

## PRESIDENT CLEVELAND

He Will Not Furnish Certain Papers  
Regarding Suspensions from  
Office.

In a Message to the Senate He Main-  
tains His Right to Withhold  
Them.

The President sent to the Senate, on the 1st of March, a message stating his position in relation to the suspensions of officials, and defending his action in refusing to send to the Senate papers on file in departments upon which it is assumed by the Senate that the suspensions of certain officials are based. The message was read in the open session of the Senate. It is as follows:

To the Senate of the United States:

Ever since the beginning of the present session of the Senate the different heads of the department attached to the Executive branch of the Government have been pained with various requests and demands from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body, or for the papers touching the conduct of such officials for any period of time, or for documents and papers filed in such departments in relation to the management and conduct of the offices held by such suspended officials. The different terms from time to time adopted in making these requests and demands, the order in which they succeeded each other, and the fact that when made by the Senate the resolution for that purpose was passed in executive session, have led to a presumption, the correctness of which will, I suppose, be candidly admitted, that from first to last the information thus sought and the papers thus demanded were for use by the Senate and its committees, in considering the propriety of the suspensions referred to.

Though those suspensions are my executive acts, but upon consideration I addressed to the Senate, for which I am wholly responsible, I have had an invitation from the Senate to state the position which I have felt constrained to assume in relation to the same, or to interpret for myself my acts and motives in the premises. In this condition of affairs I have forbore addressing the Senate upon the subject lest I might be accused of thrusting myself unbidden upon the attention of that body.

But the report of the Committee on the Judiciary of the Senate, lately presented and published, which censures the Attorney General of the United States for his refusal to transmit certain papers relating to a suspension from office, and which also, if I correctly interpret it, evinces a misapprehension of the position of the Executive upon such suspensions, will, I hope, justify this communication.

The President's reply to the resolution of the Senate calling for the Dustin papers and the reply of the Attorney General thereto, and says:

Upon this resolution and the answer thereto the Senate is thus directed by the Committee on the Judiciary at the outset of the report:

"The important question, then, is whether it is within the constitutional competence of either house of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves."

I do not suppose that "the public offices of the United States" are regulated or controlled in their relations to either house of Congress by the fact that they were "created by laws enacted by themselves." It must be that these instruments were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unanswerable by any law in favor of either branch of Congress, growing out of their Constitution and unanswerable by any obligation to the Senate as the price of their creation. The complaint of the committee that access to official papers in the public offices is denied the Senate is met by the statement that at no time has it been the disposition or the intention of the President or any department of the executive branch of the Government to withhold from the Senate official documents or papers filed in any of the public offices. While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer, it is upon official documents or otherwise, it is considered that documents and papers of this nature should be freely transmitted to the Senate upon the demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body. And though no such paper or document has been specifically demanded in any of the numerous requests and demands made upon the departments, yet, as often as they were found in the public offices, they have been furnished in answer to such applications.

The letter of the Attorney General in response to the resolutions of the Senate in the particular case mentioned in the committee's report was written at my suggestion and by my direction. There had been no official papers or documents filed in his office relating to the case within the period specified in the resolution. The letter was intended, by its description of the papers and documents remaining in the custody of the department, to convey the idea that they were not official; and it was assumed that the resolution called for information, papers, and documents of the same character as those required by the requests and demands which preceded it. Everything that had been written or done on behalf of the Senate from the beginning pointed to all letters and papers of a private and unofficial nature as the objects of search, if they were to be found in the departments, and provided they had been presented to the Executive with a view to their consideration upon the question of suspension from office.

Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney General or any other head of a department "is the servant of the President, and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise," but because I regarded the papers and documents withheld and addressed to me or intended for my use and action purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Attorney General, but as deposited there for convenience, remaining still completely under my control. I suppose, if I consented to take them into my custody, I might do so with entire propriety, and if I saw fit to destroy them no one could complain.

