and general merchandise, Main Street. v2-n12

L. KEILER, billiard saloon, oysters, and ice cream in season Main Street. v2-n12

B. F. DALLMAN, Merchant Tailor, Second St., Robbins' Building. v2-n18.

DR. J. K. ROBBINS, Surgeon and Physician, Second St., below Main. v2-n18.

J. B. KISTLER, "Catawissa House," North West Corner Main and Second Streets. v2-n18.

M. M. BROBST, dealer in General Merchandise, Dry Goods, Groceries &c. v2-n18.

## LIGHT STREET DIRECTORY.

PETER ENT, dealer in dry goods, groceries, flour, feed, salt, fish, iron, nails, etc., Light Street. v1-n43

J. TERWILLIGER, Cabinetmaker, Undertaker and Chairmaker. v1-n49

JOSEPH WALTER Blacksmith, opposite post office. v1-n46

H. F. OMAN & Co, Wheelwrights, first door above school house. v1-n46

MISS E. KLINE, millinery and fancy goods. v1-n46

J. W. SANKEY, dealer in Leather, Hides, Bark, etc. Cash paid for Hides. v1-n46

WM. M. ENT, dealer in stoves and tin ware in all its branches. v1-n46

JOHN A. OMAN, manufacturer and dealer in boots and shoes. v1-n46

## ESPY DIRECTORY.

ESPY STEAM FLOURING MILLS, E. S. Fowler, Proprietor. v2n11

B. F. REIGHARD, & BRO., dealers in dry goods, groceries, and general merchandise. v2n11

J. D. CALDWELL, dealer in dry goods, groceries, queensware, hardware, fish, salt, nails, etc., etc. v2n11

T. W. EDGAR, Susquehanna Planing Mill and Box Manufactory. v2n11

## JERSEYTOWN DIRECTORY.

ANDREW MADISON, dealer in dry goods, groceries, grain, lumber etc., Jerseytown. v1-n46

JACOB A. SWISHER, dealer in Hides, Leather Bark, etc. Madison township Columbia county Pa. v1-n46

CAPT. SAMUEL BOBBY, Madison Hotel, Drovers and Strangers entertained. v2n4

## BUCKHORN DIRECTORY.

M. G. & W. H. SHOEMAKER, dealers in dry goods, groceries and general merchandise. First store in south end of town. v2-n18.

JACOB & WM. HARRIS, dealers in dry goods, groceries, drugs and medicines. First store in north end of town. v2-n18.

## HOTELS AND SALOONS.

EXCHANGE HOTEL,

BLOOMSBURG, COLUMBIA CO., PA.

The undersigned having purchased this well-known and centrally located hotel, the Exchange Hotel, situate on MAIN STREET, in Bloomsburg immediately opposite the Columbia county Court House, respectfully informs their friends and the public in general that their house is now in order for the reception and entertainment of travellers who may be disposed to favor it with their custom. They have spared no expense in preparing the Exchange for the entertainment of their guests neither shall there be anything wanting on their part to minister to their personal comfort. They flatter themselves that their efforts will be found to merit the ease, and enjoy an excellent business location.

Omnibuses run at all times between the Exchange Hotel and the various railroad depots, by which travellers will be pleasantly conveyed to and from the respective stations in due time to meet the cars.

KOONS & CLARK.

Bloomsburg, April 3, 1868.

FORK'S HOTEL,

GEORGE W. MAUGER, Proprietor.

The above well-known hotel has recently undergone sundry changes in its internal arrangements, and its proprietor announces to his former custom and the travelling public that his accomodations for the comfort of his guests are second to none in the country. His table will always be found supplied, not only with substantial food, but with all the delicacies of the season. His wines and liquors (except that popular beverage known as "Mauger's Punch") procured direct from the importing houses, are entirely pure, and free from all poisonous drugs. He is thankful for a liberal patronage in the past, and will continue to deserve it in the future. GEORGE W. MAUGER.

EXCHANGE SALOON,

THE Proprietor of the Exchange Saloon has now on hand a large stock of

SUMMER REFRESHMENTS,

consisting of

SPICED OYSTERS, SARDINES, TRIPE, BOLOGNAS SHEEP TONGUE, BOILED EGGS, SWEITZER CHEESE,

LAGER BEER, ALE, &C.

COME ONE, COME ALL AND SEE.

LAWSON CALMAN, Superintendent.

Bloomsburg, May 3, 1867.

THE ESPY HOTEL,

ESPY, COLUMBIA COUNTY, PA.

