THIS COUNTRY OF OURS

By Hon. Benjamin Harrison

*FIRST PAPER: THE CONSTITUTION

THE Constitution of the United States was framed by a convention that assembled in Philadelphia on May 14, 1787, and finished its work September 17, 1787. The Seventh Article was as follows: "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." On and prior to June 21, 1788, the conventions of the following States, and in the order named, ratified the Constitution: Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire. The other States ratified as follows: Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; Rhode Island, May 29, 1790. Government under the Constitution was instituted by the inauguration of George Washington as President, at New York, April 30, 1789.

The word "Constitution," as used among us, implies a written instrument; but in England it is used to describe a governmental system or organization made up of charters—as the Magna Charta—the general Acts of Parliament, and a body of long-established legal usages or customs. These are not compiled in any single instrument as with us, but are to be sought in many places.

THE common American usage, in making a State Constitution, is to elect, by a popular vote, delegates to a convention, whose duty it is to prepare a plan of government. When the delegates have agreed and have properly certified the instrument it is submitted to a direct vote of the people, and each voter casts a ballot "For the Constitution" or "Against the Constitution." If a majority vote for the Constitution it then becomes the paramount law of the State. The Legislature does not make the Constitution; the Constitution makes the Legislature. The American idea is that Constitutions proceed from the people, in the exercise of their natural right of self-government, and can only be amended or superseded by the people. Whatever one Legislature or Congress enacts the next one may repeal, but neither can repeal or infringe a Constitutional provision.

The delegates to the convention that framed the Constitution of the United States were not, however, chosen by a popular vote in the States, but by the Legislatures. Nor was the question of the adoption of the Constitution submitted in the States to a direct popular vote. The Seventh Article, already quoted, provided for a ratification by "conventions" of the States, but in the choice of the delegates to these conventions there was an opportunity for the expression of the will of the people. Article Five makes this provision for amendments: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." So that amendments are to be submitted to the Legislatures of the States or to conventions, as Congress may decide. There have been fifteen amendments to the Constitution adopted. Ten of these were proposed to the Legislatures of the States by the First Congress, and ratified. The other five amendments have, in like manner, been submitted by Congress to the State Legislatures for ratification—conventions in the States not having been used in any case. It will be noticed, also, that the vote upon the adoption of the Constitution, and upon amendments thereto, is by States—each State, without regard to its population, having one vote. But while these provisions make the popular control less direct than is usual in the States, and necessarily recognize the States in the process of making and amending the Constitution, the idea that Constitutions proceed from the people is not lost.

A CONSTITUTION should, and usually does, deal only with large and permanent matters. It leaves details and transitory matters to the Legislature. It is an outline or frame. It declares what principal officers shall be elected; prescribes their duties; provides for a succession in case of a vacancy, and for the removal from office of officers guilty of crime or the abuse of their powers. It is the supreme law of the land. The powers given by the Constitution to the National Government are, fortunately, couched in general and comprehensive terms. For if there had been an attempt to particularize, the instrument would not have adapted itself to the expansion of the country, and to the new phases which invention has given to commerce. If the framers of the instrument had been required to express themselves upon the question whether the National Government should be given the power to regulate the method of coupling the wagons that were then the vehicles of the limited inland commerce between the States, or to arrest and punish any citizen who obstructed their passage, I think the vote would have been in the negative.

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* A series of papers upon our Government and its functions, its relations to the people, and their relations to it, which ex-President Harrison is writing for THE LADIES' HOME JOURNAL. The articles will appear in successive issues during the year.

THE general plan of our Constitutions, National and State, is a division of the Government into three branches: the legislative, executive and judicial. The lines of this division of powers are not strictly observed in the National Constitution, for the President has something to do with legislation, and the Senate with executive appointments. But in a broad way it may be said that there are three coördinate and independent departments in our Government—the powers of each being classified and defined, and neither having the power to invade or subordinate the other. It is important here to note a difference between the powers of the National and of the State Governments. The original thirteen States were organized as States, and had each its new State Constitution before the Constitution of the United States was framed or adopted, save that in Connecticut the Charter of 1662 was continued in force as the organic law of the State until 1818, and in Rhode Island the Charter of 1663 was, in like manner, continued in force as the State Constitution until 1842. All the powers of government, save such as had, by a compact between the States, called "Articles of Confederation and Perpetual Union," been given to the Continental Congress, belonged to the States. The powers given to the Congress by the Articles of Confederation were vague and illusory. They were practically nil. For, where a power was given, the means necessary to its exercise were withheld. Practically there was no union of the States, and certainly nothing that could be called a National Government until the Constitution was adopted in 1789. Before that we had a Congress consisting of a single body of delegates. All votes were taken by States—a majority of the delegates from the State casting the vote of the State. There was no Senate, no President nor any separate executive department, and practically no judiciary. The Congress, either by the whole body or by committees, performed the necessary executive functions: commissioned officers; raised and disbursed revenue; conducted our diplomacy; audited accounts, and exercised certain judicial functions. It was a weak attempt to organize a Government, but it answered so long as the common peril of British subjugation lasted. When that threat was withdrawn by the peace of 1783 the selfishness and jealousies of the States became intense and threatened to snap the feeble bonds that held the States in union. The Congress became the laughing-stock of the country, and the best men shunned it. It had contracted debts in the prosecution of the war; and, the States neglecting or refusing to pay their quotas, Congress was protested and dishonored, for it had no power to lay and collect taxes. It had made commercial treaties with foreign powers, and the States refused to allow in their ports the privileges guaranteed by the treaties. Congress was a mimic show, the butt of jealousy and ridicule. Great things were demanded of men who could do nothing.

EACH State made its own tariff law. If one, with a view to raising money to pay its pressing debts, fixed a high rate on foreign goods imported, another would adopt a lower rate to attract commerce to its ports. It was hence impossible for the States to make a beneficial use of the power to levy duties on foreign goods. And besides, commerce between the States was hindered and bad blood engendered by duties levied by one State on goods coming from another. New York laid a duty on firewood coming down the sound from Connecticut, and upon garden truck crossing the river from Jersey. Out of these and many like things grew the conviction in the minds of our statesmen and people that "a more perfect union" was necessary; that we must have a National Government, to which should be entrusted all those general powers affecting especially our relations with foreign countries, and the relations of the States with each other, and including such as were necessary to the general defense and welfare. It is not my purpose here to go into the details of the intensely interesting events and discussions that led the people of the States reluctantly to surrender to the general Government adequate National powers. Some of our statesmen of that time were wise and unselfish, having a dim view of the glory to be revealed; but petty State jealousies, and the childish fear that the Union would oppress the States, well nigh thwarted its formation. The proposed general Government seemed to be regarded as if it were to be foreign in its control and purposes, and the powers asked for it as involving a surrender of the liberties of the people. So that practically when the Constitution of the United States was under consideration the question was what powers will the people of the States consent to withdraw from the States and give to the National Government. The answer was expressed in the Constitution.

ALL this has been said with a view to illustrate the fact that the National Government is one of specified or particular powers. Congress may not legislate upon all subjects, but only upon those subjects submitted to its control by the Constitution. The United States courts cannot entertain all suits, but only such as involve particular subjects, or such as are between particular persons, as these are specified in the Constitution. The language of the First Article of the Constitution is, "All legislative powers *herein granted* shall be vested in a Congress," etc. The States, on the other hand, have full legislative and judicial powers over all subjects, except such as have been committed by the Constitution of the United States to Congress or prohibited by that Constitution to the States. But the exercise of these powers by the State Legislatures is in many particulars further restrained by the State Constitutions, so that there are some things that neither Congress nor a State can do—things reserved to the people—things they do not want done. In other words, the Congress of the United States may do what it is authorized by the Constitution to do, while a State may exercise all appropriate acts of government except such as belong to the nation or are reserved by the Constitution of the United States, or of the State, to the people.

No question can ever be made as to the constitutionality of an Act of the British Parliament, for that body is invested with general and supreme legislative power. Mr. Bryce says:

"In England and many other modern States there is no difference in authority between one statute and another. All are made by the Legislature; all can be changed by the Legislature. What are called in England Constitutional statutes, such as Magna Charta, the Bill of Rights, the Act of Settlement, the Acts of Union with Scotland and Ireland, are merely ordinary laws which could be repealed by Parliament at any moment in exactly the same way as it can repeal a highway act or lower the duty on tobacco."

And again Mr. Bryce states:

"Here, therefore, we observe two capital differences between England and the United States. The former has left the outlines as well as the details of her system of government to be gathered from a multitude of statutes and cases. The latter has drawn them out in one comprehensive fundamental enactment. The former has placed these so-called Constitutional laws at the mercy of her Legislature, which can abolish when it pleases any institution of the country: the Crown, the House of Lords, the Established Church, the House of Commons, Parliament itself. The latter has placed her Constitution altogether out of the reach of Congress, providing a method of amendment whose difficulty is shown by the fact that it has been sparingly used."

Under our system every Act of Congress or of a State Legislature is subject to be nullified if the courts adjudge it to be in conflict, in the case of a State law, with the Constitution of the State or of the United States, and in the case of an Act of Congress, with the National Constitution.

THE Constitution of the United States, and the public treaties and Acts of Congress within the Constitutional limits, are superior to and dominate all State Constitutions and laws. It is enough to say just here in a general way that the powers of the National Government embrace all those things necessary or incident to the dignity and safety of a nation; all matters affecting our relations, whether of a commercial or a diplomatic character, with other nations; all matters relating to commerce between the States and to controversies between States; the public defense; the public lands; the Indian tribes; naturalization of foreigners; the postal service; the granting of copyrights and patents; the coining of money; the fixing of a standard of weights and measures, and the power to levy and collect taxes in specified ways for public uses. It will be seen that a long list of powers is reserved by the States. In a general way this list embraces all those matters that relate to local control and government. The local control of local affairs is as essential as the National control of National affairs.

The Tenth Amendment to the Constitution is as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." What the powers "delegated to the United States" are has been stated in a general way. The powers "prohibited by it to the States" are that no State shall enter into any treaty, alliance or confederation, or grant letters of marque and reprisal, or coin money, or issue bills of credit, or make anything but gold or silver coin a legal tender in payment of debts, or pass any bill of attainder, or ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility, or without the consent of Congress lay any imposts on imports or exports or any tonnage duty, or keep troops or ships of war in time of peace, or enter into any agreement or compact with another State or with a foreign power, or engage in war unless invaded or in imminent danger of invasion, or institute slavery, or abridge the privileges or immunities of citizens of the United States, or deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws, or assume or pay any debt in aid of insurrection against the United States, or any claim for the loss or emancipation of slaves, or abridge the right to vote on account of race, color or previous condition of servitude.

THE next thing that it is important to notice is that our Government is not a confederation of States, but as strictly a Government of the people as is any State Government. The Articles of Confederation were declared to be "Articles of Confederation and Perpetual Union between the States of New Hampshire, etc.,"—naming each of the States. But the preamble of the Constitution is: "We, *the people of the United States*, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." It is true that the vote upon the adoption originally and the vote upon amendments is by States, in State conventions or in State Legislatures; and that in various other ways the States are recognized and used in the administration of the National Government. It could hardly have been otherwise. But the construction of Mr. Calhoun and of the Secessionists that our Constitution is a mere compact between independent States; that any State may withdraw from the Union for any breach of the conditions of the compact, and that each State is to judge for itself whether the compact has been broken, has no support either in the history of the adoption of the Constitution or in the text of the instrument itself. The Constitution and laws of the United States take hold of and deal with each individual, not as a citizen of this or that State, but as a citizen of the United States. Each of us owes allegiance to the United States—to obey and support its Constitution and laws; and no act nor ordinance of any State can absolve us or make it lawful for us to disobey the laws or resist the authority of the United States. We owe another allegiance, each to his own State, to support and obey its Constitution and laws, provided these do not conflict with the Constitution and laws of the United States. In the Sixth Article of the Constitution of the United States it is written: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." The question whether an Act of Congress is unconstitutional, or whether an act of any officer of the United States, done officially, is unauthorized, must, of course, be decided by the courts of the United States—in the last resort by the Supreme Court. A power in a State court finally to declare a law of the United States invalid would be destructive of National authority, and, indeed, of the National existence. There can be, in a proper Constitutional sense, no secession and no war between a State and the United States; for no ordinance repudiating the National authority or organizing resistance to it can have any legal sanction, even when passed by a State Legislature.

This general sketch of the powers of the National Government will be followed by an examination of the provisions relating to each of its general subdivisions and by a study of their practical operations.

THIS COUNTRY OF OURS

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*II—THE PRESIDENTIAL OFFICE

THE Second Article of the Constitution deals with the Executive Department of the Government. It declares that "the Executive power shall be vested in a President of the United States of America," and that "he shall hold his office during the term of four years." These conclusions were not arrived at in the convention without difficulty. Should the Executive be single or plural—one President or several? Some of the ablest men in the convention wanted a plural Executive. One President too strongly reminded them of the King from whose tyrannical and cruel grasp the Colonies had just escaped. Roger Sherman, of Connecticut, wished that the number should be left to the determination of Congress. Edmund Randolph, of Virginia, "strenuously opposed a unity in the Executive magistracy." He regarded it as "the fœtus of monarchy." And on the final vote three States —New York, Delaware and Maryland—voted against the proposition that the Executive consist of a single person. Experience has so fully justified the conclusion reached by the convention in this matter, that no change has ever been suggested. The incumbent has never satisfied every one, but the discontented have never sought relief by giving him a double. Executive direction should always be single. When anything is wrongly done we must be able to put a hand on the man who did it. The sense of responsibility begets carefulness, and that sense is never so perfect as when, after full consultation, the officer must go alone into the chamber of decision. In all of the recent reform city charters this principle is made prominent—by giving the Mayor the power to appoint the city boards and officers, and so making him responsible for the efficiency of the city government. Two Presidents or three with equal powers would as surely bring disaster, as three Generals of equal rank over a single army. I do not doubt that this sense of single and personal responsibility to the people has strongly held our Presidents to a good conscience and to a high discharge of their great duties.

IT was proposed in the convention to provide an Executive Council that should exercise a measure of restraint upon the acts of the President; but the suggestion was wisely rejected. A many-headed Executive must necessarily lack that vigor and promptness of action which is often a condition of public safety. Senator Sherman is reported, perhaps erroneously, to have very recently expressed the opinion that each Cabinet officer should be independent in the administration of his department, and not subject to control by the President. The adoption of this view would give us eight Chief Executives, exercising, not a joint, but a separate control of specified subdivisions of the Executive power, and would leave the President, in whom the Constitution says "the Executive power shall be vested," no function save that of appointing these eight Presidents. It would be a farming-out of his Constitutional powers. It is not my purpose to state here my views as to the true relation between the President and his Cabinet—that subject will be considered in its order—but only to point out that the responsibility under the Constitution, for the Executive administration of the Government in all its branches is devolved upon the President. A Cabinet independent, after appointment, of the Executive, and not subject, as in England, to be voted out by the Legislature, would be an anomaly. Mr. Stevens, in his "Sources of the Constitution of the United States" (p. 167), gives an interesting account of an interview with President Hayes from notes made at the time, in the course of which President Hayes said that

"In matters of a department, he [President Hayes] gave greater weight to the opinion of the Secretary of that department, if the Secretary opposed his own views; but on two occasions, at least, he had decided and carried out matters against the wishes of the Secretary of the department affected. He had done so in the case of his Secretary of the Treasury, whose opinion he usually valued. In each case, knowing the certainty of diverse views from the Secretary, he had not asked those views but had announced to the Secretary his own policy and decision."

