

THE JASPER WEEKLY COURIER.

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DUBOIS COUNTY, INDIANA, BY
CLEMENT DOANE.
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MALOTT, COBB & SCHAFER.

ATTORNEYS AT LAW.

JASPER, INDIANA,
WILL PRACTICE IN THE COURTS OF
DUBOIS COUNTY.

Special attention given to the
Collection of Claims.
Office on the East side of the Public
Square,
June 22, 1867. 1y.

ATTORNEY AT LAW.

And Notary Public,
Jasper Ind.,
Will practice in all the Courts of
Dubois and Perry Counties, Indiana.
July 19, 1867-1y

Clement Doane,
ATTORNEY AT LAW,
JASPER, INDIANA,

WILL attend promptly to any business
entrusted to him in any of the courts
of Dubois county. Office in the Courier
building, on West street.

G. T. E. Carr,
ATTORNEY AT LAW,
JASPER, INDIANA.

Will practice in all the Courts of Dubois
and adjoining counties.
Office on the South side of the Public
Square. Sept. 20, '67.

F. HAHN & CO.
FORWARDING & COMMISSION
MERCHANTS,
TROY, IND.

DEALERS IN
Produce, Barley, Oats and Lime.
Lower Wharf-Boat Proprietors,
TROY, INDIANA.
Sept. 20, '67-6m.

Joseph Trauler,
MANUFACTURER AND DEALER IN
HARNESS AND SADDLES,
South East Corner of the Public Square
JASPER, IND.,

OFFERS his thanks to the citizens of Du-
bois county and vicinity for their past
patronage, and solicits a continuance and
extension of the same, feeling confident that
he can make it to the interest of persons in
want of any thing in his line to deal with
him, as his motto is "small profits and quick
sales." [May 15, '62.

CH. ULRICH,
CIGAR MANUFACTURER,
East Side of the Public Square,
JASPER, INDIANA,

RESPECTFULLY informs the public
that he is prepared to manufacture
cigars of all kinds in the best style to order,
on commission, or for cash. A good stock
of all kinds of cigars constantly on hand
and for sale on reasonable terms.
July 26, 1867-1y CH. ULRICH

C. STEGE, H. REILING, JOS. HAXTHAUSEN
STEGE, REILING & CO.,
WHOLESALE DEALERS IN
Groceries, Provisions, Teas,
TOBACCO, CIGARS,
MARKET STREET,
North Side, between Second and Third Strs.
LOUISVILLE, KY.
P. R.—Prompt attention to orders from the
country. sep. 12, 1863. if.

Music in Camp.

BY JOHN R. THOMPSON.

Two armies covered hill and plain,
While Rappahannock's waters
Ran deeply crimsoned with the stain
Of battle's recent slaughters.

The Summer clouds lay pitched like tents,
In meads of heavenly azure,
And each dread gun of the elements
Slept in its hid embrace.

The breeze so softly blew it made
No forest leaf to quiver,
And the smoke of the random cannonade
Relled slowly from the river.

And now where circling hills looked down
With cannon grimly pointed,
O'er listless camp and silent town,
The golden sunset shined.

When on the fervid air there came
A strain, now rich, now tender;
The music seemed itself aflame
With days departing splendor.

A federal band, which eve and morn
Played measures brave and nimble,
Had just struck up with flute and horn,
And lively clash of symbol.

Down flocked the soldiers to the banks
Till, margined by its pebbles,
One wooded shore was blue with 'Yankee,'
And one was gray with 'Rebels.'

Then all was still, and then the band
With movements light and tricky,
Made stream and forest, hill and strand,
Reverberate with 'Dixie.'

The conscious stream, with burnished glow
Went proudly o'er its pebbles,
But thrilled throughout its deepest flow
With yelling of the Rebels.

Again a pause, and then again
The trumpets pealed sonorous,
And Yankee Doodle was the strain
To which the shore gave chorus.

The laughing ripple shoreward flew
To kiss the shining pebbles—
Loud shrieked the swarming Boys in Blue
Defiance to the Rebels.

And yet once more the bugles sang
Above the stormy riot;
No shout upon the evening rang—
There reigned a holy quiet.

The sad low stream its noiseless tread
Poured o'er the glistening pebbles;
And silent now the Yankees stood
And silent stood the Rebels.

No unresponsive egl had heard
That plaintive notes appealing
So deeply Home. Sweet Home had stirred
The hidden founts of feeling.

