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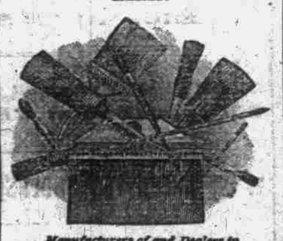

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XLIX CONGRESS.

A Memorial for Manning's Impeachment.

HOUSE.

WASHINGTON, 1.—Pugh, representing a minority of the committee on judiciary, submitted the views of the minority on the resolution referred to that committee concerning the office of district attorney for the Southern District of Alabama. It was ordered printed in the *Congressional Record* and also in separate form. The report is three or four times as long as the majority report. It embodies no resolutions.

Pugh asked that the report be printed and placed on the calendar. It was not read in the Senate. The report says: When Prest. Cleveland came into office he found about 95 per cent. of the offices filed by republicans appointed as a reward for party service. The party to whom the President owed his nomination and election had been exiled from all participation in the civil administration of the Government for nearly a quarter of century. The friends and supporters of the President made application for a redistribution of the public trusts. No other President had ever been subjected to such a severe trial or had to meet so many grave difficulties and no other had such an abundant supply of valid reasons and causes urging him to the free exercise of the power of removal from Federal office and no other ever resisted with more fairness the just claims of his supporters or used his power of removal more conscientiously, cautiously and sparingly. Notwithstanding these facts, 650 nominations sent to the Senate in suspension cases had been allowed to remain before the committees without consideration and final disposition. Dustin has made no complaint to the Judiciary Committee, the President or the Attorney-General that he was wronged by the suspension. The Committee was fully informed that Burnett was recommended to the President by all the Members of Congress from Alabama on personal knowledge of his high character. Stripped to the naked truth, without any special pleading, the case made for the Senate on their resolution and answers of the Attorney-General is whether the Senate has the right to demand of the Attorney General transmission, against the order of the President, of the paper or document of the description mentioned in the resolution. That paper or document is stated in the request to relate exclusively to the removal of Dustin by the President, and for that reason alone is not transmitted.

The Senate then again went into executive session and when the doors reopened adjourned.

HOUSE.

WASHINGTON, 1.—Under the call of States the following bills were introduced and referred:

By Love—To repeal the patent law now in force, and to establish another system of rewards for inventions.

By Springer—A resolution directing the committee on expenditures in the Interior Department to investigate the expenditures and management of the Pension Bureau during the present and previous administrations, and also to ascertain what foundation there is for the statement in the annual report of Commissioner Black in reference to the partisan management and extravagance of that bureau during the term of office of his predecessor.

Brumm asked unanimous consent to have printed in the *Record* the memorial signed by J. P. Brigham and others asking for the impeachment of Daniel Manning, Secretary of the Treasury, for high crimes and misdemeanors in the execution of the silver law.

Eldridge, of Michigan moved to suspend the rules and pass the Mexican pension bill with a proviso excepting from its provisions persons politically disabled.

After debate, and pending action upon the motion, the House adjourned.

AMERICAN.

SPECIAL MESSAGE OF PREST. CLEVELAND TO THE SENATE.

Senator Edmunds is Reminded of the Message of King Charles I.

WASHINGTON, March 1.

To the Senate of the United States:

Ever since the beginning of the present session of the Senate the different heads of departments attached to the executive branch of the government have been plied with various requests and demands from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body, or for papers touching the conduct of such officials, or for all papers and documents relating to such suspensions, or for all documents and papers filed in such departments in relation to the management and conduct of the offices held by such suspended officials. The different terms adopted from time to time adopted in making these requests and demands, the order in which they succeeded each other, and the fact that when made by the Senate a resolution for that purpose was passed in executive session, have led to the presumption, the correctness of which will, I suppose, be candidly admitted, that from first to last the information thus sought and the papers thus demanded were to be for use by the Senate and its committees in considering the propriety of the suspensions referred to. Though these suspensions are my executive acts based on considerations addressed to me alone, and for which I am alone wholly responsible, I have had no invitation from the Senate to state the position which I have felt constrained to assume in relation to the same or to interpret my actions and motives in the premises. In this condition of affairs I have forborne addressing the Senate upon the subject lest I might be accused of thrusting myself unbidden upon the attention of that body. But the report of the committee on the judiciary of the Senate, lately presented and published, which censures the Attorney-General of the United States for his refusal to transmit certain papers relating to suspensions from office, and which, if I correctly interpret it, evinces a misapprehension of the position of the Executive upon the question of such suspensions, will, I hope, justify this communication.

