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BY JOHN F. BOSWORTH. PUBLISHED WEEKLY---OFFICE, NORTH OF COURT HOUSE SQUARE TERMS—Four Dollars per annum.

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ATTORNEY AT LAW,

OFFICE, South Side of Public Square, next door to S. C. Cochran & Co.

WILL practice in the Courts of the Fifth Judicial District, in the High Court of Errors and Appeals and the U. S. Circuit Courts. sept8.

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WILL attend with promptness and fidelity to all business entrusted to his care, in Madison and adjoining counties.

☞ Particular attention paid to collections. Aug. 28—1y.

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Drs. GALLOWAY & CAGE.

RESIDENT PHYSICIANS.

CANTON, Miss.

Office Southside of Public Square. October 26, 1867. 1y

Drs. Semmes & Luckett.

CANTON, MISS.

HAVING associated themselves in the practice of Medicine and Surgery, respectfully offer their services to the public.

DR. SEMMES having devoted twelve years exclusively to the study and practice of Obstetrics and Diseases of females and children, hopes for a liberal patronage in that branch of his profession.

☞ Office over Mosby, Richards & Co's. Jan28 1y.

Drs. HARVEY & DIVINE

OFFER THEIR PROFESSIONAL SERVICES to the public.

Dr. Divine having given special attention to Operative Surgery, and having put round more of the larger operations, hopes to share liberally the public patronage in this department. All diseases of the Eye, and all Surgical Diseases of Females will receive his particular attention. nov2, 6m

Dental Surgery.

DR. N. C. ORRICK,

DENTIST.

OFFICE OVER MOSBY, RICHARDS & CO.'S DRUG STORE.

ALL DENTAL OPERATIONS DONE AT ANTE WAR PRICES—FOR CASH.

Feb 8, 1868—6. 1y.

DR. C. CLAY NELSON,

DENTAL SURGEON,

CANTON, MISS.

OFFICE and residence next to Cowell & Vaughn in the rear.

ALL OPERATIONS FULLY GUARANTEED.

Feb. 22-1y

DENTAL OPERATIONS,

At old Prices, for Cash.

IN consequence of the scarcity of money, I have reduced the fees for all dental operations. But all bills must be paid when the service is rendered.

☞ Persons of limited means need not hesitate to call. No CHARGE for examination and advice. Ether spray, form and local anæsthesia (by means of the patient) used when desired. The attention of the public is called to the great improvement in

ARTIFICIAL TEETH.

They are durable, natural and like in appearance, worn with comfort, and much cheaper than formerly.

January 4, 1868 2m.] C. S. KNAPP. Jackson, Miss.

M. J. ZUNTZER,

(Late Rhorer & Zuntzer,)

COTTON FACTOR, *Merchant*

No. 32 Perdido Street, corner Carondelet,

jne20-tf New Orleans, La.

MESSAGE FROM THE PRESIDENT.

HIS REASONS FOR REMOVING STANTON.

Presidential Constitutional Powers and Duties.

WASHINGTON, Feb. 24.—The President to-day sent to the Senate the following message, which was read in secret session, laid on the table, and ordered to be printed. The Senate then removed from it the injunction of secresy.

To the Senate of the United States:

I have received a copy of the resolution adopted by the Senate on the 21st, as follows:

Whereas, The Senate has received the communication from the President, stating that he had removed Mr. Stanton and had designated the Adjutant General of the army to act *ad interim*; therefore,

Resolved, by the Senate of the United States, That under the constitution and laws of the United States the President has no power to remove the Secretary of War and designate another officer to perform the duties of that office.

This resolution, as confined to the power of the President to remove the Secretary of War and designate another to perform the duties of the office *ad interim*, by its preamble is made expressly applicable to the removal of Mr. Stanton and the designation to act *ad interim* of the Adjutant General of the Army. Without, therefore, attempting to discuss the general powers of removal to all officers upon which the subject refers, no expression of opinion is contained in the resolution. I shall confine myself to the question as to this limited power to remove the Secretary of War. It is declared in the resolution that under the Constitution and laws of the United States, the President has not the power to remove the Secretary of War and designate another person to perform the duties of that office, *ad interim*.

