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How Negro Majorities are Secured.

The world never witnessed such a complete farce as the elections in the Southern States have been since the negroes were enfranchised. Not only has their ntter unfitness to vote intelligently been demonstrated in every instance, not only have they been controlled and manipulated at will by a few interested and unacrupulous political adventurers, but all rules governing elections in this country have been discarded, and the grossest and most bare faced frauds have been unblushingly committed. a Whenever it , was found that the radicals had not a sufficiency of votes polled in any State or district to suit their purposes the polls were reopened again and again by the satraps in gled in the birth, and the issue of fact raiscommand, but as soon as the required ed between those distinguished corresponnumber is reached by the revoting ne- dents was left to be decided by each man groes, the ballot box is, presto hermitically for himself upon evidence that was altosealed. This game has just been practiced | gether favorable to the President. in Alabama. When it was discovered that not enough negro votes ha been polled in the four days alloted to that business, and that the constitution establishing negro supremacy was in danger, an order was issued for the negroes to continue on voting.

This device has failed in the case of Alabama, and not enough votes have been cast for the negro supremacy Constitution to ensue its adoption according to the law passed by Congress. What will the Radicals of Congress do in such a case? Will this resolution is founded in a mistake, they be controlled by the restrictions im- and that any impeachment of the Presiposed by themselves? Not they. Al. dent on the idea that Secretary Stanton is ready they openly declare their purpose of within the protection of the tenure of recognizing the new constitution and enforcing its provisions, though it has been defeated, instead of being adopted How long can our government be expected to amining the enactment I beg leave to reendure under such a state of affairs? Is mind the house that the President reit not a cheat and a lie to style this a Re- moved Mr. Stanton by virtue of powers public? Let us, for the future, call it he derived from the Constitution, which despotism has been established -a despot. which the impeachers have placed themism controlled by the fraudulent votes of selves. The President's constitutional a horde of barbarian negroes, by means of powers in the premises must be stated. which despicable agency a set of reckless The Constitution distributes the powers fanatics expect to defeat the will of a vast | delegated to the Federal Government majority of the white men of the United among three great and co ordinate de-States at the coming Presidential election.

- A capital story is told of a recent church rate raised in Kent. A leading farmer of the parish having refused to pay the church wardens resolved to make an example of him. A summons was therefore taken out against the farmer, and in due course a warrant of distress was lodged in the hands of the officers, from whom he was informed he might expect a visit in a day or two. Our tarmer accordingly yard all the stock which it would be in and establish." convenient to have sold under such disadvantageous circumstances as a church rate action. A sow happening to wander into What powers these are must be seen in action. A sow happening to wander into which is the responsibility would be lessened. He admitted there was a propriety in allow-dent disregarding it, it is a final and concoln's power and duty to hold his office and object to the President Coln's power and duty to hold his office and object to the legalmain, and the bailiffs and police hauled it science applicable to a confederacy of the choice of officers; but there could be But a void law binds nobody; and in the death this power and duty, as far as they not within it, and two Ohio representaoff in triumph. The animal was presently sold for abour a third of its value, and

But a void law off in the confirst instance the President determines were unperformed, devolved upon the currence of the Senate to the removal, but what laws he is bound to execute. The Vice President by the very words of the Bingham] pleading for the impeachment what laws he is bound to execute. disobeying the law. "Ah," replied the better keep the balance."

RATHER SPICY .- A lady being invited to send in a toast to be read at the anniversary celebration of the Pilgrim Fathers dinners:

"The Pilgrim Fathers,' forsooth! This self sufficiency of the men is beyond regarding it. enduracne. One would actually suppose that New England had been colonized by men, and posterity provided for by special ele two, section two, says: providence."