The papers and documents that are now the objects of the Senate's quest consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instructed thereto by any official invitation or at all subject to official control. While some of them are entitled to executive consideration, many of them are so irrelevant, or, in the light of other facts, so worthless, that they have not been given the least consideration, and the question to which they are supposed to relate. And these, simply because they are preserved, to be considered official documents, and subject to the inspection of the Senate? If not, who is to determine which belong to this class? Are the motives and purposes of the Senate, as they are day by day developed, such as would be satisfied with my selection? Am I to submit to theirs at the risk of being charged with making a suspension from office upon evidence which was not even considered? Are these papers to be regarded official because they have not only been presented but preserved in the public offices? Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the department. There is no mysterious power of transmission in departmental custody, nor is there magic in the unde mind and sacred solemnity of departmental files. If the presence of these papers in the public offices is a stumbling block in the way of the performance of senatorial duty, it can be easily removed.

The papers and documents which have been described derive no official character from any constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive. It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion. And I am quite pre-

pared to avow that the cases are not few in which suspensions from office have depended more upon oral representations made to me by citizens of known good repute, and by members of the House of Representatives and Senators of the United States, than upon any letters and documents presented for my examination. I have not felt justified in suspecting the veracity, integrity, and patriotism of Senators, or ignoring their representations because they were not in party affiliation with the majority of their associates; and I recall a few suspensions which bear the approval of individual members identified politically with the majority in the Senate. While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the act of the Executive in suspending the office of the representative of the Senate.

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed." The Senate belongs to the legislative branch of the Government. When the Constitution by express provision superadded its legislative duties the right to advise and consent to appointments to office, and to sit as a court of impeachment it conferred upon that body all the control and regulation of executive action supposed to be necessary for the safety of the people, and the express and special character of its extraordinary power is that it may relate to the carrying out of general Senatorial duty, and in itself a departure from the general plan of our Government, should be held, under a familiar maxim of construction, to exclude every other right of interference with executive functions.

In the first Congress which assembled after the adoption of the Constitution, comprising many who aided in its preparation, a legislative construction was given to that instrument in which the independence of the Executive in the matter of removals from office was fully sustained. I think it will be found that, in the subsequent discussions of this question, there was generally, if not at all times, a proposition to limit the power of the Senate in this way, but it was not adopted. GROVER CLEVELAND. Executive Mansion, Washington, D. C., March 1, 1886.

scribed. If in any degree the suggestion is worthy of consideration it is to be hoped that there may be a defense against unjust suspension in the justice of the Executive.

Every pledge which I have made by which I have placed a limitation upon my exercise of Executive power has been faithfully redeemed. Of course the pretense is not put forth that no suspensions have been committed; but not a suspension has been made without the satisfaction that the public welfare would be improved thereby. Many applications for suspension have been denied, and the adherence to the rule laid down to govern my action as to such suspensions has caused much irritation and impatience on the part of those who have insisted upon more changes in the offices.

The pledges I have made were made to the people, and to them I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment. There are no grounds for an allegation that the fear of being false to my professions influenced me in declining to submit to the demands of the Senate. I have not constantly refused to suspend officials, and that incurred the displeasure of political friends, and yet willfully broken faith with the people for the sake of being false to them.

Neither the discontent of party friends nor the allurement constantly offered of confirmations of appointments conditioned upon the avowal that suspensions have been made on party grounds alone, nor the threat proposed in the resolutions now before the Senate that no confirmations will be made unless the demands of that body are complied with, is sufficient to discourage or deter me from following in the way which I am convinced leads to better government for the people. GROVER CLEVELAND. Executive Mansion, Washington, D. C., March 1, 1886.

### THE MESSAGE IN THE SENATE.

Edmunds Likens It to One of King Charles I.—Referred to a Committee.

When the message had been read in the Senate, Mr. Edmunds moved and carried it to remind him of the communications of King Charles I. to the British Parliament. The President, he said, had, unintentionally, not done, entirely misstated the question involved between himself and the Senate. Continuing, the Senator said:

I think I am safe in saying that it is the first time in the history of the Republic that any President of the United States has undertaken to interfere with the deliberations of either House of Congress on questions pending before them otherwise than by messages on the state of the Union, which the Constitution commands him to make from time to time. This message is devoted solely to a question for the Senate itself, in regard to itself, that it has had.

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Mr. Edmunds moved that the President's message be referred to the Judiciary Committee.