The subscriber respectfully informs his friends and the public, that he has taken the above well known House of Entertainment, and will be pleased to receive the custom of all who will favor him with a call.

HE WILL KEEP A GOOD TABLE,

a Bar well stocked with the best of Liquors, and every effort will be made to render entire satisfaction. C. H. DIETTERICH.

Espy, Pa., April 12, 1867.

BRICK HOTEL,

ORANGEVILLE, COLUMBIA COUNTY, PA.

EDWARD EVERETT, PROPRIETOR.

Having taken possession of this well-known house, on long lease by Samuel Everett, the Proprietor has put in it permanent repairs and furnished BAR AND LARDER with the choicest liquors and newest delicacies. His table is not excelled in the county; and no pains will be spared to accommodate guests. [apr29

## THE COLUMBIAN,

A Democratic Newspaper

IS PUBLISHED EVERY FRIDAY MORNING AT

BLOOMSBURG, PENN'A.

THE principles of this paper are of the Jeffersonian School of politics. Those principles will never be compromised, yet courtesy and kindness shall not be forgotten in discussing them, whether with individuals, or with contemporaries of the Press The unity, happiness, and prosperity of the country is our aim and object; and as the means to secure that, we shall labor honestly and earnestly for the harmony, success and growth of our organization.

TERMS OF SUBSCRIPTION:—Two dollars a year if paid in advance. If not paid in advance two dollars and fifty cents will be invariably charged.

TERMS OF ADVERTISING:—One square (ten lines or less) one or three insertions $1,50; each subsequent insertion 50 cents.

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Business notices, without advertisement, twenty cents per line.

Transient advertisements payable in advance—all others due after the first insertion.

☞ It is, in *all cases*, more likely to be satisfactory, both to subscribers and to the Publishers, that remittances and all communications respecting the business of the paper, be sent direct to the office of publication. All letters, whether relating to the editorial or business concerns of the paper, and all payments for subscriptions, advertising, or jobbing, are to be made to and addressed

BROCKWAY & FREEZE,

*"Columbian Office,"*

BLOOMSBURG, PA.

Printed at Robison's Buildings, near the Court House, by

C. M. VANDERSLICE.

## BUSINESS CARDS.

JOB

PRINTING

Neatly executed at this Office.

M. M. L'VELLE,

ATTORNEY-AT-LAW,

Ashland, Schuylkill County, Penn'a.

M. M. TRAUGH,

ATTORNEY-AT-LAW,

Berwick, Columbia County, Penn'a.

WILLIAM H. ABBOTT,

ATTORNEY-AT-LAW

CATAWISSA, PA.

C. W. MILLER,

ATTORNEY AT LAW,

Office with E. H. Little, in brick building adjoining Post office. ☞Claims, Back-Pay and Pensions collected. sep2'67.

JOHN G. FREEZE,

ATTORNEY-AT-LAW,

Office in Register and Recorder's office, in the basement of the Court House, Bloomsburg, Pa.

ROBERT F. CLARK,

ATTORNEY-AT-LAW

Office corner of Main and Market streets, over First National Bank, Bloomsburg, Pa.

E. H. LITTLE,

ATTORNEY-AT-LAW,

Office on Main street, in brick building below the Court House, Bloomsburg, Pa.

C. B. BROCKWAY,

ATTORNEY AT LAW,

BLOOMSBURG, PA.

☞ OFFICE—Court House Alley, below the Columbian Office. Jan'1'67.

LOUIS BERNHARD

Would inform the citizens of Bloomsburg and vicinity that he is now prepared to do all kinds of plating, silver or gold. Dec'1'67.

AUCTIONEER.

MOSES COFFMAN,

Having followed the profession of Public Vendue Crier for many years, would inform his friends that he is still in the field, ready and willing to attend to all the duties of his calling. Persons desiring his services should call or write to him at Bloomsburg, Pa. [may17.

DR. W. H. BRADLEY,

Late Assistant Medical Director U. S. Army,

PHYSICIAN AND SURGEON,

☞ Office at the house opposite Shive's Block, Bloomsburg, Pa.

Calls promptly attended to both night and day. Bloomsburg, Jan. 18, 1867.

J. B. PURSEL,

HARNESS, SADDLE, AND TRUNK MANUFACTURER,

and dealer in

CARPET-BAGS, VALISES, FLY-NETS, BUFFALO ROBES, HORSE-BLANKETS &C.

which he feels confident he can sell at lower rates than any other person in the county. Examine for yourselves.