AS to the term of the Presidential office, the conclusion of the Constitutional convention has been less fully acquiesced in. In the convention, opinions shifted from a long term, with a provision making the person chosen ineligible to a reëlection, to a short term without any such restriction. On June 1 the convention, in committee of the whole, voted for a term of seven years, and on June 2 a provision was added making the incumbent ineligible to a second term. The vote on the question of a seven-year term stood, in the affirmative, New York, New Jersey, Pennsylvania, Delaware and Virginia; in the negative, North Carolina, South Carolina, Georgia and Connecticut; Massachusetts was divided. On the question of making the Executive ineligible after seven years, Massachusetts, New York, Delaware, Maryland, Virginia, North Carolina and South Carolina voted in the affirmative; Connecticut and Georgia in the negative, and Pennsylvania divided. On the 19th day of July, the subject being again before the convention, it was voted, nine States in the affirmative (Massachusetts, Connecticut, Pennsylvania, New Jersey, Maryland, Virginia, North Carolina, South Carolina and Georgia), to one (Delaware) in the negative, to make the term six years. On July 26 the original proposition of the committee of the whole "that the Executive be appointed for seven years, and be ineligible a second time," was reinstated and was passed. On September 6, by a final vote, the term was fixed at four years, and no restraint was put upon the eligibility of the President for as many terms as he might be chosen. The fears of those who said that the power of the office was such as to enable an ambitious incumbent to secure an indefinite succession of terms have not been realized. In practice the popular opinion has limited the eligibility of the President to one reëlection. But some of our leading and most thoughtful public men have challenged the wisdom of the four-year term, and have advocated six years, usually accompanied with a prohibition of a second term. And unless some method can be devised by which a less considerable part of the four-year term must be given to hearing applicants for office and to making appointments, it would be wise to give the President, by extending the time, a better chance to show what he can do for the country. It must be admitted, also, that ineligibility to a second term will give to the Executive action greater independence. It seems unlikely, however, that any change in the Presidential term will be made unless some unexpected event should stir into action a thought that is now of a theoretical rather than a practical cast. Our people are wisely conservative in the matter of amending the Constitution.

THE provisions of the Constitution relating to the manner of choosing the President are of peculiar interest, for the reason that while we still follow the letter of the Constitution we have practically adopted a new, and to the framers of the Constitution, an unthought-of method. Various methods of choosing the President were proposed in the convention. Mr. Wilson, of Pennsylvania, one of the most learned and useful members of the convention, stood for an election by the people, and proposed that the States be divided into a certain number of election districts, and that in each the people choose "electors of the Executive magistracy." Mr. Roger Sherman was for an election by Congress. Mr. Rutledge suggested an election by the Senate. Mr. Gerry proposed that the President should be chosen by the Governors of the States or by electors chosen by them. Mr. Wilson proposed an election by electors to be chosen by lot from the National Legislature. He did not move this as the best mode, but still thought the people should elect. As a member of the Pennsylvania convention he said, "The convention were perplexed with no part of this so much as with the mode of choosing the President of the United States." It was finally determined that electors should be chosen in each State, and that they should meet and elect the President and Vice-President. How the electors should be chosen, and how many each State should have, was next a subject of debate and division. It was finally determined that "each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress." Indiana has thirteen Representatives in Congress and two Senators, and chooses, therefore, fifteen electors of President and Vice-President. Rhode Island has two Representatives in Congress and two Senators, and chooses four electors of President and Vice-President, and so of the other States. The number of Representatives that a State has in Congress is determined by its population, and the population is determined by a census taken every ten years. The unit of representation—that is, the number of people that shall be entitled to a Representative in Congress—is not, however, permanently fixed, but is fixed by law every tenth year, after the census returns of population are in. The Constitution provides that the number of Representatives shall not be greater than one for every thirty thousand people, and upon that basis the House of Representatives would consist of two thousand three hundred and thirty-three members, estimating our total population at seventy millions. The Electoral College would, of course, have the same number of electors, plus eighty-eight—the whole number of the Senators. It has been found necessary, in order to preserve a manageable and efficient legislative body, to increase the unit of representation; and, under the law of February 7, 1891, the whole number of Representatives is fixed at three hundred and fifty-six—one for each 175,905 of population. The whole number of electors of President and Vice-President is four hundred and forty-four—three hundred and fifty-six plus eighty-eight.

THE manner of choosing the electors is left by the Constitution to the Legislatures of the respective States. The method most used has been to choose the electors by a popular vote in the whole State—each voter voting for the whole number of electors to which the State is entitled. The practice of the political parties is to allow each Congressional district to nominate an elector, who is designated a district elector, and in a State convention to nominate the two electors given for the Senators, usually called electors-at-large or Senatorial electors. But all of these are put on the State ticket and are voted for throughout the whole State, and usually are all elected, or none; though in a few instances some one elector on a party ticket has been chosen and the others defeated. But this method of choosing electors has not been universal. In some States the electors have been chosen by a vote of the Legislature, and in Michigan in 1891, the Democratic party being in the ascendency in the Legislature, and the Republicans probably having a majority on the popular vote in the whole State, a law was passed giving to each Congressional district the right to choose an elector, and to the State the right to choose the two electors-at-large. By this method those Congressional districts that had a Democratic majority could choose electors of that party and thus divide the electoral vote of the State. So it would be in the power of a State Legislature already chosen to take the choosing of the electors into its own hands. I think it is greatly to be desired that a uniform method of choosing Presidential electors should be adopted, so as to free the selection as much as possible from partisan juggling. The purpose of the convention was to provide for the selection of a body of well-informed patriotic men, who should elect as President the man whom they should think the best fitted for the high office. Their choice was not to be constrained by pledges, nor limited by nominating conventions. But while we still use the letter, the spirit of the Constitution has been subverted. Presidential candidates are nominated in National party conventions, and the electors are regarded as honorably bound to vote for the nominee whatever may be their individual opinion as to his comparative fitness. An elector who failed to vote for the nominee would be the object of execration, and in times of very high excitement might be the subject of a lynching.

THE origin of the Electoral College has been the subject of much speculation. The only American precedent is found in the first Constitution of Maryland, where provision was made for the choice of State Senators by electors chosen by popular vote in specified districts. In the Massachusetts convention Mr. Bowdoin said: "This method of choosing the President was probably taken from the manner of choosing Senators under the Constitution of Maryland." An attempt has been made to find the suggestion of the Electoral College, as we have come to call it, by some in the method then in use of choosing the German Emperor, and by others in the method of choosing a Pope, by the College of Cardinals. Sir Henry Maine thinks that the members of the convention "were to a considerable extent guided by the example of the Holy Roman Empire." And as Maryland, where the Electoral College was first used, was a Catholic colony, the suggestion seems plausible. But there was this difference: our electors are not a permanent body, but fresh men chosen every four years. We are in the habit of speaking of the Presidential election as taking place on the first Tuesday after the first Monday in every fourth year, but in fact no vote is given for President and Vice-President at that time at all. The names of the party nominees for President and Vice-President are printed on the ballots, but, in fact, no voter votes or can vote for them. He votes for certain men whose names are on the ticket as electors; and, by the act of February 3, 1887, these men assemble in each State at the Capital on the second Monday of January and vote for a President and Vice-President. These votes from each State are sealed and sent in duplicate to the President of the United States Senate, one copy by mail and the other by special messenger. So that, in fact, our President is elected on the second Monday of January in every fourth year, though we are not in doubt as to who is to be chosen, because the electors are morally bound by the nomination in convention.

THE original provision of the Constitution did not allow the electors to vote for a President and Vice-President. They were required to vote for two persons, at least one of whom should be a resident of another State than their own. Either of these persons might become President, for the person having the highest number of votes, when the votes of the States were opened by the President of the Senate and counted, if that number were a majority of all the votes, became President, and if it happened that two persons had a majority and an equal number of votes, as it might, then the House of Representatives was required to choose one of these persons to be President—the vote being by States—each State, by a majority of its members, casting one vote. This provision for a vote by States, which is still retained, is a singular one; as in the Electoral College, as we have seen, the larger States had a larger vote than the smaller ones. The person having the next highest number of votes in the Electoral College was to be Vice-President—and of these, if two had an equal number, the Senate was to choose one of them to be Vice-President. It was by this crude and awkward method that Washington, Adams and Jefferson were chosen. In 1800 the candidates for President and Vice-President on the Federal ticket were Adams and Pinckney; on the Republican ticket Jefferson and Burr. Jefferson and Burr each received seventy-three votes; Adams received sixty-five, and Pinckney sixty-four. This result necessitated an election by the House of Representatives, and Mr. Fiske says that "such intrigues followed for the purpose of defeating Jefferson that the country was brought to the verge of civil war." In 1803 Congress proposed an amendment—the twelfth—which was adopted in 1804, and has ever since been in force. The votes are now given in the Electoral College for a President and Vice-President separately. The person voted for as President having the highest number of votes, and a majority of all the votes, is elected; and so of the Vice-President. If no person has a majority of the votes for President then the House of Representatives is required from the three having the largest number of votes to choose a President—the vote being taken by States as before. If a Vice-President is not chosen by the electors the Senate elects him from the highest two on the list. In 1837, there being no majority for Vice-President, the Senate elected Richard M. Johnson, the Democratic candidate.

THE Constitution requires that the President shall be a natural-born citizen of the United States, or a citizen at the time of the adoption of the Constitution; but practically, no one now except a native-born citizen is eligible to the Presidency. At the time of the adoption of this provision that allowed any foreign-born citizen, who was a citizen when the Constitution was adopted, to become President, there were conspicuous statesmen and patriots, such as Hamilton, who were foreign born, and whose services in securing our freedom and in organizing the Government were such that it would have been ungracious to have made them ineligible to the Presidency. The President must be thirty-five years of age, and have been fourteen years a resident of the United States. In case of the death, resignation or inability of the President, or his removal from office, the powers and duties of the office devolve upon the Vice-President, and in the case of the removal, death, resignation or inability of both the President and Vice-President, Congress is empowered to declare what officer shall act as President—and that officer acts until the disability is removed or a President is elected.

The first law passed by Congress fixing the succession was in 1791, and its provisions were that in case of the death, resignation or disability of both the President and Vice-President, first the President *pro tempore* of the Senate should succeed to the office of President, and next the Speaker of the House of Representatives, until the disability should be removed or a new election be had.

The Presidential and Vice-Presidential offices have never in our history both become vacant during a Presidential term. Several Presidents have died in office—Harrison, Taylor, Lincoln and Garfield, but the Vice-President took

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up the office and survived the term. Vice-Presidents Clinton, Gerry, King, Wilson and Hendricks have died in office. John C. Calhoun resigned to become Senator from South Carolina. In 1886 a new statute was passed by Congress changing the succession, and now in the event of the death or removal of both the President and Vice-President, the succession devolves upon the members of the Cabinet in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior.

THE Constitutional provision for counting the votes after they are sent in to the President of the Senate, and by him opened in the presence of the Senate and House assembled in joint session, is a little indefinite: "And the votes shall then be counted," says the Constitution. There was no question raised so long as it was only a matter of addition. But there came a time, in 1876, when two returns of electoral votes appeared from the same State and for different persons, and the question then became acute and very threatening. Who was to decide which of them was the rightful vote of the State—the President of the Senate, the joint body voting as one body, or the Senate and House voting separately in their own chambers? And, if so voting, they differed, what was to be done? There was then no method of settling in the courts beforehand the question which of the rival bodies of electors was the true one, and as the question whether Mr. Hayes or Mr. Tilden had been elected turned on the question which of certain returns were the true ones, a high and dangerous crisis was precipitated. This was settled, by an expedient, *viz.*: an Electoral Commission, or Court, consisting of five Senators, five Representatives and five Judges of the Supreme Court, to try the disputed questions, and this Commission decided in favor of Mr. Hayes. As an outcome of this, February 3, 1887, Congress passed an act making the following provisions: Section 2 provides that any contest regarding the election of electors must be decided, as provided by their State laws, at least six days before their meeting on the second Monday in January. Section 3 provides that a certificate of election must be issued by the State Executive in triplicate to the electors, and transmitted by them to the President of the Senate with their votes for President and Vice-President. Section 4 provides that objection to the reception of any returns must be in writing and signed by one member of each House. "No electoral vote or votes from any State, which shall have been regularly given by electors whose appointment has been lawfully certified to according to Section 3 of this Act, from which but one return has been received, shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return, or paper purporting to be a return, from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in Section 2 of this Act to have been appointed, if the determination mentioned in said section provided for shall have been made; . . . . but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in Section 2 of this Act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return, or paper purporting to be a return, from a State, if there shall be no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally-appointed electors of such State." If the two Houses disagree the votes of those electors holding the certificate of the State Executive shall be counted.

THE President now receives no official notice of his election, nor any commission or certificate of the result of the count. He just takes notice himself and presents himself for inauguaration. I do not know that a different practice formerly prevailed, but there hangs in my library a parchment which reads as follows:

"Be it known that the Senate and House of Representatives of the United States of America, being convened at the city of Washington, on the second Wednesday of February, in the year of our Lord, one thousand eight hundred and forty-one, the under-written Vice-President of the United States and President of the Senate, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and Vice-President of the United States: Whereupon, it appeared that William Henry Harrison, of Ohio, had a majority of the votes of the electors as President; by which it appears that William Henry Harrison, of Ohio, has been duly elected President of the United States, agreeably to the Constitution, for four years commencing with the fourth day of March, in the year of our Lord, one thousand eight hundred and forty-one.

"In witness whereof, I have hereunto subscribed my name and caused the seal of the Senate to be affixed, this tenth day of February, one thousand eight hundred and forty-one.

"RH. M. JOHNSON,
"Vice-President of the United States and President of the Senate.
"By the Vice-President.
"ASBURY DICKENS,
"Secretary of the Senate."

THIS COUNTRY OF OURS

By Hon. Benjamin Harrison

*III—THE DUTIES OF THE PRESIDENT

HAVING considered the manner of electing the President and his term of office let us now look at some of his larger duties. The most comprehensive power is given in these words: "He shall take care that the laws be faithfully executed." This is the central idea of the office. An executive is one who executes or carries into effect. And in a Republic—a Government by the people, through laws appropriately passed—the thing to be executed is the law, not the will of the ruler as in despotic Governments. The President cannot go beyond the law, and he cannot stop short of it. His duty and his oath of office take it all in and leave him no discretion save as to the means to be employed. Laws do not execute themselves. Somebody must look after them. It is the duty of the President to see that every law passed by Congress is executed. These relate to a multitude of things—the postal service, the internal revenue and a hundred other things. To enable him to do this, provision is made for the appointment of a large number of subordinate executive officers. At the head of these are the eight Cabinet officers: the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior and the Secretary of Agriculture; and under them an army of subordinates, the number now being nearly two hundred thousand, not including those in the military and naval service. Of these about fifty thousand are in the classified civil service—that is, they are appointed after examination under the Civil Service Law and without regard to political influence. The President has about five thousand appointments.

The appointing power is expressed in these words: "He shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the heads of departments." Under this provision the appointment of a large number of subordinate officials has been vested in the heads of departments.

