as to those who have not been appointed by him there is no like denial of his power to displace them. It would be a violation of the plain meaning of this enactment to place Mr. Stanton upon the same footing as those heads of departments who have been appointed by myself. As to him this law gives him no tenure of office. The members of my Cabinet who have been appointed by me are by this act entitled to hold for one month after the term of my office shall cease; but Mr. Stanton could not, against the wishes of my successor, hold a moment thereafter.

If he were permitted by that successor to hold for the first two weeks, would that successor have no power to remove him? But the power of my successor over him could be no greater than my own. If my successor would have the power to remove Mr. Stanton after permitting him to remain a period of two weeks, because he was not appointed by him but by his predecessor, I who have tolerated Mr. Stanton for more than two years, certainly have the same right to remove him, and upon the same ground, namely, that he was not appointed by me but by my predecessor. Under this construction of the tenure of office act, I have never douted my power to remove Mr. Stanton. Whether the act were constitutional or not, it was always my opinion that it did not secure him from removal.

It was, however, aware that there were doubts as to the construction of the law, and from the first I deemed it desirable that at the earliest possible moment those doubts should be settled and the true construction of the act fixed by decision of the Supreme Court of the United States. My order of suspension in August last was intended to place the case in such a position as would make a resort to a judicial decision both necessary and proper. My understanding and wishes, however, under that order of suspension were frustrated, and the late order for Mr. Stanton's removal was a further step towards the accomplishment of that purpose.

I repeat that my own convictions as to the true construction of the law, and as to its constitutionality were settled and were sustained by every member of my Cabinet, including Mr. Stanton himself. Upon the question of constitutionality, each one in turn deliberately advised me that the tenure of office act was unconstitutional. Upon the question whether as to those members who were appointed by my predecessor, that act took from me the power to remove them, one of those members emphatically stated, in the presence of the others sitting in Cabinet, that they did not come within the provisions of the act, and it was no protection to them. No one dissented from this construction, and I understood them all to acquiesce in its correctness. In a matter of such grave consequence I was not disposed to rest upon my own opinions, tho' I resolved to act as early a day possible before the Supreme Court of the United States for final and authoritative decision.

In respect to so much of the resolution as relates to the designation of an officer to act as Secretary of War *ad interim*, I have only to say that I have exercised this power under the provisions of the first section of the act of February 13, 1795, which so far as applicable to vacancies caused by removals I understand to be still in force. The legislation upon the subject of *ad interim* appointments in the Executive Departments stands as to the War office as follows:

The second section of the act of the 7th of August, 1789, makes provisions for a vacancy in the very case of a removal of the head of the War Department, and upon such a vacancy, gives the charge and custody of the records, books and papers to the Chief cleerk. Next, by the act of the 8th of May, 1792, section 8, it is provided that in case of vacancy occasioned by death, absence from the seat of government, or sickness of the head of the war Department, the President may authorize a person to perform the duties of the office until a successor is appointed, or the disability removed. The act, it will be observed, does not provide for the case of a vacancy caused by removal. Then, by the first section of the act of February 13, 1795, it is provided that in any case of vacancy the President may appoint a person to peform the duties while the vacancy exists. These acts are followed by that of the 20th of February, 1863, by the first section of which provision is again made for a vacancy caused by death, resignation, absence from the seat of government, or sickness of the head of any executive department of the government; and, upon the occurrence of such a vacancy, power is given to the President 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 inability by sickness shall cease; provided that no one vacancy shall be supplied in the manner aforesaid for a longer term than six months."