"TARE IT IN WRITING, CAPTAIN,"-Last spring, while the George's fleet were on the bank, one of the vessels broke adrift; and came rapidly down towards another. Collision appeared inevitable, and certain dors, other public ministers and consuls, death to all on board would follow. The judges of the Supreme Court, and all oth-Captain of the drifting craft shouted, "Cut er officers of the United States, whose apaway, and Pll pay for the cable and anchor !" In the midst of the excitement and danger, vided for, and which shall be established partment of Foreign affairs. just as the captain was about to comply by law; but the Congress may by law with the order, one of the crew hallooed it to you in writing!" The Captain was so dent alone, in the courts of law, or in the but the question was taken on the amend struck aback that he waited a moment in heads of Departments." order to comprehend the matter, and just He is to nominate, and, by and with then the schooner went by them without the advice and consent of the Senate, apor issuing or any such circumstances, exh.b. cers established by law whose appoints the first Constitution of the executive departments, and authority for or in respect to any such removing Stanton while the Senate was in the first Constitution of the executive departments, and authority for or in respect to any such removing Stanton while the Senate was in the first Constitution of the executive departments, and authority for or in respect to any such removing Stanton while the Senate was in the first Constitution of the executive departments, and authority for or in respect to any such removing Stanton while the Senate was in the first Constitution of the executive departments. authority for or in respect to any such removing Stanton white and stanton white constitution does not for the Constitution does not for session. The Constitution does not for session.

IMPEACHMENT.

Speech of Hon. Geo W. Woodward, of Pennsylvania, delivered in the House of Representatives, February 24th,

Mr. Woodward. Mr. Speaker, this is the third attempt to impeach the President. The first, founded on his alleged usurpation of powers which the Constitution had delegated to the legislative department, was crushed to death by the ponderous volume of testimony of more than twelve hundred pages which was brought in with the impeaching resolution. The second attempt, founded on the

Now comes, for the third time during our present session, another resolution of impeachment, founded on the President's removal of E. M. Stanton from the War department, in violation of the sixth section of the act of the second of March, 1867, entitled "an act regulating the tenure of certain civil offices.'

I shall call the attention of the House very particularly to that section in connection with other sections of the same statute for the purpose of showing that what is a despotism. Over one half of it a is a higher law than the pet statute on partments - the legislative, the executive, and the judicial. To the legislative de-partment are given 'all the legislative tion one, reads :

> "The executive power shall be vested in a President of the United States of

America. And, says article three:

"The judicial power of the United He wished to make the President as re-States shall be vested in one Supreme sponsible as possible for the conduct of Court and in such inferior courts as the the officers who were to execute the dutook the precaution of removing from his Congress may from time to time ordain lies of his own branch of the Government.

the premises was, however, suffered to re- the Constitution or learned from political ing the Senate to advise the President in

the church warden waited upon the far- Federal government possesses is vested great disadvantages. It might beget mer with the trifling surplus that remain- in the President. He is made the sole faction and party, which would prevent the constitutionality of statutes, but ne-"I told you," said he, pompously, to the the matter of appointments to office and to the public business. Upon the whole, delinquent, "I should be obliged to make the treaty making function a check is im- he concluded, the community would be an example of you; this is what comes of posed upon the President by the provise served by the best men, when the Senate ions which require the consent and con- concurred with the President in the apformer, "they've sold your sow, so you'd currence of the Senate; but even in these pointment; but, if any oversight was cominstances the power exercised is the President's. The concurrence of the Senate is perintending agent. It was the peculiar only a regulation for the exercise of the nower. It is a mere advisory discretion executive officers; but of what avail would -not an executive power. The Senate possesses not an iota of executive power. furnishes the following. It is spicy en- Its functions are all legislative, except ough to flavor half a dozen anniversary when it sits upon impeachment, when they are judicial. The separateness and completeness of this executive power in What had they to endure in comparison the hands of the President are a doctrine power, and belongs to the President alone to the Pilgrim Mothers? It is true they that is very essential to the harmony of by the express words of the Constitution had hunger, and cold, and sickness, and our system and to the responsibility of -the executive power shall be vested in danger-foes without and within-but the President to the people. He is a trus- a President of the United States of Amerthe unfortunate Pilgrim Mothers! They tee for them, and that he may be held to ica. The Senate are not an executive had not only these to endure, but they a strict account of his stewardship the in- body, they are a legislative one. It is had the Pilgrim Fathers, also ! And yet dividuality and exclusiveness of the pow- trne, in some instances, they hold a qualitheir names are never mentioned. Whoer with which he is clothed are not to be fied check over the executive power, but ever heard of the Pilgrim Mothers? Whoe questioned. And if Congress meddle that is in consequence of an express decever gave a dinner in honor of them? with it they become trespassers-their laration in the Constitution; without such Whoever writes songe, drinks toasts and act is an impertinent nullity, and the declaration they would not have been callmakes speeches in recollection of them? President is not to be impeached for dis. ed upon for advice and consent in the case

says about his appointing power. Arti-

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shail nominate, and, by and with the advice and consen of the Senate, shall appoint, embassapointments are not herein otherwise provest the appointment of such inferior ofout, " Don't do it Captain, unless he'll give ficers as they think proper in the Presi-

in heads of departments, and the consti-

ntive departments it was settled that the President's power of appointment incluwhether the officer could be removed by partment, would be of frequent recur-the President." To which Mr. Madison rence.

the power of removing from office; it will make him in a peculiar manner responsible for their conduct and subject him to impeachment himself if he suffers them to no manner of doubt.'

