

THE ROUTINE OF THE REPUBLIC

BY EDMUND ALTON.

INTRODUCTORY.

FROM a far-off part of our Republic lately came a queer complaint,—that a two-hours' visit from a revenue cutter was the only sign the people of Kodiak had seen in four years that there was such a thing as a United States Government.

This bit of news, droll as it may seem at first, is, when linked with other facts, anything but amusing. It tells of national neglect and wrong—the story of American citizens, living in the most flourishing district of Alaska, deserted by the Government to which they yield their allegiance, and which, so far as outward evidences go, ignores their rights and welfare, if not, indeed, their very existence.

And yet I wonder how many American citizens, living in more favored parts of our dominion, enjoying the benefits of local rule in States and Territories, surrounded by the operations of Federal power, and under the shadow of its protection,—how many of us, when reading that story of injustice, gave a moment's thought to the condition of our countrymen in the North, and paused to compare that condition with our own? How many of us have ever seriously put the question to ourselves: What is the Government of the United States, and what is it doing for us?

The young philosopher, pondering over the meaning of strange words, and quietly passing judgment on all subjects as he grows in years, soon learns to regard the Government as a thing of Power. From fragments of talk he gathers some idea about the vastness of its authority and the glory of its achievements. He knows, in a con-

fused and dreamy way, that it exists; but he does not see it, he does not feel it, he does not hear it. He thinks of it with patriotic awe, as he might think of something supernatural. To him it is a vague, mysterious Presence—an invisible, all-pervading, sleepless Majesty, presiding like some mighty Genius over the affairs and destiny of the Republic.

Later on, when he begins to pore over the daily papers and read about what is happening in the world, some of the mystery disappears. He hears of a Congress, of a President, and of a Supreme Court, transacting business miles away in the City of Washington, and he learns to think of them whenever the Government is named. But as summer days approach, he reads more news from Washington: the Justices have closed the Court and gone; Congress has decamped; and, last of all, the President has seized a fishing-rod and fled into the wilderness for rest. What has become of the Government? Veiled, impenetrable sovereignty, unseen and silent, it still exists, still goes onward with its work.

Certainly, in the loftier sense of the term, the Government is invisible. Its mention may well inspire awe—it suggests sovereign grandeur and authority. Its majesty and power are the majesty and power of a nation—of the sixty millions of people who compose the Republic. The Government is the people, speaking and executing their own sovereign will. It is the Republic in action! The power itself can not be seen; the means, or agencies, through which it speaks and acts, are visible. Those agencies are human—there is nothing supernatural about them.

The older boys and girls whom I address know all this. You know more, for you have studied the Constitution of the United States. You know the theory, the outline, the general plan and purposes of the Government,—in other words, you understand what it was designed to be. But a person might know the Constitution from beginning to end—he might be able to recite it backward—and yet be utterly in the dark as to what the Government actually is. A government may be one thing in theory, and quite a different thing in practice. According to the Constitution, the Government of the United States is a system, grand, protective, just! According to some thinkers who have freely uttered their thoughts during the present year, it is a grim and ravenous Monster, devouring the substance of the people and threatening them with ruin!

Nor is the reality hid only from the young. It is safe to say that to the average American (and the expression sweeps over many an aged head) the Government of the United States is scarcely

more than a fancy,—his notions as to what it is doing, and as to how it does it, border often on the ludicrous. It was a boy who, when asked how Congress is divided, promptly answered, “Into three classes—civilized, half-civilized, and savage.” But it was a man who, stating that he had seven sons and no daughters, and that, as he understood the law, a man who has seven sons and no daughters is entitled to a pension, gravely applied to the Government for his allowance!

It has often been remarked that the American people, as a rule, know more about ancient and foreign history than they do about their own. It is quite in keeping with this view that the man who knows the least about the Declaration of Independence should be the first on hand and make the loudest noise whenever the Fourth of July comes around. And it is not going far beyond the truth to say that the American who knows practically nothing about the Constitution and laws of his country is the wildest in his praise of American institutions and in his talk about the exalted rights of citizenship!

Passing by what he knows, or what he does not know, about the local governments of town and county and State (and he does not know too much!), what does the average American—the well-meaning, easy-going, every-day citizen—know about the management of national affairs? He knows that this is the province of the Federal Power—the Government of the United States. He knows that this power works under the forms of law and through the agency of men; that these men are, by the Constitution, divided into three great classes, or departments—the Congress, the Judiciary, and the Executive; that the Congress makes the laws, declaring what shall or shall not be done, which it is the function of the Judiciary to interpret, the office of the Executive to carry out, and the duty of every citizen to obey. But he does not read the laws which Congress makes; he does not look at the decisions which the Judiciary renders; and, not knowing precisely what the Executive has been ordered by Congress to do, he can not know what that department is doing, or have any intelligent conception of his own rights and duties as a citizen under those laws. Yet, within a fortnight, he will exercise the highest right and perform (or, rather, pretend to perform) the highest duty of American citizenship—he will vote for a man to go to Congress and help four hundred other Congressmen to make *more* laws, and he will vote for a President to execute the laws those men shall make! And, just here, to show how little he really knows about the Constitution itself, we may trip him on one of its very first and simplest provisions. He imagines that,

as a citizen of Albany, for instance, in voting for a man to represent the people of that county in Congress he must name, as his choice, some man who also resides in that county; whereas (my young readers are able to inform him), if he and the other voters of the Albany district prefer to be represented by some man who lives in Buffalo, or anywhere else in the entire State of New York, they have a perfect right (so far as the mere question of that man's place of residence is concerned) to make that choice. He has doubtless read the Constitution, but he has by no means mastered it.

In one way or another—chiefly through the public prints—he gets occasional notice of Governmental action. Every paper he picks up has something to say concerning some branch of the Government service, or some branch of Government work. He reads about a fight on the frontier between a troop of soldiers and a band of hostile Indians, and he naturally infers that we have an army; but as to the size of that army, or where the rest of it is, and in what work engaged, he does not bother himself to inquire. In the same way, he hears of a sailing-vessel crashing into a "United States man-of-war," or of a sham-battle, or torpedo-practice, in which some sailors are killed and others wounded, and the idea flashes across his mind that we have also a navy; but as to where the other ships of the navy are—whether floating on the top, or dismantled and at the bottom, of the sea—or as to what we would do in case an enemy should bombard our coast, he has no exact knowledge. From the quips and bantering comments of the press, the subject seems to be one for national ridicule and sport, and he drops it with a smile or jest.

The carrier daily delivers to him his letters,—some from the remotest regions of the earth,—and he recognizes in this another agency of the Government. But the infinite details, the vast and almost perfect system by which the postal service is enabled to do its work so promptly and efficiently, are not considered. He receives his mail as he does many other things in life,—as a matter of course and of habit.

He handles the specie, the "greenbacks," the gold and silver certificates, and the bonds bearing the impress of the United States, together with notes bearing the names of national banks,—things which might stir in his mind a multitude of fiscal thoughts. How does the Government get the bullion which it coins? by what right does it issue greenbacks? in what do they differ from the specie certificates? and why, if the Government can make money out of paper, should it borrow money and issue bonds and pay interest on its debt? and what is that debt, anyhow? and what

has the Government to do with national banks? And back of all these questions are others: What is the revenue of the Government? How is it raised, and how, and for what is it disbursed? If any of these queries enter his head, he does not banish a wink of sleep in an effort to answer them;—though perhaps the politicians have recently accosted him on the subject, and he has gleaned some facts in spite of their conflicting views.

At long intervals he meets the census-taker on his travels, and he understands that the Government has had its curiosity aroused and is counting the population of the Republic. But it would make his brain whirl to look at the massive volumes the Census Office turns out, and to read its statistics of trade and agriculture, and of nearly everything else that touches the social and business condition of the country.

Stray items may reach him now and then from other points. He may hear of men of genius—men with long names and longer heads—engaged in a variety of odd tasks. He may hear of some brooding over craters and lava, musing over moraines, and philosophizing about the strange behavior of brooks; of others surveying the coast or studying the land; of some tracking the course of an earthquake—of others measuring the movements of tides; of one locating the ores of the earth—of another mapping the shoals of the sea. He may hear of one assembling the scattered bones of a monster brute; of another uncovering the buried ruins and the history of an ancient race. He may hear of one stocking the streams with fish; of another investigating insects and arguing that wingless spiders can fly against the wind. He may hear of one stationed on a lofty peak, signaling an advancing storm; of another sweeping the distant depths, following the flight of some runaway star as it tears headlong through space.

But does he see the hand of Government in any of these things? What are his reflections? The Constitution expressly refers to armies, to a navy, to a postal service, to coinage and matters of revenue, to a census, and to a number of other subjects which he may readily recognize, when he stumbles across them in his path, as proper for the Government to deal with. Well, the Constitution speaks also about promoting the progress of science and useful arts. Does he think, for an instant, that under this provision the Government is paying for scientific work? If so, then why should not everybody engaged in the pursuit of knowledge, as a pastime or as a vocation, have the right to be sustained by national wealth? Tell him that the Government has invaded science, art, and literature; ask him to explain where it derives its authority to do so;

ask him to draw the line between the proper duties of Government and the rights of private enterprise—ask him, in short, to mark the bounds of the system itself. What answer does he give?

These are only a few of a thousand and one topics that might arrest his attention, in his reading or his observations, and suggest the exercise of Federal power. To say that he comprehends it in all its immensity, in all its ramifications, in all its far-reaching effects, is to pay him a compliment at the expense of fact. To know the reality, to know how far it is actually working out the purposes for which it was established, and how far it has swerved from its true course, he must know more than Constitutional principles; he must know the laws, the agencies created by those laws, what those agents are doing, and the methods which they employ. His knowledge, at the best, is but a smattering; to him, after all, the Government is little else than a conjecture, a fancy—an airy, intangible, invisible theory.

This is blunt speech. For there are tens of thousands of citizens who have very clear and correct notions about what the Government is, and about what it ought to be. The "average American" is, to be sure, an indefinite sort of person, and he is apt to think and know more about public affairs than he shows. But there is one class of Americans to which he does not belong—Americans who, unfortunately, do take what they call a "practical view" of things. They know the Blue Book better than they know the Constitution; they look upon the Government simply as a great collection of offices; they know the salary attached to every office; and their highest and only ambition, as citizens, is to secure the best-paying offices for themselves. The American with his "theory" and imperfect knowledge is so far ahead of this type of "enlightenment" as to put comparison out of all question.

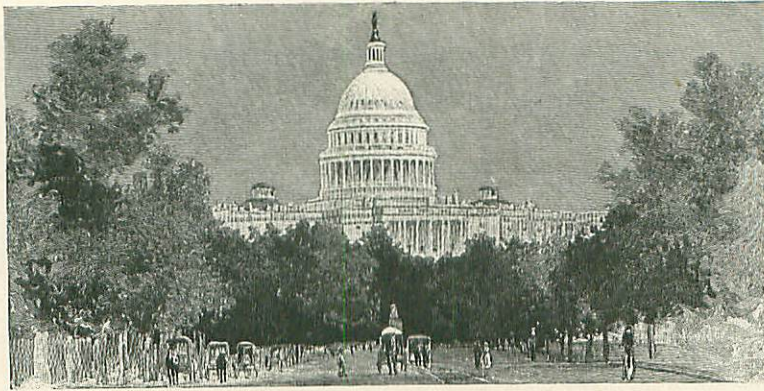
The American who glories in the majesty of the Republic, and who values his own freedom, can not afford to dream; the duty he owes to the commonwealth, to society, and to himself, he can not, with honor or safety, ignore. The true grandeur of our Government depends upon the justice of its

laws; those laws depend upon the virtue, the patriotism, and the wisdom of the people. The fight for independence did not end with the Treaty of Peace; nor did the adoption of the Constitution settle forever all questions of civil liberty and government. Dangers have appeared in the past; dangers menace us to-day; dangers will yet arise. They may come from the direction of the Government; or they may come from society, as evils for the Government to meet. The political struggle now going on, which the people are expected to decide intelligently at the polls, is important, regarded from the stand-point either of principle or of policy. For the rising generation, graver questions and contests are in store. May they be bravely met and honorably determined by the ballot and the other weapons of peace and law!

The subject of government is a profound and momentous one, yet it is not wholly beyond the grasp of the young. It would be an error for parents or teachers to withhold it from you as a matter reserved for older minds. You can not be too much impressed by a consciousness of its gravity; you can not take too broad a view of national destiny and of your rights and duties as younger citizens; you can not begin to study these things too soon.

You are not expected to plunge at once into the depths of "political science"; you need not vex your early wits over abstruse "economic" puzzles. With time and experience will come ability to handle disputed problems, and to follow the drift of national policy and power. At the start, the mask of mystery should be lifted off; the reality of government should stand before your thoughts. To this end, these serial sketches have been prepared. They will not acquaint you with all the details of the system; that is not their aim. They are designed to show you, at a glance, the Republic at its daily work:—to conduct you into the presence of the Government of the United States; to introduce you to it, as to a stranger, and, with a few social remarks about the weather in order to put you at your ease, leave you to learn, from further intimacy, the disposition and the habits of your host.

(To be continued.)



THE ROUTINE OF THE REPUBLIC.

BY EDMUND ALTON.

CHAPTER I.

THE FEDERAL POWER.

It was taken for granted, in our preliminary remarks last month, that the reader is more or less familiar with the outline of the Government as it is described in the language of the Constitution. Let us bring that "literary theory" to the light, and detect beneath the surface of its simple words a trace or two of hidden meaning.

The United States of America is somewhat of a League and somewhat of a Nation. It is a League, or Confederation, to the extent that it is a union of sovereign States; it is a Nation to the extent that it is a union of the people who compose those States. Strictly speaking, its power is partly federal and partly national; federal, so far as it recognizes and deals with the States, in their sovereign capacity as States; national, so far as it recognizes and deals with the people, as individuals or citizens of the United States. In a wider and more general sense, however, we speak of it as federal, because it is based upon a compact or agreement; that compact is the Constitution. By the Federal Power, therefore, we mean the authority granted by the Constitution to the United States—in other words, we mean the Government of the Union.

The Federal Power was established for a special purpose—to exercise a general care or guardianship over the rights and interests of the people and the States. Its creation did not destroy the independence or authority of the States. The Federal Government was made supreme and indestructible, but its authority was limited to certain objects;

the States, though shorn of certain powers, remained sovereign and indestructible, and independent in their own sphere of action.