Shop first door below the Post Office Main Street, Bloomsburg, Pa.

Nov. 15, 1867.

S. C. COLLINS,

FASHIONABLE

SHAVING, HAIR CUTTING AND SHAMPOOING SALOON,

Over Widmyer & Jacoby's Ice Cream Saloon,

BLOOMSBURG, PA.

Hair Dyeing and Whiskers colored black or brown. Hair Tonic to destroy dandruff and beautifying the hair. Will restore hair to its original color without soiling the finest fabric, constantly on hand. [apr12'67.

DENTISTRY.

H. H. HOWER, DENTIST,

Respectfully offers his professional services to the ladies and gentlemen of Bloomsburg and vicinity. He is prepared to attend to all the various operations in the line of his profession, and is provided with the latest improved PORCELAIN TEETH which will be inserted on gold plating, silver and rubber base to look as well as the natural teeth. Teeth extracted by all the new and most approved methods, and all operations on the teeth carefully and properly attended to.

Residence and office a few doors above the Court House, some side.

Bloomsburg, Jan. 3, '68 tf

POWDER KEGS AND LUMBER.

W. M. MONROE & CO.,

Rupert, Pa.,

Manufacturers of

POWDER KEGS,

and dealers in all kinds of

LUMBER,

give notice that they are prepared to accommodate their custom with dispatch, and on the cheapest terms.

A GOOD CHANCE.

The Undersigned has in his charge two fine, likely boys, whose parents are dead and who he desires to bind out to some good person or persons until they arrive at the age of 21 years. For particulars address C. B. BROCKWAY,

May 1, '68-3t. Bloomsburg, Pa.


## OPINION OF SENATOR BUCKALEW,

### UPON THE IMPEACHMENT OF ANDREW JOHNSON, PRESIDENT OF THE U. S.

THE STANTON ARTICLE.

THE first article of Impeachment, which charges the issuing of the Order for the removal of Edwin M. Stanton from his office of Secretary of War upon the 21st February, 1868, is the most important one of the articles, and presents itself first for consideration. It is charged that that order was unlawfully issued with intent to violate the Tenure of-Office act of March 2, 1867, and contrary to the Constitution of the United States, and that by issuing it, the President did commit and was guilty of a high misdemeanor in office.

Was the order for the removal of Mr. Stanton authorized by the Constitution and laws of the United States, or was it in violation of either or both? The argument upon this question has been prolonged and exhaustive; but to a just conclusion it will only be necessary to examine a few points and place them in their proper relations to each other and to the general question involved.

As a Constitutional question, the Executive power to remove from office may be placed upon those two provisions of the Constitution of the United States which declare that the Executive power of the Government shall be vested in the President, and that he shall take care that the laws be faithfully executed. The power to remove being executive in its nature, and its exercise, upon fit occasions, being necessary to the due execution of the laws, it is insisted that it is vested in the President by these provisions of the Constitution: And such was the decision of Congress after full debate in 1789.

If this construction of the Constitution be a true construction, there can be no doubt that the President had due authority to issue the order for the removal of Mr. Stanton.

But the power of the President to remove a Secretary of War from office, is clearly declared by the second section of the Act of 7th August, 1789, organizing the War Department. That section reads as follows:—

"There shall be in said Department an inferior officer to be appointed by the said principal officer, to be employed therein as he shall deem proper, to be called the Chief Clerk in the Department of War and who, *whenever the said principal officer shall be removed from office by the President of the United States*, or in any case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said Department."

Whether this section simply admits that the President has power to remove by virtue of the Constitution, or confers the power upon him, is not material to our present purpose. In either case it is a legislative declaration that he can remove the Secretary, the "principal officer" in the Department of War.

Again, it is in evidence and undenied, that Secretaries of War have always been appointed and commissioned to hold their office "during the pleasure of the President of the United States for the time being," and Mr. Stanton's commission—the only one ever issued to him—is in that form.

It only remains to inquire whether recent legislation has changed the tenure of office of the Secretary of War so as to impair or destroy the President's power of removal. The first section of the Tenure-of-Office act of 2nd March, 1867, is as follows:

"That any person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided* that the Secretaries of State, of the Treasury, of War, of the Navy and of the Interior, the Post Master General and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

The proviso of this section puts the Heads of Departments into a class by themselves, but cannot have practical effect upon four of the Secretaries who were appointed to office by Mr. Lincoln, namely, the Secretary of State, the Secretary of War, the Secretary of the Treasury and the Secretary of the Navy. They were appointed by Mr. Lincoln in his first term and were commissioned by him, in the usual form which then obtained, to hold their offices "during the pleasure of the President of the United States for the time being." Theirs was, then, a tenure at will; they were to hold at the pleasure of the President who appointed them, or of his successor whoever that successors might be.