As to the question of power under the Constitution, I do not propose at present to enter upon its discussion. The uniform practice, from the beginning of the government, as established by every President who has exercised the office, and the decisions of the Supreme Court of the United States, have settled the question in favor of the power of the President to remove all officers, excepting a class holding appointments of a judicial character. No practice or decision has ever excepted a Secretary of War from this general power of the President to make removals from office. It is only necessary, then, that I should refer to the power of the Executive to remove from office a Secretary of War. The resolution denies that under the laws the power has any existence. It now affirms that no such power is recognized as given by the statutes of the country. What, then, are the laws of the United States that deny the President the power to remove that officer? I know of but two laws which bear upon the question. The first, in order of time, is the act of August 7, 1789, creating the Department of War, which, after providing for a Secretary as its principal officer, proceeds as follows:

"SEC. 3. *And be it further enacted*, That there shall be in the said department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, to be called Chief Clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and papers pertaining to the said department."

It is clear that the act passed by Congress, many of whose members participated in the formation of the Constitution, so far from denying the power of the President to remove the Secretary of War, recognizes it as existing in the Executive alone, without the concurrence of the Senate or of any other department of the government. Furthermore, the act does not purport to confer the power by legislative authority, nor, in fact, was there any other existing legislation through which it was bestowed upon the Executive. This act is therefore complete as a recognition, under the Constitution, for there is no other source or authority from which it could be derived. The other act which refers to this question, is that regulating the tenure of certain civil officers, passed on the 2d day of March, 1867. The first section of that act is in the following words:

"Every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and any person who shall hereafter be appointed to any office and shall become duly qualified to act therein shall be entitled to hold office until a successor shall have been in like manner appointed or duly qualified; except as herein otherwise provided. *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, 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 fourth section of the same act restricts the tenure of office to the limit prescribed by the law creating them. That part of the first section which precedes the proviso, declares that every person holding a civil office to which he has been or may be appointed, by and with the advice and consent of the Senate, shall hold such office until a successor shall have been in like manner appointed. It purports to take from the Executive, during the fixed time established for the tenure of office, the independent power of removal, and to require for such removal the concurrent action of the President and the Senate.

The proviso that follows proceeds to fix the term of office of the several heads of departments whose time never had been defined before, by providing that they shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate. Thus, as to these enumerated officers, the proviso takes from the President the power of removal except by the advice and consent of the Senate. By its terms, however, he cannot be deprived of the power to displace them. It must appear that he himself had appointed them. It is only in that case that they have any tenure of office or any independent right to hold, during the term of the President or one month after the cessation of his official functions. The proviso, therefore, gives no tenure to any one of these officers, who has been appointed by the President, beyond one month after the accession of his successor.

In the case of Mr. Stanton, the only appointment under which he held the office of Secretary of War was that conferred upon him by my immediate predecessor, with the advice and consent of the Senate. He has never held from me any appointment, as the head of the War Department. Whatever right he had to hold the office was derived from that original appointment and from my own sufferance. The law was not intended to protect such an incumbent of the War Department, by taking from the President the power to remove him. This, in my judgment, is perfectly clear, and the law itself admits of no other construction. We find in all that portion of the first section which precedes the proviso, that as to civil officers generally, the President is deprived of the power of removal, and it is plain that if there had been no proviso that power would just as clearly have been taken from him, so far as it applies to the seven heads of departments; but for reasons which were no doubt satisfactory to Congress, the principal officers were especially provided for, and the express and only requirement is that the President who has appointed them shall not, without the advice and consent of the Senate, remove them. But as to my Cabinet, embracing the officers designated in the first section, the act takes from me the power, without the concurrence of the Senate, to remove any one of them I have appointed; but it does not protect such of them as I did not appoint, nor give to them any tenure of office beyond my pleasure. On examination of this act, then, it shows that while in one clause a proviso is made for officers generally, in another clause, there is a class of officers, designated by their official titles, who are exempted from the general terms of the law, and in reference to whom a clear distinction is made as to the general power of removal, limited in the first clause of the section. This distinction is that, as to such of those enumerated officers as hold under the appointment of the President, the power of removal can only be exercised by him with the consent of the Senate, while 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 can give him no tenure of office. Those 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 close, 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 three weeks, would that successor have no power to remove him? But the power of my successor over him would 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 for three years tolerated Mr. Stanton, certainly have the same right to remove him upon the same ground, viz: that he was not appointed by me, but by my predecessor. Under this construction of the Tenure-of-Office act, I have never doubted my power to remove him, whether the act were constitutional or not.