The government of each State concerns itself, chiefly, with those affairs which touch the interests of its citizens in the ordinary transactions and course of life. With these local or private affairs of the State the Federal Power has nothing to do. Its province is to preserve harmony between the States, and ensure the equal rights of all citizens of the United States; to protect the States from invasion or domestic harm, and defend every person from injustice or tyranny on the part of any State; to shield both States and people from foreign violence or injury, and promote their general welfare at home and abroad. The authority of a State stops at its own boundaries; the power of the United States stretches over continents and seas.

The Federal Power, then, alone has charge of all our interests abroad. This branch of its work, covering as it does our commercial and general intercourse with foreign lands, seems clear. The other branch, that which concerns us at home,—its domestic relations with the people and with the States,—is yet more important, and, in some regards, uncertain and obscure.

We have already stated the broad design and province of the Government. On that subject we are not without a guide. The Constitution declares, in its opening words, the purposes for which the Government was established; and the Tenth Amendment expressly limits the powers of the United States to those granted to it by the Constitution. Hence, from all the provisions of the Constitution, taken together, we should be

able to gather a fair idea of the scope of the Government's authority.

But if we run over those provisions, one by one, we shall find that its powers are stated in general terms. The Constitution points out little more than the general intent; it leaves much unsaid, and much to be inferred. When we speak of the "express" powers of the Government we mean those which are conferred in so many plain and direct words. But its powers are not only those which are expressly granted. The Tenth Amendment took special care to avoid that term. It refers to the powers of the government as those "delegated" by the Constitution,—not "expressly delegated,"—and thus left the exact extent of those powers still open to dispute. When we see the Government engaged in any class of work, we have a right to demand that it shall show its authority under the Constitution. But we need not expect it to point to some express provision as directly answering our question. It may be doing the work under its incidental or implied powers—that is, those which "go without saying," those which may be inferred from the language of the Constitution. It may be doing the work under its auxiliary powers—that is, those covered by the sweeping provision authorizing it to adopt all necessary and proper means to carry out its other powers. Or it may be doing the work under what are styled its resulting powers—that is, powers which cannot be directly traced to any express provision, as incidental, auxiliary, or implied, but which may be inferred from the general intent of the entire Constitution; in other words, which result or flow from the sum total of its powers. Let us take a few illustrations.

The Constitution says that the Government shall have power to levy and collect taxes, to borrow money, to regulate commerce, to declare war, and so on. These are express powers, and when we hear of the Government taxing, borrowing, declaring war, or doing certain other plain acts, we know where it claims its authority. And yet, as we shall soon see, these express provisions are not wholly free from doubt.

Again, in no part of the Constitution is power to suspend what is known as the writ of *habeas corpus** expressly conferred upon the Government. There is, however, a provision forbidding it to suspend the writ, unless required by public safety in cases of rebellion or invasion; and from this emphatic denial of power we infer that it has power to suspend the writ under certain circumstances—

namely, in time of martial law and public peril. Accordingly, the Government has not hesitated to suspend it in emergency.

So, too, the Constitution does not, in so many words, empower the Government to carry on war. But it empowers it to declare war; and from that power, and its power to raise armies and provide a navy, and to employ the militia of the States in the service of the United States, we may clearly infer, even if there could be any question as to the meaning of the word "declare," that it has a general "war power" in the full sense of that term.

Again, in 1807, the Government ordered a general and unlimited embargo† which locked up in our ports all ships or vessels bound to foreign shores. It was a startling and tremendous exercise of power. It reads like a warlike act; but it was not urged under the general war power. It was upheld by the judiciary on the ground that the Government had absolute authority to regulate commerce with foreign nations and among the States, and that its exercise of that authority could not be called into question, although its action in that instance tended to utterly destroy our foreign commerce. It might be very properly asked, in connection with this subject, whether the recent retaliation measures proposed against Canada were similarly inspired in a friendly way under the power to regulate commerce, or whether they sound of war. Either construction, apparently, could be maintained.

Take another case. At the time of the adoption of the Constitution, the United States consisted of thirteen States and a great tract of land known as the Northwest Territory, extending northward to the Great Lakes, and westward to the Mississippi River. In no part of the Constitution is power expressly granted to the United States to acquire new territory. Yet, in 1803, the United States purchased from France the vast region then styled Louisiana, spreading from the Gulf of Mexico to British America, and from the Mississippi River to the Rocky Mountains, out of which a number of our present States and Territories have since been carved. The right to make this purchase was seriously questioned; but the Supreme Court of the United States afterward declared that the Government has the right to add to the national domain, by conquest or by purchase, under its express and absolute powers to make war and to make treaties. Further on, in 1845, the Government annexed and admitted into the Union as a State the Republic of Texas; this was not done by

* So called from the Latin words used in the ancient form of the writ, signifying "You may have the body." Its chief use is to set at liberty a person wrongfully imprisoned, by bringing him before the court where the legality of his imprisonment may be inquired into. It is the most celebrated writ in English history, and its arbitrary suspension in time of peace would be an act of high-handed despotism.

† The word "embargo" means a restraint on the sailing of ships either into or out of port, but limited as to time. The embargo of 1807 did not limit the duration of the restraint; hence the formidable nature of the act.

war or treaty, but the right to make the addition was claimed under the power to admit new States.

Take yet another case. In the late Civil War the Government was brought face to face with a dire crisis. Its treasury was bankrupt, its credit was exhausted, its troops were in the field fighting for its life. It needed means to carry on the war; those means could not be had without money. It did not have money, it could not borrow it; it therefore boldly made it—out of nothing. That is, it issued “greenbacks.” In sheer desperation it put its stamp on paper, and solemnly declared that paper to be as good as gold.

In no part of the Constitution can express power be found to justify that action. After the war closed, the question was submitted to the Supreme Court. The Court held that the action of the Government was lawful, and this was its reasoning: The Constitution intended that the Government should endure for ages. It was expressly given the power to declare war and raise armies and provide a navy, and under its general war power it had a right to defend its life in any way that might be necessary; and, if paper money was necessary to that end, it had a right to issue it.

After the war, however, the Government continued to issue greenbacks. The war necessity had passed; the question was again laid before the Supreme Court, and this time the Court took a different tack and went further than it did before. It held that the Government has the right to make paper money not only in time of war but in time of peace, and it defended that right under various provisions and reasonings—under the express power to borrow money, and under other express provisions, under the auxiliary powers as proper means to carry out other powers, and under the *sum of all the powers* which clothed the Government with certain supreme “attributes of sovereignty” possessed and exercised by older Governments.

These acts are named merely as illustrations. They have gone into history; they have been passed upon by the highest court in our country; and those decisions stand, until reversed by future decisions or overcome by Constitutional Amendment, as the true meaning of the Constitution. They are not mentioned to arouse debate. It was paper money that helped to save the Union. The purchase of Louisiana was, in the light of events, a grand achievement. It was a “long reach” of statesmanship. For, by it, the Republic at one bound passed from the Mississippi to the Rocky Mountains; and, having gone so far, it was inevitable that sooner or later it should leap the crest of the continent and plant its power on the shores of the Pacific. Under the right to extend our domain, whether by purchase, by conquest, or by annexa-

tion, we have attained the magnificent proportions, as a nation, which we present before the world today.

But we must not shut our eyes to the fact that we have done these and other things by liberal views as to the extent of the Federal Power. When one provision was evidently against us, we have fallen back upon another. We have made the plainest and most rigid terms of the Constitution stretch and bend (they have been even wrenched) to the dictates of national policy or to the necessities of the times. The provision of the Constitution in regard to the “territory” of the United States referred, almost beyond a doubt, to the North-west Territory; and its provision in regard to the admission of new States had in mind the creation of States either by dividing up some of the “thirteen” already in existence (with their consent) or the formation of new ones out of the Northwest Territory—not the admission of foreign States or the creation of States out of foreign territory. And we might produce still stronger proof as to the true intention of other provisions.

Two clauses of the Constitution are of special importance. The first is that which confers upon the Government the power to tax and raise revenue in order “to pay the debts and provide for the common defence and general welfare of the United States.” This provision, or the “general welfare” part of it, has been the subject of heated arguments from the beginning of the Government to the present day. Under this provision, the Government plainly has power to raise a revenue; but whether it can rightfully use its power to tax for other ends than those of revenue, and collect more money than it actually needs, and to what matters of general welfare it can apply the revenue so collected, are questions that have been brought before the people time and time again, and notably so in the campaign just ended.

The second clause of great consequence is that which authorizes Congress to make all laws which may be “necessary and proper” to carry out the other powers granted by the Constitution. As to what the Government may or may not do under this, its auxiliary power, there is no test beyond the discretion, or even the caprice, of Congress and the extreme limits of the Constitution itself; the courts refuse point-blank to interfere with the right of Congress to choose its own “means” so long as they tend toward proper ends.

To the work actually being done by the Government under these two clauses, the language itself furnishes only a bare clue. And as we have seen, nearly every provision can be made to stretch to objects little imagined by the casual reader of the Constitution. The powers exercised by the Gov-

ernment are greater than appear in words. This fact you should keep in mind.

All the way along our national career we find the people divided over the question of Federal authority—some favoring its liberal extension, others demanding that it be held carefully in check. The right of the Government to construct or aid “internal improvements”—such as the building of national roads, the opening of water-ways, and the improvement of navigable streams,—to charter national banks, and carry out other great measures, has been fought step by step; and for this reason the later amendments to the Constitution, to guard as far as possible against new doubts or conflicts, expressly confer upon the Government the power to enforce the provisions of such amendments. As there are people to-day who believe that the Government has far exceeded its true province, so there are others who believe it has not gone far enough.

It is suggested, for instance, that the Government should build ship-canal, and take charge of the railroads, of the telegraph, and of a variety of other great interests, and manage them for the common benefit of the people, and that, if it does not possess sufficient power under the Constitution as it stands, amendments should be adopted giving it more power.

It will surprise no one at all familiar with the subject to be told that the Government is doing things which, under the Constitution, it ought not to do; and, on the other hand, that it is not doing things which, under the Constitution, it ought to do. And those who blindly demand an increase of power would do well to first understand the power it actually wields to-day. That amendments will be adopted in the course of time cannot be doubted; for new conditions provoke new questions. But they are serious affairs. They should be made with caution. The person who would offer a change or addition to the Constitution to meet every trivial or passing topic of the day is not a safe adviser of the people.

Every American who is a citizen of one of the United States lives under two governments and owes a double allegiance. He owes allegiance to the government of the State wherein he lives, upon which he directly relies for protection in his rights of life, liberty, and property; and he owes allegiance to the Government of the United States, whose power he may invoke should his rights as a citizen of the Union be denied to him by a State, or should they be put in danger wherever he may roam. Each government works in a separate

sphere; yet there is a vague borderland of authority where the movements of the one seem to blend in the power of the other. He should understand the workings of these governments, and their exact relations to each other and to himself. He should understand not only the Constitution and Government of the Union, but the constitution and government of his State. With that knowledge he will realize how far his civil liberty may be affected or imperiled by any disturbance of their powers. Taking a just pride in both, but watchful of his own personal independence, he will not seek to impair their agencies for good nor will he rashly wish to add to their armor from any false notion of sovereign display or glory.

In studying the Constitution, the limitations upon power should be carefully observed. And in viewing the operations of the Federal Government we should not lose sight of the less pretentious but equally important operations of the State.

CHAPTER II.

DEPARTMENTS OF ADMINISTRATION.

THE operations of the Federal Government include the actions of the three great branches into which its power is divided. But the methods employed by Congress and by the Judiciary are outside the purpose of our sketch. It is sufficient to say that the work of Congress (located at the City of Washington and consisting of a Senate and House of Representatives) is chiefly shown in the laws which it enacts, and which are spread upon the statute books, within easy reach of all. The work of the Judiciary (consisting of various courts, located some at Washington and others throughout the country) is chiefly shown in its interpretation and application of those laws in the settlement of controversies concerning private or public rights or private or public wrongs; and its leading decisions, so far as they involve principles or questions of interest to the public, are set forth in the various volumes of Court Reports, also within reach of all.

The work of the third great branch—the Executive—is shown in the actual administration of the laws. At the head of this branch stands the President of the United States (with headquarters at Washington), in whom alone the entire Executive Power of the Government is vested by the Constitution; and, acting under his general command, are the subordinate agents of administration* (many residing at Washington, but most of them dis-

* A special Committee of the Senate (without pretending to be entirely accurate) lately reported the number as 171,746—those figures including, of course, the Army and Navy as well as the civilians in Government employ. Allowing for fluctuation, it may be placed generally at 170,000 and upward.

persed in various parts of the United States and various foreign sections of the earth) — in round numbers, not far from 175,000 strong. Upon this branch rests the duty of carrying into effect the thousands of laws, in all their variety and intricacies, which Congress for one hundred years has been industriously enacting, presumably in strict performance of its own duty and in the interest of the people and the States. A knowledge of that work involves a knowledge of the laws and the methods whereby those laws are carried out by the agents of administration — the daily practical movements of the Government itself.

The great mass of work thus imposed upon the Executive Power of the Government — embracing so many distinct subjects, and requiring so many thousands of agents to perform — must be arranged and treated in an orderly and systematic manner. To expect the President to give it his close personal attention and directly superintend the doings of each agent, would be absurd. The magnitude and diversity of the work demand its separation into parts, and the general supervision or management of each part must be intrusted to a separate officer. On this business basis, and in accordance with the design of the Constitution, Congress has divided the work among seven executive departments, each in charge of a general officer or "head of department," known, respectively, as the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior; and the work of each department is still further subdivided and distributed among "bureaus" and "divisions" and minor "offices," in charge of lesser heads or chiefs, designated as "commissioners," "superintendents," "directors," and by various other general or special titles.

An Executive Department, then, properly means one of the grand divisions of Government work boldly marked out or suggested by the express provisions of the Constitution. These grand divisions readily arrange themselves. The sovereign relations of the Republic with foreign powers, and its official intercourse with the Governments of the States at home may be regarded as one distinct grand division; accordingly, we have the Department of State. The coinage, currency, revenue, and general fiscal affairs suggest another great branch of work; hence, we have the Department of the Treasury. The mention of armies suggests work that in time of trouble is likely to tax the energy of a separate division; thus, we very appropriately have a Department of War. The prosecution of offenses against the United States, and other judicial matters wherein the interests of the

Republic are concerned constitute a general division, represented by the Department of Justice. The postal service, as one of the most intricate and important branches of Government work, certainly forms another grand division; therefore, we have the Post-Office Department. Maritime protection, like the military or land defense, forms a separate division; and thus we have the Department of the Navy. The various matters of domestic concern, not covered in these other Departments, but contemplated by the Constitution, such as the census, public lands, patents, and "odds and ends," may be conveniently grouped into another general division; and thus we have the very miscellaneous, yet not misnamed, Department of the Interior.