The Secretary of the Interior, the Post Master General and the Attorney General had been appointed by Mr. Johnson and had received commissions in the same form. So stood the case as to the Heads of Departments when the Tenure-of-Office Act was passed.

The proviso, therefore, in declaring that Heads of Department should hold during the term of the President by whom they may have been appointed and for one month thereafter, could not have the practical effect of expanding or changing the tenure upon which the Lincoln Secretaries held their offices. For the term of the President who appointed them, and during which they were appointed, expired March 4, 1865 and they were never reappointed after its expiration. Besides, Mr. Johnson's term began in April 1865, and when the law was passed, March 2, 1867, there was no term running of a President by whom they had been appointed. There can be no pretence of an appointment of them by Mr. Johnson, or by Mr. Lincoln in his second term, from the fact that they held over after March 4, 1865. No new commissions were issued to them, and in fact no new appointments were possible without the advice and consent of the Senate, which was never asked for or given.

In my opinion all Secretaries, present and future, were within the descriptive words of the proviso, but the Lincoln Secretaries were not practically within the operation of the new tenure which that proviso established. They were within the words which distinguished and separated Heads of Departments from other civil officers of the Government, but not effectually brought within the new tenure rule. For purposes of classification all Heads of Departments were named in the proviso, and excluded from the body of the section, but the tenure of those Secretaries was not in fact changed, but was left as before.

No one can doubt the complete application of the Tenure-of-office act to all Heads of Departments appointed by future Presidents. They will all hold during the term of the President who shall appoint them and for one month thereafter—there will be no exceptions. If a President shall be chosen for a second term the members of his cabinet must be reappointed if they are to hold for more than one month in his new term. But suppose a President shall die, resign, or be removed from office, before his term shall run out? Will his Cabinet be fastened upon his successor for one month only or for the remainder of the full term? Will a Secretary appointed March 4 1869 be entitled to hold for a fixed and indefeasible term of four years and one month, or may he lose his place sooner by the death, resignation or removal of the President who appoints him? Now this is, in one view, an important inquiry in fixing the construction of the Tenure-of Office act in its application to the case before us. For if it shall appear that upon the death, resignation or removal of a future President his Cabinet will go out at the end of one month, there is no ground left for the argument that Mr. Stanton now holds his office under the law. He can claim to hold it only upon the ground of the non-expiration of Mr. Lincoln's second term. If that term expired with Mr. Lincoln's life he has no standing whatever in any forum of honest debate.

In my opinion, in case of the death, resignation or removal of a future President his Cabinet will go out of office at the end of one month. A President takes a four year term subject to the implied condition that he shall live so long and shall not resign or be removed upon impeachment. His term ends when for any cause he vacates or is removed from his office and can no longer perform its duties. The term of the Emperor Charles V. ended when he resigned his crown; that of James II. when parliament declared he had abdicated the throne by withdrawing himself from the realm. In the ordinary case of an officer of the U. S. who holds for a term of years, if he die, resign or be removed from office pending his term, the term ends, and his successor takes a new, full term. But it may be said that our present case is a peculiar one because a Vice President is provided to fill out the term of a President who dies, resigns or is removed. The Constitution does not say that. It says that in case of the death, &c., of the President the duties of the Presidential office shall devolve upon the Vice President. If it be a case of temporary disability of the President the Vice President will perform the duties of the office until the disability shall be removed. If it be a case of vacancy in the Presidential office the Vice President will perform the duties of the office *during the time or term for which he was elected Vice President*. He becomes President in fact, not for the term of another but for his own.

The Constitution provides that when there is no President or Vice President to discharge the duties of the Presidential office, such duties shall be discharged by some other officer to be designated by law, until a new President shall be chosen. But under an existing law, (act of March 1, 1792,) such choice of a new President may possibly be made by Electors, two or three years before the running out of the former President's term, and yet the new President will be chosen and will hold for a full four year term. The old and the new terms will not overlap each other in such case, will not be coexistent to any extent, because the former ends with the event, whatever it may be, which causes the vacancy in the Presidential office.

