

The Herald.



CARLISLE, PA.
FRIDAY, JANUARY 24, 1896.

FOR PRESIDENT.
Gen. ULYSSES S. GRANT,
OF ILLINOIS.

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The Act Relating to the Supreme Court.

The President and his Democratic allies, having been effectually checkmated in their every move and effort to delay and prevent reconstruction, have as a last resort carried into the Supreme Court some two or three test cases, as they term them, in reference to Congressional enactments upon this subject. Their reason for selecting this method as their last is based simply upon the fact that a majority of the Supreme Court as now constituted is made up of Johnsonites and embittered Democrats. Here, however, they seem again destined to disappointment, even in their expectations, for even should their prejudice and jaundiced majority so far forget their manhood, their moral obligations and their spiritual instructions as did Chief Justice Taney and his associates in the infamous Dred Scott decision, Congress is about providing for the emergency. Already has a bill passed the lower House requiring a two-thirds majority of the Court to agree before they can declare an act of Congress unconstitutional.

That this policy of Congress is eminently proper and just. No man who reads the Constitution can for a moment doubt and yet, our Democratic disunionists, simply because it promises to take from them their last hope of preventing a speedy and equitable reconstruction, are raising the cry of usurpation and revolution. We have heard this, so often, however, that little attention need be paid to it.

But, a few words upon the necessity of this act, and the right of Congress to pass it. And first, the necessity. The present Court, if we mistake not, is composed of a majority in harmony with the pro-rebel principles of Johnson and the Democracy. Now, we are of the number who like to talk about and believe in the purity and disinterestedness of the Judiciary. But, when questions of a purely political character, such as would be the constitutionality of the reconstruction acts, comes before the Supreme Court, we fear that it might be impossible to obtain an impartial opinion. Human nature on the Bench is human nature still, and we believe we do the Judges of the Supreme Court no wrong, when we say that they are subject to the same prejudices and passions upon this subject, that rule and control men in humbler positions. But, say our opponents, "is not Congress governed in its legislation in the same manner?" But, then, it must be recollected, that Congress comes directly from the people, and reflects their immediate wishes and judgments, and this being a "government of the people, for the people and by the people," while the members of the Supreme Court, appointed and not elected, are not supposed to know or understand the desires and opinions of the masses, it is but a safe guard thrown around the will of the people, as expressed through their immediate Representatives to require a two-thirds majority of the Bench to concur in annulling a Congressional enactment. Hence the necessity for the present action of Congress upon this subject.

As to the right of Congress to pass a law of this description, we cannot understand how it can be questioned. The Constitution of the United States, expressly vests in Congress the authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States, or any department or officer thereof." The Supreme Court, therefore, being a department of the Government, Congress has the expressed constitutional authority to pass laws regulating the carrying into execution of its powers. It has always been an admitted and frequently exercised power of Congress to determine, by enactment, the number of the Judges, and why then should the power to regulate the number necessary to concur in an opinion that would annul a law be questioned? The Democracy in making a fuss about this matter, as in many other instances, since the breaking out of the slaveholders' rebellion, are endeavoring to stultify the principles and opinions held by them as a party in their early and honorable days.

The following extract from an article in the New York Tribune of Tuesday last, is a most convincing argument upon this subject, and demonstrates that even in the days of Andrew Jackson it was good Democratic doctrine, that "each of the three co-ordinate branches of the Government must interpret the Constitution independently for itself."

The Times and World, hunting in couples seeking around, snuffing the air, and scratching violently to find something in the Constitution which prevents Congress from enacting that the assent of two-thirds or three-fourths of the Supreme Court shall be necessary to annul an act of Congress on the ground of unconstitutionality. They