To some of these Executive Departments are intrusted matters which, on their face at least, do not strictly belong to the grand division to which they have been assigned by law. For instance, the "Weather Bureau" is a bureau of the War Department; the work being intimately connected with the peaceful interests of agriculture and commerce, it is very generally demanded that it should be taken from military control and placed elsewhere. On the other hand, it is urged by some that the subject of Indian affairs, now in charge of a bureau of the Department of the Interior, should be transferred to the War Department. The Coast Survey, the Light-House Board, the Marine Hospital Service, and other bureaus or offices, while they imply connection with maritime affairs, deal really with commerce and mercantile interests rather than with matters of national defense, and are to-day found under the Department of the Treasury, rather than under the Navy, as their titles might suggest. The Departments were established during a series of years. As special interests required attention and special bureaus were created, they were, in many instances, placed under the most convenient Departments then existing. Some of these bureaus have grown in size, and, having been retained where they were originally placed, instead of being shifted to more appropriate Departments, they contrast strangely with the work of other bureaus immediately about them. In this way, we may account for seemingly improper or haphazard classification of Government work.

It may further be noted that the Government is engaged in some unassigned work, not embraced within any of the regular established Executive Departments. The Department of Agriculture, while called a "department," and while independent of the other departments, is really only an independent bureau with a mere commissioner in charge. It has often been proposed to raise it

to the rank of an Executive Department, with a secretary at its head, preserving its present name; or to add to it certain other work now being done in other bureaus and call the whole a "Department of Industries." In like manner, it has been proposed to bring together and consolidate the various branches of scientific work, now being done by the Government in various bureaus and under different departments, and establish a separate "Department of Science." But the objection made to these suggestions is, that the work done by the Department of Agriculture, and by the other bureaus in question, while perhaps important and proper for the Government to perform, as matters bearing upon national welfare, does not form, in itself, a broad, grand division of administration, distinctly mapped out or indicated by the Constitution, and to do as has been suggested would be to lift auxiliary or incidental work into undue prominence. And an Executive Department, once established, the tendency would be toward a gradual building up and extension of power, with danger of exceeding "necessary and proper" limits. So far as actual results are concerned, or for the purpose of this sketch, it makes little difference whether they are called departments or bureaus; the work is being done, though perhaps not on so great a scale as would otherwise be the case. That other Executive Departments will be established is very probable. Two of those already established, the Department of the Treasury and the Interior Department, are liable to become unwieldy by increase of business; and part of the work now intrusted to them might very properly and advantageously be taken away and lodged in one or more separate divisions. The various bureaus of the Treasury Department, a few of which have been noted, relating more directly to commercial matters than to purely fiscal duties, might be grouped into a "Department of Commerce,"—a subject in itself, comprising a broad division of Constitutional work. This, however, is a question of administra-

tive convenience rather than of strict necessity, at the present time.*

It is the heads of department, then, through whom the President must chiefly deal in giving his orders and to whom he must directly look for information as to what is being done in the administration of the Government. The Constitution, recognizing this dependence, provides that the President "may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices." This dependence, of course, extends from the principal officers to the subordinate chiefs. The Constitution requires the President to give to Congress, from time to time, information of "the state of the Union," and this he does, at least once a year, in the shape of his "Annual Message." The heads of department, with one exception, are likewise ordered by Congress to render regular annual reports, at the beginning of each session of Congress, in regard to the operations of their departments. It might be imprudent to require the Secretary of State to publicly disclose all the doings of his department; yet even that department is ordered to annually transmit to Congress certain information gathered by its agents abroad, together with other details not involved in the secrecy of unfinished diplomatic negotiations.

The President, in his Annual Message, relies on the annual reports of the heads of department, and these heads of department in turn rely upon (and transmit with their reports) the reports made to them by their subordinate bureau and division officers. In this way, at the beginning of every session of Congress, the general operations of the Government during the preceding year, with recommendations for legislation, are spread before the legislative branch of the Government in the interesting but formidable literature of "annual reports." In addition to the regular reports required by law, and other reports which the

* Since the writing of the foregoing views, and on the eve of putting them into type, another bill before Congress, providing for the establishment of an Executive Department of Agriculture, has nearly reached the final stage of legislation, and may become a law by the time this number of *ST. NICHOLAS* shall go to press. The adoption of such a law, it must be frankly confessed, will be a departure from what has heretofore been regarded as the distinct and true lines of the Constitution. Agricultural (or farming) interests, so far as they require dealing with by law, are matters within the province of each State, and the Federal Government cannot interfere with them, except so far as they form a part of commerce with foreign nations or among the States—as, for example, the passage of diseased cattle from State to State. Aside from this feature (which belongs to the general subject of "Commerce") the operations of the Department of Agriculture do not form a great division of Constitutional work; its duties are scarcely executive in their nature; and to class that work as an "Executive Department" is to torture the meaning of the term as it is used in the Constitution. The enactment of the pending measure is not un-

likely to result in one of two serious evils pointed out by eminent students of the question—either it will be the establishment of a great "reservoir" into which Congress will be pouring power for years to come, by the addition or creation of other bureaus, and in whose increasing volume the interests of Agriculture as now cared for will be neglected or lost; or, it will arouse the envy of other industries and interests, which will demand similar recognition by Congress, and we may then expect to see the formation of other Executive Departments, one devoted exclusively to "Manufactures," another to "Labor," another to "Art," and perhaps we may even realize the sarcasm of the critic and have a separate "Department of Everything." All this, however, is by the way. The movement is noticed as another effort to expand the language of the Constitution beyond its apparent meaning. But these criticisms, based purely upon Constitutional principles, should not be understood as questioning the value or the propriety of the present work of the Agricultural Department or its claims to enlarged powers within special lines, as will be hereafter explained.

Executive Department may see fit to send to Congress from time to time (as well as the publications continually being issued to the public by departments and bureaus), the President and other officers of the service are incessantly being called upon by either House of Congress, when in session, for information on special subjects to guide the law-makers in their important work of legislation.

The head of each Executive Department is authorized by Congress to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. From the intricacy of these regulations and from blind devotion or long adherence to senseless forms, have grown up some very roundabout methods of business, commonly known as "red-tape"—a name taken from the color of the ribbon used in public offices in tying papers.* To follow, for instance, a simple purchase of stationery for department use, through the official maneuvers, from the time the stationery is ordered until it is finally paid for, would be to go through a maze of

books and a small regiment of clerks. In the keeping of Government accounts it is necessary that there should be guards against fraud, and there is reason in requiring that each transaction in relation to the collection or disposition of public funds shall undergo the scrutiny of different clerks and be recorded in different books, each entry or clerk acting as a check upon the other. But there is scarcely a branch of department detail, as now observed, whether in matters of finance or in minor matters of unimportant correspondence, that is not open to improvement, and in some regards the extent to which this detail is carried is simply farcical. Indeed, the evil has become so notorious that a committee of the Senate was recently appointed for the special purpose of overhauling these dusty and cobwebbed methods, and the result has been some sort of effort to do away with useless details and ensure economy, dispatch, and general simplicity in the transaction of public business. Further observations of a general nature, in regard to the officers and methods of administration, may be postponed for the sake of present brevity, until we come to the organization and work of particular departments.

[To be continued.]

*The term "red-tape" is not confined to the United States. Charles Dickens, in ridiculing this feature of circuitous action on the part of the British Government, described it as the "Circumlocution Office" or the chief of public offices "in the art of perceiving how *not* to do it." Mark Twain, in his famous satire of "The Great Beef Contract," has placed on record his views about official formalities and delays on the part of our own Government. Nor is his burlesque so extravagant as many people may suppose, as will appear from various illustrations given in the report of the Senate Committee. The statement of some very ordinary instances of red-tape occupies pages of that report; we may condense one specimen to its smallest limits. Take, for instance, the case of a clerk in the division of accounts in the General Land Office, in the Interior Department, examining an account of a disbursing agent of that department. In the course of his examination that clerk would need to know the balance to the credit of the disbursing agent at the last settlement of his accounts by the First Comptroller of the Treasury. This requires him to obtain the information from the Office of the Register of the Treasury, where it is kept. Now, to get that information, the clerk, in following out the regular methods, would fill out a blank request for information, addressed to the Register of the Treasury, place his initials upon that request, and hand it to the chief of the division of accounts, who would in turn hand it to the assistant chief, who would place his initials also upon it and return it to the chief, who would then put his initials upon it and pass it to the law-examiners, one of whom would examine and put his initials upon it, and pass it to another law-examiner, who would also initial it, and then forward it by a messenger to the room of the Commissioner of the General Land Office, where it would be received and the name of the commissioner stamped upon it by a clerk, and then returned to the division of accounts, where another clerk would make a record of it and also of the name of the clerk who filled up the blank request; and it would then be handed to the clerk who originally made it, who would then pass it to another clerk, who would record it in full in the record of letters written in that division, initial it, and hand it back to the original "requesting" clerk, who would make a letterpress copy of it, address an envelope to the Register of the Treasury, and place the

envelope and the inclosure in a basket, whence a messenger would carry them to the mailing-room. Without tracing the course of that letter through the Post-Office Department, we may next begin on it when it arrives at the Register's Office in the Treasury Department. There it would be opened by a messenger, who would hand it to a clerk, who would make out the required certificate showing the balance on the last account, with other data, put his initial on the certificate, and hand it to the chief of his division, who would put his initial on it and forward it by a messenger to the Assistant Register, who would sign and deliver it to a messenger, to be mailed to the Commissioner of the General Land Office. Here comes in the agency of the Post-Office Department again. When received in the Land Office the certificate would be delivered by a messenger (who opens the mail) to a clerk, who would hand it to another clerk, who would place around it a "jacket," stamp on the jacket the date of its receipt in the office and the running number of the communication as shown by the Index, make a brief note of the contents of the certificate on the back of the jacket, and then hand the certificate to another clerk, who would make an entry of it in a book called the "Numerical Index" and check the jacket, and hand it to another clerk, who would enter the certificate in the "Register of accounts and letters received," and check the jacket and forward it, with its contents, by a messenger, to the chief of the division of accounts, who would hand it to another clerk, who would enter the certificate in a "Register of accounts and letters received," and also in an "Index," check the jacket, endorse thereon the volume and page of the register in which it had been entered, and then hand it over to the clerk who originally made the request, who then could go on with his examination of the account of the disbursing agent. That, by the way, is only one step in the terrible "red-tape" rigmarole still to be pursued before the final examination and settlement of that agent's account! Here, then, is a trifle—a request for a few figures which could be obtained, within a few minutes, by the clerk putting on his hat, jumping into a street-car, riding to the Treasury Department, only six short blocks away, receiving orally the information from the clerk who has it in the Register's Office, and returning to his desk in the Interior Department!

the King, giving orders to the gardener to keep them constantly renewed, and the Vrouw promised for this to see that Truitje should every two weeks find a bunch of flowers secretly placed in her shoe. And so she does to this very day; for I saw those wooden shoes one soft mild January day, as

I walked down the street of Scheveningen, and the gentle wind murmured this story in my ear, and the waves of the gray North Sea, as they sounded on the shore, kept saying, in tones I could not misunderstand, "It is true — It is true — It is true!"

THE ROUTINE OF THE REPUBLIC.

BY EDMUND ALTON.

CHAPTER III.

THE OFFICE OF PRESIDENT.

PERHAPS no other feature of the Government has provoked such general criticism, or been so widely misrepresented and misunderstood, as has the office of President of the United States. Its creation was the subject of singular comments among those who framed the Constitution; it was violently denounced when that instrument was put before the people for their approval; it has been the target for savage and persistent assault from that time to the present. And in regard to no other feature of the Government, it may be added, have the dismal forebodings of skeptics been so strangely disappointed by the results of experience and practice.

In theory, it may be true that, as the making and enforcement of laws is the great function of government, the power that executes the laws should be in perfect harmony with the power that makes them and be directly under its control — the executive being thus simply the arm of the legislature, acting promptly and implicitly in obedience to its supreme will. This idea, though to-day observed in the workings of other governments, was not accepted by our forefathers. In lodging the executive power in the hands of one person, the Constitution aimed to secure energy and precision in the execution of the laws; but in establishing the Presidency as an independent branch of the Government, removed as far as possible from the meddling influence of Congress, and endowing it with important special powers, it suggested to many timid folk a vision of royalty in its most frightful shape. Nor were these thoughts quieted by events that followed in the history of the Government. Indeed, our third President has given it as his opinion that Washington himself believed

the Republic would end in something like a monarchy, and that in adopting his stately levees and other pompous ceremonies he sought, in a measure, to prepare the people gradually for the change that seemed possible, in order that it might come with less shock to the public mind. This remarkable statement we need not take without proof. Whatever may have been Washington's secret fears, certain it is that his devotion to the Republic shielded it from such a fate; and had some of his successors in office, or their advisers, been nearly as wise and as true to the spirit of the Constitution, they would have avoided acts which served to strengthen, rather than subdue, the popular distrust.

