THE NEW YORK PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS.

COMPILED EVERY DAY FOR EVENING TELEGRAPH

Maryland.

From the Tribune.

The election in this State will occur on the 6th of November, when will be chosen five members of Congress, a Controller of the Treasury, and members of Legislature to elect a United States Senator to succeed John A. J. Cresswell. We give the present tickets for Congress, with the district votes of 1864; renominations italicized:—

Rep. Union. Vote, 1864.		*Democratic. Vote, 1864.*	
1. Col. S. A. Graham	6,845	*Hiram McCullough*	9,677
2. *J. L. Thomas, Jr.*	9,541	Stevenson Archer	4,192
3. J. J. Stewart	9,312	*C. E. Phelps*	1,758
4. *Francis Thomas*	11,880	Col. W. P. Maulsby	7,551
5. Wm. J. Albert	3,329	Montgomery Blair	8,839

Independent Candidate in the 5th Dis., Gen. T. F. Bowie.

The First or Eastern Shore District is now held by the Hon. Hiram McCullough, whose majority of over 3600 is strong enough to re-elect him. John L. Thomas, Jr., who represents the Second District, was for several years United States Attorney for Baltimore, and in the Convention to amend the State Convention was an urgent advocate of uncompensated emancipation. He is an industrious party leader, and will carry his district. His opponent, Archer, has always been in sympathy with the Rebels; but backed by Collector Webster and the office-holders appointed by the President, threatens to increase the Rebel poll of 1864.

Joseph J. Stewart, the Union candidate in the district formerly represented by the lamented Henry Winter Davis, was a believer in Douglas's doctrine, before the war, but at the time of his nomination was removed from the office of Assessor because of hostility to the President's policy. His opponent, Colonel Phelps, who now represents the district, served with credit during the war, and was accounted a radical. In Congress he voted for the appointment of a Reconstruction Committee, and in favor of the Freedmen's Bureau bill, and the Constitutional amendment. But he has since denounced these measures, and accepted the nomination of the Rebel-conservative party, with a view of dividing the Union vote, which is in a majority of nearly 8000. The Fourth District has an able and fearless representative in ex-Governor Francis Thomas, who will undoubtedly be re-elected. In the Fifth District—the political Egypt of Maryland—the Democrats have a majority of more than 5000, which the nomination of Mr. Montgomery Blair will, if possible, destroy. The ultra Democrats declare they will not fuse with the conservatives, and already General Thomas F. Bowie has been put forth as an independent candidate. It is not yet definitely understood that Benjamin G. Harris, the most popular candidate among the Maryland Rebels, has ceased to be a competitor. Mr. Blair's opponent, William J. Albert, is a sincere and earnest radical, who possesses wealth, reputation, and local popularity. For the State Controllership the candidates are Colonel Bruce, an ultra radical, who distinguished himself in several battles under Grant, and Colonel Leonard, who commanded Home Guards, and threw down his bloodless sword in disgust when President Lincoln decreed emancipation.

In 1864 the vote of Maryland for President stood 40,156 for Lincoln, and 32,739 for McClellan; and in the same year the majority in favor of the new Constitution was but 475 in a whole vote of 59,873. In 1860 the entire vote for President was 92,142; the Democratic majority 87,554. Taking the latter figures as an estimate of the full vote of the State, both loyal and disloyal, a clear Rebel majority is reckoned by the friends of Swann and Blair, in case the registry law, disfranchising Rebels, can be effectually disregarded at the polls. Governor Swann, in order to gain a seat in the U. S. Senate, has, without scruple, advised the Rebels to perjure themselves by taking the registry oath, which, in common with Reverdy Johnson and Montgomery Blair, he pronounces unconstitutional. The registry lists, however, must pass the inspection of judges sworn to exclude disloyalists; and though thousands of names have been added this year, the Rebels seem to be slow in following the pernicious counsel of the Governor of the State. Of the ten thousand added to the register in Baltimore, it is calculated that one-half are returned Union soldiers and voters who neglected to register themselves at the previous election.

The Union men of Maryland have everything at stake in the contest this fall, and have entered the canvass with determined and unsparing effort. Should they lose, the State will be recommitted to Rebel rule, and the good work of the past four years will, as secessionists openly assert, be revolutionized. The prospect of such a result, aided by the perfidy of Swann and Blair, is a spur to renewed zeal; and though the true men of Maryland have to contend against the worst influences that can be brought to bear upon a people, they show a will and earnestness that cannot be finally overcome.