Mr. Harris, of Tennessee, remarked that, for reasons to which he could not then refer, he had no desire to discuss the matter involved, and moved that the message be printed and laid on the table—the usual course, he said. After a little parrying between the two Senators the motion of Senator Edmunds was agreed to and the message was sent to the Judiciary Committee.

### SENATOR PUGH'S REPORT.

The Minority Report of the Judiciary Committee Replies to the Majority.

Mr. Pugh, of Alabama, submitted to the Senate, on the 1st of March, the report of the minority of the Judiciary Committee on the Senate papers relating to the removal from office of United States District Attorney Dustin of Alabama. It is a very long and tedious report, and it is not necessary to repeat all the details of the case. It says that when President Cleveland came into office 95 per cent. of the offices were filled by Republicans. Notwithstanding the great demand of his supporters for offices and the fact that good reasons for the removal of Republicans were abundant, removals from office have been sparingly made, and protected every prerogative of his office.

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### FORMED A COMPACT.

The Coal Operators and Miners of Five States Arrange a Price Scale.

(Columbus, Ohio, special.)

The National Convention of Coal Miners and Operators, which concluded its business in this city this evening, is no doubt one of the most important in results obtained of any convention which has been held in the labor interest since the spirit of arbitration has taken the place of other methods for the settlement of difficulties. Both miners and operatives express the opinion that they have formed the groundwork for the amicable settlement of all future troubles which may arise, and they also hope, inasmuch as they have enlisted the more intelligent and liberal element of both classes, that the compact will get stronger with each year. In order that the results might not be temporary, the convention provided for another meeting at Columbus, on the second Tuesday of February, 1887, when the present scale of prices will be subject to revision.

The scale was amended so as to cut out Staunton, Mount Olive, and Springfield, Ill., on the ground that these sections were not represented and were not at the Pittsburgh convention, and adopted as follows:

Pittsburgh, 70 cents per ton; Hocking Valley, 60 cents; Indiana block, 80 cents; Indiana bituminous, No. 1, 65 cents; Indiana bituminous, No. 2, 75 cents; Wilmington, Ill., 95 cents; Grape Creek, 75 cents; Mount Olive, 56 cents; Staunton, 54 cents; Springfield, 62 cents; Des Moines, Iowa, 90 cents; in West Virginia, the Kanawha district, reduced price to be restored to 75 cents; Reynoldsburg, Fairmount screen coal, 71 cents.

A board of arbitration was elected, consisting of two miners and two operators from each of the five States represented in the scale, to which shall be referred all questions of a national character.

### A WIZARD WEDDED.

Marriage of Thomas A. Edison to Miss Mina Miller, of Akron, Ohio.

(Akron, Ohio, dispatch.)

Thomas A. Edison, the electrician, and Mina, daughter of Lewis Miller, the millionaire manufacturer, were married at "Oak Place," the elegant home of the Millers in the western part of the city. The nuptials were conducted according to the form of the Methodist Episcopal Church. Mr. F. W. Tappan, U. S. N., of New York, acted as best man. The bride was given away by her father, and there were no bridesmaids.

The bride was attired in white silk, with

duchesse and point lace, square neck, laced

corsage, and wore diamond and pearl ornaments, including a costly pearl necklace, the gift of the groom.

The groom was attired in black, wearing a Prince Albert coat and black tie, and with hands undressed.

His present to the bride was a diamond and pearl necklace valued at \$3,000, while

authenticated rumor has it that he also trinketed to her \$1,000,000 worth of real estate.

Among the other presents were many sets of the richest and most elegant silver

and ornamental ware, besides a West-

minster clock with chimes, diamond bracelets, diamond, ruby, and sapphire pins, a solid column of onyx, with gold capital,

and many other rare and costly jewels.

Congratulations were received under an

immense floral wishbone, composed prin-

cipally of roses, after which dinner was

served by a chef from Chicago.

## AWAKENING CHINA'S ZEAL.

Minister Denby Tells How the Adop-  
tion of Railroads Is Being  
Urged in the Far East.

Factories of Glass, Woolen Goods, and  
Paper Springing Up Rapidly  
in That Country.

(Washington telegram.)