That the actual power of the President exceeds that of some of the crowned dignitaries of earth is universally conceded. The Constitution did not intend that he should be a mere figurehead, or "ornamental cupola," to the Government. It not only confided to him the execution of the laws, but it armed him with a power over the making of laws which he might deem improper. By this, we mean the provision that every measure passed by Congress shall be presented to him for his approval and signature, and that, if disapproved by him, he may return it with his objections, in which case it shall not become law unless again passed by the vote of two-thirds (instead of a majority, as in the first instance) of each House of Congress. Whether this power was given to him solely as a weapon to defend his own office or the integrity of the Constitution itself from attack by Congress, or whether the Constitution designed that he should in this way have a voice in the making of all laws, of whatever nature, is one of the questions still unsettled. The weight of opinion and the practice at the beginning of the Government seem to sustain the former view; the strict language of the Constitution is in favor

of the latter. The frequent exercise of the power in recent years, in marked contrast with its rare use by earlier Presidents, has aroused harsh feeling on the part of Congress and some very sober thinking on the part of philosophers; it is plain, however, that the present Executive has no doubt upon the subject. The power is certainly monarchical in its nature, and at first sight appears out of place in a Republic where the will of the people, as expressed by their representatives, should be the law. But here comes in the deliberate device of the Constitution. The executive branch of the Government was purposely so shaped as to act as a check against rash behavior by the legislative branch. The President is not the arm of Congress; he does not owe his office to that body, nor is he directly responsible to it for his actions. He is elected, as is Congress, by the people; and, like Congress, he is answerable to the people. Unlike a member of Congress, he is chosen not by the people of a particular State or district, but by the people of all the States.* He is, therefore, as an individual, the only representative of all the people, and if, in their Constitution, they saw fit to give to him, as their great national representative, this great influence over national legislation,—an influence equal to the votes of one-sixth of all the members of Congress,—there is nothing in it contrary to the principles of republican government. They hold him responsible for its exercise; they have it within their power to remove him in case of its abuse; they may take it entirely away from him should they so desire. As a matter of fact, there have been attempts in Congress to frame and submit to the people an amendment to the Constitution that shall deprive him of it; but such an amendment the people—or those who have noted how often the exercise of this power has prevented unwise legislation, or at least caused Congress to stop in its haste and reflect—are hardly ready to adopt. On the other hand, some people favor an amend-

* This statement should be explained. While, in effect, the President is chosen by the people of the Union, he is chosen by them in an indirect and roundabout way—the people voting for electors who in turn vote for President. A direct election by the people would be in strict accordance with the theory of popular government; under the present system, it is possible for a President to be chosen by the votes of a majority of the electors, but against the wishes of a majority of the people. In the election of 1876, for example, Hayes was made President by an electoral vote of 185, as against 184 counted for Tilden; whereas, the “popular” vote—or vote of the people—cast for Hayes electors was 4,033,950, as against 4,284,885 cast for Tilden electors—a difference of more than a quarter of a million in favor of Tilden.

† A qualification may be remarked. The President might, at the close of a session of Congress, apply what is styled a “pocket veto,” and thus temporarily impede that body. For the Constitution allows him ten days before action upon any measure presented to him for approval; and if, during those ten days and before action by him, Congress should adjourn, the measure would be defeated. Hence,

ment to the Constitution increasing the power so that the President may single out and veto objectionable parts in a measure (as separate items in an appropriation bill) instead of being compelled to approve or disapprove every measure as a whole; but an increase of power, in that direction, might lead to evils compared to which the evil sought to be corrected would be trivial. With the veto power as it stands, however, even were the President inclined to be despotic, he can not balk the will of the people as declared by their representatives in Congress, if a sufficient number of those representatives insist on having that will enforced. †

Another prerogative given to the President is the power to grant reprieves and pardons for offenses against the United States. This power is absolute (except in cases of impeachment and cases embraced within the meaning of the Fourteenth Amendment to the Constitution), and can be interfered with neither by Congress nor by the courts. It may be exercised at any time after the commission of an offense—whether before trial, during trial, or after conviction of the person accused; and the President may make a pardon either conditional or unconditional, partial or complete. He may set aside the sentence, lessen or modify the punishment, or grant leniency or full pardon on condition that the person accepting it shall do certain things. A full pardon restores the person to liberty and to all the rights and privileges of citizenship enjoyed by him before commission of the offense. By “offenses against the United States” is to be understood violations of Federal law; offenses against State law, such as murder, concern the peace and dignity of the State wherein committed, and over such cases the President’s authority does not extend. The exception as to cases of impeachment is to prevent the President from using his “prerogative of mercy” to screen from punishment guilty officers of the Government with whom he himself may have conspired. ‡ The Fourteenth Amendment, formally declared ratified by

the President could “pocket” or hold back any or all bills presented to him within ten days of the end of a session, and prevent their becoming laws—at any rate, until Congress should reconvene and pass them again as entirely new measures. It is an open question whether the President can even approve a bill after the adjournment of Congress; still, it has been attempted. Other nice points have arisen in regard to his power within the “ten-day” limit.

‡ The power of impeachment is given to Congress, and reaches over the President, Vice-President, the Federal judges, and all other civil officers of the United States, guilty of treason, bribery, or other high crimes and misdemeanors. Members of Congress, not being civil officers of the Government, are, in the opinion of the Senate, exempt from impeachment. Judgment in cases of impeachment can not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; an officer convicted of an impeachable offense being still liable to the ordinary trial and punishment prescribed by law, as in the case of a private citizen.

proclamation dated July 28, 1868, disqualifies from holding legislative or official station under the United States, or from holding office under any State, all persons concerned in rebellion or insurrection against the Government of the United States; and this disability can be removed only by a two-thirds vote of Congress. The Amendment, therefore, restricts the pardoning power of the President to that extent in cases of treason. During and after the War of the Rebellion, and upon the suggestion of Congress, national clemency was offered to political offenders by various Executive proclamations of amnesty; but those issued by the President prior to the adoption of the Amendment were lawful under his Constitutional pardoning-power and did not need to be sustained by authority conferred upon him by Congress.

A third power given to the President is the qualified authority to make treaties. A treaty being law, as much so as is a statute of Congress, the granting of this legislative function to the President may seem another freak of the Constitution. The explanation is simple. The making of treaties often involves most delicate and cautious negotiations with foreign governments, and the President is better able to conduct them with secrecy and dispatch than a body of men, like Congress, in which the power might be vested. Here again, however, the authority of the President is restrained. After his negotiations are at an end, and the provisions of a proposed treaty drawn up in writing, he must submit the draft of the agreement to the Senate for its deliberative advice and consent, and without the approval of two-thirds of that body the treaty can not be made. The rejection by the Senate of international agreements submitted by the President is of quite common occurrence; yet some representatives of foreign powers, not familiar with our Constitution, have expressed surprise on hearing that the action of our President, in reducing the result of patient negotiations to the form of an agreement, has been brushed aside as worthless by another branch of the Government.

A fourth power of the President is that to convene the Houses of Congress, or either of them, on extraordinary occasions; and to adjourn them, in case of disagreement between them over the question of adjournment, to such time as he may think proper. This power, too, is beyond positive abuse. Congress does not sit in continuous session; it meets at a stated time each year, on the first Monday in December, and, when it has finished whatever work it may care to transact, it adjourns to re-assemble on its annual convening-day. If, during its recess, an emergency should arise calling for legislative action, Congress would be powerless to re-convene itself, and it is important

that there should be some officer to take notice of the public necessity and call the law-makers together before their regular time. But Congress has it within its own power to sit every day in the year, and it can not be forced to adjourn so long as it desires to continue in session; and history furnishes us with an illustration where Congress has prolonged its session day after day in order to keep watch over a refractory President and be ready to interfere should he attempt to do mischief—as he would have been very apt to do with Congress out of the way.

A fifth power reposed in the President is his war-power. This is in the strict line of executive duties. He is the Commander-in-Chief of the Army and Navy of the United States and of the Militia of the States when called into the Federal service. In time of war, this authority to direct all military operations is of enormous consequence. Yet there must be some head of affairs, and one man is better than four hundred when promptness and decision of action are required. Congress, realizing this fact, has, at particular times, given to the President even additional authority. Such, for instance, was the authority temporarily given to him by Congress during our troubles with France, toward the close of the last century, to seize or expel from our country any alien citizen of France or any other alien whom he might think dangerous to our peace. Such, again, is the general authority given to him by Congress, which still continues, to defend the rights of American citizenship abroad, by using any means, not amounting to acts of war, that he may think necessary and proper to obtain the release of any citizen unjustly deprived of his liberty by a foreign government. Such was the authority given to him by Congress, in 1887, to retaliate against the British North American dominions in case of any further interference with our fishermen, by closing our ports to vessels of that country and cutting off certain commercial communication with it. Such was the authority conferred upon him by Congress to issue to private armed-vessels of the United States commissions or letters of marque and general reprisal against the vessels or other property of an enemy, as against the British Government and its subjects in the War of 1812. And such was the authority delegated to him by Congress to suspend the writ of *habeas corpus* during the late Civil War. Under discretionary or vindictive powers like these or others that might be cited it would be possible for a President to commit the most despotic acts. Even the Emancipation Proclamation, which gave freedom to the slaves, must be classed as an arbitrary deed. In its effects, it was one of the grandest acts in history; and yet it was

issued, and was so declared, as an act of "military necessity," under the authority of the President as Commander-in-Chief — he could scarcely have based it on any other ground. Tremendous as may be the war-power of the President, or the discretionary power temporarily delegated to him by Congress during time of danger, Congress may readily restrain its exercise. It may revoke all retaliatory or similar authority given to him for temporary use, and the power reposed in him by the Constitution may be made to dwindle to a mere memory or fiction. For, with Congress rests the exclusive right to raise armies and navies and to control the public funds; and without appropriations of money for supplies, or other legislative action by Congress, it would be impossible for the President to make use of any military forces, or, indeed, for any army or navy to exist. As Commander-in-Chief, he would thus be left with nothing to command.

A sixth power, which belongs to the President in his executive capacity, is that of appointing ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for in the Constitution and which may be established by law.* As the President depends for the actual execution of the laws upon the officers and employes under him, those subordinates should be persons in whose ability and loyalty he can safely confide for the performance of the duties assigned to them either by statute or by his orders; and in case of dishonest or worthless subordinates he should have it within his power to secure in their stead, honest and competent men. But the Constitution does not give him unrestricted power to appoint, nor is it clear that he has absolute power to remove at his own pleasure. In the appointment of certain chief officers he must obtain the advice and consent of the Senate; and while Congress may allow the President, or heads of Departments, or the courts, to appoint inferior officers without consulting the Senate, and while Congress has actually given that permission, still that permission may be revoked and every appointment be made to undergo the criticism of the Senate. Were Congress to adopt this plan, the President could merely appoint temporarily under his power to fill vacancies happening during the recess of the Senate. As to how far Congress may interfere, if at all, with removals by the President, or how far the President may make removals, if at all, without the permis-

sion of Congress, the Constitution is silent; and the question is one of vital importance to the purity of the Government and the dignified administration of the laws. For years, appointments and removals have been made on partisan grounds, under what is known as the "spoils" system; until an election for President has come to be dreaded by many decent people as merely a contest to see who shall capture the thousands of offices — a disgraceful scramble for "place," rather than the calm and impressive selection of a Chief Magistrate to administer the Government for the good of the country, in accordance with some high rule of principle. A person who holds a public office holds a position of public trust and honor, and a person who enters the public service and faithfully performs the duties of his office is entitled to the confidence and esteem of the people whom he serves. Fidelity and merit should be the test of fitness, as well in public as in private positions of trust; and an effort to regulate appointments and removals on this basis has resulted in the establishment by Congress of a board of three men, known as the Civil Service Commission, whose duties and work we will notice later on. At present, its operations extend only to minor offices; the power of the President over the great bulk of lucrative offices remains unimpaired, and the vicious idea of "spoils" has not yet been banished from practical politics.

The provision of the Constitution, directing that the President shall receive ambassadors and other public ministers, clearly indicates him as the "organ of communication" with foreign governments, and as such he stands at the head of the Republic, equal in rank with monarchs or other chief magistrates of the world, whether at the head of Republics, Kingdoms, or Empires.

It can hardly be claimed that the powers of the President, thus briefly reviewed, are not sufficiently controlled by the Constitution, which assumes, of course, that the other branches of the Government and the people will do their duty. However wise or unwise may have been the plan by which the President is made to act as a check upon, or as a part of, the legislative power of the Government, by conferring upon him the power to veto legislation, it must be remembered that this power, like the power to make treaties, to appoint subordinates, and to do other important acts, is under Constitutional restraint; and Congress, as the repository of the supreme power of the Republic, may override vetoes and treaties, and establish laws by which

* With the simple appointment of Federal judges, the power of the President over them ceases; for, when appointed, they at once form part of the Judicial Department of the Government, holding their offices during good behavior under the protection of the Constitution, and are removable only by Congress by impeachment, or by being legislated out of office (in case of tribunals inferior to the Supreme Court), by the abolition of their courts.

the exercise of other powers may be kept within proper bounds. In his purely executive capacity the President is not formidable. He is required to take care that the laws be faithfully executed; and he is bound by oath to honestly execute his office, and, to the best of his ability, preserve, protect, and defend the Constitution of the United States. He is given power to resist, to a certain degree, by his veto, the making of objectionable laws, and he may urge by recommendation the repeal of such as he may not deem good; but such as the laws are, whether objectionable or not, he must see that they are unerringly carried out. Some of these laws confer upon him a certain discretion, giving him authority, rather than directing him, to do certain things or to act in a certain manner, as occasion may occur; but beyond these discretionary matters the laws are absolute commands. Under his oath, and as an honest officer, he must do one of two things—he must execute them without a murmur, or he must resign.* The same remark applies to every agent of administration under him. To allow the Executive Department to set up its own will in opposition to the express command of the Legislature, would subvert every principle of free government and lead to the iron despotism of autocracy or to the terrors of anarchy and chaos.

In its official intercourse with the President each House of Congress treats him with a deference or courtesy due to him as one of the three independent branches of the Government. For this reason, whenever either House of Congress calls upon him for information, the call is put in the form of a request, coupled with the discretionary words, "if not incompatible with the public interests." In this it differs noticeably from a call upon a head of department or subordinate officer. The latter is not a request; it is a positive direction—the emphatic order of a superior to an inferior. The various assistants who hold office under the President are not his servants or his henchmen, to obey him implicitly, and him alone. Their offices were created

by Congress as aids to the Executive; their duties are, or may be, prescribed by Congress; and they must obey the commands of Congress, so far as those commands are law, regardless of any orders to the contrary issued by the President. They are the servants of the people—being bound, like the President himself, by oath †—and it is the duty of the representatives of the people in Congress to see that they do not neglect their trusts. If they fail to perform a plain ministerial duty charged upon them by law, the courts, as the third independent branch of the Government, may order them to perform it. If they deliberately ignore or violate the law, they do so at their peril. Over the conduct of all civil officers of the Government, the President included, Congress is required to exercise a watch; and in case of any defiance or transgression of the law, it is its duty to call the offending officer before its bar, under the process of impeachment, and remove him from his trust, with odium and disgrace, in the name of the people of the United States.