Let me observe, en passant, for the benefit of those gentlemen who doubted the statement of the law of impeachment which I had the honor of submitting to the house some weeks since, that the above extract shows that Mr. Madison entertained the same view, and a reference to the debates, which I have before me, will show that every gentleman who touched the point agreed with Mr. Madi-

But on the point now before us, the powers herein granted" Article two, secofficers without the concurrence of the Senate, I beg leave to read a short extract from the speech of Mr. Goodhue, a distinguished member of that First Congress: "Mr. Goodhue was decidedly against

combining the Senate in this business. If the removal and appointment were mitted, it cou'd be corrected by the suduty of the President to watch over the be his inspection unless he had a power to correct the abuses he might discover?"

Mr. Clymer, of Pennsylvania, also said in the same debate:

"The power of removal is an excutive of appointments. Why, then, shall we Now, sir, see what the Constitution extend their power to control the removal, which is naturally in the executive. unless it is likewise expressly declared in the Constitution."

The question on adding the words "by and with the advice and consent of the Senate" and was put and lost. On the the 24th June, 1789, when the war department was being formed, Mr. Benson proposed, with respect to the Secretary's being removable by the President, a similar amendment to that which had been

ject. Mr. Page was of the same opinion, ment without further debate and carried in the affirmative, 24 to 22. (See debates

and the Captain and all hands enjoyed a provide for. But the appointment of instance of the Senate is in settled it that the power of removal was deemed, and are hereby declared to be bid him to do so, but leaves him free at all your own choosing, and I voir own choosing

In the first Congress that assembled un- which a subsequent legislature might | ceeding \$10,000, or by imprisonment not | recess, because the new nomination can der this Constitution several questions change, but as a constitutional principle were settled as a cotemporaneous con- which the legislature could not change, struction of the above provision that has but were bound to respect and uphold been acquiesced in ever since, or at least They were forming the great Departuntil this ill contrived tenure of office law ments of government, the heads of which came upon the stature book. For instance were to be the principal ministers of on the 19th May, 1789, in the debate upon | State-a collective body of confidential the Executive departments, it was agreed advisers of the President, and therefore that the "inferior officers mentioned in called his Cabinet, and over whom it was the Constitution are clerks and other sub- all important he should possess the unordinate persons." (See Debates of First checked power of removal. Without this Congress, page 86) They could not be he could not execute the trust confided to heads of Departments, for the power to him by the people. Without this he appoint inferior officers might be vested could not be held to just accountability. Without this the impeaching power tution was not guilty of the solecism of would become what Jefferson declared it making heads of Departments appoints had become in respect of the judges, less than a scarecrow. Without this the De-And in the same debate upon the execconflict as certainly as the planets if not held strictly to their orbits. Without this ded the power of removal as to all officers | the disgrace, the danger, the injury which except judges. On an amendment de-claratory of this power Mr. Smith, of the divided counsels which the Senate in-South of Carolina, said "he had doubts sist on maintaining in the executive de-

Mr. Speaker the words I have quoted "I do not concur with the gentleman from the first Congress settle this quesin his interpretation of the Constitution."

* * * * "I think it absolutely necessary that the President should have

March, 1867. And they were not the " big swelling words" of fanatics and demagogues, full of sound and fury, signifying nothing, but the grave utterances of venerable men, some of whom had assisperpetrate with impunity high crimes or ted to form the Federal Constitution, and misdemeanors against the United States all of whom were very competent witnessor neglects to superintend their conduct es to its contemporaneous construction. so as to check their excesses. On the They were the words and thoughts of constitutionality of the declaration I have men whose purpose it was to build up a fabric of free Government instead of tearing down every landmark and safeguard of human liberty.