This law, with some modifications, re enacts the act of 1792, and provides, as did that act, for the sort of vacancies so to be filled; but like the act of 1792 it makes no provisions for a vacancy occasioned by removal. It has reference altogether to vacancies arising from other causes, according to my construction of the act of 1863, while it impliedly repeals the act of 1792, regulating the vacancies therein described. It has no bearing whatever upon so much of the act of 1795 as applies to a vacancy caused by removal. The act of 1795 therefore furnishes the rule for a vacancy occasioned by removal. One of the vacancies expressly referred to in the act of 7th August 1789, creating the Department of War. Certainly there is no express repeal by the act of 1863 of the act of 1795. The repeal, if there is any, is by implication, and can only be admitted so far as there is a clear inconsistency between the two acts. The act of 1795 is inconsistent with that of 1863, as the vacancy occasioned by death, resignation, absence or sickness, but not at all inconsistent as to a vacancy caused by a removal. It is assuredly proper that the President should have the same power to fill temporarily a vacancy caused by a removal, as he has to supply a place made vacant by death or expiration of a term.

If, for instance, the incumbent of an office should be found to be wholly unfit to excercise its functions, and the public service should require his immediate expulsion, a remedy should exist and be at once applied, and time be allowed the President to select and appoint a successor, as is permitted him in case of a vacancy by death or the termination of an official term.—The necessity, therefore, for an *ad interim* appointment is just as great, and, indeed, may be greater in cases of removal, than in any others. Before it be held, therefore, that the power given by the act of 1795 in cases of removal is abrogated by succeeding legislation, an express repeal ought to appear.

So wholesale a power should certainly not be taken away by loose implication.—It may be, however, that in this as in other cases of implied repeal, doubt may arise. It is confessedly one of the most snbtile and debatable questions which arise in the construction of statutes. If upon such a question I have fallen into an erroneous construction, I submit whether it should be characterized as a violation of official duty and of law. I have deemed it proper, in vindication of the course which I have considered it my duty to take, to place before the Senate the reasons upon which I have based my actions.

Although I have been advised by every member of my Cabinet that the entire tenure of office act is unconstitutional, and therefore void, and although I have expressly concurred in that opinion in the veto message which I had the honor to submit to Congress when I returned the bill for reconsideration, I have refrained from making a removal of any officer contrary to the provisions of the law, and have only exercised that power in the case of Mr. Stanton, which, in my judgment, did not come within its provisions. I have endeavored to proceed with the greatest circumspection, and have acted only in an extreme and exceptional case.

Carefully following the course which I have marked out for myself, as a general rule, faithfully to execute all laws, though passed over my objections, on the score of constitutionality, in the present instance I have appealed, or sought to appeal, to that final arbiter fixed by the Constitution for the determination of all such questions.—To this course I have been impelled by duties once committed to my hands, whatever may be the consequences merely personal to myself. I could not allow them to prevail against a public duty so clear to my own mind, and so imperative, if that which was possible had been certain.

If I had been fully advised when I removed Mr. Stanton that in thus defending the trust committed to my hands my own removal was sure to follow, I could not have hesitated. Actuated by public considerations of the highest character, I earnestly protest against the resolution of the Senate which charges me in what I have done with a violation of the Constitution and laws of the United States.

ANDREW JOHNSON.

Washington, D. C., Feb. 22, 1868.

Onward, Democrats.

More than two million Democrats enter the Presidential contest, to win back Democratic Government for the whole people. We have no responsibilities or baggage-wagons loaded with plunder to check our march. We have courageous leaders. We have never-dying principles. We unfurl a map of thirty-seven States, and rise high the old flag, and demand the old Constitution to live under, with equal representation equal taxes, and a white man's Government.

Onward, Democrats!

The Clerkenwell Explosion.

LONDON, Feb. 21.—The Coroner's jury have concluded the investigation into the explosion at the Clerkewell Prison, and today render a verdict. They bring a charge of murder against Barrett, English, O'Keefe, Mullany, the two Desmounds, Ann Justice, and others, whose names have not yet been made known. Doubts are expressed as to the complicity of Allan.—The police in the Clerkenwell district are severely censured for lack of activity and vigilance.

—Much excitement exists in Warwick, and the guards have been doubled about the jail, where the Fenian leader Burke is confined, in anticipation of a reported rescue. Citizens, volunteers and special constables are on duty constantly.