THE process in Presidential appointments is for him to send to the Senate the names of the persons he has selected for particular offices. These nominations are public, as a list of them for the press usually accompanies the official communication to the Senate. In the Senate action upon the nominations is taken in what is called executive or secret session. The galleries and floors are cleared of all persons except Senators and certain officers whose presence is necessary to the transaction of business. The nominations are first referred to the appropriate committees—postmasters to the Committee on Post-Offices and Post Roads, ambassadors to the Committee on Foreign Affairs, etc. Here the scrutiny generally consists in referring the nominations to particular committee members, who usually inquire of the Senator or Senators from the State from which the nominee comes whether there are any objections. If any representations are received by the committee against the fitness or character of the nominee he is advised of the nature of the charges, and given an opportunity to make his defense, but the name of the person presenting the charges is usually withheld. If on a vote in the Senate a nomination is rejected the President is notified and the appointment fails. If the nomination is confirmed the President, on notice of the fact, issues to the officer a commission duly signed and sealed. It sometimes happens that several hundred of these commissions are presented at one time for his signature. The Constitution provides that the President may "fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session." There are a great many such appointments made, and the commissions all run, in the language of the Constitution, until the expiration of the next session of the Senate. When the Senate meets all of these vacation appointments are sent in for confirmation. If they are confirmed a new commission for the full legal term of the office is issued. If they are rejected a new nomination should be made, and if, as sometimes happens, the Senate adjourns without taking any action, the vacation appointment expires by its own limitation and another must be made. The power of removal has been generally regarded as an incident of the power of appointment, and as necessary to enable the President to fulfill his duty to see the laws executed; but during the sessions of the Senate he cannot put any person into an office until the nomination is confirmed. Of course, the power of removal does not extend to such officers as judges who are appointed for life and are only removable on impeachment.

The sphere of the Cabinet officers is evident from the descriptive titles they bear. They were constituted in the following order: The Department of Foreign Affairs, organized July 27, 1789, was permanently established as the State Department by the Act of Congress passed September 15, 1789. The Treasury Department was constituted September 2, 1789; the War Department August 7, 1789; the Post-Office Department, temporarily, September 22, 1789, permanently, May 8, 1794; the office of Attorney-General September 24, 1789, the Department of Justice, as such, being organized June 22, 1870; the Navy Department April 30, 1798; the Interior Department March 3, 1849. The Department of Agriculture was established by the Act of February 9, 1889. All of these officers are selected and nominated by the President and confirmed by the Senate. It is the first and most important duty the President has to do. They constitute what is called his official family, and their relations with him are very close and confidential. Each of them has primarily charge of a part of the public work defined by law.

THE Secretary of State, usually regarded as the head of the Cabinet, has charge of foreign affairs. All intercourse between the President and any representative of any foreign Government is through the Secretary of State. When a new ambassador or minister comes he makes himself known as such to the Secretary of State, and a time is arranged for the presentation to the President of his official credentials. This ceremony takes place in the Blue Room of the Executive Mansion. The Secretary of State introduces the minister or ambassador, who is attended by his suite in full court regalia, and he reads, usually in his own tongue, an address, and presents his letters of authority. These letters are received by the President, and handed to the Secretary of State, who stands by, and an address is made responsive to that delivered by the minister or ambassador. The address of the minister is invariably submitted to the Secretary of State in advance, and the reply of the President is often prepared suggestively in the State Department and submitted to the President for revision. These affairs are full of ceremony on the part of the foreign ministers, but the President and Secretary of State appear in their usual dress. It may happen that the President desires to say something special, and in such case he makes his address convey the special thought he has in mind. Usually such presentations are very formal, and consist of the most general expressions of good will between the nations represented.

The serious intercourse between this nation and other nations is dealt with in official correspondence conducted always in the name of the Secretary of State—for the President never appears in such matters, even if the note or dispatch is written by him; so that there is usually no direct business intercourse between the President and any foreign representative after the presentation of the credentials. Sometimes diplomatic matters are conducted by the Secretary of State directly with the representative of the foreign Government at Washington—either orally or by written notes; and sometimes our ambassador at the foreign court is used, and he is instructed what to communicate to the Government at whose court he resides.

IN all important matters the President is consulted by all the Secretaries. He is responsible for all executive action, and everything that is out of the routine receives his attention. Every important foreign complication is usually discussed with him, and the diplomatic note receives his approval. The same thing is true of each of the departments. Routine matters proceed without the knowledge or interference of the President; but, if any matter of major importance arises the Secretary presents it for the consideration and advice of the President. Only matters of great and general importance affecting the general policy of the administration are discussed in the Cabinet meetings—according to my experience—and votes are of rare occurrence. Any Secretary desiring to have an expression upon any question in his department presents it, and it is discussed; but usually questions are settled in a conference between the President and the head of the particular department. If there is that respect and confidence that should prevail between a President and his Cabinet officers this consultation is one on equal terms, and the conclusion is one that both support. There should be no question of making a "mere clerk" of the Cabinet officer; there is a yielding of views, now on one side, now on the other; but it must, of course, follow that when the President has views that he feels he cannot yield, those views must prevail, for the responsibility is his, both in a Constitutional and popular sense. The Cabinet officer is a valued adviser, and it does not often happen that his views and those of the President cannot be reconciled. My habit was to give an afternoon to each Cabinet officer, on a fixed day of the week. These meetings were chiefly given up to the consideration of appointments, but if any other matters were pending, and deemed by the Secretary of sufficient importance, they were presented and discussed. The Cabinet officer is chiefly entitled to the credit if his department is well administered, for most things he transacts on his own responsibility. The labors of a Cabinet officer are incessant and full of responsibility. His time is largely taken up with calls, and, like the President, he must, out of such fragments of time as he can secure, manage to study and decide the important questions that are daily presented to him.

Certain appointments, chiefly of a clerical character, are by law given to the heads of the departments, and with these the President usually refuses to interfere, though often urged to do so. It was my practice to refuse to send any card of recommendation to a Secretary, though I spent many a weary hour explaining to friends why I could not do so.

THE appointments in each department that are made by the President are, as I have said, a subject of consultation. All papers sent to the President relating to such appointments are referred to the proper department, and there a brief is made up showing the names of the different applicants and the persons by whom they are recommended. It has come to be a custom that in all the appointments relating to a Congressional district the advice of the Congressman—if he is of the same party as the President—is expected to be taken. This is a mere matter of custom, but it has become so settled a custom that the President finds himself in not a little trouble if he departs from it. In the Congressional districts represented by Congressmen of the party opposed to the President the custom is that the Senator or Senators—if of the President's party—make recommendations for local appointments. The practice is to follow these recommendations unless something to the prejudice of the character or fitness of the applicant is alleged. In such case the President exercises his prerogative to make a selection of his own upon such representations and recommendations as are made to him. When he does this the confirmation of the appointment, however good and unexceptional in itself, is often held up in the Senate upon the objection of the Senator whose recommendation has not been followed, and is sometimes rejected, not so much upon the merits as for personal reasons. The power and duty of selection are vested by the Constitution in the President, but appointments are to be "by and with the advice and consent of the Senate." It would seem that this power vested in the Senate related only to the competency, fitness and character of the person appointed, and not to the special selection, but this view is much varied by what is called "Senatorial courtesy."

THERE can be no doubt that the participation of the Senate in the matter of appointments is larger than was contemplated; still this usage has become so established that it is now hard to break through it, and as the President can, in the nature of things, know but little about the applicants for local offices, and must depend upon some one better informed than he to give him the necessary information, it is quite natural that he should give great weight to the advice of the Senator or Congressman. It ought, however, to be admitted that as the responsibility rests upon the President he must be satisfied as to the fitness of the appointment. This being satisfactorily established, the public interests are saved, for the choice between men equally fit is not very important. If there is any objection to the appointment, growing out of the character or habits of the applicant, it is pretty sure to be brought out; and on the whole, considering the number of appointments the President is required to make without any personal knowledge of the appointees, the public service is well and honestly conducted. There is no duty devolved upon the President that takes so much of his time or is accompanied with so much annoyance and even distress of mind as this matter of making appointments.

At the beginning of every administration Washington fills up with persons who desire some office either in the States, in the departments or in the foreign service. Many of these persons have a limited purse, and as the days pass on this is exhausted, and impatience and ill temper come in. Many of these persons are deserving and well fitted to fill the offices they desire. But it is impossible to find places for all the deserving, and the position of the President is full of trial. The suspense and uncertainty that the office-seeker suffers is illustrated by the case of a man from my own State who thought he had good reason to expect an appointment from President Garfield. After he had been weeks at Washington, and had brought to bear all the influence he could command, I met him one day on the street and asked him how he was getting along. His answer was, "Very well, very well, but there is nothing focal yet." It was wonderfully expressive, and has remained in my memory as a type of the state of uncertainty which accompanies office-seeking. "Nothing focal yet," but a hope that is hard to kill.

There are few offices at Washington the salaries of which enable the incumbent to save any money, and the average experience of those holding places in the departments, I am sure, is, if they would express it, that private business offers better returns and gives a better chance for advancement. The civil service has given a measure of security to the department clerk, but even with this protection there is a sense of insecurity and dependence which is not found in private pursuits. But for many persons there is a fascination about the National Capital, and a zest and excitement in life there that will continue to attract many a young man who could make a much greater and more brilliant career at home.

THE need of a better consular service has been getting a strong hold upon the public mind. The practice has been to make frequent changes in these offices—indeed an almost complete change upon the coming in of an administration of a different party. The duties of a consul relate almost wholly to our commerce with the country where he serves.

Consular officers are required to keep detailed lists of all seamen shipped and discharged by them, specifying their names and nationality, and the names of their vessels; to report to the Secretary of the Treasury full information concerning all vessels arriving at or departing from their stations, giving tonnage, the nature and value of cargoes and the number of seamen; and to verify and certify invoices or shipments of merchandise to this country. They are required to procure and transmit detailed commercial information concerning the country in which they are stationed, and to report prices current of all merchandise usually exported to the United States from their stations, and also to keep posted a copy of tariff rates in force in our country.

An acquaintance with the language of the country is so important as to be nearly indispensable to the full discharge of a consul's duties. For he should be able to go into the shops and offices of commerce, familiarize himself with all new processes, and discover any openings that may present themselves for the extension of our trade. The recent movement by Mr. Cleveland and in Congress for a better qualified and permanent consular force is to be commended.

IT is remarked that changes in the home administration in other countries, such as England and France, do not involve changes in the ministers or ambassadors or consuls, as they do with us. The English Ambassador at Washington holds right on whether the Liberals or the Tories are in power. He represents his country, not a party, and carries out the instructions from the home Government loyally. He is never heard to make speeches attacking the policy of the opposing party—or criticising his own people. Perhaps one of the chief difficulties in our getting a permanent diplomatic and consular service grows out of the fact that the tariff question is one that is always acute in our politics, and the reports of our

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* The third of a series of papers upon our Government and its functions, its relations to the people, and their relations to it, which ex-President Harrison is writing for THE LADIES' HOME JOURNAL. The articles began in December, 1895, and will appear in successive issues during the year.

Of these articles have already appeared:

Introductory Paper	December, 1895
"The Constitution"	January, 1896
"The Presidential Office"	February, 1896

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consuls naturally take on the views held by them upon this question. We cannot have a permanent diplomatic and consular service until we can find diplomats and consuls who will leave their party politics at home. If they are to be aired or exercised abroad then it follows that they must be in harmony with the party in power at home. There is no other way as to officers whose work and expressions affect public or political policies—however much we may wish there were. But spite of all the difficulties that beset the question of removals and appointments it must be conceded that much progress in the direction of a betterment of the service has been made. The Civil Service Rules have removed a large number of minor offices in the departments at Washington, and in the postal and other services, from the scramble of politics, and have given the President, the Cabinet officers and the Members of Congress great relief; but it still remains true that in the power of appointment to office the President finds the most exacting, unrelenting and distracting of his duties. In the nature of things he begins to make enemies from the start, and has no way of escape—it is fate; and to a sensitive man involves much distress of mind. His only support is in the good opinion of those who chiefly care that the public business shall be well done, and are not disturbed by the consideration whether this man or that man is doing it; but he hears very little directly from this class. No President can conduct a successful administration without the support of Congress, and this matter of appointments, do what he will, often weakens that support. It is for him always a sort of compromise between his ideal and the best attainable thing.

THIS COUNTRY OF OURS

By Hon. Benjamin Harrison

*IV—THE ENFORCEMENT OF THE LAW

A FEW words more about the laws and the enforcement of them. The execution of the laws usually proceeds along moral and peaceful lines, for people generally do not violate nor resist the laws. But provision must be made for the arrest and punishment of those who do, and for the prompt suppression of any organized resistance, in the form of insurrections, mobs or otherwise. All punishment must be by the judgment of a Court. The Executive Department can only suppress violence, and arrest the law-breakers—the trial of the question of guilt and the fixing of the penalty is for the Courts. The United States Marshals and their deputies are the peace officers of the United States. They usually act upon warrants or other orders from the United States Courts; but they may act in some cases without a writ from the Court. The attempt upon the life of the honored and venerable Justice Field of the Supreme Court, by David S. Terry, is an example. Justice Field had tried a case in which Terry was interested, and for his judicial action in that case Terry had made threats against the life of the Justice. The Attorney-General (Mr. Miller) directed the United States Marshal of the Northern District of California to afford the Justice protection, and Deputy Marshal Neagle was detailed to that duty. While on the way from Los Angeles, where he had held Court, to San Francisco, where he was to sit in the Circuit Court, Terry made an assault on the Justice at a railroad eating-house, and was killed by Deputy Marshal Neagle. Some new and interesting questions arose: If the peace had been broken, was it the peace of the United States or the peace of the State of California? Could the police of the State arrest and hold the Deputy Marshal, and the Courts of the State try and punish him, or was the question whether the officer had committed a crime one to be determined by the laws and the Courts of the United States? The State officers arrested Neagle, and a State Court indicted him. He was taken on a writ of habeas corpus, issued by the United States Court, from the State officers, and brought before that Court and discharged. Some very important and instructive things were said on the hearing and in the decision given in the case by the Supreme Court.

THE Attorney-General (Mr. Miller), in his brief, said:

"Argument certainly cannot be necessary to show the duty of the Executive Department of the Government of the United States to protect the Courts and Judges in the discharge of their duties. Indeed, it is hardly supposed that this will be questioned. The President, as the head of that Executive Department, is under the Constitutional obligation to take care that the laws be faithfully executed. To the end that he may, in every contingency, discharge this duty he is made Commander-in-Chief of the Army and Navy, and of the militia of the several States when called into active service."

Justice Miller, in the opinion of the Court, quotes from the opinion of Justice Bradley in *Ex. parte* Siebold, 100 U. S., as follows:

"We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent. This power to enforce its laws and to execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the same places. The one does not exclude the other, except where both cannot be executed at the same time. In that case the words of the Constitution itself show which is to yield. 'This Constitution, and all laws which shall be made in pursuance thereof, . . . shall be the supreme law of the land.' . . . Without the concurrent sovereignty referred to, the National Government would be nothing but an advisory Government. Its executive power would be absolutely nullified. Why do we have Marshals at all if they cannot physically lay their hands on persons and things in the performance of their proper duties? What functions can they perform if they cannot use force? In executing the processes of the Courts must they call on the nearest constable for protection? Must they rely on him to use the requisite compulsion, and to keep the peace, whilst they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary consequence of the positions that are assumed. If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States, and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old confederation. . . . It must execute its powers, or it is no Government. It must execute them on the land as well as on the sea, on things as well as on persons. And to do this it must necessarily have power to command obedience, preserve order, and keep the peace; and no person nor power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction."

AND Justice Miller says:

"Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their *express terms*, or does it include the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution?

. . . . . .

"So, if the President or the Postmaster-General is advised that the mails of the United States, possibly carrying treasure, are liable to be robbed and the mail-carriers assaulted and murdered in any particular region of country, who can doubt the authority of the President or of one of the Executive Departments under him to make an order for the protection of the mail and of the persons and lives of its carriers, by doing exactly what was done in the case of Justice Field, namely, providing a sufficient guard, whether it be by soldiers of the army or by Marshals of the United States, with a *posse comitatus* properly armed and equipped, to secure the safe performance of the duty of carrrying the mail wherever it may be intended to go?"