This subject of removal came up again

in General Jackson's administration in 1834, and in his protest of April 15 of that year there is the same luminous statement of the argument and conclusive of the President by whom they were apreasoning, which characterized all his State papers, showing that the concurrent authority of Washington, of the Senate, and the house had fixed the sense of the Constitution and the practice of the Government from the year 1789 up to that the pleasure of the President. time. To that period we have now to

judicial department is the final arbiter of Constitution. pass upon the question, subject always, of course, to the just responsibilities of his office. If Congress, by a constitutional majority, should require him to abdicate the office, or to do any other thing which all sane men would agree was ultra vires, I hold it would be his right and duty to disregard it in advance of a judicial dea matter subject him to impeachment, much less disregard of a statute so manifestly unconstitutional that there is no room for mistake. He would rather have identity of their person. been impeachable for executing such a

I proceed now to show that Mr. Stanactment. He was appointed Secretary of ed contrary to the act by the President War by Mr. Lincoln, and continued in office under Mr. Johnson without reappointment by him. He was the incumbent when this law was enacted. I have seen it stated without contradiction that he advised the President it was unconstitutional, and I can credit the statement. for if he were far less a lawver than I well know him to be I would expect him to be of that opinion. If it were carried around to every lawyer in the country, absolute unanimity of opinion on this point might be expected. Indeed, from the course of events in Congress, I conclude no lawyer in either house doubts its unconstitu- dent Johnson removed him in the first in- ment, while they fall down and worship Supreme Court would not be so appa of the statute. Sir, the fact that the Presi not respect the text of the Constitution.

quote it:

"That every removal, appointment, or him.

exceeding five years, or both said punishments, in the discretion of the court."

removal which the sixth section condemns is every removal " contrary to the not within the act then the removal of the old ones. thin is not contrary to it. Is he within it? The Senate passed resolutions of violent consure against General Jackson it? The first section reads:

"That every 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 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 Postmaster General, and the Attorney General shall hold their offices respectively for and during the term of the President by whom they have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

The first clause of this section continues every civil officer appointed by and with fice act, and that is so plainly void and so the advice and consent of the Senate in certainly does not apply to Stanton that in office until his successor shall have been like manner appointed and qualified, except the Cabinet ministers. They are expressly excepted, because they are expressly named in the proviso directly follows the first clause. As to them a dif-ferent rule is provided, and what is it?— Mr. Stanton's case is not within its pur-They shall hold their respective offices duview, I clinch my conclusions by quoting ring the term of the President by whom the speech of Senator Sherman, of Ohio, they were appointed and for one month when this bill was on passage in the Senthereafter, subject all the while, however, to removal by and with the advice and obtained, the passage of the bill on the consent of the Senate.

Such is the tenure of Cabinet officers. A month after the expiration of the term pointed their tenure expires, and they be is shown by its vote twice to make this come tenants by sufferance. Until that exception. That this provision does not time they are removable by advice of the apply to the present case is shown by the Senate; after that time they have no ti- fact that its language is so framed as not tle, and their possession can be ousted at to apply to the present President. The

Such is the plain letter of the enactadd the years that elapsed from 1834 to ment, and the only question that remains the passage of the act of 1867, making is, whether Mr. Lincoln's term has ended, tary of War, the Secretary of the Treasin all seventy eight years of uniform practand a month has elapsed. This is not a ury, and the Secretary of State. And if I tice upon this interpretation of the Condifficult question. Nearly three years ago he was cruelly assassinated, and Mr. Having now, sir, demonstrated from the Johnson, as Vice President, succeeded, nighest authority the world can afford or in the language of the Constitution, that the tenure of office bill is a gross vio- "the powers and duties of the said office" lation of the Constitution and an impeach- devolved on him. What was the power able usurpation of executive power by the and duty of the office in respect to ten his removal at any time, and so would no legislative department, I now say that, if ure? Again the Constitution shall anthe palpable unconstitutionality of the enswer: "He shall hold his office during clusive reason against impeaching him. for the term of four years, and at his tenure bill on the ground that Stanton is

ed after deducting the rate and the costs. trustee of the people in this regard. In the Senate from paying proper attention cessarily the executive must primarily for its unfinished period, as much so as The term became Mr. Johnson's term in it. the possession of the White House, the right to the salary, or to any of the perquisites or functions of the office. It would be as unreasonable to call Mr. Johnson's possession of these Mr. Lincoln's possession, or Mr. Johnson's administration Mr. Lincoln's administration, as to call Johnson's term of office Lincoln's cree. Nor would a mere mistake in such term. Neither in popular language nor in constitutional phrase can such a misnomer be found. It would be as absurd as to confound their names, or the