It was always my opinion that it did not secure him from removal. I was aware, however, that there were doubts as to the construction of the law, from the first. I deemed it desirable that at the earliest possible moment these doubts should be settled, and the true construction of the act fixed by the 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 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 toward the accomplishment of that purpose. I repeat that my conviction, 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 bill 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 member declared explicitly, in the presence of others sitting in the Cabinet, that they did not come within the provisions of the act, and it was no objection to them. I understood them all to acquiesce in its correctness. In a matter of such grave importance, I was not disposed to rest upon my own opinion though fortified by my Constitutional advisers. I have, therefore, sought to bring the question at as early a day as possible before the Supreme Court of the United States for trial and authoritative discussion. 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 I have exercised this power under the provisions of the first section of the act of Feb. 13th, 1795 which, so far as they are applicable to the 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 section of the act of the 9th of August, 1789, made no provision 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 Clerk. Next, by the act of the 8th of March, 1792, section 8, it is provided that in case a vacancy is occasioned, by death or absence from the seat of Government, or of 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 is 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 Feb. 13th 1795, it is provided that in case of any vacancy the President may appoint a person to perform the duties while the vacancy exists. These acts are followed by that of the 20th of Feb., 1863, by the first section of which provision is again made for the vacancy caused by death, resignation, absence from the seat of government or sickness of the head of any department, 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 to either of said departments, whose appointment is vested in the President at his discretion, to perform the duties of the respective officer until a successor be appointed or such absence or inability by sickness shall cease, provided that no one vacancy shall be supplied in the manner aforesaid for a longer period than six months. This law, with some modifications, enacts the act of 1795, and provides, as did that act, for the class of vacancies to be filled, but, like that of 1792, it makes no provision for a vacancy caused 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 on so much of the act of 1792 as applies to vacancy caused by removal. The act of 1795, therefore, furnished the rule for a vacancy occasioned by removal. One of the vacancies is expressly referred to in the act of the 7th of August, 1789 creating the department of War. Certainly there is no express repeal by the act of 1863 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 to a vacancy occasioned by death, resignation, absence or sickness, but not at all inconsistent as to a vacancy by removal; it is as sarcedly proper that the President should have the same power to fill temporarily a vacancy occasioned by removal as he has to supply a place made vacant by death or the expiration of a term. If, for instance, the incumbent of an office should be found unfit to execute the functions, and the public should require his immediate expulsion, a remedy should exist and be at once applied, and time be allowed the President to select a successor, as is permitted him in case of a vacancy caused 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 case of removal than in others before it. It was held, therefore, that the powers given by the act of 1795, in cases of removal, is abrogated by succeeding legislation. An express repeal ought to appear.

So wholesome 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, doubts may arise. It is confessedly one of the subtle and debatable questions which arise in the reconstruction of States. 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 deemed it my duty to take, to place before the Senate the opinions upon which I have based my action—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 hoped to submit to Congress when I had returned the bill for their consideration, I have restrained from 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 circumspection, and have acted only in an extreme and exception case. I carefully following the course which I had 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 the solemn obligations which rest upon me to sustain, inviolate, the power of the high office 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 what 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, public considerations of the highest character would have induced me to act as I did.

I earnestly protest against the resolution of the Senate, which charges to me what I have done with a violation of the Constitution and the laws of the United States.

[Signed.] ANDREW JOHNSON.

The Iowa Democratic State Convention elected delegates favorable to Pendleton, and instructed them to vote as a unit.

JUST SO. We see by the proceedings of the South Carolina Convention that "a committee of two colored delegates returned from Washington with information that the Republicans did not wish for election of colored Congressmen."

Chief Justice Chase is said to have spoken in contemptuous terms of the impeachment question.

☞ St. Marie, the informer, writing to Grant for his blood-money, says there is no place on earth where he can go in his own name. Conover, Stanton, Baker and their whole tribe, will one day say the same thing.

THE HON. JOHN BELL.—We copy the following paragraph from the Shelbyville Union:

This once able statesman is still alive and lives over the Cumberland now. He is now upwards of seventy years of age, and compared with his former self is but a wreck. His health is by no means good, and he but awaits the dread summons which must take him from earth to eternity.

☞ Father Ryan, author of the Conquered Banner, is preparing to publish at Augusta, Ga., a weekly paper to be called the *Southern Banner*.

☞ The Maryland Legislature talk of re-electing Mr. Thomas and sending him a second time to Washington to present his credentials to the Senate. If he is again refused admission they will request Mr. Beverdy Johnson to resign, and refuse to allow the collection of United States revenue in Maryland. Nothing like a restored Union!

☞ Kentucky owes only three millions of dollars, and has eight millions of available resources in her treasury. Dreadful relished and cappethead State! how she is misgoverned!