. . . . . .

And again he says:

"That there is a peace of the United States; that a man assaulting a Judge of the United States while in the discharge of his duties violates that peace; that in such case the Marshal of the United States stands in the same relation to the peace of the United States which the sheriff of a county does to the peace of the State of California, are questions too clear to need argument to prove them."

The Court held that Justice Field, while traveling to the places where he was to discharge judicial duties, was as fully entitled to the protection of the United States as while actually sitting upon the bench.

THE laws the President is to enforce are, of course, only the laws of the United States. With the matter of resistance to the laws of a State he has nothing to do, save as I shall presently explain. But the power and duty of the President to suppress mob violence happening in the States is broader than the old thought and practice in such matters. During the great railroad strike of 1877 the United States troops were not, I think, used in any case except when the Governor or Legislature of the State called upon the President for aid, under Section 4 of Article 4 of the Constitution, which declares that "the United States shall protect the States against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence"; and except, also, to support the United States Marshals in making arrests on process from the Courts. At some points during the strike of 1877 the strikers thought to evade the interference of the President and of the United States Courts by permitting mail cars to be run, while cutting off all freight and passenger traffic. The question whether the stoppage of passenger and freight traffic between the States was not an offense against the United States was not much considered, if at all. In some cases where particular railroads were in the hands of Receivers appointed by the United States Courts, interference with the running of trains on such roads was treated as a contempt of the Court, and some persons were arrested and punished for contempt.

SUBSEQUENTLY a broader view was taken of the powers of the United States Courts and of the President, and a jurisdiction was exercised by each that had not before been exercised, but was clearly within the scope of their Constitutional powers. It was held that a mail train was composed not only of postal cars, but of such other cars as were usually drawn with the postal cars in the same train; that the railroad companies could not be required to run mail cars, when prevented by violence from hauling with them other coaches assigned to the train; and that any cutting out of cars from a mail train was an interference with the transportation of the United States mails. So it was held that the stoppage of trains—freight or passenger—running from one State into another—that is, conducting inter-State commerce—or the tearing up of or obstructing the tracks over which such inter-State commerce was carried, was an offense against the peace of the United States. Such an offense may be enjoined by the Courts, and the Army of the United States used by the President to restore order without waiting for any call from the State Legislature or the Governor for assistance. It is not "domestic violence," in the sense of the section just quoted, but an attack upon the powers of the National Government, and neither the request nor the consent of the State is needed to give the President a right to use the means placed in his hands by the Constitution, to preserve the peace of the United States, and to see that the mails and inter-State commerce are not stopped nor impeded by violence. A strike of violence affecting a street railway in a city, or a shop or factory, or coal mine, or other local interest, or a riot raised for the lynching of a prisoner charged with an offense against the State—all these must be dealt with by the State authorities, save that, as has been seen, the President may be called upon for aid by the Legislature or Governor.

THERE is, however, a class of persons in the States to whom the direct protection of the United States is due, though no proper legislation has yet been passed to make it effective. I refer to the citizens of foreign countries who, under treaties we have with such countries, are domiciled in the States, and to whom such treaties guarantee the protection of the law. As yet Congress has not legislated to give the United States Courts jurisdiction of prosecutions for offenses against such persons, in derogation of their treaty rights. The killing of some Italian subjects in New Orleans, in March, 1891, and the demand of the Italian Government for the punishment of the offenders, and for an indemnity, brought this strange and unsatisfactory condition of things very strongly to the attention of our Government. The United States had made a treaty with Italy giving certain rights to the subjects of that kingdom living in this country. Yet when the demand was made that the offenders should be tried and punished we could only say the United States is powerless; we have left that to the State authorities and can only suggest that proceedings be taken by them. This was manifestly unsatisfactory. The United States made the treaty. Italy could not make a treaty with Louisiana, nor demand an indemnity of her.

IN a message to Congress the President said:

"The lynching at New Orleans in March last of eleven men of Italian nativity by a mob of citizens was a most deplorable and discreditable incident. It did not, however, have its origin in any general animosity to the Italian people, nor in any disrespect to the Government of Italy, with which our relations were of the most friendly character. The fury of the mob was directed against these men as the supposed participants or accessories in the murder of a city officer. I do not allude to this as mitigating in any degree this offense against law and humanity, but only as affecting the international questions which grew out of it. It was at once represented by the Italian Minister that several of those whose lives had been taken by the mob were Italian subjects, and a demand was made for the punishment of the participants, and for an indemnity to the families of those who were killed. . . ."

The views of this Government as to its obligations to foreigners domiciled here were fully stated in the correspondence, as well as its purpose to make an investigation of the affair with a view to determine whether there were present any circumstances that could, under such rules of duty as we had indicated, create an obligation upon the United States.

Continuing, the President further said:

"Some suggestions growing out of this unhappy incident are worthy the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the Federal Courts. This has not, however, been done. . . . . It seems to me to follow, in this state of the law, that the officers of the State charged with police and judicial powers in such cases must, in the consideration of international questions growing out of such incidents, be regarded in such sense as Federal agents as to make this Government answerable for their acts in cases where it would be answerable if the United States had used its Constitutional power to define and punish crimes against treaty rights."

Like incidents have frequently occurred and will occur again, and Congress should so legislate as to give the United States Courts appropriate powers to protect those who are here in the "peace of the United States."

WE have often heard it said that the United States protects Americans domiciled in a foreign country from injury, sending fleets to enforce our demand, but that it fails to give protection to our own citizens at home, against unjust or oppressive laws, or the unjust and violent destruction of their property or lives, or the denial of their political rights. The statement has a good deal of truth in it. But the explanation is that in the one case the Constitution and laws have given the power to the President to act; and have in the other, in a large measure, left to the States the control of elections and the duty to protect their citizens from injuries to their persons or property.

The Constitution declares that "the President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States." Undoubtedly he might assume the command in person—take the field and conduct military operations—but he has never done so and is not likely to do so. The other duties laid upon him make it practically impossible that he should do so, at least for any length of time. But he does command through others, and his order to any commanding officer would be imperative. Mr. Lincoln followed the movements of our armies during the Civil War very closely, and often expressed, with rare good judgment, to the commanding officer, views as to the proper use of his troops; but he did this in a suggestive rather than an imperative form.

JUSTICE MILLER, in his lectures on the Constitution, says:

"How far President Lincoln actually interposed his own will and his own judgment in the conduct of this war will, perhaps, never be fully known, though it is well understood that on many important occasions, and in great emergencies, he enforced his judgment in many ways—mainly, however, in displacing commanders of large armies and appointing others, until success established his own confidence and the confidence of the people in a few great military leaders."

The President cannot declare war. Congress must do that. But that this provision of the Constitution, making him Commander-in-Chief, was intended to confer upon the President the power to use military force in executing the laws, and in protecting the property of the United States and its officers in the discharge of their duties, there can be no doubt. It would not be appropriate here to discuss the various limitations that Congress has imposed, or attempted to impose, upon the power of the President to use a military force in enforcing the laws. The people are very properly jealous of the interference of the military in civil affairs, and will justify it only in cases of obvious necessity. This consideration, and the liability to impeachment for any improper use of his powers, will always make the use of the army, by the President, to keep the peace, a matter of last resort.

REVERENCE FOR THE BIBLE

THERE is a sin prevalent in our households of which we take little note, which, in fact, we encourage either by an indifference to it, or by an active participation in its folly and wickedness: the use of the Word of God for the purpose of making riddles, conundrums, puzzling questions, anagrams, etc., etc., out of it. If we really believe in the Divine origin of the Bible can it be right to give it to children that they may construe its words into odd connections, and make sport and laughter and mental legerdemain from its pages? Is it likely they will reverence on other occasions what has previously been food for their amusement? It is not, and we need not be astonished if the boys and girls who have been permitted to turn the leaves of their Bibles for pastime and entertainment, turn them in after years to find pretexts for their infidelity.

There has been, indeed, a singular laxity in regard to this sin; and that Divine Book which has been the comfort, the stay, the hope of humanity in all ages, has good reason in these latter days to make this mournful complaint: "I was wounded in the house of my friends." It is a wrong, however, that needs only to be recognized that it may be remedied. Is there any person of reasonable intelligence who would not refuse to wash his hands in the church font, or drink healths from the holy chalice? Yet it is as intrinsically profane and irreligious to make riddling amusement out of the pages of the Word of God. This frivolous "searching of the Scriptures" is far, indeed, from that "searching" which made Timothy wise and eloquent in the things pertaining to life eternal.

*The fourth of a series of papers upon our Government and its functions, which ex-President Harrison is writing for the JOURNAL. The articles began in December, 1895, and will appear in successive issues during the year. Of these articles have already appeared:

Introductory Paper	December, 1895
"The Constitution"	January, 1896
"The Presidential Office"	February, 1896
"The Duties of the President"	March, 1896

THIS COUNTRY OF OURS

BY HON. BENJAMIN HARRISON

*V—TWO IMPORTANT POWERS OF THE PRESIDENT

IN this article I shall speak of two very important powers vested in the President by the Constitution: the Veto, and the Treaty-making Powers.

The Chief Executive, by the use of the veto, becomes a very large factor in determining whether a bill shall become a law. Section 7 of Article 1 contains the grant of this power, and I quote it in part:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."

WHEN a bill has passed both Houses of Congress it is enrolled upon parchment and signed by the President of the Senate and the Speaker of the House. It is then taken, by the clerk of the Committee on Enrolled Bills, to the Executive Mansion, where the date of its delivery is stamped upon it. The practice is then to send the bill to the head of the department to which its subject-matter belongs—to the War Department, if to army matters; to the Interior, if to pensions, or public lands, or Indian affairs, etc.,—for the examination of the Secretary, and for a report from him as to any objections that may occur to him. As to the frame of the bill, and as to Constitutional questions involved, the Attorney-General is often consulted, though the bill does not relate to his department. The President then takes up the bill, with the report from the department, and examines it, and if he approves writes thereon "Approved," giving the date, and signs his name. The bill, now become a law, is then sent to the State Department to be filed and published in the Statutes-at-Large.

If the President finds such objections to the bill as to prevent him from giving it his approval two courses are open to him. He may, at any time within ten days (Sundays not counted) from the time it was brought to him, return the bill to the Senate or to the House—according as the bill was first passed by the one or the other—with a message stating his objections to it; or he may suffer the bill to lie upon his table, taking no action whatever upon it. If he takes no action then the fate of the bill turns upon the fact whether Congress remains in session during the ten days—and by this is not meant that both Houses shall be in session every legislative day of the ten. If it does the bill becomes a law; if it does not, the bill fails—does not become a law. You will see in the Statutes-at-Large of the United States many laws which do not have the President's signature. These are usually acts of small moment—relief bills or such like, which, while he could not approve, he did not deem of sufficient moment to be the subject of a veto message.

BUT, now and then, acts of a general nature and of the highest importance appear without the President's signature. It will be remembered that Mr. Cleveland allowed the Tariff Bill of August, 1894 (known as the Wilson Bill), to become a law without his signature. If Congress adjourns before the expiration of the ten days given to the President for the consideration of a bill, and he does not sign it, but retains it without action, it fails as I have said. This has come to be called a "pocket veto." It will be seen, therefore, that as to bills presented to the President during the last ten days of a session of Congress his veto is an absolute, not a qualified, one. He has only to do nothing and the bill fails. The object clearly was to secure to the President proper time for the examination of all bills. If a flood of bills could be thrown upon him in the last ten days of the session, depriving him of a proper time for examining them, and they were to become laws unless he stated his objection in veto messages, it would practically abrogate, as to such bills, the veto power. In fact, just such a flood of bills is usually passed, many in the very last hours of the session, when the attendance in the Houses is small, and the members are wearied by night sessions, and many of the leading members are absent from their seats, serving on conference committees. Every interval in the consideration of the appropriation bills is eagerly watched for and utilized by members who have some personal relief bill or some bill of a local character that they want to get through. This hasty legislation needs especial scrutiny, and it is well that when he is in doubt, and has no time to investigate, the President can use the "pocket veto." It sometimes happens that an important appropriation bill is passed in the very last moments of the session, and, indeed by the true time, after the session is ended—for the hands of the clocks in the chambers are sometimes turned back to gain a few moments to complete the passage of a bill. Generally the President, in recent times, has gone to his reception-room in the Senate wing of the Capitol in the last hours of a session, especially if some of the appropriation bills were not yet disposed of, in order to save the time that would otherwise be necessary to carry the bills to the Executive Mansion.

A Constitutional Amendment forbidding Congress to pass any laws in the last twenty-four hours of a session, save such as might be returned with a veto, was suggested by President Grant. The object of this suggestion was "to give the Executive an opportunity to examine and approve or disapprove bills understandingly." But it would be no remedy for hasty legislation; for the last day would, as an Irishman might say, "be the day before the last," and the same rush and hurry would characterize it.

THERE is another practice in legislation that greatly restrains the freedom of the President in using the veto power. What are called "riders" are often placed in general appropriation bills—that is, legislation of a general character having nothing to do with appropriations is put into an appropriation bill. This is equivalent to saying to the President, "Give your approval to this general legislation or go without the appropriations necessary to carry on the Government." President Hayes resisted attempts by this method to impair the Constitutional powers of the Executive, and vetoed five appropriation bills because general legislation had been incorporated to which he could not give his assent.

There are other practical restraints upon the freedom of the President in the exercise of the veto power. Very many laws contain more than one proposition—some a number of such—and the President must deal with them as thus associated. In each of the great appropriation bills many hundreds of distinct appropriations are made. Some of these the President may think to be wrong, either as a matter of policy, or of Constitutional power; but he cannot single these out; he must take the bill as a whole. In some of the State Constitutions the Governor is given power to veto any item in an appropriation bill.

It has been much contended that the veto was given to enable the President to defend himself against legislative attempts to encroach upon his Constitutional powers, or those of the Judiciary; and that he should exercise it only where he finds Constitutional objections to a bill. But the power is not so limited, and from the beginning has been exercised upon the ground of the inexpediency or unwisdom of the legislation proposed, as well as upon Constitutional grounds. I do not suppose that any President has ever dealt with the bills submitted for his approval upon the principle that he should approve only such as he would have voted for if he had been a member of Congress. Much deference is due to the Congress, and vetoes have customarily been used only when the fault in the proposed legislation was serious in itself, or as a precedent.

WHEN a bill is returned by the President the veto message is read, and the question is put: "Shall the bill pass, the objections of the President to the contrary notwithstanding?" The vote must be taken by yeas and nays, and recorded on the journals. The object of this is that the public may know just how each member has voted, and that the record shall show whether or not two-thirds of the members have voted for the passage of the bill. If two-thirds of each House of Congress are recorded in the affirmative the bill becomes a law. This does not mean two-thirds of all the members of each House, but two-thirds of those present and voting—a quorum, as a matter of course, being present.

Mr. Edward Campbell Mason, in his monograph upon the veto power, says:

"The veto is but an appeal to the sober second thought of the nation, and when that second thought is like the first the appeal can accomplish nothing. This seeming weakness in the veto is not a defect. The theory of our Government is that in the long run the people are right. The veto would be a hindrance if it could permanently check the strong underlying tendencies in the public mind. And in any case, in a Government founded on nearly universal suffrage, a positive check to popular measures is not what is wanted. The most that can safely be done is to hinder the enactment of propositions until the people can determine whether they are really in earnest in their demands; and this delay the veto power is most admirably constructed to accomplish."