Thus, then, it stands: the sixth section punishes removals contrary to the act; but Cabinet ministers can only be removwho appointed them. Mr. Stanton was appointed by President Lincoln, and his title to office expired a month after Lincoln's death; from that time he retained his portfolio at the pleasure and will of him upon whom all the powers and duties of the office had devolved; he was a mere locum tenens; and when Mr. Johnson removed him he acted within the strictest bounds of the Constitution, and offended not against the statute; he went not 'contrary" to it, and so incurred not the penalties of the sixth section.

tionality, else the nervous dread of the stance, confessedly, under the provisions this Dagou of impeachment. They will det conformed himself to the statute nor even the necessary construction of But constitutional or unconstitutional is proves nothing more than a desire to si this tenure of office law in their frenzied of no consequence if Mr. Stanton be not lence cavils by complying with a law pursuit of the executive patronage. If it within it, and that he is not, is what I whose validity he at all times denied. It be so it is very, very ead, for it betokens lar amendment to that which had been obtained in the bill establishing the department of Foreign affairs.

Mr. Sherman thought it unnecessary to load the bill with any words on that sub-load the bill with any words on the sixth section of the account with the president was a sub-load that the bill with a law which was no the ascendancy of part we was no the ascendancy of part we work that the words was not the ascendancy of part we work that the words was not the ascendancy of part we work that the work was not the ascendancy of part we was not the ascendancy of part we was not the same that the work wa it was, which you set up to condemn our debt and taxes which are eating out

be immediately considered without prejadice to the public interests from delay of Now, sir observe it is the removal of a confirmation; and such has been the Mr. Stanton that is complained of, but the practice of the government from its foun-removal which the sixth section con dation. Indeed, the Senate is always in session when a new administration comes provisions of this act." If Mr. Stanton is in, and substitutes new Cabinet officers for

> for removing Duane from the Treasury in 1833, but they did not question his right to remove officers during the session.— (See Benton's Thirty Years' View, vol. 1, pages 369 and 408.) And other officers than Cabinet ministers have been removed during the sitting of the Senate, as for instance, Isaac V. Fowler, postmaster of New York, who was removed 10th of May, 1860, during the session of Congress, and an agent of the post office department placed in charge. Neither in Duane's or Fowler's case was the Senate consulted, nor are they ever consulted about removing officers by a new incoming administration.

> The conceit, then, that Stanton could not be removed at this time because the Senate was in session, has no foundation in the Constitution or any law or usage of the government, except the tenure of ofcertainly does not apply to Stanton that it can furnish no rule for the occasion.-The idea is baseless.

Having now shown on authority that you are bound to respect, that the tenure of office law is an unconstitutional aggresate, who urged, and it is fair to presume ground that it would not touch Mr. Johnson's control over any of his Secretaries whom he had not appointed:

"That the Senate had no such purpose Senator shows that himself, and argues truly that it would not prevent the prewas so wanting in manhood, in honor, as to hold his place after the politest intimation of the President of the United States that his services were no longer needed. I certainly as a Senator would consent to

of the President because Stanton is with-

But what makes this display more rich is that these gentlemen take great credit to themselves for resisting impeachment hitherto, but now they are constrained to surrender. They could not go with the venerable chairman of the Reconstruction. Committee when he had a colorable case to urge against the President-oh, no, they were too conservative for that-but they can go with him now, when he has not a shade of a shadow of a case. They can eulogize a law as worthy of reverence and obedience above all laws that have been enacted since Sinai thundered. which Stanton himself pronounced unconstitutional, and which was passed because it did not include the very case weich has converted these conservative representatives of Ohio. Well, sir, we see and hear strange things now-a-days, and special wonders overcome us in this House frequently.

But let me ask, will not the majority pause long enough in their hot pursuit of the President to discover that they are being misled by cross lights and false lights? That they are blundering in law and fact? I suppose not. Probably not one single man among the intelligent gentlemen who make up that majority can be persuaded to the truth of this case. They will not reverence the sages of 1789 To this it may be answered that Presi- who laid the foundations of our Governnot only the substantial wealth, but the employment made, had, or exercised contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to the counters of the coun settled it that the power of removal was deemed, and are hereby declared to be, bid him to doso, but leaves him free at all your own choosing, and I verily believe.