☞ A Missouri paper tells the following story about a man who had never traveled on the cars before:

"The conductor came for his fare, when our Clay county friend handed over a 'V' and refused to receive any change, in the delight of his situation. 'Let the thing get,' said he. 'I don't want any change. Never rode in the keers before, and am willing to pay something extra for the fun.'"

From the Masonic Monthly.

THE MISSION OF THE LODGE.

The relationship of Freemasonry to the progressive spirit which has been so active in this and the last century in particular, is a closer one than many suppose. In all ages the wise and the good weary of the contentions and sufferings to be witnessed in the outer world, sought relief in private associations—in the recesses of the Masonic Lodge—which they so shaped upon the foundations of liberty, equality and brotherly love, as to form an ideal of a world as it would be, were all men to do unto others as they would have others do unto them. In preserving for mankind this ideal of a regenerated world, the Masonic Lodge has conferred an inestimable benefit upon the race. Towards the advancement of civilization and the elevation of the nations to their present high standard of comparative comfort and culture as contrast with the brightest periods of the past, there is no excluding the extent of the influence which Freemasonry has exerted.—Intimately associated with our own revolutionary period, linking together in a glorious brotherhood those sublime compatriots, Washington, Franklin and their coadjutors to whom the Lodge had frequently exhibited the beauty and excellence of fraternity and equality, intimately associated with the lives of the greatest and best heroes of the French revolution; inspiring the acts originating the revolutionary ideas of the leaders in all the movements which have benefited mankind for generations, Freemasons may well be said to be moulding the world into its own proper form. Unobtrusively, but perseveringly, silentsomely as at the building of Solomon's Temple, with no sound of hammer or of axe, are the Masons of the nineteenth century seeking to embody in the world the ideas they worship in the Lodge, and to build their system Temple on earth.

The celebrated Charles Fourier wrote as follows: "God is the enemy of uniformity; it is His will that the social movement should perpetually vary, should always be ascending or descending. To this end, He causes to spring up in our Societies, periodically, the germs of new institutions, sometimes beneficent, sometimes pernicious. It is for human reason to judge what use may be made of these germs, how to stifle the bad, like the Bastile system, and how to develop the good, like Freemasonry. Freemasonry is the germ of this better institutions. But in what manner can Masons legitimately work, as such, for the realization of that ideal? Let them not be accused of misapprehending the tendency and destiny of their own institution. Viewing the Lodge as the representation of the world, an ideal world where harmony reigns, where Brothers meet upon the level and act upon the square, where each seeks to benefit all and all to benefit each; seeking to bring these principles by their daily living into the religion (for Masonry is a religion, acknowledging the Fatherhood of God, and the Brotherhood of man,) let each individual Mason, thus actuated, go out into the world, and enter all its dealings in a spirit with the light of Masonry shining through him, and he will help on the work of regenerating a new and better world around him. This is the mission of the Lodge in the world.

☞ About Bedford, Indiana, the people make a practice of lynching negroes found guilty of stealing. How indecent would how! if it was done in Mississippi!

☞ A precocious specimen of Young America got lost at a county fair in New York, and went bawling around, much to the annoyance of some quiet people, who inquired the cause of his grief. He answered with suppressed sobs: "I want my mammy, that's what's the matter. I told the darned thing she'd lose me."

Why is your nose in the middle of your face? Because it is the scenter.

☞ Little Bobby—"I say, ma, is it true that we are made of dust?"

Ma—"Yes, my boy; so we are told."

"Bobby—Well, I'll be hanged if I believe it, cause, if—if we was when we sweat wouldn't it be muddy?"

☞ Mrs. Jenkins complained in the evening that the turkey she had eaten at thanksgiving did not set well. "Probably," said Jenkins, "it was not a hen turkey."

THE BEST BANK.—The best bank ever known is a bank of earth; it never refused to discount to honest labor; and the best share is the plowshare, on which dividends are always liberal.

First Class, Stand Up.—Q. Where on the map is New America? A. In North America. Q. What is the capital? A. Washington. Q. Where is the United States? A. Rubbed out? Q. Who rubbed it out? A. The Fortieth Congress.

Q. Do they allow white men to vote? A. In some parts of the country.

Q. Have they naturalization laws? A. They have.

Q. To whom do they apply? A. Simply to white men.

Q. Who is the strongest man? A. Samson.

Q. Who is the most far-seeing man? A. Ben Butler.

Q. How so? A. Because he often saw silver spoons all the way from New Orleans to Lowell.—*Hartford Times.*

☞ The Suez canal is expected to be opened for the largest ships next October.