are unable to find a single clause to sustain their assumption. The Times, therefore, goes to the expense (of character) to invent one. It strangely says that the Constitution declares that "the Supreme Court shall decide all questions arising under the Constitution." The Constitution does not so declare. It declares that "the judicial power shall extend to all cases in law and equity arising under this Constitution," the laws of the United States, "and treaties," &c. It is the judicial power, presiding in the Supreme, Circuit and District Courts, which is here defined, and not the Supreme Court merely; and it is "cases in law and equity," not "all questions arising under this Constitution," of which jurisdiction is conferred on these Courts. The distinction is not merely verbal but historical and important. The Supreme Court had fulfilled its proper function of deciding cases in law and equity many years before the theory was broached that it had the power to nullify a law of Congress by deciding it unconstitutional, in such a manner as would bind the Executive and Legislative branches of the Government. President Jackson held that the three co-ordinate branches of the Government must interpret the Constitution independently, each for itself, and that the construction placed on it by Congress could not bind either the Executive or Congress. The whole doctrine that the Supreme Court has a revisory jurisdiction over the laws of Congress, and can annul or strike down a law, is a usurpation of the political functions of the Supreme Court, and is a usurpation of the power of Congress. It is one of recent growth. It could not have been foreseen by the framers of the Constitution, for no such power exists in the highest courts of Great Britain, in analogy to which our Constitution is framed in many respects. So far as the framers of the Constitution showed a design to place the ultimate sovereignty anywhere, it was vested in Congress, not in the Supreme Court. But slavery having a majority in the Supreme Court, after it had lost it in Congress, took refuge in its citadel, and undertook to erect it into a kind of supremacy over Congress and the Executive, like that which the Mikado or Spiritual Sovereign of Japan enjoys over the Tycoon, or Civil Emperor. The gradual accession to, or usurpation of this function by the Supreme Court, contrary to the original design of the framers, has been a usurpation of the legislative branch of the Government. It is, in essence, really the ultimate Senate for super-vising the legislation of Congress, without whose assent no law can be said to have been finally passed. That such a political power should reside upon the mere power to decide "cases in law and equity," may be one of the logical effects of a written Constitution, just as party nominations to the Presidency and to the Senate and Electoral College, but like that, it was an unforeseen effect, and to claim that the framers of the Constitution contemplated that the Supreme Court should be lifted into a Third House, or Upper Senate, of the Legislature, with a revisory power over the other two bodies, and a veto on the President, is preposterous.

The Political Situation at Washington.

The events of the last week have been full of importance to the best interests of the country. Congress, elected by the loyal men of the nation, and in itself loyal to the core, has asserted its supremacy and given an apostate President to understand that in this Republic the will of the people must and shall be regarded and obeyed. Treason to principle and justice, may for a time flourish and grow defiant, but the day of humiliation and retribution is sure to come. The truth of this assertion is now being appreciated by Mr. Johnson in its fullest and bitterest form. Instead of being the bold and boastful master of the situation, he has claimed himself to be for the past two years, he is now found the humble and disgraced servant of the will of the people, as expressed through their Representatives. The following article from the Berks and Schuylkill Journal, portrays the situation so well and so truthfully that we give it place:

"CHECK TO THE KING."

For the last two years a game of absorbing interest has been going forward on the political chess board at Washington to which the eyes of the nation have been directed with intense anxiety. Mr. Johnson, as we all know—backed by Northern Congressmen and Southern Rebels—challenged Congress for the Championship of America in his 22d of February speech, and has been playing an adroit game ever since to obtain the mastery. Holding the immense patronage of the Government in his hands, he has managed during the two or more years of his administration to pick-off a sufficient number of his adversary's "pawns" and "pieces," to ensure as he supposed an easy triumph—and to tell the Congress, by its multiplicity of congressional acts, of only of action played badly. But at the very moment when the 'President' thought himself near of victory—the Senate, by an unexpected "Castle" movement, followed by the good 'Knight' Gen. Grant in one of his master strokes of strategy, restores Secretary Stanton to his place on the board and interposes a check to the King that has checked the country. To add to the President's disaster, one of his own chosen 'Knights'—the Hero of Gettysburg—banned of being in his gaiters, jumps back into the Union ranks, moves under the 'Rebel' works in Georgia, and horses a Provisional Governor and Treasurer out of a sweep of his broad falchion, and creates general consternation in administration circles!