And so, after all, the President, while directly responsible to the people for the wise exercise of his discretionary powers or prerogatives, is not above the law. There may be ways in which he can abuse his power; but the Constitution has provided ample means by which such abuse may be corrected and punished. One President has been impeached and narrowly escaped conviction; others have been vigorously rebuked by formal resolutions of censure; and if, in the many spirited tilts between the Executive and Congress, we find the President at times improperly in the ascendant, or usurping unconstitutional powers, we may fairly charge it to the personal incapacity or cowardice of the House or Senate. So long as Congress shall do its duty, the Government is safe from harm through the powers of the Executive; and so long as the people shall do their duty in the choice of able and patriotic representatives, Congress may be reasonably depended upon to do its own.

* A law of Congress provides: "The only evidence of a refusal to accept, or of the resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the Secretary of State."

† This is under the Sixth Article of the Constitution. The law of Congress requires that every person elected or appointed to any office of honor or trust, either in the civil, military, or naval service, except the President, shall, before entering upon the duties of such office, and before being entitled to any part of the salary, or other

emoluments thereof, take and subscribe an oath of allegiance. This oath is in two forms. By the "iron-clad" oath the officer swears that he has never borne arms against the United States, etc., in addition to swearing that he will support and defend the Constitution, and bear true allegiance to the same, and well and faithfully discharge the duties of his office. The "modified" oath omits all reference to past loyalty, in order to adapt it to cases of participants in the late rebellion. Further and special oaths are provided for certain officers, the language of which varies with the duties of the office. The form of oath required of the President is prescribed by the Constitution.

THE ROUTINE OF THE REPUBLIC.

BY EDMUND ALTON.

CHAPTER IV.

AT THE WHITE HOUSE.

THE City of Washington is the seat of the Federal Government and, as such, the center of administration. There the President has his headquarters, surrounded by Congress, by the Supreme Court, by the Executive Departments, and by many of the inferior offices and tribunals established by Congressional enactment. The office of President is of Constitutional creation, and the exercise of his Constitutional functions is not restrained to any particular place. It is different with the administrative offices created by statute and attached to the seat of Government; by legislative command they must be exercised in the District of Columbia and not elsewhere, except as otherwise expressly provided by law. During the sessions of Congress the President is practically held prisoner at the Capital by the exactions of legislative business, and rarely absents himself longer than a few days at a time; the adjournment of Congress releases him from his heavy and constant labors in connection with the making of laws, and charged then only with the performance of his purely executive duties, he may shift his location as his personal convenience may prompt, and issue his orders from any section of the country to which he may go. Such has been the practice, and such, in the light of custom, is his Constitutional privilege. These absences have been indulged in by every President except one (and he, the grandfather of our next Executive, died shortly after inauguration), and Presidential acts of greater or less importance have thus occasionally been performed away from Washington. But such absences being in the nature of holiday vacations, and the business so transacted by the President being comparatively slight and of no special significance, we need not pursue his move-

ments and work beyond his ordinary official residence.*

This official residence, designated by law as "The President's House," is familiarly known as the Executive Mansion or White House. Its foundations were laid during the administration of President Washington; its first occupant was John Adams, who took possession in the fall of 1800, when the Government formally removed to the District of Columbia as its permanent seat. The White House is a public edifice, in the sense that it was built and is owned by the Government, the free use of the building and its furniture being assigned to the President, during his term of office. It was designed, however, as its name, "The President's House," implies, as the private habitation of the President, and not as an office for the transaction of his public duties. But the original intention has not been carried out, and his private abode (by the failure of Congress to make other arrangements) is separated from his official quarters only by a door.† And it would seem that American tourists have never been able to distinguish the line between his public and his domestic relations. In the time of Washington, the people trooped through every part of his residence at all hours of the day and night, and this annoyance, of which he secretly complained, has been meekly borne by many of his successors down to the advent of President Cleveland. The private apartments of the President are now closed against sightseers, much to the vexation of a class who foolishly contend that, as public property, the entire household should be thrown open to general inspection.

It was high time that the President should take this stand; and by words of sharp rebuke he has attempted to teach some people a further lesson in propriety. As an officer of the Government, the official conduct of the President is a matter for public view and criticism; as a private citizen, his domestic affairs are his own, sacred from popular

* Whether the President could go outside the United States and issue orders from abroad is a question that no President has given us occasion to debate. Should circumstances call him abroad, it is to be assumed that his absence would be treated as an "inability," within the meaning of the Constitution, and that his duties would temporarily devolve upon the Vice-President.

† A suggestion that has found some favor in Congress is to construct a new building in the rear of the present mansion, of similar

size and connected with it by a corridor; the new wing to be used exclusively as a private residence, and the old wing as an office for the President and his official household. In the summer months, our later Presidents have sought rest and privacy in a cottage at the Soldiers' Home, in the outskirts of the city, using the White House as a business office during the day. President Cleveland has secured seclusion and quiet by building a suburban residence at his own expense.

comment or intrusion. This ideal barrier, respected by all honest and thoughtful persons, seems invisible to partisan rancor and to a sensational society and press.

But neither the Constitution nor the laws recognize any distinction between the person of the President and the person of the humblest citizen. They are both equal, so far as any assaults upon their lives or reputations may call for legal redress; and both alike are liable to punishment for offenses against the law. During the Presidency of John Adams the vituperation heaped upon the Chief Magistrate and upon others in authority was so virulent and despicable and so hostile to the dignity of the Government as to evoke from Congress a severe law for its repression. This law, however, at once became odious to the people, jealous of the Constitutional right of freedom of speech, and was speedily repealed. Two Presidents have been struck down by the hands of assassins, and with their fall the nation trembled. National horror incited national apprehensions. It was suggested that a mere attempt against the life of a President should be deemed an offense against the stability of the Government, and be made punishable, as in other countries, by death. But though the nation shook, the Republic remained firm. The Vice-President instantly grasped the reins of power, and the Government went safely on. Popular excitement died out, and popular traditions revived. The American people have declined to admit that the safety of republican institutions depends upon the existence of any one public man or any number of public men, however high their stations of authority. The killing of a President is ordinary murder; an unsuccessful attempt upon his life is merely an assault with intent to kill; defamation of his character is simply libel or slander, and the gravity of each offense, in the eye of the law, is neither more nor less in the case of a President than where the victim or intended victim is a citizen in private life.* If aggrieved by personal aspersions, the President may appeal to the criminal or civil remedy open through the courts of law to all citizens; or he may seek refuge in the quiet philosophy that treats such assaults as unworthy of notice and relies on honorable society and journalism to ignore or resent malicious and unjust abuse. As to the safety of his person, his main reliance is upon the law-abiding instincts and patriotism of the great mass

* The only practical suggestion inspired by the last assassination of a President, and actually adopted, was the extension of the line of Presidential succession. Prior to 1886, this line consisted of the Vice-President (who, by the terms of the Constitution, succeeds to the office upon a vacancy arising through removal, death, resignation, or inability), the President *pro tempore* of the Senate, and the Speaker of the House of Representatives. In 1886, Congress

of the people. In the dark days of the war, Lincoln (yielding rather to the entreaties of friends than to his own inclination) was accompanied in some of his rides about the Capital by armed horsemen, or shadowed in his walks by officers on foot; but in ordinary times of peace our Presidents have scorned the possibility of dangers from which monarchs and other rulers are supposed to shrink even in their sleep. Franklin Pierce, we are told, "used to gallop about Washington at midnight on a spirited steed which was totally blind"; Buchanan strolled through the streets and markets of the city, affably chatting with the passers-by and mingling with the crowd; Grant walked or rode with free and fearless nonchalance, and once, when he increased the pace of his horses beyond the speed allowed by law, was promptly arrested for fast driving! The grounds of the Executive Mansion are fenced with iron; a few watchmen guard the building and the park at night. That is the extent of vigilance and force—a bare show of prudence and protection. In the daytime the grounds and house are a public thoroughfare; the gates are seldom closed; and expulsions from the place, occasionally made by the attendants, are confined to that peculiar class of visitors, more whimsical than harmful, popularly described as "cranks."

As the law surrounds the President with no royal provisions for personal protection, and with no royal privileges of personal immunity, so there is an utter absence of royal splendor or display in his official household and surroundings. The appropriations made by Congress afford no encouragement in this respect. A private secretary, an assistant secretary, three executive clerks, four assistant clerks, a steward (who, under the direction of the President, has charge and custody of, and is responsible for, the plate, furniture, and other public property in the Executive Mansion), an usher, four messengers, five doorkeepers, one watchman, and one fireman constitute the entire office and household retinue provided for by the present law. The contingent expenses of the establishment—such as stationery, telegrams, fuel, gas, furniture and carpets, books for the library, care of grounds, and the like—are borne by the Government. For food and kindred items, whether purchased for his personal use or for the state entertainments annually expected of him as the head of official society, and for cooks, coachman, and other domestic attendants, he must pay out of his personal funds; and with a salary of

changed this line by cutting off the President *pro tempore* of the Senate and the Speaker of the House, adding, in their stead, the heads of Executive Departments, in the order in which those heads were named in Chapter II. of this series (beginning with the Secretary of State and ending with the Secretary of the Interior), but subject to certain qualifications and conditions stated in the law.

only fifty thousand dollars a year, a President must practice economy if he would keep his expenses within the limits of his purse. An attempt to discharge his social obligations with a princely hand would quickly bring him to the brink of bankruptcy. Washington, possessed as he was of an independent fortune on which he could draw for special luxuries, or to meet the demands of official hospitality, requested Congress to regard only "such actual expenditures as the public good may be thought to require" in fixing the Presidential compensation. The salary was accordingly placed at twenty-five thousand dollars a year, and so remained until 1873, when it was doubled in amount. But twenty-five thousand dollars a century ago "went further," as the saying is, than fifty thousand dollars will reach to-day. The gilded equipage of Washington, "with its coachmen and footmen in powdered wigs, and its white horses with blackened hoofs," regal compared to the private Presidential carriage of 1889, was only in harmony with the brilliant style in which he maintained the dignity of the "American Court." In the stable of John Adams, stocked and sustained at public cost, we find numerous horses, plated harness, an "elegant chariot," and other vehicles and traveling paraphernalia. Jefferson and Madison had horses of their own, but they did not scruple to let the Government pay for the expense of stabling. The "office carriage" and horses now provided for White House convenience, and used mainly by the assistant secretary in carrying Presidential messages to the Capitol, are decidedly ordinary in value and appearance—as are the private vehicles and horses bought by the President for the personal use of himself and family. It is well enough to believe in the sterling patriotism of our forefathers, but it is idle to hold up the administrations of bygone years as patterns of social simplicity for the present generation of officials to copy. The solid silver plate, forming part of the public property in the White House, is no glaring evidence of modern prodigality, and the President need not abandon it for pewter simply to avoid unfavorable comparison. There was certainly nothing very wicked in the use by Van Buren of gold spoons; but if there is a single feature of old-time extravagance or pomp surviving to-day, a trip through the Presidential offices, kitchen, and stable fails to bring it to view. The social and ceremonial phase of life at the White House will be taken up, how-

ever, in another chapter; we may first observe the details of the President's office work.*

The business apartments, few in number, are situated on the second (or top) floor of the building. That occupied by the President (used by him as office, private audience-room, and Cabinet chamber) is guarded by a door-keeper, and admission is regulated by card, except in the case of Members of Congress and prominent officials, who are privileged to pass freely in and out during certain hours. The adjoining room is occupied by the private secretary, the one beyond by the assistant secretary, and an opposite room by clerks.

Much of the work daily performed in the Executive Mansion constitutes no part of the necessary duties of the President, and is imposed by popular ignorance and presumption. The desire of Americans to take a look at their Chief Magistrate is natural and proper enough in its way; but when this curiosity insists upon wringing his hand by wholesale and chattering compliments into his ear, it becomes, to say the least, unreasonable. Still, this is one of the ordeals to which he submits, with more or less grace, out of deference to the public; and hundreds of tourists file before him each week, grasp his hand, murmur their trifles, and go away with sensations of patriotic delight.† But his time and patience are taxed not only by visiting tourists and delegations calling merely to pay their respects. He is besieged by persons of every description, and by all sorts of petitions and complaints.

The most formidable and least welcome class of callers is the army of chronic office-seekers. At the beginning of a new Administration these applicants for "spoils" literally swarm about the place. They adopt various methods to gain audience with the appointing power, and, failing to secure an interview, have recourse to correspondence to advance their claims. Add to these individuals the personal intercessions of Congressmen and others, and the thousands of written testimonials and recommendations in behalf of applicants, and we may infer something as to the extent of this dreadful persecution. It is related that Lincoln, in his perplexity as to the merits of two rival candidates for office, grimly placed in a scale the recommendations submitted by each, and settled the matter by the actual weight of the papers. Nor was he the only President harassed by such contentions. The rush for place has driven some minds to the verge of distraction; it is directly

* We have omitted all reference to the necessary qualifications of the President and the manner of his election. These matters were described in a previous series, published in *ST. NICHOLAS*; for an explanation of that subject, and particularly of the Congressional work of counting the electoral votes (a ceremony just now of special interest), the reader is referred to the number for February, 1885.

† This tedious and automatic hand-shaking (which, for conven-

ience in disposing of crowds, takes place in the large reception parlor, or East Room, on the entrance floor, instead of in the small audience room above) has been styled the "Presidential pump-handle performance." At one of these receptions, not long ago, more than a thousand visitors, by actual count, shook the President's hand within half an hour, being at the rate of forty "shakes" to a minute.

responsible for the fatal illness of one President, and indirectly responsible for the death of another.

Against the importunities of this class and of other thoughtless and aggressive petitioners, the private secretary acts as a defense. The office of President of the United States was not designed as a national intelligence and employment bureau. He has duties of far more consequence than the distribution of Federal patronage and the answering of private conundrums; and, even were he so disposed, he could not attempt, by reason of the limits upon his time and physical endurance, to hear every person wishing an interview, or personally to attend to all inquiries sent him by mail.