The President refers to the resolution of the Senate calling for the Dustin papers and the reply of the Attorney-General thereto, and says: Upon this resolution and the answer thereto, the issue is thus stated by the committee on judiciary at the outset of their report.

The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public places of the United States created by laws enacted by themselves. I do not suppose that the public officers of the United States are regulated or controlled in their relations to either House of Congress by the fact that they were created by laws enacted by themselves. It must be that these instrumentations were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws and that they are unencumbered by any lien in favor of either branch of Congress growing on of the Constitution, and unembarrassed by any obligation to the Senate as the price of their creation.

The complaint of the committee that access to the official papers in a public office is denied the Senate is met by the statement that at no time has it been the disposition or intention of the President or any Department of the Executive branch of the Government to withhold from the Senate official documents or papers filed in any of the public offices, while it is by no means conceded that the Senate has a right in any case to review the act of the Executive in removing or suspending public officers upon official documents or otherwise. It is considered that the documents and the papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body, and though no such papers or documents have been specifically demanded in any of the numerous requests and demands made upon the Departments, yet as often as they were found in public offices they have been furnished in answer to such applications. The letter of the Attorney General in response to the resolution of the Senate in the particular case mentioned in the committee's report was written by my suggestion and at my dictation. There have been no official papers or documents filed in his Department relating to the case within the period specified in the resolution. The letter was intended by its description of the papers and documents remaining in the custody of the Department to convey the idea that they were not official, and it was assumed that the resolution called for information, papers and documents of the same character as were required by the requests and demands which preceded it. Everything that had been written or done on behalf of the Senate from the beginning, pointed to all letters and papers of a private and unofficial nature as the objects of the search. If they were to be found in the Departments, and provided they had been presented to the Executive, they were to be used with a view of their contradiction upon the question of suspension from office.

Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney General or any other head of the Departments is a servant of the President, so as to give or withhold copies of documents in his office, according to the will of the Executive, and not otherwise; but because I regarded the papers and documents withheld and addressed to me and intended for my use and action, purely unofficial and private, not infrequently confidential and having reference to the performance of a duty exclusively mine. I consider them in no sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I supposed if I desired to take them into my custody, I might do so with entire propriety, and if I saw fit to destroy them no one could complain. The papers and documents that are now the objects of the Senate's questions consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by an official invitation or at all subject to official control. While some of them are entitled to Executive consideration, many of them are so irrelevant, or in the light of other facts so worthless, that they have not been given the least weight in determining the question to which they are supposed to relate. Are all these, simply because they are preserved, to be considered official documents, and subject to the inspection of the Senate? If not, who is to determine which belong to this class? Are the motives and purposes of the Senate, as they are day by day developed, such as would coincide with my sentiments? Am I to submit to their sentiments at the risk of being charged with making a suspension from office upon evidence which was not even considered? Are these papers to be regarded official because they have not only been presented, but preserved in the public offices? Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the Departments. There is no mystery or transmutation in the departmental custody, nor is there magic in the undefiled and sacred solemnity of the department files. If the presence of these papers in the public offices is a stumbling block in the way of the performance of Senatorial duty, it can be easily removed. The papers and documents which have been described deserve no official character from any constitutional, statutory or other requirement making them necessary to the performance of the official duty of the Executive. It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion, and I am quite prepared to avow that the cases are not fewer in which the suspension from office have depended more upon the oral representations made to me by citizens known to be of good repute and by members of the House of Representatives and Senators of the United States, than upon any letters and documents presented for my examination. I have not felt justified in suspecting the veracity, integrity and patriotism of Senators, or ignoring their representations, because they were not in a party affiliation with the majority of their associates; and I recall but few suspensions, which bear the approval of individual members identified politically with the majority in the Senate. While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right of the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate by the aid of any documents, whatever, or in any way save through the judicial process of trial or impeachment to review or revise the act of the Executive in suspension during a recess of the Senate. Of the Federal officials, I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed." The Senate belongs to the legislative branch of the Government. When the Constitution by express provision superadded to its legislative duties the right to advise and consent to the appointment to office and to sit as a court of impeachment, it conferred upon that body all the control and regulation of Executive action supposed to be necessary for the safety of the people, and this express and specific grant of such extraordinary powers, not in any way relating to or growing out of the general Senatorial duty, and in itself a departure from the general plan of our Government, should be held, under the familiar maxim of construction, to exclude every other right of interference with the Executive functions. In the first Congress which assembled after the adoption of the Constitution, comprising many who aided in its preparation, a legislative construction was given to that instrument in which the independence of the Executive in the matter of removal from offic was fully sustained.