No wonder Johnson is 'mad' at this turn of affairs in the game. He threatens to smash things generally if the Senate and Secretary Stanton do not back down and surrender at discretion! But Congress laughs at his threats and holds him in check under the terror of impeachment! His last and only hope is in his 'Bishop' of the Supreme Court, but even here Congress will take care that his plans shall be thwarted. Another false move, which is just as like to make as not in his blind fury, and King Andrew will be impeached and effectually checkmated! The course of the Senate in restoring Stanton to his place and thus asserting its dignity, is cordially endorsed by the loyal men of the whole country. It is cheering to know that the bold man in the White House, and the Rebels and Copperheads, who staked their lives on the 'Rebel' works, have been driven into their entrenchments. The battle just gained is the 'Gettysburg' of the political campaign. It has cheered the Republican party from one end of the country to the other, and made it inevitable for the contests that are to follow. Let the

two houses of Congress resolve to take no step backward. The loyal people who fought the war for the Union to a successful issue, demand—and have a right to demand—that their Representative shall do their duty.

With Congress firm and Gen. Grant on more in command of the Union forces, our days of disaster will be over. (No matter who the enemy may place in the field against him—whether it be Jeff. Davis, the 'Storn Strutsman,' or Gen. Lee, the old war-chief of the Rebels—or Gen. McClellan, the plodding leader of the Copperheads in the last Presidential Campaign—or Fendleton, of ship-plaster and propounding notoriety—or either of the Seymour or the Devil himself, who was the great original Rebel—he will be compelled to succumb to the invincible Hero of Appomattox.

Governor Geary and the Philadelphia Judges.

We have heard but one opinion expressed, by friend or foe, upon the late message of our Governor, and that is, that it is one of the very ablest and wisest that was ever presented to a Pennsylvania Legislature. In addition to the many excellent suggestions that he makes to the Legislature, the assumption most properly, to the assumption and abuse of the power of remitting sentences as exercised by the judges of the criminal courts in Philadelphia. Hereupon, these worthy gentlemen fly into a violent rage, first denying the Governor's allegation, and afterwards admitting its truthfulness by attempting to defend and justify themselves in the exercise of this very power. Judge Allison, in his charge, attempts to palliate his assumption of Executive power, in the following manner: "In every case in which a sentence was re-considered, a rule to show cause was entered at the term, and the question being left open and undetermined, was carried over to be finally disposed of at a subsequent day." To our minds this quibble of the distinguished Judge is a very small one, and is no excuse or justification either for his assumption of a power that is no way belonged or appertained to him, by virtue of his office, nor for the frate and undignified manner in which he attacked the Executive for simply having discharged his duty in calling the attention of the people of this State to a fact which they should know, and one which should demand the immediate consideration of the Law Officer of this Commonwealth. The Judge's invitation also to bring the matter before the Supreme Court, it seems, is about to be accepted. We are informed that Attorney General Brewster has already served a notice upon the prison officers of Philadelphia to hold all persons whose sentences have been remitted in this irregular and unwarranted manner. Thus giving good and substantial proof of the wisdom of the Governor in commenting upon the maladministration of these custodians of law and order.

Both parties are upon the record, and no one can doubt for an instant that the verdict will be for the Executive.

Political.

The Johnston (Cambridge county) Tribune nominates the Hon. Galusha A. Grover for the Vice Presidency.

The Democratic State Convention is called to meet at Little Rock, on the 27th inst, for the purpose of perfecting a more thorough organization. On the 4th inst, a meeting of the Democracy was held at Little Rock, and resolutions were adopted in opposition to Negro suffrage.

A newspaper correspondent has recently visited Gen. Grant and gives an interesting account of the interview. What follows is gratifying to the real friends of "Little Phil":

"Is it your opinion, General, that Grant did all he could to sustain you?"

"Undoubtedly," was his reply. "Everything that I did was under direct order from him, or under his endorsement and approval. To fail out with me, therefore, was to fail out with Grant himself. In a few days you will read a letter from General Grant protesting against my removal (not then published), which will demonstrate to the public what I say to you."

Will Grant certainly be a candidate for President? "Not by his own choice," promptly retorted Sheridan; "but if he accepts the nomination, I believe he will do so from motives of duty to his friends and his country. In the spirit of sacrifice and patriotism, for which he is so remarkably distinguished."

Will the Congressional policy of reconstruction succeed? Another whiff at his pipe, and his answer was as ready as an old timesman. "Of course it must succeed. It is too late to go backward. The negro has been admitted to the ballot-box. All the power on earth cannot keep it from him. He has not only been taught to read, but to vote also. He can unlearn neither the one nor the other. When he was a soldier in the military service as a soldier, his right to vote was secured. In assuming the highest and more solemn duty of the citizen—the defense of his country—as a soldier, all minor duties and privileges and duties at once attached to him. He is therefore a voter by virtue of having been a fighter, a tax-payer, a citizen."