THE treaty-making power is given to the President (in connection with the Senate) by the second paragraph of Section 2 of Article 2 of the Constitution, in these words:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

It will be noticed that the initiative—the negotiations with foreign Governments leading up to an agreement, and the framing of the articles of the treaty—is with the Executive. The Senate has no part in the matter until the President communicates the treaty to it, and asks its concurrence. It may then, however, either concur or reject, or concur with amendments. The high sanction and dignity of treaties is declared in Article 6 of the Constitution:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

The power to make treaties is explicitly denied to the States by Section 10 of Article 1 of the Constitution: "No State shall enter into any treaty, alliance or confederation." And the power of the States over this subject is further limited by the third clause of the same section, which declares that "no State shall, without the consent of Congress, . . . enter into any agreement or compact with another State, or with a foreign power."

WHEN the Executive has agreed with any foreign power upon a treaty, and it has been duly signed by the Plenipotentiaries for their respective Governments, it is sent to the Senate for its concurrence, and is considered there in secret session. Whatever may be said as to the wisdom or necessity of secret sessions for other purposes it is manifestly necessary that the terms of treaties, and the discussion of them, should in many cases be kept in the confidence of those charged with concluding them, until they are concluded.

There was much debate in the Constitutional convention upon the section relating to the treaty-making power. Mr. Randolph's plan gave to the President, with the advice and approbation of the Senate, the power of making all treaties. Mr. Pinckney's plan gave to the Senate "the sole and exclusive power to declare war, and to make treaties." The Committee of Detail recommended that "the Senate of the United States shall have power to make treaties, and to appoint ambassadors," etc. At a later day Mr. Madison proposed that the Senate should have power to conclude treaties of peace without the concurrence of the President. This proposition went upon the theory that the President might, by reason of the increased power and influence that a state of war gave him, be inclined to prolong a war unduly.

Nor was the objection that the House of Representatives was excluded from any participation in the concluding of treaties overlooked. Mr. Mason said, while the proposition stood to lodge the treaty-making power in the Senate, that that body "could already sell the whole country by means of treaties"; and again that the power might be used to "dismember the Union." Mr. Morris proposed that no treaty should be binding unless ratified by law, that is, by both Houses. Mr. Wilson said a treaty might be made "requiring all the rice of South Carolina to be sent to one particular port." When the clause was reported by a committee, in about the form finally agreed upon, Mr. Wilson moved to insert after the word "Senate" the words "and House of Representatives," and said that "as treaties are to have the operation of laws, they ought to have the sanction of law also"—meaning that the House should concur with the President and Senate in the making of a treaty, as in the making of a law.

BUT, though all these attempts in the convention to give the House of Representatives a part in the making of treaties failed, it is still true that many important treaty stipulations depend for their execution upon the action of the House. If a treaty stipulates for the payment of money by the United States, the money cannot be taken from the Treasury without an appropriation. It may be said that as a treaty is a part of the "supreme law of the land," it is the duty of Congress to appropriate the money necessary to carry it into effect; and that in the making of the appropriation the House has no right to consider the question of the value or propriety of the treaty. But, all the same, if the appropriation is not made the treaty fails. This question has several times been discussed in conference between the Senate and the House, as also the further question whether commercial treaties which modified our revenue laws did not require legislation to give them effect. In 1816 the Senate passed an act to give effect to a commercial treaty with England. It was in substance a declaration that any existing laws in conflict with the treaty should be held to be of no effect—proceeding upon the theory that the treaty being the latest expression, and the "supreme law of the land," took effect without a repeal of the conflicting laws, and that only a declaration of that fact was necessary. The House took the view that legislation adapting the laws to the treaty was necessary. The conferees on the part of the House reported:

"Your committee understood the committee of the Senate to admit the principle contended for by the House, that whilst some treaties might not require, others may require legislative provision to carry them into effect; that the decision of the question how far such provision was necessary must be founded upon the peculiar character of the treaty itself."

So in the case of the treaty with Russia for the purchase of Alaska the House adopted a resolution that "the stipulations of the treaty cannot be carried into full force and effect, except by legislation to which the consent of both Houses is necessary."

SPITE then of the provisions of the Constitution lodging the treaty-making power in the President and the Senate, and declaring that "all treaties made . . . under the authority of the United States shall be the supreme law of the land," we have come practically to recognize the fact that legislation is often necessary to give this part of the "supreme law of the land" any effect. Indeed, most treaties require appropriations for expenses or indemnities or the like, and all commercial treaties modify our revenue laws; and if they do not of their own force repeal conflicting laws there must be legislation. Usually appropriations to carry out a treaty have been given freely by the House; but there is power to withhold them, and so to defeat the treaty. As to treaties involving our revenue laws, the House—having by the Constitution the sole power to originate revenue bills—has claimed the right to act upon a consideration of the wisdom or unwisdom of the treaty.

Many treaties contain a provision that either of the high contracting parties may, upon specified notice, declare them abrogated. When no such provision is inserted, and the obligations assumed are not limited as to time, the common impression, perhaps, is that there are only two events—the mutual consent of the parties, or a state of war—that can relieve a nation from its solemn treaty covenants. But it is not so, as to the United States at least, for it has been held that an act of Congress, of later date than the treaty, may abrogate it.

THE Supreme Court of the United States says (Justice Gray) in the Chinese Exclusion case (149 U. S. 720):

"In our jurisprudence, it is well settled that the provisions of an act of Congress, passed in the exercise of its Constitutional authority, on this, as on any other subject, if clear and explicit, must be upheld by the Courts, even in contravention of express stipulations in an earlier treaty. As was said by this Court in Chae Chan Ping's case, following previous decisions: 'The treaties were of no greater legal obligation than the act of Congress. By the Constitution, laws made in pursuance thereof and treaties made under the authority of the United States are both declared to be the supreme law of the land, and no paramount authority is given to one over the other. A treaty, it is true, is in its nature a contract between nations, and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment. If the treaty operates by its own force, and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act, to be repealed or modified at the pleasure of Congress. In either case the last expression of the sovereign will must control. So far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the Courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification or repeal.'"

Under this view of the law two-thirds of the House and two-thirds of the Senate may, over the objections of the President, abrogate a treaty. The unlearned might conclude if, as the Supreme Court says, a treaty and a law are of equal force, and that the law overrules the treaty, because it is a later expression, that a treaty later in time than the law would override the latter. But things do not always work both ways, and the probability is that this is one of those that do not. For the Court has held that a law abrogates an earlier treaty, and Congress has apparently settled the principle that a treaty does not annul a law enacted at an earlier date.

*The fifth paper of a series on our Government and its functions, written by ex-President Harrison expressly for the JOURNAL. Preceding ones (including introductory article) appeared in December, January, February, March and April numbers. Others will be published in successive issues during the year.

THIS COUNTRY OF OURS

By Hon. Benjamin Harrison

*VI—THE PARDONING POWER AND IMPEACHMENT

I SHALL notice only one other of the Constitutional powers of the President—the Pardoning power. Some other minor powers and duties, imposed by the Constitution and by the laws, will be noticed when I come to describe—as it is my purpose to do—a day with the President at his desk. We shall then see the powers of his office in exercise. The pardoning power is conferred upon the President in these words: "And he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

A reprieve is a temporary suspension of the execution of a sentence. This power is often used for the purpose of giving the President time to examine an application for a pardon, or to enable the condemned to furnish further evidence in support of such an application. In the summer of 1889 an application for a pardon in behalf of a man condemned to death for murder was presented to me, and after a careful examination the application was denied. On the day before the day fixed for the execution I arrived at Bar Harbor, on a visit to Mr. Blaine, and found that just before my arrival a telegram had come asking for a reprieve. The message had been telephoned to Mr. Blaine's house and received by Mrs. Blaine. Her sympathies, and those of the whole household, were at once enlisted for the poor fellow, and though the gibbet was over twelve hundred miles away the shadow of it was over the house, and I was the hangman. A telegram to the United States Marshal granting a short reprieve was sent, and the day of the execution was again my uncomfortable secret. It is not a pleasant thing to have the power of life and death. No graver nor more oppressive responsibility can be laid upon a public officer. The power to pardon includes the power to commute a sentence, that is, to reduce it. When the sentence is death the President may commute it to imprisonment for life, or for any fixed term; and when the sentence is imprisonment for life, or for a fixed term of years, he may reduce the term of imprisonment, and if a fine is imposed he may reduce the amount, or remit it.

THE course of procedure in an application for a pardon is this: A petition is drawn setting forth the grounds of the application. This is usually accompanied by other petitions and letters from citizens urging clemency. The papers should go directly to the Attorney-General, and if sent to the President are referred to the Department of Justice without examination. The first step here is to refer the papers to the Judge and District Attorney who tried the case, for any statement or recommendation they may be inclined to make. In the Department of Justice there is a pardon clerk, to whose desk all papers relating to pardons primarily go. He classifies and makes a brief of them, and then forwards them to the Attorney-General accompanied by a letter stating his view of the case. The Attorney-General then takes up the case, and after an examination indicates his recommendation on the jacket inclosing the papers, and sends them to the President. Here the case is decided, after a careful examination of every paper, especially when the sentence is a severe one. The conclusion of the President, "Pardon granted," or "Pardon refused," or "Sentence commuted to——," is endorsed upon the jacket. Sometimes the President states briefly the reasons upon which his conclusion is based. The papers are then returned to the Department of Justice, where the orders necessary to give effect to the President's decision are prepared, and forwarded to the proper officers. There is an increasing amount of pardon business coming to the President's desk, and he often has many cases waiting his action. Offenses against the postal laws, revenue laws and national banking laws make up the bulk of this business; but cases of murder from the Territories and the District of Columbia are quite frequent. The Indian Territory has been the abode of lawlessness, and crimes against human life have been very common. Until recently crimes committed by or against white men in that Territory were triable mainly in the United States Court for the Western District of Arkansas, at Fort Smith, and Judge Parker, of that District, has probably sentenced as many men to death as all the other United States Judges combined. I am told that the gibbet is never taken down.

The papers in these murder cases are usually voluminous—a full record or an abstract of the evidence making part. If the trial seems to have been fairly conducted, and no new exculpatory evidence is produced, and the sentence does not seem to have been unduly severe, the President refuses to interfere. He cannot weigh the evidence as well as the judge and jury. They saw and heard the witnesses, and he has only a writing before him. It happens sometimes that the wife or mother of the condemned man comes in person to plead for mercy, and I know of no more trying ordeal than to hear their tearful and sobbing utterances, and to feel that a public duty requires that they be denied their prayer.

WE have seen how the President gets into office, and we will now briefly look at the Constitutional process of putting him out of it. Section 4 of Article 2 of the Constitution provides that "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." "The sole power of impeachment" is given to the House of Representatives, that is, the power to resolve that an officer shall be impeached for specified offenses, and to prefer the charges or articles of impeachment, which take the place of an indictment in an ordinary criminal trial. "The sole power to try all impeachments" is given to the Senate, and "When sitting for that purpose the members shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present." The judgment, in case of conviction, ousts the officer from the office he is holding, and renders him incapable of holding any other office under the United States. No imprisonment, nor fine, nor other penalty can be imposed by the Senate; but the officer is still liable to be indicted in the courts under the law for his offense, and may there be made to suffer death, imprisonment or other legal penalty for his crime. The pardoning power of the President does not extend to cases of impeachment—that is, to the penalty following the conviction by the Senate—but would cover the conviction by a court if the officer were further prosecuted there. The reason for excepting convictions on impeachments from the President's pardoning power is obvious. The officers subject to impeachment are, except the Vice-President, appointed by the President, and, except as to the Judges who hold for life, can be removed by him. If in the face of the charges that lead to an impeachment he retains the person in office he has practically judged the case favorably to the accused, and if he might by a pardon save him from an eviction from office there would often be little use of an impeachment.

THE use of the process of impeachment has been, and is likely to continue to be, very rare. It is the most cumbrous of all judicial proceedings. The charges may have a political origin or character, and therefore tend to bring party feeling into play, making conviction difficult—a two-thirds vote of the Senate being required to convict. The meaning of the words "other high crimes and misdemeanors" is uncertain, and all this, with the fact that the terms of office of the President and his appointees are short, tends to discourage the frequent use of the process of impeachment. Mr. Bryce says:

"Impeachment, of which an account has already been given, is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun, which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at. Or, to vary the simile, impeachment is what physicians call a heroic medicine, an extreme remedy, proper to be applied against an official guilty of political crimes, but ill adapted for the punishment of small transgressions."

The Committee of Detail in the Constitutional convention first reported, in place of the present provision, which denies to the President the power to pardon in cases of impeachment, a provision that the President's pardon should not be pleaded in bar of impeachment proceedings.

"This," says Mr. Curtis (Constitutional history of the United States), "would have made the power precisely like that of the King of England; since, by the English law, although the King's pardon cannot be pleaded in bar of an impeachment, he may, after conviction, pardon the offender. But as it was intended in the Constitution of the United States to limit the judgment in an impeachment to a removal from office, and to subsequent disqualification for office, there would not be the same reason for extending to it the executive power of pardon that there is in England, where the judgment is not so limited."

IT may be a new thought to some that a man may be pardoned before he is convicted, but it is so. And in such case the person, if indicted, can plead the pardon in bar of any proceedings under the indictment. This exercise of the pardoning power is, however, very rare with us in individual cases. It has been several times exercised in the form of proclamations of amnesty extending pardon to classes of persons who had broken the law—as to rebels in the Civil War, and to the Mormons in Utah.

In the Constitutional convention there was some discussion as to whether impeachments should be tried by the Supreme Court or by the Senate. Mr. Madison and Mr. Pinckney objected to the Senate as rendering the President too dependent on the Legislature. Governor Morris and others thought no other tribunal than the Senate could be trusted, and it was finally so agreed, the Chief Justice being designated to preside on the impeachment of the President. When the scheme stood for the trial of impeachments by the Supreme Court it became necessary to provide another tribunal in the case of an impeachment of one of the Supreme Court Judges, and the Senate was recommended.

A provision that the officer impeached should be suspended from office until tried and acquitted was wisely rejected by the convention, and the officer now continues to exercise his office until a judgment of conviction is entered. The other rule would have put it in the power of the House of Representatives to suspend the President from office and to cast the office temporarily upon another. This would have fatally weakened the Executive and offered to partisanship a dangerous temptation. On the whole I think no better mode of trying impeachments than that provided by the Constitution has, even in the light of our experience and development, been suggested.

THE process of impeachment has been put into exercise seven times. In 1797 William Blount, a Senator from the State of Tennessee, was impeached for high crimes and misdemeanors. The charge was that he had conspired to set on foot within the United States a hostile expedition against the possessions of Spain in Florida and Louisiana, to excite the Creek and Cherokee Indians to hostilities against the subjects of Spain in those Territories, and to overturn the authority and influence of the agents of the United States among those Indians. Before the trial of the impeachment he was expelled from the Senate by an order of that body, and when arraigned pleaded that he was no longer a Senator, and that he was not, at the time of the commission of the offenses, a civil officer of the United States. The plea was sustained by the Senate and the accused was acquitted.

In 1803 John Pickering, United States District Judge for New Hampshire, was impeached for certain malfeasances in office, in connection with which it was also charged that he was drunk upon the bench, and was guilty of offenses degrading to his character as a Judge. The accused did not appear and make any defense, but his son presented a petition alleging the insanity of his father. The accused was convicted and was removed from his office.

About the same time impeachment proceedings were begun against Samuel Chase, a Justice of the Supreme Court. The offense charged against him was misconduct in certain trials. The Judge was acquitted by a majority vote of the Senate upon some of the articles of impeachment, and by a minority vote—but more than one-third of the Senate—upon the other articles.