Mr. Charles Denby, United States Minister to China, has sent some interesting dispatches to Mr. Bayard which deal with two questions of vital import to the development and safety of the empire. The first is the construction of railroads, which Li Hung Chang is urging with all the vigor of his intellect. The other is the building of a navy to replace the useless junks which at present fly the imperial flag, and to organize a system of coast defenses adequate to protect the harbors and shores of the country. Mr. Denby says:

The most prominent man in China to-day is Li Hung Chang, who is Grand Secretary of the empire, Viceroy of the province, and one of the heads of the Admiralty Board. His residence is at Tien-Tsin, but he lately spent some weeks at Pekin. He has for some years been in favor in China to give his views upon railroads. The opposition comes chiefly from the censors on the Board of Revenue. The censors regard that numbers of men would be thrown out of employment, graves would be desecrated, and internal troubles would ensue. The Board of Revenue claims that if railroads are built the whole revenue service of China would have to be changed. It seems likely in effect that the Lekin tax, which is one of the chief sources of revenue to China, would have to be abandoned or materially modified. This is a consummation that the foreigners most ardently desire. Li Hung Chang, through all the changes of men and measures, has maintained his power, and there seems every reason to believe that he will succeed in his plan of construct railroads.

I send to the department the dying memorial of Tsao Tsung Tang, which contains a able presentation of the argument in favor of constructing railroads in China. By way of parenthesis I may say that a dying official always leaves a posthumous memorial to the Government. It also happens often that after he is dead some distinguished honorary officer is conferred on him by imperial decree. This memorial to Tsao Tsung Tang preceded by a very few days the visit of Li Hung Chang to the capital, and furnished him a fine opportunity to press his railroad views.

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It was considered, certainly with reason, that the best mode of inviting the attention of the members of the Government to the merits of railroads would be to exhibit a working model of an American roadway and rolling stock.

Last September a working model of an American railroad train, consisting of locomotive and tender, mail and baggage cars, passenger cars, Pullman parlor and sleeping cars, different kinds of freight cars, together with 100 feet of main track and sidings, switches, turn-tables, etc.—in fact, a complete representation of an American railroad in miniature—was exhibited to Li Hung Chang. It was, by order of Li Hung Chang, taken to Pekin and exhibited by him to Prince Chun, the Emperor's father, and two days later it was taken to the imperial palace and exhibited to the Emperor and the Empress dowager. Their majesties were much interested, and spent some time in a minute examination of the model. It was the first complete representation they had ever seen of a railroad.

After examination they agreed to allow Li Hung Chang to prepare for the introduction of steam-trains.

During the trial of a State case at Upland, one of the jurors crawled out of a window and went home before a verdict was reached. A constable found him in bed.

—Fort Wayne Lodge, No. 14, I. O. O. F., has purchased, for \$21,000, corner property within one block of the Court House. A fine edifice will probably be erected next summer.

—Fire the other night destroyed the engine-house at Mount Vernon, but the apparatus was saved. Citizens had barely got to bed when another alarm was sounded, calling the department to the east side of the public square. Half a block was in flames and destroyed, among which was the Democrat office.

—David J. Mackey, President of the Evansville and Terre Haute and Evansville and Indianapolis Railways, was arrested to answer the charge of contempt of court.

Some time ago the Daviess County Court rendered judgment of \$1,800 against Mackey's road for trespass, but Mackey ignored the order, and as the court could not stop the railroad it took possession of the President.

—Hon. Hugh McCulloch, ex-Secretary of the United States Treasury, has deeded to the city of Fort Wayne his title to the old Broadway Cemetery of ten acres, from which most of the dead bodies have been removed, and which has become of great value. The condition of the dead, which the City Council has by ordinance accepted, is that the property shall be kept improved and be known as McCulloch Park.

—Mr. Thornton F. Tyson, one of the oldest residents of Cass County, has completely lost his reason, and application will be made for his admission into the insane asylum. After years of toil Mr. Tyson amassed a fortune of between \$20,000 and \$25,000. He recently began to speculate in Chicago margins, and the result was he lost his entire fortune, \$17,000 going at one time. The result was mental wreck and ruin.

—A decided sensation has been caused by Char