We may conclude then that the words "*the term of the President*" mentioned in the Tenure-of-Office act and in the Constitution, is the actual period of service of a President (including any time of temporary disability) and that such term may end by death, resignation or removal as well as by the regular expiration of four years. It follows that Mr. Stanton could not claim to hold his place as Secretary of War under the tenure created by the proviso to the first section of the Tenure-of-Office act, even though he had been appointed in fact or constructively in Mr. Lincoln's second term of service as President of the U. S. In no sense can it be said that he is holding his office in or during "the term of the President, by whom he was appointed."

But, if this be granted, it becomes evident that his case is quite outside of the Tenure-of-Office act, and wholly unaffected by it. And the plain words of the act of 1789 and the language of his commission, declare him to be subject to removal at the pleasure of the President.

I shall not examine at length the adroit argument which places Mr. Stanton's case within the body of the first section of the Tenure-of-office act, upon its logical expulsion from the proviso. This is evidently an after-thought which can derive but little support from verbal criticism, and none whatever from the history or policy of the law. Plainly the purpose of the law was to put all Heads of Departments in a separate class, and attach them to the particular Presidents by whom they are appointed. No President shall have Secretaries imposed upon him whom he has not selected, nor (as I construe the law) shall he be compelled to retain in a second term those he had selected in his first. He may once in any term freely choose his advisers (subject only to Senatorial confirmation) but if re-elected he is not bound to keep them nor can he in any case impose them upon his successor. The law only binds him to retain them (when once chosen) during the term or remainder of the term in which they are selected, and then they retire.

But this evident policy of the law is in flat contradiction of the argument which places Mr. Stanton's case within the body of the section and assigns to him a tenure of indefinite duration in the future. No future President (any more than the present one in case of his re-election) could shake off this Secretary, without the consent of the Senate, if this argument be sound.

Not one word was uttered in either House of Congress when the act was passed indicating that the Lincoln Secretaries were included, or intended to be included, in the body of the first section; but a most explicit statement was made by Senator Sherman (without dissent from any quarter) that they were excluded from the protection of the act and would remain subject to removal by the President.

It is charged in the first article of Impeachment as an ingredient of the offense therein alleged to have been committed by the President, or as a serious aggravation thereof, that the order for the removal of Mr. Stanton was issued during a session of the Senate and without Senatorial advice and consent. This particular accusation was supposed by many in the outset of this controversy to be unanswerable. But it possesses no importance whatever. For neither the Constitutional argument for executive power to make removals from office, nor the act of 1789 organizing the War Department, nor any other former statute relating to removals, nor the practice of the Government, recognizes any distinction of time (in making removals) between session and recess. The President in all cases where he is authorized to remove an officer, may remove him during a session of the Senate as well as in a recess between sessions, for aught that appears in the Constitutional reasoning, in the legislation or in the practice of the past,

Prior to 1867 all removals were to be made by the President upon his own responsibility, without Senatorial advice or consent. Whether the Senate was in session or not when a removal was made was, therefore, wholly immaterial to his exercise of his power. The presence of the Senate was of importance only when a new and complete appointment was to be made to fill a vacancy whether produced by removal or other cause.

Upon the whole we must come to the conclusion, that if Mr. Stanton holds under the Tenure-of-Office act, he cannot be removed either in session or in recess without the consent of the Senate; but if he does not hold under that act then under the prior laws and practice of the Government, he may be removed by the President at any time, In either case the charge that he was removed during a session of the Senate is unimportant if not absurd.

The order for the removal of Mr. Stanton was inexact conformity with the precedent in the case of Timothy Pickering, Secretary of State, who was removed from office by President Adams on the 12th of May 1800.

The first session of the sixth Congress began December 2nd, 1799, and ended May 14th 1800. (Trial, p. 595.) The removal was therefore during a session of the Senate. On Saturday May 10th President Adams wrote to Mr. Pickering requesting him to resign and stating his desire for an answer to his communication "on or before Monday morning, because the nomination of a successor must be sent to the Senate as soon as they should sit." This last remark was obviously made with reference to the adjournment of Congress; for by Resolution of the 21st of April the two Houses had agreed to adjourn the session on Monday May 12th and a Resolution of the Senate to extend the session the 14th had just been rejected by the House. (3 *Senate Journal*, 77, 78, 92.) It was necessary therefore that a nomination of a successor should be sent to the Senate "as soon as they should sit" on Monday, in order to confirmation before the final adjournment of the session.