The Penalties of Rebellion.

From the World.

We thought it was only Mr. Johnson who used the stultifying argument that the Rebel States should have a voice in determining the penalties of Rebellion, as it a criminal at the bar should also be a member of the jury.—*Tribune.*

The short sentence here cited contains, as in a nutshell, the seminal fallacy by which the Republican party is misled. In bestowing some care on its refutation, we do not expect to convince zealots who, having determined, from partisan motives, to reduce the representation of the South, seek only pretexts and care nothing for reasons. The deprivation of the South of a part of the representatives to which the Constitution entitles it, is presented in the light of a judicial process for punishing the crime of Rebellion. Congress is likened to a jury sitting on the trial, and the *Tribune* scoffs at the idea of the South, which it calls "a criminal at the bar," having a voice in the verdict. It is this favorite idea of the Republican party, that Congress is engaged in the administration of criminal justice, which we expect to explode as an argument, however invulnerable it may be as a prejudice.

Before probing its merits, we will first expose some of its self-contradictions. If the curtailment of Southern representation is a penalty for rebellion, why is it to be inflicted on Maryland, Kentucky, and Missouri, States with a large negro population, which did not rebel? Leaving the Republicans to answer this question as they can, we hasten to point out a troublesome dilemma in which they are placed by their favorite idea of a criminal process against the Southern States. The criminal parties, they say, must not sit on the jury to give a verdict in their own case. Now, as it is not Congress, but the State Legislatures, that ratify or reject Constitutional amendments, this idea of excluding the Southern States from the jury, carried to its logical consequences, must forbid them any voice in the ratification. And yet they are called on to ratify.

Here, then, is the dilemma:—Either the ratifications of the non-seceding States must be held sufficient, or else the idea of a criminal process must be given up. Congress, in this proceeding, merely acts the part of a prosecutor; the jury by which it is decided consists of the States. If it is a "stultifying absurdity" for the jury to be made up in part of the criminals on trial, Congress has stultified itself by submitting the penal amendment to the Southern States for ratification. What could be more stupidly self-stultifying than to say that the Southern States cannot participate in *proposing* an amendment in the same breath in which it is conceded that they have an equal voice in deciding whether it shall be adopted? How can they be, at the same moment, disqualified for the inferior function and capable of the superior?

But exposing an opponent's inconsistencies is a line of argumentation better fitted to confound than to convince. Quitting, therefore, this method of attack, we proceed to show that the disabilities sought to be inflicted on the South as penalties of rebellion contravene the established principles of penal justice. The most essential of these principles is, that parties and accusers shall not be judges, as the North assumes to be in judging and punishing the South. It may be replied that this idea would subvert criminal justice altogether, as the thief might use it as a plea against society, which is a judge in its own case in sending him to prison. This reply would be as sophistical as it is plausible. Society is not a judge in its own case in trying and punishing a thief. It makes the law declaring the penalty before the theft is committed, and when it cannot be known whom the law will affect. It appoints a public prosecutor, but it gives the accused the benefit of counsel of equal ability for his defense. Instead of allowing the accuser to appoint the jury, they are selected by lot, and not permitted to serve if they have previously formed an opinion of the case. To these precautions for preventing society from being a judge in its own case, is added the right of the prisoner to challenge as many of the jurymen as he pleases, if he thinks they have a bias against him. To crown all, the trial is under the direction of a judge whose tenure of office and mode of compensation are intended to render him as independent and impartial an umpire between society and criminals on trial, as he is between plaintiff and defendant in a civil suit. It is only in the most despotic Governments that society is a judge in its own case in the prosecution of criminals. The whole elaborate machinery of criminal jurisprudence in free governments is contrived for the express purpose of preventing a man's accusers, or any party interested against him, from being his judges. The law which ordains the penalty of his crime must have been enacted before the crime was committed, never afterwards, because an *ex post facto* law confounds judicial and legislative functions, and makes society a judge in its own case.