In 1830 James H. Peck, Judge of the United States District Court for the District of Missouri, was impeached for malfeasance in office, especially in relation to certain proceedings in contempt against a member of the bar. He was acquitted by a vote of twenty-two for conviction to twenty-one against.

In 1862 Judge Humphreys, of the District Court of the United States for the District of Tennessee, was impeached. He had accepted and discharged the duties of a similar judicial position under the Confederate Government without resigning his office under the United States. He was charged with inciting rebellion, with organizing armed rebellion against the United States, etc. The accused did not appear, and was convicted and sentenced conformably to the Constitution. Mr. Foster, in his work on the Constitution, mentions the fact that Andrew Johnson, who was afterward as President impeached, was a witness on behalf of the Government in this trial.

THE impeachment trial of Andrew Johnson is the most notable in the history of the exercise of this power, but it is not possible here to describe at any length the proceedings in the case. They are reported at length in a special volume of the "Congressional Record." It was an august court. Chief Justice Chase presided with great dignity and impartiality. There were among the managers on the part of the House and the attorneys appearing for the President, some of the greatest lawyers ever known to the American bar. The managers on the part of the House were John A. Bingham, of Ohio; George S. Boutwell, of Massachusetts; James F. Wilson, of Iowa; John A. Logan, of Illinois; Thomas Williams, of Pennsylvania; Benjamin F. Butler, of Massachusetts, and Thaddeus Stevens, of Pennsylvania. The counsel for the President originally selected were Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M. Evarts and Thomas A. R. Nelson. On the second day of the trial Judge Black withdrew and was succeeded by William S. Groesbeck. The "Congressional Record" states:

"On Monday, the 3d of March, 1868, articles of impeachment were agreed upon by the House of Representatives, and on the 5th they were presented to the Senate by the managers on the part of the House, who were accompanied by the House, the grand inquest of the nation, as a committee of the whole on the state of the Union."

There were eleven articles in the presentment. They charged the attempted removal of Mr. Stanton as Secretary of War, and the appointment of Adjutant-General Thomas as Acting Secretary of War in violation of the tenure of office act; the attempt to influence General Emery of the Army, in command of the Department of Washington, to violate the provisions of law, and to receive orders from the President not issued through the General of the Army, with the intent to prevent the execution of the tenure of office act. It was further charged that the President had, in public speeches, attempted to "bring into disgrace, ridicule, hatred, contempt and reproach the Congress of the United States," etc., and to incite the people to disregard the laws; that he had declared publicly that the Congress "was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same." These charges were supported by numerous extracts from the public speeches of the President, made during that famous but mortifying tour of his through the country.

Benjamin F. Butler, one of the managers on the part of the House, in his book, says of his own part in the case:

"As for myself, I came to the conclusion to try the case upon the same rules of evidence, and in the same manner as I should try a horse case, and I know how to do that. I therefore was not in trepidation. When I discussed that question with the managers they seemed to be a good deal cut up. They said, 'This is the greatest case of the times, and it is to be conducted in the highest possible manner.' 'Yes?' I said, 'and that is according to law; that is the only way I know how to conduct a case.' Finding me incorrigible they left me to my own devices."

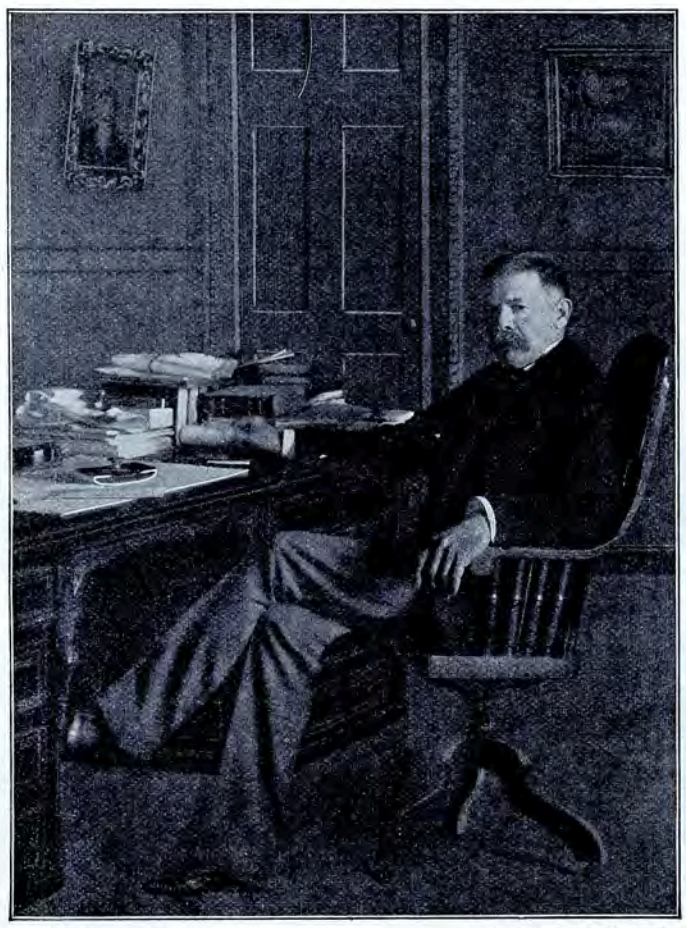
Mr. Foster, speaking of Butler's part in the case, says:

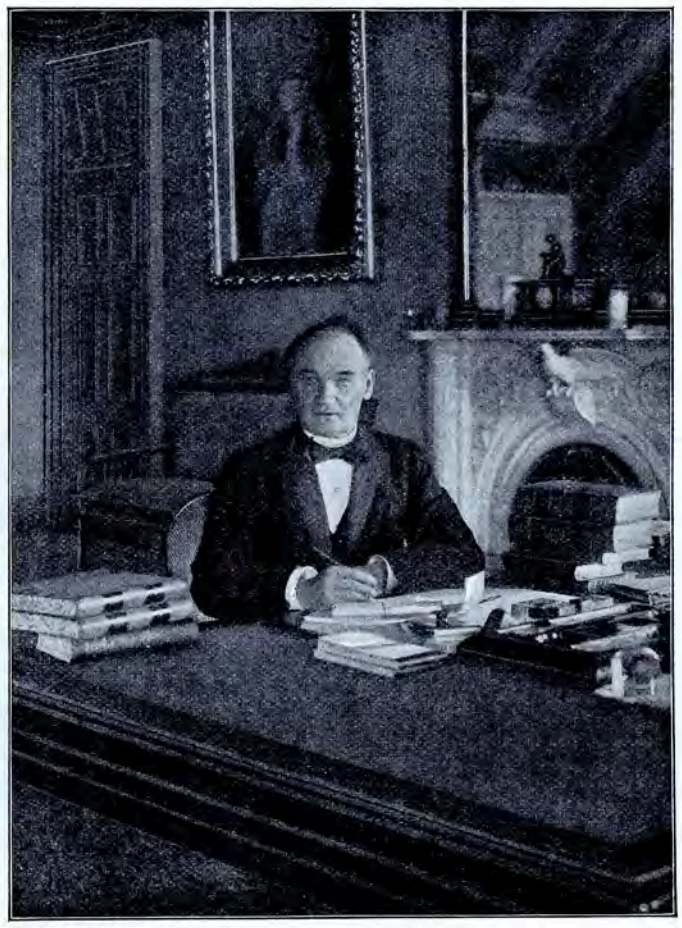
"It was masterly, both for what he brought out, and for the manner in which he displayed to the audience and public matters reflecting upon the President, which were excluded as incompetent."

On May 16 the vote was taken in the Senate, 19 Senators voting "not guilty," and 35 "guilty"—one less than the necessary two-thirds. Eleven Republican Senators, four of whom had supported Mr. Johnson's administration, voted for acquittal. The other seven were tremendously assailed by their political friends, but adhered firmly to their convictions. Mr. Foster says that "History has already pronounced her verdict that they saved the country from a precedent big with danger, and vindicated the wisdom of those who made the Senate a court for the trial of impeachments."

THE next and last attempt to impeach a public officer occurred in 1876, when William W. Belknap, who was Secretary of War in the Cabinet of President Grant, was impeached. The charge against him was corruptly receiving money from a post trader who had been appointed by him. Mr. Belknap resigned before he was impeached. His counsel interposed a plea that at the time of the impeachment Mr. Belknap was not an officer of the United States. The plea was overruled, but by a majority of less than two-thirds of the Senate. The Senators who had voted to sustain the plea upon the ground that the Senate was without jurisdiction, subsequently voted for acquittal, and being more than one-third of the Senate the proceedings failed.

*The sixth paper of a series on our Government and its functions, written by ex-President Harrison expressly for the JOURNAL. Preceding ones (including introductory article) appeared in December, January, February, March, April and May numbers. Others will be published in successive issues during the year.





[Photographs by Frances B. Johnston, Washington, D. C.]

SECRETARY OF STATE RICHARD OLNEY, AT HIS DESK

SECRETARY OF THE TREASURY JOHN G. CARLISLE, IN HIS OFFICE

THIS COUNTRY OF OURS

By Hon. Benjamin Harrison

*VII—THE SECRETARY OF STATE

ILLUSTRATIONS FROM PHOTOGRAPHS MADE EXPRESSLY FOR THIS ARTICLE

THE business of the Government is transacted through eight Executive Departments. The heads of these departments constitute the Cabinet, and they take rank at the Cabinet table in the following order: On the right of the President is the Secretary of State; on his left the Secretary of the Treasury; next to the Secretary of State is the Secretary of War, and opposite to him the Attorney-General. Next to the Secretary of War is the Postmaster-General, and opposite to him the Secretary of the Navy. Until the creation of the Department of Agriculture the Secretary of the Interior had the foot of the table to himself; now he shares it with the head of the new department, though the breadth of the table is hardly sufficient to receive two seats. The "cabinetmaker" who designed the table did not allow for the growth of the official family. Already a further addition is being urged—a Secretary of Commerce and Manufactures—and if he comes into being a new table must be provided. Perhaps an extension table may be the thing—everything in this expansive land should be expansive.

The Secretary of State is popularly called the head of the Cabinet; and in affairs of ceremony and in the order of succession to the Presidency—in the event of the death of the President and Vice-President—is such. He is often the ablest and most experienced statesman in the Cabinet, and this personal element, if present, gives him a natural preëminence among his associated advisers at the Cabinet table. But in no other sense is he a head as to any department save his own. He does not select his associates, may not even be consulted as to their selection, nor can he direct anything in their departments.

The Secretary of State has been often named from the list of those who were competitors of the President for the Presidential nomination. In the case of Mr. Lincoln, whose great powers were little understood by the country when he came to the Presidency, the choice of his great competitor, Mr. Seward, for Secretary of State was a very wise and a very brave act. The choice gave confidence to those anxious patriots—perhaps a majority of the loyal people, certainly so in the Eastern States—who had yet to learn that this plain, great man from the West was unmatched in wisdom, courage and intellectual force. It was a brave act because Mr. Lincoln could not fail to know that for a time Mr. Seward would overshadow him in the popular estimation; and a wise one because Mr. Seward was in the highest degree qualified for the great and delicate duties of the office. A man who is endowed for the Presidency will know how to be President, in fact as well as in name, without any fussy self-assertion.

* Previous articles of the series by ex-President Harrison published in the JOURNAL: Introductory, December, 1895; "The Constitution," January; "The Presidential Office," February; "The Duties of the President," March; "The Enforcement of the Law," April; "The Veto and Treating-Making Powers," May; "The Pardoning Power and Impeachment," June, 1896. Other articles of "This Country of Ours" series will appear in successive issues of the JOURNAL during the year.

THE American Colonies, when serious differences with the mother country developed, found it necessary to have representatives in London, to present and support their petitions for the redress of grievances, to observe and oppose threatened Parliamentary action, and to keep the Colonial assemblies advised as to all happenings that affected the interests of the Colonies. These "agents," as they were called, also looked in some measure after the commercial interests of the Colonies. It was a sort of consolidated diplomatic and consular service. Franklin served several of the Colonies in this capacity. The First Congress, in 1774, made use of these Colonial agents in the presentation of an address to the King. In 1775 Congress constituted from its members a committee to conduct the foreign correspondence, called the "Secret Committee of Correspondence." A little later a "Committee of Foreign Affairs" was organized. Foreign correspondence was conducted through these and other committees, or by the direct action of Congress. The inadequacy and inefficiency of this method—if that can be called a method which is certain and methodical in nothing—became so apparent that in January, 1781, Congress inaugurated measures for the establishment of a Department of Foreign Affairs, and in the following August Robert R. Livingston, of New York, was chosen as the first "Secretary for Foreign Affairs." It must be recalled that the Congress then exercised all executive powers, and so the rules of the new office required the Secretary to lay all matters before Congress, and to "transmit such communications as Congress shall direct." He was permitted to attend Congress "that he may be better informed of the affairs of the United States and have an opportunity of explaining his reports." Mr. Livingston took office September 23, 1781. After a brief exercise of the office he submitted to Congress some suggestions for the better conduct of its business, and in February, 1782, Congress adopted resolutions providing, among other things, that the official designation of the Secretary should be "Secretary of the United States of America for the Department of Foreign Affairs"; that the letters of the Secretary to the Ministers of the United States and to the Ministers of foreign powers, relating to treaties or other great National subjects, should be submitted to and receive the approbation of Congress before they were sent; that plans of treaties, instructions to our representatives and other like papers, the substance of which had been approved by Congress, should, after being reduced to form, be again submitted to the opinion of Congress. The office was not well designated. The Secretary was rather the "Secretary of Congress" than the "Secretary of the United States of America"; but the substitution of a Secretary for the committees that had before our foreign affairs in charge was a step in the direction of the establishment of an Executive Department of the Government.

IN JUNE, 1782, Mr. Livingston resigned to accept the office of Chancellor of the State of New York. We do not wonder that with a salary of only four thousand dollars he should have said he was compelled to draw upon his private fortune to support the office. That has been the fate of all, or practically all, of his successors; for, while the salary of the office has been for many years just twice that received by Mr. Livingston, eight thousand dollars, the expenditures necessary to maintain the social position which custom has assigned to the office are greatly more than the salary. A Secretary of State, who maintains an establishment and entertains the foreign Ministers and the general public with the generous hospitality now expected of him, will owe much gratitude to his major-domo, if at the end of a four years' term he has not contributed from his private fortune to the support of his office a sum greater than the salary he has received. This is an evil, for it may happen that the man best fitted for the office may refuse it—or leave it as Livingston did—rather than sacrifice a small private fortune to social demands. Dinners were, in Livingston's time, as now, diplomatic agencies, as well as imperative social events.

John Jay was Livingston's successor in office, and entered upon his duties September 21, 1784. He continued in office—though never reappointed by Washington—for some time after the adoption of the Constitution, and though commissioned as Chief Justice of the Supreme Court, September 26, 1789, discharged his duties in the State Department until February, 1790, when Thomas Jefferson, who had been appointed Secretary of State while in Europe, returned and took the office.

THE first Act under the Constitution establishing the department was approved July 27, 1789. It was called "The Department of Foreign Affairs," and its principal officer "The Secretary for the Department of Foreign Affairs." On September 15 following another Act was passed changing the designation of the department to "The Department of State," and that of its principal officer to "The Secretary of State." It seems that the dropping of the word "foreign" from the designation of the department was significant of a purpose to charge the Secretary with some domestic duties and powers as well. For we find that legislation followed very soon providing for the filing of applications for patents in the State Department, and the keeping of the patent records therein.

The Department of State was also made the repository for copyrighted books, had the supervision of the census and of the publication of the census reports, and in a measure the supervision of the Territories. All of these domestic functions were, in 1849, transferred to the Interior Department; and the matter of copyrights, at a later period, to the Librarian of Congress.