I think it will be found that in the subsequent discussions of this question, there was generally, if not at all times, a proposition tending to in some way curtail the power of the Prest. by legislation, which furnishes evidence that to limit such a power, it was supposed to be necessary to supplement the constitution by such legislation. The first enactment of this description was passed under the stress of partisanship and political bitterness, which culminated in a President's impeachment. This law provided that the Federal officers to which it applied could only be suspended during the recess of the Senate when shown by evidence satisfactory to the President to be guilty of misconduct in office or crime, or when incapable or disqualified to perform their duties, and that within twenty days after the next meeting of the Senate it should be the duty of the President to report to the Senate such suspensions, with the evidence and reasons for his action in the case. This statute passed in 1867, when Congress was overwhelmingly and bitterly opposed politically to the President, may be regarded as an indication that it was then thought necessary by a Congress determined upon the subjugation of the Executive to legislate and furnish itself a law for that purpose instead of attempting to reach the object intended by an invocation of any pretended Constitutional right. The law which thus found its way into our statute books was plain in its terms, and its intent needs no avowal. If valid and now in operation it would justify the present course of the Senate and command the obedience of the Executive to its demands. It may, however, be remarked in passing, that under this law the President had the privilege of presenting to the body which assumed to review his Executive acts his reasons therefor, instead of being excluded from the explanation or judged by the papers found in the Department. Two years after the law of 1867 was passed, and within less than five weeks after the inauguration of a President in political accord with both branches of Congress, the sections of the act, regulating the suspensions from office during the recess of the senate were entirely repealed, and in their place, was substituted provisions which instead of limiting the causes of suspension to misconduct, crime, disability or disqualification, expressly permitted such suspension by the President in his discretion and completely abandoned the requirement obliging him to report to the Senate the evidence and reasons for his action. With these modifications, and with all branches of the government in political harmony, and in the absence of partisan incentive to captious discussion, the law as it was left by the amendatory act was scarcely less destructive of Executive discretion, and yet the great general and patriotic citizen who on the 4th day of March, 1869, assumed the duties of the Chief Executive, and for whose freer administration of his high office the most hateful restraints of the law of 1867 were on the 9th day of April, 1869, removed, mindful of his obligation to defend and protect every prerogative of his great trust, and apprehensive of the injury threatened to public service in the continued operation of these statutes even in their modification, in his first message to Congress advised their repeal and set forth their unconstitutional character and hurtful tendency. I am made to state whether or not the recommendation for the repeal of these laws has been since repeated. If it has not, the reason can probably be found in experience which demonstrates the fact that the necessities of a political situation but rarely developed their vicious character, and so it happens that after an extension of nearly 20 years of almost innocuous desuetude, these laws are brought forth, apparently the repealed as well as the unrepealed, and put in the way of the Executive, who is willing, if permitted, to attempt an improvement in the methods of administration. The constitutionality of these laws is by no means admitted. But why should the provisions of a repealed law which required a specific cause for suspension and report to the Senate of "evidence and reasons" be now, in effect, applied to the present Executive, instead of the law afterwards passed and unrepealed, which distinctly permits suspensions by the President in his discretion, and carefully omits the requirement that "evidence and reasons for his action in the case" shall be reported to the Senate? The requests and demands which by the score have for nearly three months been presented to the different Departments of the Government, whatever may be their form, have but one object. They assume the right of the Senate to sit in judgment upon the exercise of my executive functions, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to the executive powers of their great office and not to relinquish them, and my duty the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse to comply with these demands. To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office. In recognition of the constitutional power of that body to advise and consent to their appointment, I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all information I possess, touching the fitness of the nominees placed before them for their action both when they are proposed to fill vacancies and to take the places of suspended officials. Upon the refusal to confirm I shall not assume the right to ask the reasons for the action of the Senate nor question its determination. I cannot think that anything more is required to secure worthy incumbents in the public offices than a careful and independent discharge of our respective duties within their well-defined limits. Though the propriety of suspensions might be better assured if the action of the President was subject to review by the Senate, yet if the Constitution and laws have placed this responsibility upon the Executive branch of the Government, it should not be divided nor the discretion which it involves be relinquished. It has been claimed that the present Executive having pledged himself not to remove officials except for cause, the fact of such suspension implies such misconduct on the part of the suspended official as injures his character and reputation, and therefore the Senate should review the case for his vindication. I have said that certain officials should not, in my opinion, be removed during the continuance of the term for which they were appointed solely for the purpose of putting in their places those in political affiliation with the appointing power, and this declaration was immediately followed by a description of political partisanship which would not entitle those in whom it was exhibited to consideration. It is not apparent how an adherence to a course thus announced carries with it the consequences described. If in any degree the suggestion is worthy of consideration, it is to be hoped that they may be a defense against any unjust suspension on the part of the Executive. Every pledge which I have made by which I have placed a limitation upon my exercise of Executive power has been faithfully redeemed. Of course the pretense is not put forth that no mistakes have been committed, but not a suspension has been made, except it appeared to me that the public welfare would be improved thereby. Many applications for suspension have been denied, and the adherence to the rule laid down to govern my action as to suspensions has caused much irritation and impatience on the part of those who have insisted on more changes in the offices.