"It felt that Sheridan was equal to the political, as he had been equal to the military, emergency of his career, never failing below, and often far surpassing public expectation." General Phil Sheridan! You are not only a soldier, but a statesman, in whom there is no guile!

The Democratic State Central Committee of Kentucky have issued a call for a Democratic State Convention, to meet at Frankfort on the 22d of February, 1896, to nominate a candidate for Governor, and to elect delegates and to appoint delegates to the National Democratic Convention.

The Hon. Jacob L. Campbell, Surveyor General of the State of Pennsylvania, has lately prepared a plan for the redemption of the state payments and the liquidation of the national debt, which is worthy of the attention of Congress.

A CHEERFUL TEMPER, a kindly heart, and a courteous tongue, cannot be too carefully or too sedulously cultivated.

The way to gain a good reputation is to endeavor to be what you desire to appear.

NEWS ITEMS.

The President, having been worked in his fight with Congress, is anxious to transfer his share of the quarrel to the Supreme Court. So be it.

The Senate Judiciary Committee is undecided as to its action in reference to the House bill fixing what shall constitute a majority of the Supreme Court.

Reverdy Johnson's defeat in the Maryland Legislature, is a candidate for re-election to the United States Senate, is said to annoy that gentleman exceedingly.

The Union men of Tennessee and Kentucky are anxious to prevent a contraction of the powers of the Freedmen's Bureau in those States.

Rebellion and Repudiation go hand in hand, and the Northern Democracy are as effectually committed to the one as to the other.

On the first Wednesday of next month the French nation will celebrate the centennial anniversary of the birth of Napoleon.

From Ireland it is announced that the Irish in America are again sending remittances to their friends in that country. During the war it is said that remittances were to a great extent suspended, but they now nearly equal the amount sent, in former times.

New York has for newspapers a World, a Sun, a Star, a Globe, and periodically a Galaxy, but no Moon. The deficiency should be supplied and the astronomical collection completed by a Comet.

There is an enterprising woman in Paris who offers to take care of children all day for nothing. These parents who accept the offer are not aware that their tender babies are let to artists and photographers, as models for angels and cherubs.

Office holders in the custom houses of the large cities are organizing to give Johnson a show in the National Convention to nominate a Democratic candidate for President. The object is to get Johnson nominated to let him 'let down easy.' It is most likely he will 'let down easy.'

The name of S. S. Cox has been sent to the Senate as Minister to Austria. As soon as he is rejected, the great martyr Wallingford can have a chance; his 'date unpleasantness' with the Ohio Legislature in the matter of the Senatorship, must establish a stronger claim upon the generosity of Congress.

Genius, Pluck, Money, and the Union Pacific Railroad.

The Union to plan, the Pluck to undertake, and the Money to do with, are the three great essentials in all great and successful enterprises. Each is needed as it is, but each is powerless without the other. It is but rarely that all these qualifications are combined, either in an individual or a company; but when they are, difficulties vanish and magnificent results are obtained. Old Colonel Tom-Benton was thought a man of genius, yet he never planned a Railroad across the Rocky Mountains, except "where practicable," but the old money Senator is dead, and the world and its people and its ideas have moved on. The Rocky Mountains don't look as high as they did, and like many other difficulties which seemed insurmountable in the distance, they have been got over without unusual effort. The locomotive will run up to their highest summit at a grade of only eighty feet to the mile, and down again on the other side at a grade of only twenty feet to the mile. The Union Pacific Railroad is now being built. There was no other way to the Pacific, without traversing two oceans at great cost of time and money. The difficulties of the Alps were not higher than those of the Rockies. Each is needed as it is, but each is powerless without the other. It is but rarely that all these qualifications are combined, either in an individual or a company; but when they are, difficulties vanish and magnificent results are obtained. Old Colonel Tom-Benton was thought a man of genius, yet he never planned a Railroad across the Rocky Mountains, except "where practicable," but the old money Senator is dead, and the world and its people and its ideas have moved on. The Rocky Mountains don't look as high as they did, and like many other difficulties which seemed insurmountable in the distance, they have been got over without unusual effort. 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