The office force of the Secretary of State now consists of the Secretary, three assistant secretaries, one chief clerk, six chiefs of bureaus, seven translators, one clerk to the Secretary, fifty-five clerks of the various classes, four messengers, and about a dozen laborers, making a total of about eighty-two persons; the aggregate of their annual salaries being (1894) one hundred and eighteen thousand six hundred and twenty dollars. A solicitor is assigned to the department, as its law officer, from the Department of Justice.

A BUREAU is, in American usage, a subordinate department, to which particular matters are assigned with a view to a prompt and orderly administration. The names of the bureaus in the State Department will sufficiently show, in a general way, how the work of the department is conducted. They are the Bureau of Indexes and Archives, the Diplomatic Bureau, the Consular Bureau, the Bureau of Rolls and Library, the Bureau of Statistics and the Bureau of Accounts. When it will further facilitate business the work of the bureau is assigned to divisions, over which there is a division chief. Thus in the Diplomatic Bureau, to Division A is assigned the correspondence with specified nations; to Division B that with certain others, and so on. This correspondence goes first to the Bureau of Indexes and Archives, where it is opened and an index of it made; then to the chief clerk, who sends it either to the Secretary or one of the assistant secretaries, or directly to the Diplomatic Bureau, as the nature of it requires. This bureau either originates the necessary answers or prepares them under instructions. These answers are sent to the Secretary, and, if approved by him, are signed and sent to the Bureau of Indexes and Archives to be indexed, and thence again to the Diplomatic Bureau to be mailed. This is what is called "red tape"; it is, in fact, necessary method, for it is essential that the action of the department shall be recorded, and that an index shall furnish a ready reference to such action. Perhaps this sample of routine is enough—more might be tiresome.

Important dispatches, relating to International differences or declaring a National policy, are prepared by the Secretary, and are sometimes the subject of a Cabinet discussion, and are always, I think, the subject of a conference with the President. That this was so from the beginning appears from such notes as these addressed by Mr. Jefferson to Washington:

"Mr. Jefferson has the honour of enclosing for the perusal of the President, rough drafts of the letters he supposes it proper to send to the court of France on the present occasion. He will have that of waiting on him in person immediately to make any changes in them the President will be so good as to direct, and to communicate to him two letters just received from Mr. Short."

(CONTINUATION ON PAGE 26 OF THIS ISSUE)

THIS COUNTRY OF OURS

(CONTINUATION FROM PAGE 7)

And again:

"He sends some letters for the President's perusal, praying him to alter freely anything in them which he thinks may need it."

IT MAY happen that the President will himself prepare a draft of the proposed dispatch, and that after a consultation this may be accepted by the Secretary; or the dispatch may be a modification of the draft proposed by one or the other. The note is always signed by the Secretary, and no record discloses its actual composer. So, some writings signed by the President, and ceremonious speeches read by him, are not the product of his pen. Such are not infrequently the formal responses made by the President on the presentation of a foreign Minister. The State Department, in anticipation of the presentation, having a copy of the Minister's proposed address, frames what, in the opinion of one of the assistant secretaries, or of some undisclosed clerk, would be a suitable response. It is usually purely ceremonious—a reciprocation of the good will which the Minister has expressed; and the draft, or a modification of it, is often used by the President. When the President wants to say something, as I once did when the Minister of Chili was presented, he rejects this draft and writes his own address. So, too, it is the practice of the State Department to send to the President drafts of his Thanksgiving proclamations. My memory is that two of the four Thanksgiving proclamations issued by me were written in the State Department and only slightly modified by me, and that the other two were written wholly by me.

So, also, the congratulatory letters signed by the President, in response to the official announcement of the birth of some prince or princess to one of the Royal families, is a State Department composition. Whenever a prince or princess is born the head of the foreign office at once notifies all other Governments of the happy event. All this is natural as between monarchs; for it is important to have the Royalty of the babe officially certified, and the list is useful when a prince or princess is in search of a wife or husband. But it seems incongruous to notify such an event to a Republican Government like ours. The form in use for an answer to such communications was possibly prepared by Jefferson. It assures the happy parents of the exuberant joy felt by the President and by the people of the United States over the event. The language in use was so tropical that when such a congratulatory letter was presented for my signature I felt compelled to use the blue pencil with vigor. Perhaps if we were to notify "our great and good friends," the kings and queens of the earth, of the birth of every "heir possible" to the Presidency, they would break off the correspondence!

THE ceremonies observed in receiving the Minister or Ambassador of a foreign country are dignified and stately, though quite simple in comparison with those observed at the European courts. France sent the first diplomatic representative to this country (1778) in the person of M. Gérard. He came as Minister Plenipotentiary and Consul General, and Congress at once constituted a committee to arrange an order of ceremonies for his reception. Some of the ceremonies prescribed for this first reception still survive. The address of the Minister was to be presented to Congress in advance, as otherwise there could not be an immediate response, the President of Congress not being authorized to respond until Congress had taken action on the address. The full force of this reason does not apply to a reception by the President of the United States; but it is still appropriate and measurably necessary that the President should see the address in advance, especially as the rule prescribed in 1778, and ever since followed, allows the address of the Minister to be given in the language of his country—with which the President may be, and most often is, wholly unacquainted. M. Gérard was escorted to the hall of Congress by two members of that body. Now the Secretary of State escorts the Minister. Then the Minister might attend the sessions of Congress and confer with that body in Committee of the Whole. Now the Minister confers with the Secretary of State, either on a particular day of the week, called "Diplomatic Day," or at times especially appointed. After the reception the direct intercourse between the President and a foreign Minister is wholly social—all business being transacted with or through the Secretary of State. The President would deny and even resent any attempt on the part of a foreign representative to communicate directly with him. But, in the case of the representative of one power, I did, at the request of Mr. Blaine, meet such representative and discuss with him and Mr. Blaine an important International controversy which seemed to be blocked.

A QUESTION of social precedence that has since greatly shaken Washington society was settled by the rules adopted by Congress in 1778, in these words: "After the audience the members of Congress shall be first visited by the Minister Plenipotentiary or Envoy." Then, however, Congress was the body that received the Minister's credentials and conducted all business with him. The ceremony observed in receiving a Minister now is briefly this: On a day appointed by the President the new Minister drives with his secretaries and attachés to the State Department, and is thence escorted by the Secretary of State to the Executive Mansion and conducted to the Blue Room. The Secretary then goes to the President's office and advises him that the Minister is in waiting. The President, on the arm of the Secretary, then proceeds to the Blue Room, and, the Minister and his suite standing, the Secretary introduces the Minister, who, after bowing, proceeds to read his address, and at the proper time hands to the President his letters of credence, which are immediately passed to the Secretary of State. When the address of the Minister has been read the President reads his reply, and after a few moments spent in entirely informal conversation retires with the Secretary, who, returning, conducts the Minister from the Executive Mansion.

UNTIL 1893 the highest rank given by our laws to our representatives at the great European courts was that of Envoy Extraordinary and Minister Plenipotentiary; and the diplomatic usage forbade the giving of a higher rank to their representatives at our capital. The foreign representatives of these powers at Washington did not especially feel the inconvenience of this system, for they held as high a rank as any other foreign representative at our capital, and so were not inconvenienced in the transaction of business, nor subordinated at social functions. But our Minister at London, for instance, found in the diplomatic corps there Ambassadors from very small powers; and these on social occasions, and in the order of their reception for the transaction of business at the foreign office, took precedence of our Minister, because of their superior diplomatic rank. This was not infrequently the occasion of very considerable mortification to our Minister and of detriment to the business in his charge. In 1893 the rank of our representatives at the courts of France, Germany, Great Britain, Russia and Italy was raised to that of Ambassador; and at once the representatives of these powers at Washington were raised to the same grade.

THE correspondence between our State Department and the foreign office of another nation may be conducted in either of two ways: The Secretary of State may use the Ambassador or Minister of the foreign country at Washington as the medium of communication, delivering his notes to him to be communicated to his home office; or he may use our Minister at the foreign court to conduct the correspondence under instructions. The Government that has the affirmative in the controversy is very apt to conduct the negotiations at its own capital, for the greater convenience in consulting with the Executive, and for the greater certainty in stating its case. Our Ambassadors to the four great powers of Europe each receive an annual salary of seventeen thousand five hundred dollars, and our Ambassador to Italy ten thousand dollars per annum. Out of this the Ambassador must provide his own office and residence and meet all the demands of official and social etiquette. Several of the great powers have provided houses for their legations at Washington, but this Government has never thus provided for its Ministers abroad. The diplomatic service has sometimes been assailed in Congress as a purely ornamental one; and while the evident necessity of maintaining the service is such as ought to save it from the destructionists it is quite true that our diplomatic relations with some of the powers are more ceremonious than practical. But we must be equipped and prepared for emergencies, and every now and then, even at the smallest and most remote courts, there is a critical need of an American representative to protect American citizens or American interests.

THE consular service is the practical and business side of our foreign intercourse. There are more than twelve hundred persons in the consular service of the United States. These are located in the important commercial cities and towns of the world, and are described generally as Consuls General, Consuls, commercial agents, interpreters, marshals and clerks. The duties of a Consul are various and multifarious. He is the protector and guardian of American commerce; provides for destitute American sailors and sends them home; he takes charge of the effects of American citizens dying in his jurisdiction, having no legal representative; he receives the declarations or protests of our citizens in any matter affecting their rights; he keeps a record of the arrival and departure of American ships and of their cargoes, and looks after vessels wrecked; he reports any new inventions or improvements in manufacturing processes that he may observe, and all useful information relating to manufactures, population, scientific discoveries, or progress in the useful arts, and all events or facts that may affect the trade of the United States, and authenticates invoices and statements of the market value of merchandise to be shipped to the United States. Every Consulate is a commercial outpost; and if the service could be given permanence of tenure, and a corps of men of competent equipment, it would become a powerful agency in extending our commerce.

THE Secretary of State is the custodian of "The Great Seal of the United States of America." When the civil list became so large that it was impracticable to use the Great Seal to certify the President's signature to all commissions Congress authorized the use of the seals of the Post-Office Department, of the Interior Department and of the Department of Justice respectively, in certifying the commissions of all officers under those departments.

The law of 1789 provides "that the said Seal shall not be affixed to any commission before the same shall have been signed by the President of the United States, nor to any instrument or act without the special warrant of the President therefor."

A description of the devices proposed, or of the Seal as adopted, cannot be fully understood by those unversed in heraldry. The following was the interpretation of the Seal as adopted by Congress:

"The Escutcheon is composed of the Chief and Pale, the two most honorable ordinaries. The pieces, paly, represent the several States all joined in one solid compact entire, supporting a chief, which unites the whole and represents Congress. The Motto alludes to this Union. The pales in the arms are kept closely united by the chief, and the chief depends on that Union and the strength resulting from it for its support, to denote the confederacy of the United States of America and the preservation of their Union through Congress. The colors of the pales are those used in the flag of the United States of America; white signifies purity and innocence; red, hardiness and valor, and blue, the color of the Chief, signifies vigilance, perseverance and justice. The Olive branch and arrows denote the power of peace and war which is exclusively vested in Congress. The Constellation denotes a new State taking its place and rank among other sovereign powers. The Escutcheon is borne on the breast of an American eagle without any other supporters, to denote that the United States ought to rely on their own Virtue.

"Reverse. The pyramid signifies Strength and Duration: The Eye over it and the motto allude to the many signal interpositions of Providence in favor of the American cause. The date underneath is that of the Declaration of Independence, and the words under it signify the beginning of the new American era, which commences from that date."

The reverse, or pyramid side, of "The Great Seal of the United States of America" has never been cut.

THE GOOD OF CREEDS

By Amelia E. Barr

THERE is a tendency in the religious thought of to-day to regard creeds as old-fashioned and non-essential. But as long as humanity is so marvelously diverse, a variety of creeds is absolutely necessary, since truth ever takes the character of the souls into which it enters. Some few in every generation arrive, through great tribulation and experience, at a point where they can worship either at Samaria or Jerusalem, but to the great majority—of young people especially—a creed is as necessary as a schoolmaster. Their way must be made clear to them; it must be made a narrow way, walled in high on each side lest they climb and wander like the Pilgrims until they find themselves in Doubting Castle. Truth has certain fundamental principles; creeds are their interpretation, and without creeds there would be a constant and unlimited change of these principles.

It is said that the spirit of the age is opposed to dry doctrines and mere religious head knowledge. It prefers to regard religion as a thing of feeling and emotion. But there is no root to that religion which expresses itself in ohs and ahs, and shrinks from therefores. Feeling must have an immutable reason, a therefore, to be worth anything. If religious knowledge does not enter the head it is not knowledge at all, and if Christian creeds vanished Christian sentiment would not long survive, for the sentiment is founded upon the doctrine. Feeling is like a floating island, but a creed is like an anchor to a soul and keeps it from drifting. The idea is too prevalent that in destroying whatever is venerable with age we are making progress. But do we make progress by going over precipices? As yet there has no better way been discovered than for the soul to anchor itself to some faithful and true creed, for from this blessed security it is more likely to ask that still higher direction, "Oh, send out Thy light and Thy truth; let them lead me."

THIS COUNTRY OF OURS

By Hon. Benjamin Harrison

* VIII—THE SECRETARY OF THE TREASURY

THE first need that confronted the Government under the Constitution was a revenue. Independent National life is impossible without it. The security and convenience of the citizen come at a cost, and he must pay it. Taxes, a treasury, and a law authorizing the use of the public money for public purposes are primary things. Without these the mails would choke the deposit boxes; the courts would hold no terms, and criminals would be neither apprehended nor tried; all public officers would abandon their posts; the unpaid and unfed soldiers would desert the colors; the sailors would leave the decks of our smokeless war ships; the Indian tribes would collect their annuities in the old way from the defenseless settlers, and our Government would be like a great mill filled with perfect machinery, but without fuel or a fire-box.

The Treasury Department is the steam plant from which all the other departments get their power. In the ordinary operations of Government it is only a collecting and disbursing agency—collecting such taxes as Congress has authorized, and paying out the money as directed by law. It would be an ideal condition of things if the Treasury Department received each morning just the sum of money it had to pay out that day—no surplus money out of use in its vaults, no deficit to be met by loans. But things cannot be so nicely adjusted. Wars make burdens that a single generation cannot bear, and they must, in part, be put over upon other generations, by the sale of time bonds bearing interest. Out of the great expenditure for the suppression of the Rebellion of 1861 it has come to pass that the Government furnishes, either directly or through the National Banks, all of the money used by the people. The Treasury Department is now a great bank, and no longer a mere public collecting and disbursing agency. It issues paper money, receives it in payment of customs duties and internal taxes, and pays it out again for salaries, supplies and public works. It is also required to redeem the greenbacks and treasury notes—to give coin in exchange for them if demanded.