It is manifest, then, that the method adopted by the Republican party for "determining the penalties of rebellion," is in plain violation of every established principle of criminal justice. The law decreeing the penalty is *ex post facto;* the chief prosecutor is made the judge; and the accused, being excluded from Congress, are not permitted to be heard in their own defense. To be tried under an *ex post facto* law, judged by the accusers, and denied a hearing in defense, is a combination of all the tyranny which it is possible to practise under the forms of penal justice. Congress, the *Tribune* maintains, is to be regarded in the light of a jury engaged in trying the South for the crime of rebellion. But when before did a jury ever assume to direct a change in the law, and dictate a penalty which the law had not established? This "jury" insolently presumes to judge the law, and condemn the law, and to domineer over the law as it does over the accused. Or if we consider Congress in its proper light of a legislature, instead of a jury, it is itself in daring rebellion against the Constitution. The Constitution, in positive terms, forbids Congress to pass any *ex post facto* law; that is, any law prescribing a different or greater punishment for any crime than was in force at the time it was committed. But the present Congress not only defies and violates this prohibition, but insists on a penalty which is so extremely *ex post facto* that the Constitution itself must be altered before it can be inflicted.

The Constitution as it stands and the laws as they have been enacted provide sufficiently for the suppression of a rebellion when it is in progress, and for the punishment of traitors after its close. Congress, says the Constitution, may declare the punishment of treason; Congress *has* declared the punishment of treason, and prescribed the method of trial. All the participants in the late Rebellion, or as many of their leaders as the Government chose to proceed against, might have been tried, and, if convicted, sentenced to loss of property or to death. Instead of inflicting the legal penalties, the Government has chosen to remit them. Congress intended, or at least authorized this, by inserting in the law a provision that the President might, "by proclamation or otherwise," and on any conditions he judged proper, absolve the guilty by amnesty or pardon; which carries as complete an exemption from all future penalties or molestation as an acquittal by a jury. The President can neither revoke a pardon once given, nor can Congress by new laws ordain other penalties for a crime subsequent to its commission. The Government, therefore, has exhausted its penal authority in reference to the late Rebellion, except in relation to the very few unpardoned Rebels.

This abstinence from enforcing the legal penalties of treason is frequently urged in the Republican journals as an argument for the fairness and propriety of the *ex post facto* penalties now sought to be inflicted. Besides the fatal objections to this kind of offset founded on the principles of criminal justice, and the prohibitions of the Constitution, it is repugnant to natural equity in blending the innocent and the guilty in the same undistinguishing punishment. At least half of the Southern whites were inveigled into the Rebellion by the lies or forced into it by the threats of the secession leaders. After all the agonies and losses they have suffered there is no fairness in punishing them further for crimes not their own—crimes of which they were not the perpetrators but the victims.

The Constitutional Amendment and the Suffrage Question.

From the Times.

The Albany *Evening Journal* continues to insist that the adoption of the Constitutional amendment will close the question of reconstruction, and that further conditions of admission will not be imposed upon the Southern States. This may be so—we trust it is. But as it is mainly a matter of opinion, dependent upon the future action of Congress, we do not care to discuss it further. All we have said on the subject has been that Congress is not pledged, by any direct action of its own, to the admission of the Southern States upon the adoption of the amendment; that, on the contrary, it rejected a bill intended thus to pledge it; and that some of its prominent leaders have already declared their purpose to insist upon further conditions, and especially upon negro suffrage, as essential to admission.

The *Journal* insists that the people will demand immediate restoration of the Union by the admission of the Southern States, upon the adoption of the amendment. We think so too, and we hope this demand will not be thwarted or evaded by the advocates of more stringent and less reasonable measures.

We hold, in common with the *Journal*, that the suffrage question belongs exclusively to the States, and that Congress has no right to compel any State to allow negroes, aliens, or any other class of its inhabitants to vote. This is among the powers expressly reserved to the States by the Constitution; and if that instrument is still the supreme law of the land, Congress has no right to override or overrule this provision. The suffrage question must be left to State regulation.

Our own opinion is that the Southern States, if left to the free operation of the influences which always control political results, will themselves extend the suffrage to their colored population. It will become their interest to do so—indeed, it will very speedily become necessary to their peace and to the preservation of those friendly relations between the two races upon which the welfare of both must hereafter depend. While slavery existed peace was maintained by force. The negroes had no rights, no place in Southern society, no consideration or influence whatever. This is all changed. They are no longer chattels—they are persons. They have rights, and those rights must and will be recognized and protected. They have all the rights of free men—the right to sue and be sued—the right to earn and receive wages, to make contracts, to hold real estate, to hold meetings, to discuss public questions, to bear arms, to petition for a redress of grievances. The enjoyment and exercise of these rights gives them power—makes them important elements of civil and political society; and just as fast as they become qualified for the exercise of political power, they will find or force their admission to it.