O' blue or gray the soldier sees,
As by the wand of fairy,
The cottage 'neath the live oak trees,
The cabin by the prairie.

O' cold or warm his native skies
Bend in their beauty o'er him,
Seen through the tear-mist in his eyes
His loved ones stand before him.

As fades the iris after rain
In April's tearful weather,
The vision vanished as the strain
And daylight died together.

But memory, waked by music's art,
Expressed in simplest numbers,
Subdued the sternest Yankee's heart,
Made light the Rebel's slumbers.

And fair the form of Music shines,
That bright, celestial creature,
Who still 'mid war's embattled lines
Gave this one touch to Nature.

—A tall fellow, standing in the parterre
of a theatre, was repeatedly desired to sit
down, but he would not; when a voice from
the second circle called out: 'Let him alone;
he's a tailor, and he's resting himself!'

—'A few men like your minister,' was
the equivocal reply of a stranger, when
asked if he enjoyed the service.

—When is a ship like a book? When it
is outward bound.

—Why does a donkey like thistles better
than corn? Because he is an ass.

—A lazy farmer is virtually dead, and his
farm weeds weeds in mourning for him.

President's Message.

The Removal of Sack Stanton.

WASHINGTON, February 24.—The Presi-
dent to-day sent to the Senate the following
message, which was read in secret session,
laid on the table, and ordered printed. The
Senate removed from it the injunction of
a crisis:

To the Senate of the United States:

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

"Whereas, The Senate have received and
considered the communication of the Presi-
dent, stating that he had removed Edwin
M. Stanton, Secretary of War, and has de-
signed the Adjutant General of the army
to act as Secretary of War ad interim; there-
fore,

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 any other officer to perform
the duties of that office ad interim."

This resolution, is confined to the power
of the President to remove the Secretary of
War and to designate another officer to per-
form the duties of the office ad interim, and
by its preamble is made expressly applica-
ble to the removal of Mr. Stanton, and the de-
signation to act ad interim of the Adjutant
General of the army. Without therefore
attempting to discuss the general power of
removal as to all officers upon which subject
no expression of opinion is contained in the
resolution, I shall confine myself to the
question as thus limited to the power to re-
move the Secretary of War.

It is declared in the resolution that under
the Constitution and laws of the United
States the President has no power to re-
move the Secretary of War and designate
any other officer to perform the duties of
that office ad interim. As to the question of
power under the Constitution, I do not pro-
pose 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, un-
der the decisions of the Supreme Court of
the United States, have settled the question
in favor of the power of the President to re-
move all officers excepting a class holding
appointments of a judicial character. No
practice or any decision has ever excepted a
Secretary of War from this general power
of the President to make removals. It is
only necessary then that I should refer to
the power of the Executive under the laws of
the United States to remove from office a
Secretary of War.

The resolution denies that under these
laws this power has any existence. In other
words it affirms that no such authority is
recognized or given by the statutes of the
country. What then are the laws of the
United States which deny the President the
power to remove that officer? I know but
two laws which bear upon this question.—
The first in order of time is the act of Au-
gust 7th, 1789, creating the department of
war; which, after providing for a secre-
tary as the principal officer, proceeds as fol-
lows: section 2. 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, and 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, during such vacancy, have the
charge and custody of all records, books
and papers appertaining to the said depart-
ment. It is clear that this act, passed by
a Congress, many of whose members par-
ticipated in the formation of the Constitu-
tion, so far from denying the power of the
President to remove the Secretary of War,
recognized it as existing in the Executive
alone, without the concurrence of the Sen-
ate or of any other department of the Gov-
ernment. Furthermore, this act does not pur-
port to confer the power by legislative au-
thority, nor in fact, was there any other ex-
isting legislation through which it was de-
volved upon the Executive. The recognition
of the power by this act is therefore
complete, as a recognition under the Con-
stitution itself, for there was not any other
source or authority from which it could be
derived.