Only a small proportion of the letters received, or of the people who call upon private business ever reach the eye of the President. The crowd of callers, and the mass of correspondence that daily deluge the White House, must first run the gauntlet of the private secretary and subordinate clerks in attendance. The experienced door-keeper at the head of the stairway is a good judge of faces; and if he has any misgiving about the particular mission of a caller, the caller is apt to be invited politely to see the private secretary and state the object of his visit. This official readily disposes of trivial questions and business, and in many cases the visitors go away better satisfied with the advice or information so obtained than if they had seen the President himself. The same "sifting" process is practiced in regard to the mail. The letters are opened by the clerks, who select for submission to the President only such as they consider important or necessary for him to see, and this selected batch is further reduced in size by the final judgment of the private secretary. Every letter, however, whether actually read by the President or not, receives attention. The numerous communications addressed to him, as head of the Republic, are restricted to no particular variety or subject. Applications for pensions or for patents put in frequent appearance, along with begging appeals for money, quaint political comment or advice, and notes expressing every shade of popular eccentricity, desire, or fancy. While the President is not the proper official to address for information as to department or bureau doings, or on like topics, yet such letters are not allowed to go astray. If an application for a pension is received, the private secretary promptly forwards it to the Commissioner of Pensions, and courteously informs the applicant of its receipt, and of the disposition made of it. The same course is pursued with other inquiries or requests, improperly sent to the White House instead of to department or bureau heads. All are duly acknowledged and the correspondents steered into the proper chan-

nels. The private secretary, it should be stated, is the organ of communication between the President and the people. He has general direction of all the office-work, and signs his name to office correspondence as the President's representative. Possessing necessarily the absolute confidence of his chief, the influence he wields in public affairs marks him as a conspicuous figure in Administration circles.

The business relations between the President and Congress, so far as they are evidenced by work at the Executive Mansion, consist in the making out of nominations, forwarding of treaties, approval or disapproval of bills, and the transmission of information on general or special subjects. Bills and other measures passed by Congress and forwarded to him for signature, are presented to him in person by some member of the Congressional Committee on Enrolled Bills. As the President visits the Legislative department only on rare occasions of ceremony, his communications are committed to paper, signed by him, and delivered by the private secretary or one of the office assistants in person. As a matter of official courtesy, these communications are closely guarded until actually delivered to the House of Representatives or Senate. In the case of treaties transmitted to the Senate, the secrecy continues until removed by that body. The Annual Message (transmitted at the opening of Congress), nominations to office, notifications of approval or disapproval of bills, and messages of general or special information, are given publicity through printed or manifold copies prepared for the convenience of the press and furnished to the correspondents the moment the originals reach their legislative destination at the Capitol.

Upon the ratification of a treaty by the Senate, it is promulgated by a Proclamation, signed by the President and attested by the Secretary of State. The designations of "Thanksgiving Day," and other Executive notifications intended for popular guidance or warning, also take the form of Proclamations.

In matters of administration, the commands of the President are communicated to the various departments as "Executive orders." The heads of department, popularly styled the "President's Cabinet," meet him at the White House every Tuesday and Thursday morning for general conference. In addition to these regular Cabinet meetings, special consultations are sometimes called. In the latter case, the private secretary may go through the formality of summoning the officers by written requests for their attendance, or adopt the speedier and more business-like method of "ringing them up" by telephone. In the absence from the city of a head of department, his duties devolve upon an

assistant secretary or other officer designated by law, or by simple order, and this acting-head represents the department at the Presidential councils. Each officer, on Cabinet days, goes to the White House carrying under his arm a large leather portfolio containing official papers that he may wish to submit to the President; and the phrase, "a Cabinet portfolio," has come into vogue as synonymous with a Secretaryship.

The President presides, seated at the head of the long table, facing north; on his right are seated the Secretary of State, the Secretary of War, and Postmaster-General; on his left are the Secretary of the Treasury, the Secretary of the Navy, and the Attorney-General; and opposite to him, at the foot of the table, is the chair of the Secretary of the Interior. The private secretary occupies a seat at a small desk facing the southern window and near the President. This arrangement is not in accordance with the order of precedence observed by Congress in establishing the Presidential succession. If the Attorney-General and Secretary of the Navy should change seats, bringing the former fourth and the latter sixth,—the rank alternating across the table,—the order would be strictly correct.

The sessions of the Cabinet are informal affairs. No persons except those named are permitted to enter the room during the councils, and no official record of the proceedings is kept. The business done or discussed covers all leading subjects belonging to the various branches of administration on which the President may desire information or advice,—department reports concerning special matters of importance, appointments to office, and questions of general administrative policy. The conference is perfectly free and easy, officers of different departments expressing opinions on affairs not directly relating to their own; and in discussing some doubtful step it may happen that the matter in doubt will be influenced and settled by the views of some officer whose department is least interested in the question at stake—as if a question of foreign policy, broached by the Secretary of State, should be determined by the arguments of the Secretary of the Interior. It is a delicate matter for the head of one department to criticise the ordinary affairs of another; and his advice would scarcely be tendered unless directly invited by the President. There have been jealousies and rivalries around the Cabinet table as well as outside the White House; and matters of etiquette as well as matters of State have provoked official fallings-out. The secrecy of the proceedings has shielded many wrangles from the public.

The Cabinet, as a body, is unknown to the Constitution and the laws. It is the growth of custom. There is no obligation on the part of the President to hold these councils, nor is he bound to pay the slightest attention to any advice offered by his confidential advisers; * and Presidents, with wills of their own, have occasionally acted in direct opposition to Cabinet advice.

A striking illustration of this fact is afforded by the case of the Emancipation Proclamation—the great historic war-measure before referred to, and the most important proclamation that ever came from the hand of a President. Various versions have been given of what occurred in the cabinet-room, and of the scene at the final signing of the paper. In a recent debate in the House of Representatives, it was intimated that at the last moment Lincoln's courage almost failed, and a large painting hanging in the Capitol, representing the scene and showing the President with arrested pen about to attach his name, was referred to as evidence of a wavering mind.

An excellent authority gives a different account. The advisability of issuing the Proclamation was fully discussed at various meetings of the Cabinet; and leading advisers of the President, with grave arguments and warnings, urged him against the act. Lincoln patiently heard them to the end—and the subject was put aside. He gave no hint as to what course he would pursue. One day, months afterward, the members of the Cabinet were summoned to the White House. When all had arrived the President addressed them. He pointed to a paper—a draft of the Proclamation, prepared by him. He told them that he had resolved to issue it; that he did not wish and would not permit debate; that his mind could not be altered; his only purpose in calling them together being to submit the paper to their inspection for any suggestions they might have to offer in the way of mere verbal changes or "matters of form." With these brief, impressive words, the document was laid before his ministers of state, and then boldly spread before the world!

When pressed by imperative duties, such as the preparation of his Annual Message (upon which he usually begins about the middle of November), it sometimes becomes necessary for the President to shut himself away from the crowd and refuse to be disturbed even by officials, except those reporting on urgent department affairs. But, generally speaking, his day is given up to hearing what others have to say. Hand-shaking tourists, autograph-hunting boys, office-seekers, politicians, Congressmen with personal and partisan

* President Jackson is said to have been guided more by the advice of a few personal friends than by the opinions of his official Cabinet; the term "Kitchen Cabinet," bestowed upon that circle of Presidential favorites, has been similarly used in connection with other Administrations.

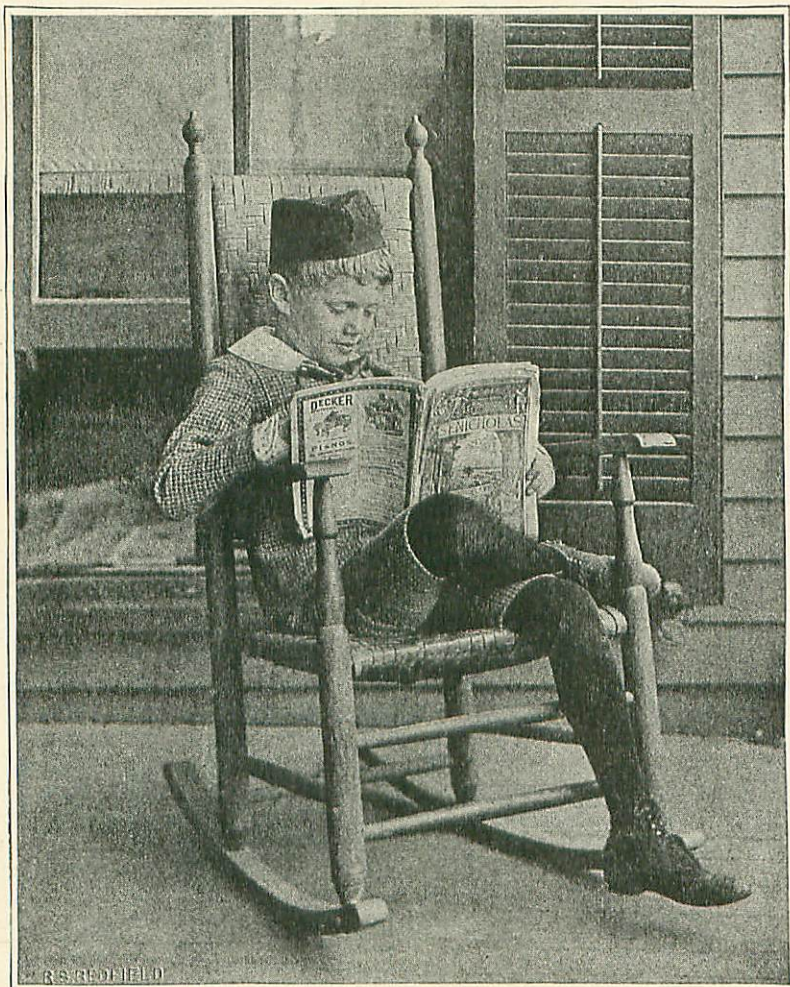
advice or requests, and public officials,—these and other people keep him busy, and scarcely allow him a moment for reflection during ordinary business hours.

Some Presidents have not allowed affairs of State to worry them to any burdensome extent or to interfere with their recreations or repose; others have deliberately assumed vexatious details that might as well be left to subordinate officers and clerks. They all have been accustomed to yield more or less time to the different classes of callers whom it has not been deemed courtesy or

policy to avoid; but after all these people have come and gone, and after many of them have retired to rest, a painstaking and hard-working President begins the serious labors of the day. For, after the evening has well advanced, he retires to his library, and there, alone, with applications and requests, with legislative measures and department reports, submitted to him for action, he examines the merits of each question, writing his messages to Congress and his executive orders, or studying and shaping administrative policy, far into the night.*

* The daily method ordinarily observed by President Cleveland is as follows: He goes to his office at 9 o'clock, and looks over his mail (as reduced through the sifting process of the private secretary) until 9:30; receives Cabinet officers until 10, members of Congress until 12, other callers from 12 to 1:30, and for a few minutes every

other day receives visiting tourists in the East Room. After luncheon, he attends to matters brought to his attention during the forenoon, and works until 5, when he goes out for a drive; he dines at 7 (the "established hour" for Presidential family dinners), and afterward goes to his study and works until midnight.



OUR BEST ADVERTISEMENT.

THE ROUTINE OF THE REPUBLIC.

BY EDMUND ALTON.



THE WHITE HOUSE AT NIGHT.

CHAPTER V.

COURT-FASHIONS AND CEREMONIES.

THE Government is a practical business institution, and the President, as part of the system, would offend no intendment of the Constitution should he refuse to permit any encroachment upon his time beyond the limits of his business office. State dinners and levees are entirely outside of administrative duties, and we touch upon them, in connection with other items of official etiquette, more by way of diversion than from any high appreciation of their political importance.

All through the Government service, as in private business establishments, we, of course, find the

relation of superior and subordinate, and from this relation necessarily follow certain distinctions of grade, or official classification, and certain rules of courtesy governing the business intercourse between agents of equal or unequal rank. The President is higher than a Secretary of Department, a Secretary higher than a bureau chief, a bureau chief higher than a clerk. An officer, issuing instructions or commands, disregards the conventional or complimentary forms observed by him when communicating with officers of equal or higher grade; a subordinate, corresponding with one above him in authority, is more or less deferential in his address.* This complaisance, however, extends chiefly to such harmless expressions

* On the other hand, insubordination, or conduct prejudicial to the authority of a superior officer, would obviously impair the efficiency of the service. A notable instance of administrative "discipline" occurred some months ago, when a Bureau Chief, guilty of criticising the judgment of the Secretary of the Interior, was overhauled by a vigorous letter from the Secretary, and gently "allowed to resign" (a polite alternative for "dismissal") by the President.

as, "To the Honorable the Secretary," and "I am, with great respect, your obedient servant," at the beginning and ending of letters; and is only objectionable when it becomes indiscriminate or extravagant. In strict propriety, official communications should be addressed to the "office"—not to the name of the individual holding the office; and a public office receives no augmented dignity by reason of mere wordy additions. This was the view taken by the House of Representatives at the beginning of the Government, when the Senate desired to style the President "His High Mightiness," or by some other senseless title; and the Senate, by submitting to this view, established a precedent applicable to every subordinate office.*

In writing to a high official or a member of Congress by name, the prefix "Hon." is permissible on grounds of general usage; but the employment of this title in addressing minor officers is meaningless, as also is the phrase, "To His Excellency the President"; yet, this and other errors of over-effusion are frequently made by correspondents both in and out of official circles.

In ranking the President as head of the Republic we regard him only in his public capacity. His preëminence is the preëminence of his office, and this office, as we have said, was intended to exercise business functions. The idea that he is "the first gentleman of the land,"—the chief of our social as well as of our political system,—is a fiction that might suggest to a stranger the division of the American people into "castes." There is no such division. Official and fashionable "society" at Washington, however, has conceits and festivals peculiar to itself. Starting with the President, as the head of everything, it has arranged official classes into a line of precedence, and established a code of definite rules for observance in their personal relations with one another. This order of precedence, as understood by students of official etiquette, is as follows: First, the President; second, the Vice-President (the presiding officer of the Senate, or "Upper House" of Congress); and third, the Chief-Justice of the Supreme Court—as the respective heads of the three great branches of the Government. Next come the President of the Senate *pro tempore* and Senators; then the Secretaries of Departments; the Associate Justices of the Supreme Court; the members of the foreign diplomatic corps and certain other foreign representatives; the Speaker of the House of Representatives and Representatives; the General of the Army and the Admiral of the Navy; Amer-

ican diplomatic officers; followed by others in the ranks of the Judiciary, the Army and Navy, and in other divisions of the Federal service. These distinctions are not without advantage on ceremonial occasions in preventing disorder or unseemly rush; but so far as they regulate matters of social intercourse, the practical citizen is apt to view them with some amusement and disdain. When Congress recently changed the line of Presidential succession by substituting the heads of Department in lieu of the President *pro tempore* of the Senate and the Speaker of the House, some folks in "society" construed the law as advancing Cabinet officers to a public rank above that of members of the legislative department of the Government; and, with this suggestion, came a serious quibble as to whether the "Ladies of the Cabinet" should make the first call on the "Ladies of the Senate," as had been the custom before the passage of the law, or whether the families of Senators should acknowledge the superiority of the heads of Department by reversing the established rule. As the controversy actually imperiled none of our republican institutions, we need not follow its course. Seventy years ago it was maintained that the head of each Department owed a visit of ceremony to each Senator at the beginning of every session of Congress; and the Secretary of State, John Quincy Adams, was called to account by some Senators for his failure to pay that mark of respect. The Secretary, in a pungent letter to the Vice-President, stated that he considered "the Government of the United States as designed for the transaction of business," and bluntly denied any obligation to pay visits of etiquette or to do anything else not within the line of his official duty. This independent reasoning he applied to other public agents and to the families of public agents, and in doing so showed plain common sense.