—Lemon, the Fenian, has been indicted by the Grand Jury at Dublin for treason and murder, and Pigot for sedition. The Chief Justice in his charge to the jury dwelt at length and in severe terms on the "outrages" recently perpetrated in Ireland.

—A batch of Cork police, wearing English uniforms, were badly frightened, on Sunday night, by some Fenians, and ran post haste to the nearest station, when, being reinforced, they bravely sallied forth to find no enemy. The next day these gallant fellows made a number of arrests of persons whom they charged with scaring them so terribly the previous night. Of course, the "supeoted" parties were sent to jail.

Montrose Democrat.

A. J. GERRITSON, Editor.

MONTROSE, TUESDAY, MAR. 3, 1868.

National Convention.

The Democratic National Committee, voted on the 22d of February to assemble the National Democratic Convention in the city of New York, on the 4th of July, a good day for the Committee to act, and a good day for the Convention to meet.

☞The month of March, 1868, will exhibit two wonderful events—the trial of Jefferson Davis for insisting that the Southern States were out of the Union, and the trial of Andrew Johnson for insisting that they are in the Union.

Secession and Impeachment.

One leading daily paper in New York—the Tribune—advocated Secession; one now advises impeachment—and it is the Tribune. Put that and this together.

Affairs at Washington.

The Radical conspirators at Washington seem to be rushing into open revolution. Since our last issue affairs have progressed as follows:

On Saturday, Feb 22d, Thad Stevens made report from the reconstruction committee that the President had proposed to remove Stanton, and that he therefore be impeached for high crimes and misdemeanors. The day was spent in discussion of the mad project. Repeated efforts were made by Democrats to have Washington's Farewell Address read, but the Radicals would not allow it. As they have entered upon the overthrow of the government, the repudiation of the admonition of the Father of the Country on that day was a consistent act.

The Senate was adjourned by the Radical members to go into party caucus to devise plans for their revolutionary conduct.

Stanton obtained a warrant from Judge Cartter of the District Court for the arrest of Adjutant General Thomas, on the charge of accepting appointment to act as Secretary of War, *ad interim*. Bail was given in $5,000.

On Monday the President sent a message to the Senate, which we publish entire, the new impeachment project is without reasonable cause.

In the House the discussion of the impeachment question was resumed. The resolution hereunder was finally adopted by a party vote, 126 to 47:

Resolved, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors.

It was voted that a committee of two be appointed to inform the Senate of the action of the House, and also a committee of seven to prepare articles of impeachment.

The Speaker selected these committees as hereunder:

First—Thad Stevens, of Pa. and Boutwell of Mass.

Second—Boutwell of Mass., Stevens of Pa., Bingham of Ohio, Logan of Illinois, Julian of Indiana, and Ward of N. Y., all of whom are Radicals.

The President on Monday nominated to the Senate Thomas Ewing, of Ohio, to be Secretary of War, in place of Edwin M. Stanton, removed. Referred to the military committee.

On Tuesday, Stevens and Boutwell entered the Senate, and the former said:

"Mr President—In obedience to the order of the House of Representatives, we have appeared before you; and in the name of the House of Representatives and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office. And we further inform the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same. And in their name we demand that the Senate take due order for the appearance of the said Andrew Jonson to answer to the said impeachment.

The President *pro tem.*—The Senate will take order in the premises."

The subject was referred to a committee of seven—Messrs. Howard, Trumbull, Conkling, Edmunds, Morton, Pomeroy and Johnson.

Senate passed the supplementary reconstruction bill.

In the House a series of gag rules were adopted, by which the articles of impeachment are to be disposed of and sent to the Senate in one day after presentation.