Mr. Pickering's answer, refusing to resign, is dated on Monday, the 12th, and it is a fair if not inevitable conclusion from the facts known to us, that it was sent to the President on the morning of that day. For the President had requested that the answer should be sent to him on or before that morning and he took action upon the answer which indicates that he received it at that time. He issued an order dated the 12th peremptorily discharging Mr. Pickering from further service as Secretary of State, and as soon as the Senate met, on the same day, sent to it a message nominating "John Marshall of Virginia to be Secretary of State in place of Timothy Pickering, removed." (Trial p.p. 356, 357.)

On May 12, a Resolution passed both Houses extending the session to the 14th, (3 *Senate Journal*, 92, 94,) and on Tuesday, the 13th the Senate in Executive session confirmed the nomination of Judge Marshall as Secretary of State, (Trial, p. 359.)

It is clear then, that Mr. Pickering was removed during a session of Congress and of the Senate; that he was removed before a nomination of his successor was transmitted to the Senate, and that his successor was confirmed and appointed on a subsequent day.

The views of the Managers of the Impeachment upon the Pickering case, as expressed by them to the Senate upon this trial, appear to be quite groundless. One of them (Mr. Butler,) was of opinion that the nomination of Marshall was sent to the Senate before the order of dismissal was sent to Pickering, (Trial, p.p. 358, 359, 360,) while another, (Mr. Bingham,) insisted at length that the order of removal was issued before the Senate "had commenced its session," and that President Adams "did not consider that it was proper even under the law of 1789 for him to make that removal during the session of the Senate." (Trial, p. 1173.) Neither one of these contradictory opinions can stand. It is very evident that the removal of Pickering preceded the nomination of Marshall, and it is beyond dispute that the entire transaction was during a session of the Senate, and not in recess. The Senate had been in session for months; it sat on the preceding Saturday (3 *Senate Journal*, 92) and there can be no pretense of a vacation or recess on the Monday when Pickering was removed from office.

The Pickering case is therefore a decisive authority in support of the order for the removal of Stanton.

THE THOMAS ARTICLES.

The second, third and eighth articles of Impeachment charge the designation by the President of Gen. Thomas to perform the duties of Secretary of War *ad interim*, as unlawful, and as constituting a high misdemeanor in office.

I think that that act of the President was authorized by the act of 13th February 1795, (1 *Statutes at large* 415.) But in view of the argument that the law of 1795 is no longer in force, it becomes necessary to consider, in connection, the several laws which relate to official vacancies and disability of officers in the several executive Departments.

The act of 8th of May 1792, Section 8, provides:—

"In case of the death, absence from the seat of government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments whose appointment is not as the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease." (1 *Stat.* 281.)

This act (it will be seen) was confined to the Departments of State, of the Treasury and of War, which were the only ones organized when the act was passed. It will be seen also, that the act applies only to cases of vacancy occasioned by death, and to cases of disability occasioned by sickness or absence from the seat of Government.

The act of 13th of February 1795, in its first section, makes further provision as follows:—

"In case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the Department of War, or of any officer of either of the said Departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons at his discretion, to perform the duties of said respective offices until a successor be appointed or such vacancy be filled *Provided* that no one vacancy shall be supplied in manner aforesaid, for a longer term than six months."

This act has no application to cases of temporary disability but to cases of vacancy alone; but as to such it is comprehensive and includes those of every description. It is, however, like that of 1792, confined to the Departments of State, the Treasury and War.

Next follows the act of 20th February 1863. (12 *St. at large*, 65) Its passage was recommended by President Lincoln in a special message dated 2nd of January 1863, which reads as follows:—

"I submit to Congress the expediency of extending to other departments of the Government the authority conferred on the President by the 8th section of the act of the 8th May 1792, to appoint a person to temporarily discharge the duties of Secretary of State, Secretary of the Treasury, and Secretary of War, in case of the death, absence from the seat of government, or sickness, of either of those officers."

In pursuance of this recommendation the act was passed in the following words:—

"In case of the death, resignation, absence from the seat of government, or sickness, of the head of any Executive Department of the Government, or of any officer of either of the said Departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize the head of any other Executive Department or other officer in either of said Departments whose appointment is vested in the President, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or disability by sickness shall cease: *Provided*, that no one vacancy shall be supplied in manner aforesaid for a longer term than six months."

It will be observed that this act follows mainly the language of the act of 1792. The particulars in which it departs from it are these:

1. It extends to all the seven Executive Departments instead of being confined to the three which were in existence in 1792;

2. It applies to a case of vacancy by resignation;

3. It authorizes the employment in temporary service in a Department of officers of another Department, instead of "any person" as in the former law; and lastly, it borrows from the act of 1795 the limitation of six months upon the term of special service in each case provided for.

Now the question is