NOT RESPONSIBLE TO THE SENATE.

The pledges I have made were made to the people, to whom I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment. There are no grounds for an allegation that the fear of being found false to my professions, influences me in declining to submit to the demands of the Senate. I have not constantly refused to suspend officials and thus incurred the displeasure of political friends; nor yet wilfully broken faith with the people for the sake of being false to them. Neither the discontent of party friends nor the allurements constantly offered of confirmations of appointees, conditioned upon the avowal that suspensions have been made on party grounds alone; nor the threat proposed in the resolutions now before the Senate that no confirmations will be made unless the demands of that body be complied with, are sufficient to discourage or deter me from following in the way which I am convinced leads to a better government for the people.

(Signed) GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, D. C.,

March 1, 1886.

WHAT EDMUNDS SAID.

When the President's message had been read, Edmunds said it reminded him of the communication of King Charles I. to his Parliament. He also said that the President, unintentionally, no doubt, had fairly misstated the question involved between himself and the Senate. "I think I am safe in saying that it is the first time in the history of the Republic that any President of the United States has undertaken to interfere with the deliberations of either House of Congress on questions pending before them, otherwise than by a message on the state of the Union which the Constitution commands him to make from time to time. The message is devoted solely to the Senate itself in regard to the question that it has under consideration. That is its singularity. I think it will strike the reflecting people in this country as somewhat extraordinary, if, in these days of reform, anything at all can be thought extraordinary. The Senate of the United States, in its communication to the heads of Departments, not his heads of Departments, but the heads of Departments created by law, directed them to transmit certain official papers, and that is all. The President of the United States undertakes to change the question and to compel the consideration by the Senate of his reasons or motives for putting the civil officers, as it might be called, "under arrest," with which the Senate has not undertaken in any way to make any question at all. By every message he has sent to this body, and they are all public, he has asked the Senate to advise and consent to the removal of one officer and the appointment of another. That is what he has done, and the Senate, in calling for these papers, to say nothing of the wider consideration about any deficiency in the Department of Justice, is asked to remove these officers without knowing the condition of the administration of their offices."