On Wednesday it became apparent that the Radicals had discovered that the attempted prosecution of General Thomas and impeachment of the President were without legal grounds, and they suddenly changed their tactics by abandoning their prosecution, and setting the General at liberty. He had asked for a writ of habeas corpus, and they dared not risk the question of the constitutionality of the tenure act, or its alleged violation, before Cartter, their partisan judge, who is evidently a conspirator. The movement seems to be an attempt to rush into impeachment and revolution on party grounds, by a party vote, without submitting any law question to the courts.

In the Senate the committee of seven, to whom had been referred the message of the House on the subject of impeachment, made a report, "That the Senate will take the proper order thereon, of which due notice will be given to the House of Representatives." The Judiciary Committee reported the bill depriving the United States courts of jurisdiction in all cases arising out of the reconstruction acts.

In the House the Senate substitute for the supplementary reconstruction bill was concurred in.

On Thursday the Speaker informed the House of the existence of another Guy Fawkes plot, just discovered by the indefatigable Kennedy, of the New York police. The wonderful discovery proved to be that somebody had stolen 165 lbs. of nitro glycerine in New York. The sagacious police superintendent could imagine no other use for the thieves to put it to than to blow up Congress with it. The intention no doubt is to use this sensation story to inflame the passions of the Republican masses, and thus blind them to the revolutionary schemes of their party leaders.

General Thomas brought suit against Stanton for false arrest, &c., claiming damages to the amount of $150,000.

The House impeachment committee have had several long sessions in reference to the vile work in their hands. They divide their time between trying to invent a series of charges against the President, upon which they can unite a party vote, and discussing the experiment of deposing the President, seizing control of the government and then trying him afterward. The committee agree to report to the House on Saturday, so that the matter can go to the Senate on Monday (March 2d) for trial. The Radical conspirators evidently feel that they are engaged in unjustifiable revolution, hence their indecent haste to complete the overt act before the people have time to comprehend or be heard on the subject.

Reports from Iowa, Michigan, Illinois, and other parties, indicate that the Radicals are in a state of incipient rebellion, and look to Congress for the commission of an act of Mexican anarchy.

The severest test of free government is about to be tried, and the people who would not see the Republic blotted out, must nerve themselves for any contingency, stand by the government and laws, and defeat all revolutionary proceedings.

The final remedy for present and impending evils, in any event, will be the election of a Democratic President and Congress a few months hence, which will end the work of evil doers and despots, and restore union, harmony and prosperity to the country. To these ends let all good citizens unite their efforts for the common good.

On Friday the Senate committee reported a long series of rules to govern impeachment trials. Several newspaper writers report what they allege to be the substance of from five to eight articles of impeachment. They agree upon the general allegation that the President does not want Stanton in his cabinet; but as to the balance of the malicious verbiage of which they will consist, no two agree.

Senator McCreery, of Kentucky, was admitted to his seat.

—The latest up to Monday afternoon, shows that Stanton remains in quiet possession of the War Office, and does not leave it day or night. General Thomas has done nothing but respectfully ask for possession. And this is the foundation of a rebellion! Would it not be well for sensible men to consider the end before they plunge into it?

Pensylvania Legislature.

This body, or the radical majority, has become excited over the subject of impeachment, and resolved in favor of it, although they well know that an immense majority of the people do not endorse it.

An amendment closing as follows was rejected by the radical majority:

"That it is the duty of the executive and legislative branches of the government, and of all good citizens to enforce, respect and obey the decision of the Supreme Court of the United States upon the question of the constitutionality of the said Tenure of Office law, when it is announced by the said court."

A committee of conference has been chosen on the free railroad law. An act has been passed to run a line of steamers to Africa; and it can be used by the radicals next fall in lieu of the old salt river scow.

Judge Woodward on Impeachment.

On Monday the 24th Judge Woodward obtained the floor, refusing to yield it for a few minutes to Mr. Washburne to conclude his remarks, because of the slanders uttered by him against the President, and proceeded to address the House against impeachment.