IT WOULD be out of place here to discuss the money question. It is enough to say that ever since the resumption of specie payments, in 1879, the Treasury has paid gold for greenbacks when gold was demanded, and has redeemed, in the same way, the treasury notes issued under the Sherman Law. The Secretary of the Treasury has never exercised the discretion given him to redeem the latter notes in silver—holding that his discretion was limited to such a use of silver as would not destroy the parity of the gold and silver dollars. And our Secretaries have been right, I think, in holding that the parity of our gold and silver coins will be destroyed the moment the Government takes from the holder of a greenback or treasury note the election of the coin he will receive in exchange for it. If he wants gold, and silver is thrust upon him, the latter is depreciated and the former appreciated. If the holder of a United States note cannot get gold at par for it he will pay a premium for the gold he must have to meet a gold obligation. A premium on gold would at once drive gold out of circulation, for a coin that is at a premium cannot be used in trade. No one is bound to pay gold to the Government for any tax or other debt due to it. So that practically the situation is this: The Treasury holds itself bound to give gold to every one presenting a United States note, and has no way of compelling any one to pay gold to it. Such gold as it gets comes from persons who choose to take paper money for gold deposited at the mints or assay offices, or to pay in gold coin some Government tax. Formerly all duties upon imports were payable only in gold. Now when the gold reserve gets low it can only be restored by the sale of bonds, under the powers given to the Secretary in the legislation relating to the resumption of specie payments. This legislation does not permit the sale of bonds payable in gold, and Congress has refused to give the Secretary power to sell a gold bond. The present situation would be absurd if it were not so serious.

THE money operations of the Treasury Department are very large. For the fiscal year, ending June 30, 1895, the receipts were $390,373,203.30, and the disbursements $433,178,426.48. The taking in and the paying out of such enormous sums must directly and strongly affect the money market, and so the general business of the country. But when the Treasury goes into the market to buy or to sell bonds its influence on the market is greatly increased. If the revenues are largely in excess of expenditures the surplus is taken out of use in commerce and locked up in the Treasury vaults, and the money market is tightened. If the surplus is used to buy Government bonds not yet due the market is eased. The gold reserve, too, as it is diminished by exportations of gold, or increased by bond sales, powerfully affects every business interest. What is the Treasury going to do? is the query heard in every bank, and counting-room, and store. It is unfortunate, I think, that this should be so—and the mending of existing conditions will be a task for the wisest and strongest statesmanship.

But, while the Secretary of the Treasury has a large discretion in a few directions, and may by its exercise largely influence the money market, he is, in the main, conducting a great bank on undeviating and unelastic rules, and with Congress for his board of directors. He is not chosen by the board, and is rather more often than not out of harmony with it. The managers of the Bank of England may, by some small allowances in the way of interest or exchange, draw gold to its vaults from New York, and the transaction be confidential; but if fifty dollars would suffice to hold fifty millions of dollars in the United States Treasury the Secretary could not expend that small sum. He must stand by until the gold is gone, and then sell bonds to bring it back. The result is that the banks and the brokers are able often to make play of the Treasury. A financial institution whose board transacts its business in public is at a disadvantage.

THE finances of our country were, like its foreign affairs, at the beginning, conducted by Congress through a committee—a method even more illy adapted to the keeping of money accounts than to diplomatic action. Accuracy and safety in money matters require the accountability of one man as a treasurer, a system of auditing and bookkeeping, and a permanent office. The office came first, and then a Comptroller, an Auditor and two Chambers of Accounts were provided by Congress. In February, 1779, the office of Secretary of the Treasury was created, but in the following July the system was changed and a Board of Treasury substituted. Two years later a Superintendent of Finance was provided for, and after three years more Congress again returned to the system of a Treasury Board. Our fathers were experimenting, and the truest and most creditable thing that we can say of them is that they profited by experience, and allowed the doctrine of evolution, as applied to civil institutions, to have its sure way.

Those who, as Committeemen, Boards of Treasury or Superintendents, had charge of our finances before the adoption of the Constitution, had, of all men connected with the Revolutionary struggle, the hardest part. For who would not rather be shot at, with the privilege of returning the fire, than to be ceaselessly dunned by importunate and suffering creditors? The Treasury got only such money as it could borrow, and such as the States voluntarily contributed. Nobody owed the Treasury anything, and the Treasury owed nearly everybody something. The Army was half-clothed and half-fed, and wholly unpaid. A soldier does not, however, much mind his own diet or discomfort. Parched corn will do, and bare feet and bullet wounds do not take the heart out of him—but a starving wife and baby do. Until by the adoption of the Constitution the Congress was given power to lay and collect taxes the state of the Treasury was not only lamentable but disgraceful.

ROBERT MORRIS, who had made a great name and a great fortune in mercantile pursuits, was appointed Superintendent of Finance on February 20, 1781, but did not accept until May; and it was several months later before he assumed full control of the office. Hamilton, pending Morris' acceptance, wrote to him as follows:

"I am happy in believing you will not easily be discouraged from undertaking an office, by which you render America and the world no less a service than the establishment of American independence. 'Tis by introducing order into our finances, by restoring public credit, not by gaining battles, that we are finally to gain our object. 'Tis by putting ourselves in a condition to continue the war, not by temporary, violent and unnatural efforts to bring it to a decisive issue, that we shall in reality bring it to a speedy and successful one. In the frankness of truth, I believe, sir, you are the man best capable of performing this great work."

It seems that Morris had also a high estimation of Hamilton's ability as a financier, for it is said that, in a conversation with Washington, and in response to the question, "What are we to do with this heavy debt?" he said: "There is but one man in the United States who can tell you—that is Alexander Hamilton."

The "Act to establish the Treasury Department" was approved by Washington September 2, 1789, and on the eleventh day of the same month Alexander Hamilton was commissioned as Secretary. A funding scheme prepared by Hamilton having been adopted, the liberties wrested by arms from the British crown were made secure, and the credit of the Government passed from collapse into convalescence.

Of Hamilton's great work in the Treasury Department Webster said: "He smote the rock of the National resources, and abundant streams of revenue gushed forth. He touched the dead corpse of Public Credit, and it sprung upon its feet."

THE interest-bearing debt of the United States was about $75,000,000 when Government, under the Constitution, was inaugurated. It had grown to $86,000,000 by 1804, had fallen to $45,000,000 in 1812; and the debt that many, at the close of the war, believed to be as permanent as the Constitution, was paid in 1835.

The organization prescribed by the law was a Secretary, to be the head of the Department; a Comptroller, an Auditor, a Register, and an assistant to the Secretary. This general organization is still in use, though there are now three Assistant Secretaries and six Auditors. Until recently there were two Comptrollers of the Treasury, but the Act of July, 1894, abolished the office of Second Comptroller, and there is now but one. Other principal officers have been added as new functions or the increasing work called for them, such as Superintendents of the Mint, of the Bureau of Engraving and Printing, of the Life-Saving Service, and of the Coast Survey, a Supervising Architect, a Supervising Inspector-General of Steam Vessels, a Light-House Board, a Supervising Surgeon-General of Marine Hospitals, a Comptroller of the Currency, and a Commissioner of Internal Revenue. The general duties of the Secretary, as prescribed in the law of September 2, 1789, have not been materially modified. They were: To collect the public revenues and to digest and prepare plans for the improvement and management thereof, and for the support of the public credit; to make estimates of receipts and expenditures; to grant warrants for moneys appropriated; to provide for the keeping of proper accounts, and to make reports and give information to Congress, in person or in writing, as required.

THE Treasury Department receives all moneys due to the Government, pays out all moneys due from it, and keeps a book account of all these transactions. Money is covered into the Treasury by warrants, upon which the Treasurer endorses his receipt, and is paid out upon warrants drawn upon him. The appropriation bills passed by Congress furnish the only authority for paying out money from the Treasury.

The officer immediately in charge and responsible for the public moneys is called the Treasurer, and the rooms and vaults in the Treasury Building at Washington used by him, and such other apartments as are provided for the deposit of public money, are called the "Treasury of the United States." The Treasurer, in addition to the general duty of receiving and paying out the public moneys upon proper warrants, is required to pay the interest on the public debt, to receive from the Bureau of Engraving and Printing the United States notes, and to issue new notes of the same denominations for other such notes received and destroyed by him. He redeems the notes of the National Banks presented to him out of a fund the banks are required to keep with him. He is the custodian of the United States bonds deposited to secure the circulating notes of the banks, and to secure public money deposited with such banks.

A Register of the Treasury was provided for in the first organization of the Treasury Department. He was, until recently, a sort of general bookkeeper for the department, and received and filed all adjusted accounts and vouchers, recorded and certified warrants for the receipt and expenditure of money, etc. The Act of July, 1894, established a Division of Bookkeeping and Warrants, which is now required to keep an account of all the receipts and expenditures of the Government, except those relating to the Post-Office Department. The Register issues, through the collectors of customs, registers and licenses for ships, and keeps a record of such vessels; certifies United States bonds and paper money; keeps a record of the registered bonds, and transfers them on proper request.

The Assistant Secretaries have assigned to them the general supervision of the work and correspondence of specified bureaus and divisions. One of them may be designated by the Secretary to sign, in his stead, warrants for covering money into the Treasury, and for the disbursement of money upon accounts properly audited and settled, and, in the absence of the Secretary, to act as the head of the department.

A COMPTROLLER is one who controls. He is a superior supervising officer of accounts. A First Comptroller once said, pleasantly but proudly, to the President: "No one can overrule me—not the Secretary, not even you, Mr. President." "No," said the President, "I cannot overrule your decisions, but I can make a new Comptroller." The Comptroller of the Currency is no longer required to supervise and settle all of the accounts acted upon by the auditors, but only such as may be appealed to him—the claimant, the Secretary, or the Comptroller himself having the right to bring the case up for review. Upon the request of the head of a department, or of any officer charged with the duty of paying out public moneys, the Comptroller must, in advance, give his opinion as to the rightfulness of a proposed payment, and the opinion given governs in adjusting the account. When an original construction of a law is made by one of the auditors, or a construction that has been adopted is modified, the Comptroller must pass upon the question. The decisions of the Comptroller are binding upon all executive officers, including the Secretary of the Treasury. But he may, fortunately, be reviewed by the courts if the matter is taken there. Perhaps the title of this officer should be changed—there is too strong a suggestion of autocracy about it.

There is still another Comptroller in the Treasury Department, but his sphere is limited and not universal. His bureau was established in 1863, and the head of it is styled the "Comptroller of the Currency." He is charged "with the execution of all laws passed by Congress relating to the issue and regulation of a National currency secured by United States bonds," and is to perform his duties "under the general direction of the Secretary of the Treasury." His duties are to supervise the National Banks, to see that the law is complied with in every particular in the organization of such banks, and his certificate is necessary before any such bank can open for business. Regular reports are made to him by every bank, showing the state of its business, and he may call for special reports from all or any of them. He also has special agents who visit the banks and examine their accounts. In case of the failure of a bank he may take charge by an agent or receiver, and wind it up and distribute its assets to its creditors. He causes the bank notes to be printed, and delivers the same to the banks as they may be entitled to them.

THERE are six Auditors in the Treasury Department, and all the accounts of the Government are examined and passed upon by them. Every public officer who pays out money must submit an account with proper vouchers, and he does not get credit against the moneys charged to him until his account has been audited and passed as correct. The Auditors were, until very recently, designated by numbers—first to sixth inclusive; but, under the law of 1894, they are designated as Auditors for the various departments—Auditor for the Treasury Department, Auditor for the War Department, etc. The old Fifth Auditor is now "Auditor for the State and other departments." The accounts allowed by the Auditors are certified directly to the Division of Bookkeeping and Warrants in the office of the Secretary of the Treasury, and a copy is sent to the head of the department in which the account originated.

Until the breaking out of the Civil War a permanent system of internal taxation was unnecessary. The customs duties, the proceeds of the public lands, and some smaller incidental sources of revenue, were relied upon to meet the current expenses, and if there was a temporary deficiency it was covered by loans, or by a temporary exercise of the internal taxing power—as in the unsatisfactory and even disastrous attempt to collect a tax on whiskey in 1791. But the gigantic struggle for the defense of the Nation against secession not only called into exercise every taxing power given by the Constitution, but put every such power upon a high tension. Many of my readers were too young to remember how long and how greedy was the hand of the Treasury as it reached out into all parts of the land, and into the business concerns of every man and woman, to gather the

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* Previous articles of the series by ex-President Harrison published in the JOURNAL: Introductory, December, 1895; "The Constitution," January; "The Presidential Office," February; "The Duties of the President," March; "The Enforcement of the Law," April; "The Veto and Treating-Making Powers," May; "The Pardoning Power and Impeachment," June; "The Secretary of State," July, 1896. Other articles of "This Country of Ours" series will appear in successive issues of the JOURNAL during the year.

THIS COUNTRY OF OURS

(CONTINUATION FROM PAGE 14)

revenues needed to carry on the war. Constitutional questions were judged liberally in those days, for it was not thought worth while to preserve the Constitution as a book and let the Nation die. An Internal Revenue Bureau came naturally into being in 1862 as the managing agency of these internal taxes, and has probably become a fixture in the Treasury Department. The head of the bureau is called the Commissioner of Internal Revenue, and his duty is, under the Secretary of the Treasury, to superintend the collection of all internal taxes. These taxes are now chiefly those laid on distilled spirits, beer and tobacco. He, through an army of storekeepers and gaugers, watches over the production of all distilled spirits, gauges every package and collects the tax upon each gallon. The receipts from internal revenue for the fiscal year ending June 30, 1895, were $143,421,672.02, being only about ten millions less than the receipts from customs.

VERY naturally the National coinage is under the direction of the Secretary of the Treasury; and so there is a Bureau of the Mint, and the head of it is called the Director. He has the supervision of all the mints and assay offices. So, too, as all our paper money is made, certified and issued by the Treasury Department, the work of engraving the plates for all these circulating notes, for the United States bonds, and now for our postage stamps, and of printing the notes, bonds and stamps, is done through a bureau of the department called the Bureau of Engraving and Printing. In the business of making coins and notes to be used as money of the United States the Treasury Department has an exclusive franchise, and is so jealous of it that it pursues vengefully all persons who attempt to make such coins or notes. To make this pursuit effective there is a Secret Service Division, with a chief and a corps of skilled detectives, whose business it is to uncover and arrest all counterfeiters of the coins or securities of the United States.

But the Treasury Department is more than a mere counting-office. Hid away among its prosaic books of record, and its piles of silver dollars, and the sedate men and women who foot the columns of the books and tell the tale of the dollars, are some workers who have to do with reports of heroic adventure, and of succor to the suffering or imperiled, and some sketches and models that are, to say the least, suggestive of art.

The Supervising Architect is an official of the Treasury Department, and his business is to prepare the plans for public buildings, and to superintend the erection of them. Some effort has been made to secure competitive designs from our best architects for the great buildings we are to erect, and it is to be hoped that by this means the monotony and severity that have prevailed may be broken up.

THE Marine Hospital, where our sick seamen are received and cared for, is also under the direction of the Secretary of the Treasury.

The Coast and Geodetic Survey is another most interesting and useful work which is supervised by the Secretary, though the Superintendent of it and his office force are not housed in the Treasury Building. The work of the bureau is highly scientific, and at the same time eminently practical and useful. It is to make a survey of our entire coast, and all our harbors for a distance of twenty leagues from shore; to locate all shoals, rocks and other dangers to navigation; to take soundings, and to chart all of these results for the use of sailing masters. The surveys and calculations are made in part by officers of the Navy, detailed for that service, and in part by scientific men selected from civil life.

When the Coast Survey has revealed and charted the dangers and the safe paths of commerce, then the Light-House Board, of which the Secretary of the Treasury is ex-officio President, takes up the work of marking by suitable buoys and lights these ascertained paths. The coasts of the oceans and the lakes are divided into districts, and an inspector (a Naval officer) and an engineer (from the Engineer Corps of the Army) are assigned to the care of each district.

But, spite of chart and light, the storm king drives, or the treacherous fog lures, a vessel now and then upon rock or shoal, and the Treasury Department has a last duty to the seamen, which the Life-Saving Service discharges. All along our sea and lake coasts, and especially on the dangerous stretches, are the stations, and between these all night long the patrols pass to and fro in the stormy months looking for the signals of vessels in distress, and summoning their comrades for the rescue when such signals are seen.