Harris remarked that for reasons to which he might refer here, he had no desire to discuss the matter involved, and moved that the message be printed and lie on the table, which he said was the usual course.

After a little tilt between Edmunds and Harris as to the disposition of the message, the motion of Edmunds was agreed to, referring it to the Judiciary Committee and ordering it printed.

Wired from Washington.

WASHINGTON, 1.—Senator Fair has, since his return here, been interesting himself in the Nevada mail service, and has secured from the Postoffice Department orders for the re-establishment of the following-named routes from July 1st next—Eureka to Pioche; Austin to Grantville; Luning by Downeyville and Ellsworth to Midas; Cherry Creek to Aurum and Winnemucca to Paradise Valley.

The issue of standard silver dollars from the mint during the week ended February 27, was $305,000; issued during the corresponding period of last year $186,000. The shipments of fractional silver coin during the month of February amounted to $230,000.

U. P. DECISION.

In the Court of Claims to-day Chief Justice Richardson delivered the opinion of the court in the case of the Union Pacific Railway Company in which it is held on the authority of several decisions of the United States Supreme Court that the right of the Government to retain under the subsidy acts and the sinking fund act the whole compensation due the company for services, applies only to the compensation for services upon the 885 miles, the aided portions of its road, and not to the 2175 miles for the building of which the United States furnished no aid, either by bonds or by chartered rights.

The naval committee of the House to-day, in considering the bill providing for an increase of the navy, omitted the proviso giving the Secretary of the Navy authority to import engines for one of the new vessels, and by a vote of nine to four agreed to a proviso authorizing the Secretary to purchase abroad only such shafting and other materials as cannot be obtained in this country in time for use in completing the vessels.

The decrease of the public debt for February was about $2,500,000.

Eight-Hour Movement.

CHICAGO, 1.—The eight-hour movement is assuming formidable proportions in this city, and promises to be very general among the wage workers, both organized and unorganized. Already the Bricklayers' Union have decided to stand for the eight hours work at eight hours pay on May 1, 1886, as recommended by the Federation of Trade and Labor Unions of the United States and Canada, and as they number 4,000 men, in fact all working at the trade in Chicago, their demand is likely to be acceded to. The Plasterers' Union, numbering some 7,500, have taken a like action, as also the lathers, carpenters and all building trades. The Cigar Makers' Union have also decided to make a stand for eight hours, and the Typographical Union, numbering some 1,500 members, yesterday decided to fall into line and work eight hours from and after May 1, and invited other Printers' Unions in the country to cooperate. The general feeling among the workingmen seems to be to accept eight hours' pay for eight hours' work, and the manufacturers and employers generally do not seem to strenuously object to their proceedings.

The R. R. Relief Fund.

PHILADELPHIA, 1.—Considerable surprise was occasioned among the employes of the Pennsylvania Railroad Company by the posting of the following notice at all the principal offices of the company: The feature of the relief fund requiring employes entering the service of the company to accept its provisions having been found objectionable, notice is now given that no one at present in, or on entering the service, will be obliged to become a member. The Pennsylvania Railway Company will contribute to the relief department the full amount of contributions for February and March from employes who have made application for membership, which otherwise would have been deducted from the February pay. Under the provisions of this notice, no deductions will be made from the pay of employes for February.

Deaths by Suicide and Murder.

SUSPENSION BRIDGE, 1.—A man 30 or 40 years old came here from Buffalo Sunday afternoon. He took a carriage to the Rapids and thence to the Falls, where he went on the ice-bound base of the American fall. He fell or jumped over and was lost. He was of medium size with sandy whiskers, and wore a silk hat and frock coat. He looked like a German.