He argued that the resolution of impeachment was a mistake, and that an impeachment of the President on the idea that Secretary Stanton was within the protection of the Tenure of Office bill, was what Fouche, the chief of the old French police would have called worse than a crime—a blunder. Whatever executive power the Federal Government possessed was vested in the President, who was made the sole trustee of the people in that regard. In the matter of appointments to office and the treaty making function, a check was imposed upon the President, but even in those instances the power exercised was the President's. The concurrence of the Senate was only a regulation for the exercise of the power. It was a mere advisory discretion, not an executive power.

The separateness and completeness of this executive power in the hands of the President was a doctrine essential to the harmony of the system of government and to the responsibility of the President to the people. If Congress meddle with it, Congress became a trespasser and its act an impertinent nullity, and the President was not to be impeached for disregarding it.

He quoted extracts from the debate in the First Congress upon the Executive Department, and argued that that debate settled this question absolutely, and demonstrated the utter unconstitutionality of the act of March 2, 1867. He also argued that by the very terms of that act itself Mr. Stanton did not come within its scope and quoted Senator Sherman and Messrs. Spalding and Bingham as taking the same view of the law when it was under consideration.

Mr. Johnson was a man of the Republican party's own choosing, and he verily believed that the President was trying to restore the Union, to pacify the country, and to administer his high office with a faithful regard to the obligations of the Constitution and the best interests of the people. He seemed a true friend to the whole country, a faithful public officer, and entitled to Cabinet advisers who were his friends and not his enemies. Congress had far better sustain such a man in his constitutional rights, and address itself to the relief of the suffering country, than to waste its time and the people's money in impeaching a faithful public servant on charges that are both false and foolish.—At the risk of denunciation, he (Mr. Woodward) denied the right of the Senate to try impeachment.

The House was not composed, as the by the people of the several States. Nor was the Senate of two Senators from each State. In conclusion he said:—Mr. Speaker, so sure am I that the American people would respect this objection, that if I were the President's counsellor, I would advise him that if you prepare articles of impeachment, to demur both to your jurisdiction and that the Senate, and to issue a proclamation giving you and all the world notice that while he held himself impeachable for misdeanors in office, before the constitutional tribunal, he never would subject the office he holds in trust for the people to the irregular, unconstitutional, fragmentary bodies who propose to strip him for it. Such a proclamation, with the army and navy in his hands to sustain it, would meet a popular response that would make an end of impeachment and impeachers.

Florida.

TALLAHASSEE, Feb. 19.

The Convention to day, by a vote of twenty-five to seventeen, declared Billings, Saunders, Pearce, and Richardson ineligible, and their seats vacant. Billings, by permission, defended his eligibility in a short speech. Excitement ran high, and Billings declared his ability to control the negro vote. The lobby was crowded by whites and blacks, who manifested but little interest for the overthrown delegates.

After the adjournment a colored delegate was attacked by outside negroes, supporters of the Billings party, and struck for voting against the expelled members. One of the assaulting party was shot in the hip by one of the delegates, when the difficulty was stopped and the parties arrested by the police. This is the second time this delegate has been attacked. General Meade and Staff left for Atlanta this morning. It is now probable that the work for which the Convention was called will be consummated.

—The story about Mrs. Lincoln's insanity, it is now said, comes from persons who are fearful of having their honesty and patriotism damaged by the book which she is supposed to be getting ready for press.

—In Jenner township, one of the most radical spots in the grossly radical county of Somerset, says the Democrat, were lately married, Solomon Boyer (white) to widow M'Kelvey, (colored,) and David Deetz (colored) to Polly Thomas (white.)

—Secretary Seward advises all citizens of the United States, native or naturalized, who have occasion to visit Great Britain or Ireland, to procure passports from the State Department, while the habeas corpus remains suspended in the latter country.

—The Ligonier Banner, of a late date, says that "a gentleman from Columbia City informs us that the estimable lady, whose person was so revoltingly outraged by the negro at Pierceton, Ind., received such injuries from the loathsome attack of the brutal imp of darkness as to result in her death.