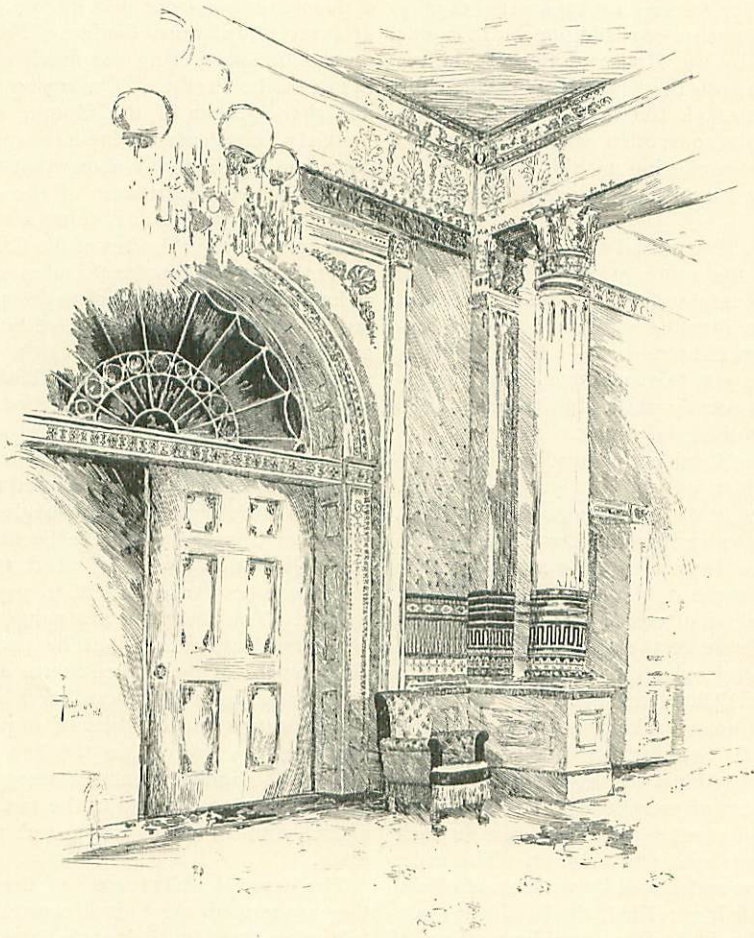
The "social obligations" of the President, as they are termed, are formal courtesies and hospitalities expected by the people, by the chief dignitaries and officers identified with the Government, and by the representatives of foreign powers, and observed by him in complimentary recognition of his public and official relations. They are mere state fashions, hollow enough when sounded, but supported by custom and by some regard for the traditions and vanities of the Old World.

Officially, the preëminence of the President is respected by the other Departments of the Government—not as an acknowledgment that the Administrative Department is, in point of power, higher

* A reference to this controversy, with some remarks about the Constitutional objection to "titles," will be found in ST. NICHOLAS for September, 1885. A part of the ridicule which the proposition of the Senate inspired was the suggestion that the Vice-President be styled "His Superfluous Excellency."

than the Judiciary or Legislature, but as a concession to inherited notions that the executive of a government, from the constancy (or continuous nature) of its authority and presence, and from certain peculiarities of duty, is publicly most conspicuous and well-suited to the idea of a "national head."

after briefly opening their annual term in the courtroom at the Capitol, and without removing their judicial robes, take carriages and depart for the White House on a visit of ceremony. Similarly, the diplomatic representatives of foreign governments call, in a body, and in full court uniform,*



A CORNER OF THE EAST ROOM.

Upon this theory,— though, also, in recognition of his functions as part of the Law-making power,—at the beginning of every session, and before proceeding with legislative business, Congress waits upon the President, through a joint committee specially appointed by the Senate and House, to notify him that both bodies have regularly convened and are ready to receive any communication he may desire to make. So, too, the Chief-Justice and Associate Justices of the Supreme Court of the United States,

shortly after each inauguration, and on one or more occasions annually, to testify of international esteem. And so, at stated or special times, officers of the Army and Navy in the military dress of their respective grades, and delegations from other branches of the Administration, and the people by multitudes, go in formal processions, on like missions of compliment and homage to the nation's chief. Curiosity, rather than sincerity, may impel many to join these throngs; but he would be an

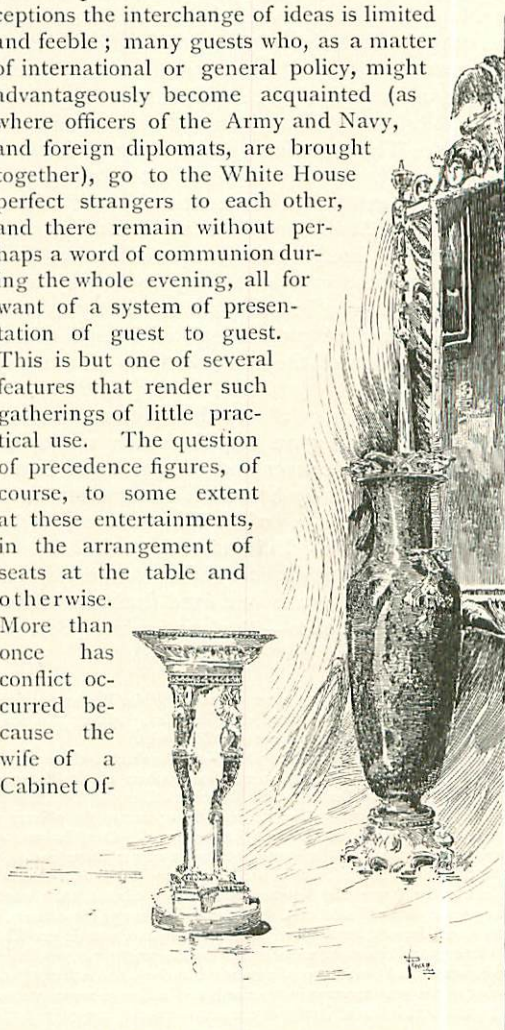
* That is, the uniform of foreign courts. Civilian officers of our Government (except the Justices of the Supreme Court, who wear silk gowns) always dress in plain citizen's attire, both here and abroad.

unfair critic who should fail to see some sparks of charming loyalty in it all.

These calls the President does not return; indeed, according to the refinements of etiquette, he need return calls of ceremony only in the case of an ex-President, a President-elect, or a Royal visitor.* When a newly-appointed foreign diplomat of high grade arrives at the city of Washington, he is officially "received" by the President in an audience arranged through the Secretary of State, and on the final departure of a minister, a similar audience may be had to allow him to officially present his letters of recall and to say farewell.† But the dignity and proprieties of his station do not permit the President to hold further direct official intercourse with individual members of the Diplomatic Corps (the Secretary of State being the medium between them and the Executive), nor to accept any hospitalities at their hands. General society, whether private or official, has no right to expect his presence in any drawing-rooms or at any tables other than those of State. If the President wishes to "unbend,"—a thing that, theoretically, he never does, but which, as a matter of fact, is a performance not infrequent,—and visits or dines at the house of an official or personal friend, he crosses the threshold of the White House leaving his magisterial office behind—going as a private citizen and not in the capacity of President. These are some of the fine-spun rules of fashion that hedge the details of his social life.‡

It is through certain formal dinners and receptions at his own Mansion that the President discharges such "social obligations" (to repeat an inaccurate phrase) as he may owe, reciprocating the civilities extended to him by official classes, and exchanging respectful greetings with the public generally. He annually gives one dinner to the members of his Cabinet, another to the Diplomatic Corps, a third to the Justices of the Supreme Court, and some Presidents have gone further and added dinners to leading members of the House and Senate, and to chief officers of the Army and Navy, thus entertaining, through representative guests, the Congress and the military branch of the Government. These dinners are brilliant affairs, if such things as gaudy dress of diplomats and women, blazing chandeliers, and floral decorations, combined with the silver plate and table embellish-

ments, constitute brilliancy. They are, also, as a rule and from the standpoint of sociability, decidedly stupid affairs. And scarcely less stupid are the state receptions given in honor of these various political classes. At some of these receptions the interchange of ideas is limited and feeble; many guests who, as a matter of international or general policy, might advantageously become acquainted (as where officers of the Army and Navy, and foreign diplomats, are brought together), go to the White House perfect strangers to each other, and there remain without perhaps a word of communion during the whole evening, all for want of a system of presentation of guest to guest. This is but one of several features that render such gatherings of little practical use. The question of precedence figures, of course, to some extent at these entertainments, in the arrangement of seats at the table and otherwise. More than once has conflict occurred because the wife of a Cabinet Of-



A CORNER OF THE STATE DINING-ROOM.

ficer has gone into the banquet hall in advance of the wife of a foreign minister; and apparent slights to official dignity have caused more than one diplomat, used to marked deference abroad,

* In ordinary official communications the President is supposed to omit all complimentary forms, signing his name without an apologetic or complaisant word. When corresponding directly with a Foreign Ruler, however, as in the case of dispatches or letters of international congratulation, he addresses his correspondent as "Great and Good Friend," and describes himself, above his signature, as "Your Good Friend."

† These audiences are usually held in the State Audience-Room, or Blue Parlor, of the White House, and will be briefly referred to hereafter under another head.

‡ They are but a small part of the official etiquette of Washington society, which undertakes to regulate the status and conduct of everybody moving in its peculiar world. Cabinet dinners and receptions and kindred affairs, including the most minute curiosities of official gaiety and decorum, executive, legislative, judicial, and international, have been studied by special writers and fully described in treatises intended for the use of those particularly interested in fashionable lore.

to inveigh against the "primitive" customs of our country. Distinctions of grade are all right in their way up to a certain degree and on some public occasions, as before remarked; but they can be overdone. The Queen of Siam was drowned, not long ago, because, as the chronicler informs us, "there was nobody present of sufficient rank to be permitted to pull her out of the water"; and equally ridiculous, if not as serious, consequences have followed in Europe from a like observance of form. The American people may be inclined to approve the ruling of the White House, that if either is entitled to distinction the wife of our Secretary of State should be allowed to precede the wife of a foreign envoy, especially when that issue is pointedly presented by the envoy as a public grievance; but they are not likely ever to adopt the rigid "proprieties" of foreign courts to the exclusion of the first principles of courtesy and wisdom.*

The exact number of state banquets and receptions given during an official season varies, of course, with the convenience of particular Presidents; the same may be said of the drawing-room receptions of the "Lady of the White House," of the informal dinners to distinguished guests, and of details regulating invitations, admission, and introductions. But there is one fixed festival of time-honored preëminence—the general reception on

New Year's day. It is then that official and unofficial society turn out *en masse*, and the historic East Room is flooded with humanity of every nationality and type. Thousands upon thousands pass before the President; each visitor (from the intellectual giant to the toddling child) is duly introduced by name through an officer detailed for that duty, enjoys the grasp of the Executive hand, receives a gentle shake or a pleasant nod from the President's wife, a smile from the "Ladies of the Cabinet," or those assisting in the reception, has barely time to glance swiftly about the room at the assembled dignitaries and to catch a strain from the music of the Marine Band, and is hurried out by the pressure of the crowd behind.†

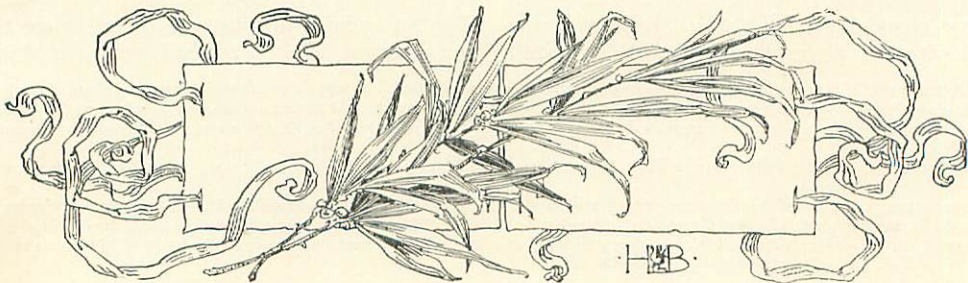
In point of numbers only one other ceremonial is at all comparable with this great annual levee—the ceremonies of Inauguration. Ushered into office with the pageantry of a returning conqueror,‡ the radiance of position encircles the President like a national halo to the end of his Administration. Then, like a fitful will-o'-the-wisp, it leaps to the head of his successor; and he drops back into the great American community, stripped of official power and prestige—a private citizen. "Society" kneels in the presence of a new leader. "The King is dead! Long live the King!" The populace takes up the shout. We are not so different from other nations after all!

(To be continued.)

* An oriental custom long observed at the White House was that of clapping the hands to summon attendants from room to room; but this curiosity "went out of office" with President Arthur. The practical ideas that have caused the substitution of electric bells may sweep away the few foibles of ceremony that still remain.

† The official programme of the last New Year's reception was as follows: At 11 A. M., the President received the members of the cabinet and the diplomatic corps; at 11:15, the members of the Supreme Court, Court of Claims, and the Supreme Court of the District of Columbia; at 11:25, Senators and Representatives, the Commissioners and judicial officers of the District of Columbia, ex-members of the Cabinet and ex-ministers of the United States; 11:40, the officers of the Army, the Navy, and the Marine Corps; at 12, the Regents and the Secretary of the Smithsonian Institution, the Commissioner of Agriculture, the Civil Service Commissioners, the Inter-state Commerce Commission, the Assistant Secretaries of the Departments, the Assistant Postmasters-General, the Solicitor-General, the assistant Attorneys-General, the heads of the bureaus and minor departments, and the President of the Columbian Institute for the Deaf and Dumb; at 12:15, the Associated Veterans of the War of 1846, the Grand Army of the Republic, and the members of the Oldest Inhabitants' Association of the District of Columbia; and at 12:35 the citizens, or "general public," who were admitted up to 2 P. M., when the reception closed, leaving hundreds of people still in line, outside the White House doors. This programme accords with the general custom. Under some administrations additional entertainment was provided for New Year's visitors, the people, after shaking hands, passing into the dining-room and partaking of egg-nogg, turkey, and other refreshments. This feature, however, has been discarded as impracticable, owing to the great increase in the number of callers in recent years.