Ottawa, Ont., 1.—G. H. Miller and his two sons have been arrested for the murder of M. Colman and Wm. Patton near Seattle on the 14th inst. Colman had accused Miller of having murdered a settler. This charge was about to be investigated and Colman and Patton were on their way to Seattle in answer to summons to give evidence when they were murdered in their boat.

Cleveland, 1.—Frank Burgel, the man who shot his wife, Cynthia Burgel, at Massillon, O., Saturday night, committed suicide after leaving home. The police scoured the town in search of Burgel and sent numerous telegrams to other cities giving a description of the supposed fugitive. About 7 o'clock Sunday morning his body was found lying in the road within 40 rods of his own home. His throat had been cut from ear to ear, and by his side lay the knife with which the deed had been committed. Mrs. Burgel is still alive. The only witness to the shooting was a domestic, who refuses to say anything about the causes which led to the trouble. It is supposed, however, that Burgel and his wife quarrelled about money matters.

Nothing can rival St. Jacobs Oil in curing rheumatism and all other pain. 50 cents.

We have just received a very large and complete assortment of Ladies' Muslin Underwear and Children's Dresses, which will be sold at prices lower than ever. Call early and select. COHN BROS.

REMOVAL.

The Singer Sewing Machine Co. have moved into new and elegant quarters on Main Street, at Palace Hotel corner, opposite Clift House. Call there for anything in the Sewing Machine line.

AYER'S PILLS

CURE HEADACHE.

Headaches are usually induced by costiveness, indigestion, foul stomach, or other derangements of the digestive system, and may be easily cured by the use of Ayer's Pills. Mrs. Mary A. Scott, Portland, Me., writes: "I had suffered dreadfully from Sick Headache, and thought myself incurable. Disorder of the stomach caused it. Ayer's Pills cured me entirely."

CURE BILIOUSNESS.

John C. Pattison, Lowell, Nebr., writes: "I was attacked with Bilious Fever, which was followed by Jaundice. I was so dangerously ill, that my friends despaired of my recovery. I commenced taking Ayer's Cathartic Pills, and soon regained my customary strength and vigor. I feel certain that I owe my recovery to your invaluable Pills."

CURE INDIGESTION.

Ayer's Pills act directly on the digestive and assimilative organs, influencing healthful action, imparting strength, and eradicating disease. G. W. Mooney, Walla Walla, W. T., writes: "I have suffered from Dyspepsia and Liver troubles for years past. I found no permanent relief, until I commenced taking Ayer's Pills, which have effected a complete cure."

CURE RHEUMATISM.

Rheumatism is among the most painful of the disorders arising from vitiated blood and derangement of the digestive and biliary organs. Ayer's Pills relieve and cure Rheumatism when other remedies fail. S. M. Spencer, Syracuse, N. Y., writes: "I was confined to my bed, with Rheumatism, three months, but, after using a few boxes of Ayer's Pills, became a well man."

CURE GOUT.

S. Lansing, Yonkers, N. Y., writes: "Recommended to me as a cure for chronic Costiveness, Ayer's Pills have relieved me not only from that trouble, but also from Gout. If every victim of the disease would heed only three words of mine, I could banish Gout from the land. Those words would be, 'Try Ayer's Pills.'"

CURE PILES.

Piles are induced by habitual constipation, debility, indigestion, or a morbid condition of the liver. A cure is best effected by the use of Ayer's Pills. John Lazarus, St. John, N. B., writes: "I was cured of the Piles by the use of Ayer's Pills. They not only cured me of that disagreeable disorder, but gave me new life and health."

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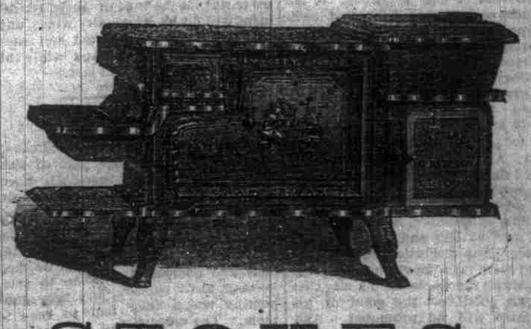

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