The other act which refers to this ques-
tion, is that regulating the tenure of certain
civil officers, passed by Congress on the 23d
day of March, 1807. The first section of
that act is in the following words: 'That
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, is and shall be entitled to
hold said office until a successor shall have
been in like manner appointed or duly qual-
ified, except as herein otherwise provided; pro-
vided that the Secretary of State; Secretary
of the Treasury, Secretary of War, Secre-
tary of the Navy, Secretary of Interior, the
Postmaster General, and Attorney General,
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; and the fourth section of the same
act restricts the term of office to the time
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 Senate shall hold such office un-
til a successor should be in like manner ap-
pointed. It purports to take from the Ex-
ecutive during the fixed time established for
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 tenure had been de-
fined 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 with the advice and con-
sent of the Senate. By its terms, however,
before he can be deprived of the power to
displace them it must appear that he himself
has appointed them. It is only in that case
they have any tenure of office or any inde-
pendent right to hold during the term of the
President one month after the cessation of
his official functions. The proviso therefore
gives no tenure of office to any one of these
officers who has been appointed by the Presi-
dent 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 prede-
cessor, with the advice and consent of the
Senate; he has never held from me appoint-
ment as the head of the War Department.
Whatever right he had to hold the office was
derived from that original appointment and
my sufferance.

The law was not intended to protect such
an incumbent of the War Department as
him. This, in my judgment is perfectly
clear, and the law admits of no other con-
struction. We find in all that portion of
the first section which precedes the proviso
that as to civil officers generally the Presi-
dent is deprived of the power of removal,
and it is plain that if there had been power
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 Con-
gress, these principal officers were especial-
ly provided for, and as to the express and
only requirement, it is that the President,
who has appointed them, shall not without
the advice and consent of the Senate remove
them from office. The consequence is that
as to my Cabinet embracing the officers de-
signated in the first section, the act takes
from me the power, without 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 pleas-
ure.

An examination of this act then shows
that while in one part of the section, pro-
vision is made for officers generally, in an-
other clause there is a class of officers de-
signated by their official titles, who are ex-
empted from the general terms of the law,
and in reference to whom a clear distinction
is made, and as to the general power of re-
moval limited in the first clause of the sec-

tion. 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 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 mean-
ing of this enactment to place Mr. Stanton
upon this footing, as those heads of De-
partments who have been appointed by my-
self. As to him, this law gives him no ten-
ure of office. The members of my cabinet
who have been appointed by me, are by
this act entitled to hold for one month after
the term of my office shall cease, but Mr.
Stanton could not, against the wishes of my
successor, hold a moment thereafter. If he
were permitted by the successor to hold for
the first two weeks, would that successor
have no power to remove him? But the
power of my successor over him would be
no greater than my own. If my successor
would have the power to remove Mr. Star-
ton after permitting him to remain a period
of two weeks, because he was not appointed
by him, but by his predecessor. I, who ter-
minated Mr. Stanton more than two years,
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 the construction of the tenure of
office act, I have never doubted my power
to remove him, whether the act was consti-
tutional or not. It always has been my
opinion it did not secure him from removal.
I was aware, however, that there were
doubts as to the construction of the law,
and from the moment these doubts should
be settled, and first deemed it desirable at
the earliest possible true construction of
the act fixed by a 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 po-
sition both necessary and proper. My un-
derstanding 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 own conviction as to the
true construction of the law, as to the con-
stitutionality were well settled, and were
sustained by every member of my Cabinet,
including Mr. Stanton himself. Upon the
question of constitutionality each one in
turn advised me that the tenure of office act
was unconstitutional. Upon the question
whether as to those members who were ap-
pointed by my predecessor, that act took
from me the power to remove them, one of
these members said emphatically, in pres-
ence of the others sitting in the Cabinet,
that they did not come within the provisions
of the act; and it was no protection to them.
No one dissented from this construction.—
I understood them all to acquiesce in its cor-
rectness.

In a matter of such grave consequence I
was not disposed to rest upon my own opi-
nions, though fortified by my constitutional
advisers. I have, therefore, sought to bring
the question at as early a day as possible be-
fore the Supreme Court of the United States,
for a final and authoritative decision.

In respect to so much of the resolution
as relates to the delegation of an officer to
act as Secretary of War ad interim, I have
only to say I have exercised this power un-
der the provisions of the 1st section of Feb.
13, 1795, which, so far as they are applica-
ble to a vacancy caused by removals, I un-
derstand to be still in force.

The legislation upon the subject of ad in-
terim appointments in the executive depart-
ment stands as to the war office as follows:
The section of the act of the 7th 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 va-
cancy gives the charge and custody of the
records, books and papers to the chief clerk.

By the act of the 8th of May, 1792, sec-
tion 8, it is provided that in case of vacancy
occasioned by death, absence from the seat
of government or sickness of the head of
the War Department, the President may
authorize a person to perform the duties of
the office until a successor is appointed or
the disability removed.

The act, it will be observed, does not
provide for the case of a vacancy caused by