‡ For a description of inaugural scenes, the reader may refer to ST. NICHOLAS for March, 1885.



THE ROUTINE OF THE REPUBLIC.

BY EDMUND ALTON.

CHAPTER VI.

THE DEPARTMENT OF STATE.

THE Department of State ranks first among the Executive Departments. It was established by act of Congress approved July 27, 1789 (the fourth measure to go upon the Federal statute-books), as "The Department of Foreign Affairs"; and the functions of its principal officer, styled "The Secretary for the Department of Foreign Affairs," as briefly defined by the act, related exclusively to matters of an international character. He was empowered to "perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department"; he was charged with the custody and care of the records, books, and papers in the office of a somewhat similar functionary under the Confederation;* and was required to "conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct." By the act of September 15, 1789, the name of the Department was changed to "The Department of State," the title of its principal officer was shortened to "The Secretary of State," and additional duties were assigned to him of a nature wholly distinct from those previously imposed. He was charged with the custody and

publication of the laws; the great seal of the United States was committed to his care; and he was required to make out and record all civil commissions to officers of the United States appointed by the President, and to affix the great seal to such commissions.† Subsequent legislation, while enjoining upon the Department further and specific duties, has been directed chiefly toward the extension and efficiency of its foreign service. Indeed, it has no domestic ramifications at all. Beyond two dispatch agents, one at San Francisco and the other at New York, the entire home force of the Department is confined to the City of Washington. This home force, counting every officer and employee, from the Secretary down to the messengers and laborers, numbers barely fourscore men, as compared with about thirteen hundred agents engaged in consular and diplomatic work abroad.

Hastily noting the main features of the departmental organization and work, we may first observe, as chief aids to the Secretary, an assistant secretary (who becomes acting-Head in the absence of his superior), a second assistant secretary, and a third assistant secretary. The specific work allotted to each of these officers is left to the judgment of the Secretary, who, by law of Congress, is authorized to prescribe their duties, as well as the duties of the solicitor, the clerks of bureaus, and all the other employees in the Department.‡ Under the present arrangement of office business, the assistant secretaries have the immediate supervision of the consular and diplomatic correspondence of the Department and of the miscellaneous correspondence relating thereto (this supervision being partitioned among them according to countries), and they also have charge of the preparation of such special correspondence as may, on occasion, be intrusted to them by the Secretary.

* The full title of this functionary was "Secretary to the United States of America for the Department of Foreign Affairs." He was an officer of the Old Congress, and held his office during its pleasure; he was permitted to attend its sessions at all times, and it was made his positive duty to reside wherever Congress (or a Committee of the States) should sit, and to attend upon it when summoned or ordered by the President of Congress.

† The great seal of the United States should not be confounded with the seal of the Department of State, or with that of any other Department. Each Executive Department has its own distinctive seal for the authentication of its official instruments and acts; and certain bureaus and officers also have separate seals. The "great seal" is attached to commissions, proclamations, pardons, and similar executive instruments, and only by express provision of law or upon the special warrant of the President authorizing the State Department to so attach it.

‡ In assigning such duties, however, he can not override or modify special and positive duties imposed upon certain officers by the provisions of other laws. The solicitor of the Department, for instance, is an officer detailed from the Department of Justice, and the Secretary of State is not at liberty to prescribe for him duties inconsistent with his duties as an officer of the Department of Justice.

The entire correspondence of the Department is classified as "diplomatic," "consular," and "miscellaneous." By diplomatic correspondence is meant correspondence with foreign governments, which is conducted through ministers and other diplomatic officers; consular correspondence embraces communications to or from our consular officers; and under the head of miscellaneous correspondence are included communications between the Department and all other persons, whether members of Congress, heads of Executive Departments, State Governors, or private citizens. And it may be convenient to state here certain other distinctions, arbitrary in their way but carefully heeded by officials versed in matters of foreign intercourse. A written communication from a foreign diplomatic officer to the Department of State, or from the Department to the diplomatic representative of a foreign government (and, similarly, as to communications between an American diplomatic officer abroad and the foreign government to which he is accredited), is styled a "note"; a communication to the Department from one of its own diplomatic or consular agents, whatever its nature, is a "dispatch"; and a communication from the Department to one of its diplomatic or consular agents, if only an interrogation, is nevertheless a positive "instruction." These distinctions admit of no qualification; they are absolute.

Passing by the chief clerk with the simple comment that he has general supervision of the clerks and employees and of the business of the Department, we come to the various bureaus. These bureaus, each in command of a chief, are six in number—the Diplomatic Bureau, the Consular Bureau, the Bureau of Indexes and Archives, the Bureau of Accounts, the Bureau of Rolls and Library, and the Bureau of Statistics.

The Diplomatic Bureau has charge of the diplomatic correspondence and the miscellaneous correspondence pertaining to it. Its work is distributed among three divisions, known as Division A, Division B, and Division C, each presided over by a high grade (fourth-class) clerk,* or "head of division." As showing the diversified nature of this correspondence and the extent of our diplomatic service, the distribution by countries may be stated. Division A attends to correspondence with, or relating to, Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Greece, the Netherlands, Roumania, Servia, and Switzerland. Division B attends to correspondence with, or relating to, the Argentine Republic, Bolivia, Brazil, Chili, the United States of Colombia, Ecuador, Hayti, Italy,

Paraguay, Peru, Portugal, Russia, Santo Domingo, Spain, Sweden and Norway, Uruguay, and Venezuela. Division C attends to correspondence with, or relating to, the Barbary States, Central America, China, Egypt, Fiji Islands, Hawaiian Islands, Japan, Liberia, Madagascar, Mexico, Muscat, Navigator Islands, Persia, Siam, Society Islands, Turkey, and other countries not assigned.

The Consular Bureau has charge of correspondence with consulates and miscellaneous correspondence in that line; and its work is distributed among four divisions, A, B, C, and D, though not following exactly the divisions of the Diplomatic Bureau. The work of Division A relates to the consulates within the dominion of Great Britain; that of Division D, to consulates in Germany; and the numerous consulates in other countries are apportioned between Divisions B and C.

The Bureau of Indexes and Archives opens the mails, prepares and registers, daily, full abstracts of all correspondence to and from the Department, and indexes such correspondence; has the custody of the archives; attends to the arrangement of the papers to accompany the messages and reports to Congress; and answers calls of the Department officials for correspondence. The mail addressed to the Department, after having been opened, registered, and indexed in separate volumes as diplomatic, consular, or miscellaneous, is sent to the chief clerk, who forwards to the bureaus matters of routine, and to the assistant secretaries correspondence of special interest, the assistants in turn submitting to the Secretary such matters as they may deem of greater moment. The assistant secretaries indorse brief directions as to action in each case before them, and the correspondence is then transmitted to the appropriate bureaus for the preparation of the necessary "instructions," "notes," or whatever may be required, in accordance with such directions. These answers and other correspondence prepared in the bureaus are read over by the respective chiefs, and sent through the chief clerk to the assistant secretaries in charge of the particular subjects. Consular instructions are signed by the assistant secretary (to whom, also, all consular dispatches are formally addressed), and the second and third assistants are charged with the signing of certain other mail. The Secretary signs all notes, all instructions to ministers, and letters to members of Congress, governors, and other persons of distinction, as well as letters to private individuals touching matters of dignity or consequence. These communications, when signed, go into the Bureau of Indexes and Archives,

* The clerks in the departmental service of the Government are graded according to compensation received. A fourth-class clerk receives a salary of \$1800 a year; a third-class, \$1600; a second-class, \$1400; and a first-class, \$1200. Clerks below the first class are graded as of the "\$1000 class," etc.

where they are properly indexed in another set of separate registers, as diplomatic, consular, or miscellaneous correspondence "from" the Department, and press-copied in duplicate. To this bureau, as the final repository, come all the communications received by the Department, after having been answered or attended to by the other bureaus; and within its volumes are recorded copies of all outgoing correspondence. These archives, as may be imagined, containing letters bearing the autograph signatures of potentates, premiers, and lesser grandees of foreign states during a period of a hundred years, are of exceptional interest to the lover of curiosities and to the student of secret history.

The business of the Bureau of Accounts relates to the custody and disbursement of appropriations under the direction of the Department and to "indemnity" funds and bonds. These indemnity funds are moneys lodged in the Department, or passing through its hands, as compensation for losses resulting from violations of international rights.

The Bureau of Rolls and Library has the custody of the rolls,* treaties, proclamations, and similar records; attends to the promulgation of the laws; and has the care of the Revolutionary archives and the archives of international commissions. Here, therefore, repose the originals of all Congressional enactments and treaties, and, among other historic documents, the Declaration of Independence, the Articles of Confederation, and the Constitution itself. Formerly, the Secretary of State was charged with the duty of publishing the laws and kindred matters of public importance, through the agency of the newspapers; this general requirement, however, is no longer in force, and publication through the press is now ordered only as to a few announcements of a special nature.

When an act or resolution of Congress is approved by the President, the approval is recorded in the Executive Office, and the parchment is sent over to the State Department by special messenger. A measure that has become law without the President's signature, by his failure to act within ten days after its presentation to him, is likewise transmitted from the White House, accompanied by a note from the President's private secretary reciting that fact. A measure that has been returned to Congress by the President and become law by passage over his veto, is forwarded to the State Department by the President of the Senate or Speaker of the House, according to the body in

which the parchment was last approved. When received at the State Department the roll is stamped by the chief clerk, and then taken to the Bureau of Rolls and Library, where a copy is immediately prepared for the Public Printer.

The laws are published in various forms. They are first published separately in sheet form, as "slip laws," as soon as possible after being received by the bureau, and numbered in the order of their receipt. When so published, the slip laws are given to the editor of the laws (a competent person selected from the legal profession by the Secretary of State and privately employed for that purpose), who notes marginal references to previous legislation, arranges the acts and resolutions by "chapters," and prepares a suitable index; and under his editorial care, at the end of the session of Congress, they appear again in pamphlet form, as "session laws." Lastly, at the close of a Congress, the laws of each session are gathered by the editor into a single volume and bound, as "Statutes-at-Large."† The numerous readings given to the printed "proof," and the careful comparison with the text of the originals, effectually guard against discrepancies. The manner in which the Department performs its duty is thoroughly creditable; the manner in which Congress dismisses its own work is, in many instances, absolutely disgraceful. Some of the rolls received at the Department are disfigured by erasures, interlineations, and blots, by errors in orthography, capitalization, and punctuation, and by hieroglyphic mangling, that suggest the "master-pieces" of schoolboy art. These and more serious imperfections, once placed upon the parchment roll, are law. However glaring the blunder, however mischievous the distortion or omission, the State Department is powerless to add a correcting dot or stroke. Mistakes made by Congressional enrolling clerks have undone legislation accomplished by Congress after hours of debate. An item of half a million dollars for public purposes was bodily left out in the enrollment of a recent appropriation act; and the substitution of a comma for a hyphen in transcribing a tariff-measure some years ago caused a loss to the Government of thousands of dollars before the error was detected and further loss arrested by the passage of another act. These are but specimen cases. It is humiliating to think that a sleepy or incompetent clerk should be able to frustrate the legislative will of a nation, and startling to reflect on the opportunities for fraud by deliberate tampering with the public rolls. Blemishes

* Another term for "laws," the acts and resolutions of Congress being recorded (or enrolled) on parchment after passage by both Houses and before presentation to the President.

† Any person desiring a copy of the session laws or statutes-at-large is entitled to obtain the same upon application to the Department of State and paying the cost of paper, press-work, etc., with ten per cent. added.

enough are engrafted upon our statute-books by the legislators themselves, in the shape of careless or unwise enactments; surely, if we can not always have clear statesmanship, we should have at least clear penmanship in the parchment record of our laws. The blame, like the remedy, rests with Congress.

The Bureau of Statistics, also engaged in editorial work, attends to the preparation and publication of reports from our diplomatic and consular agents, in regard to foreign industries and commerce. These valuable statistics, issued to the public from time to time in the form of bulletins and pamphlets, make up an annual volume known as "Commercial Relations."

Besides these bureaus, there is the solicitor (detailed from the Department of Justice) who attends to the examination of all questions of law

submitted by the Secretary or assistant secretaries, and of all claims. The office of pardons and commissions guards the great seal, and attends to the preparation and issue of commissions and to the preparation of pardons and correspondence upon that subject. Mention should also be made of a stenographer, who discharges the confidential duties of private secretary to the Secretary; a translator, whose work is implied from his title; and a passport clerk, who attends to the issue and record of passports.*

These details have been given, at the risk of wearying the reader, to illustrate, generally, the meaning of departmental "organization," and the methodical course of bureau work. The less prosy features of administration, bearing upon international affairs, will be described hereafter.

* A passport certifies the bearer to be a citizen of the United States, and is a voucher of nationality with which Americans abroad should always be armed. It is obtainable by any native-born or naturalized citizen, upon complying with certain requirements as to application and proof of citizenship and paying the established fee of one dollar. Blank forms of application may be had of the passport clerk. A special form of passport is used for a member of Congress or government official, certifying to his public station, etc. Professional titles are not inserted in passports for private citizens.

(To be continued.)

A HOME-MADE SCARE.

BY MARGARET EYTINGE.

CARL was a jolly little fellow,
With eyes of blue and curls of yellow,
And rosy cheeks, and just the chin
To hold a pretty dimple in.
He found himself alone one day,
And wondered what 't was best to play
While his mamma remained away.
Pencil and paper soon he saw,
And seized them both. Said he, "I'll draw
An ogre like the one so grum
Poor Jack heard growling 'Fee-fo-fum.'
First, here 's his forehead full of bumps,
And then his nose with three big humps,
And then two ears of 'normous size,
And then two dreadful staring eyes,
And then a mouth from ear to ear,
With long, sharp teeth-like tusks." But here
The artist, with eyes opened wide
In fright, gazed on his work and cried,
"Mamma, Mamma — come, *come, please*, do,
I'm very lonely without you;
And oh! Mamma, I'm so afraid
Of this oid ogre that I've made."