Few persons, we presume, [illegible] end that the great mass of the negroes of the South are now competent to vote with a wise and considerate regard for the public good. Some of them are, but the number is comparatively small. As they become used to taking care of themselves—as they become thrifty, intelligent, and conscious of their new responsibilities, they ought to be and will be admitted to the exercise of political power—for all classes of the Southern people will be equally interested in this result.

Besides this general cause operating steadily to secure negro suffrage at the South, we shall soon have another. As soon as the Union is restored, and political activity renewed, the contending parties in the South will need and seek the negro vote—just as they seek the foreign vote in the North. This is always a powerful motive for the extension of the suffrage. No prejudice can stand against it, and it often overrides the soundest and most weighty arguments. We have the germ of such parties already existing in the South. Just as soon as pressure from without can be removed, and the South can be left free to canvass its own interests, and to act from its own impulses, we shall see in every State rival parties contending for power—the party of progress struggling with the party of reaction—a party for home manufactures and a party for free trade—a party for internal improvements and a party against them; all the elements of sharp party divisions exist in the Southern States, and will be rapidly developed into full activity just so soon as they are left free to attend to their home affairs. And we shall then find the negro playing just as important a part in the politics of the Southern States as the immigrant now plays in the Northern, and with substantially the same results.

The extirpation of slavery has struck a death-blow at the mere prejudice, based on race or color, which has hitherto excluded the negro from political and civil rights. It may not die instantly, but it will very speedily lose its commanding power, and yield, like all other mere prejudices, to the force of reason and the enlightened and liberal spirit of the age. The colored race may not be at once admitted to the right of suffrage, but it will not be, as it has been hitherto, solely or mainly on account of its race or color, but because slavery, and the prejudices which had their root in slavery, have deprived that race of the means and opportunities of becoming qualified for the exercise of political power. When that obstacle is removed, its admission will be prompt and easy.

Our Foreign Relations and Our Financial System.

From the Herald.

We have the information from Washington that the official statement of the public debt will be issued on the 5th of October, that it will show a considerable reduction of the debt, and that the coin balance has increased to the same extent that it did during August, namely, about fifteen millions. Other facts are also mentioned, showing a healthy condition of the Treasury, and that, all things considered, we are getting along under Mr. McCulloch's financial tactics as well as could be expected. According to his monthly report of September, there was a net reduction of the public debt for the month of August last of $37,416,108, a reduction since the 1st of June last of $74,695,199, and since August, 1865, when the debt had reached its highest, there has been a total reduction of $161,576,108. At the rate of the last three months it is estimated that the whole debt can be paid off in nine years, and that at the average of the past year it can be settled in sixteen years.

It is thus apparent that with the continuance of peace our national debt, which, at the close of the war, was accepted as a burden that would rest upon the shoulders of the people for perhaps a hundred years to come, may be removed without any extraordinary efforts within the next ten years. But here the question recurs, if this thing may be achieved under the present loose and makeshift management of our national finances, and under our present heavy and wasteful system of internal taxations and tax collections, could not the same result, under some easy reforms, be reached as soon, while lightening at the same time our general schedule of taxations, internal and external? It is to the solution of this question that we would now invite the special attention of President Johnson. He has it now within his power, by carefully digested measures of reform and retrenchment in expenditures and in taxes and in the management of the national Treasury, to open the way for the payment of our national debt within fifteen years, with a reduction of our taxes as we go on, beginning say at twenty per cent., and still cutting them down from year to year till they reach the standard of a peace establishment, relieved of debt, interest, and principal.

Something is due to that great body of the people who have borne the immediate burdens of the war, and the lessening of their present taxations, especially on the necessaries of life, may be profitably undertaken, even in view of some extension of the time when, from the present rate of the quarterly or yearly surplus of the Treasury, the whole burden of our national debt will be removed. In this view a reconstruction bill reported from the Committee of Fifteen at the last session of Congress, giving to the lately rebellious States a margin of ten years for the payment of their proportion of this debt, would be a good thing; for in operating to the rapid development of the industry and commercial products of the South, this measure would in every way operate to strengthen the hands of the North and to increase the resources of the Treasury. This bill, as a part of the reconstruction plan of Congress, should not be overlooked by the South. Let them come in at once under the amendment, and they will get their ten years' credit; for this Congress, after proposing this inducement, cannot safely deny it.

But leaving the reconstruction plan of Congress to take its course, we would urge upon President Johnson the financial reforms and retrenchments suggested as affording him a broad field for the greatest results to his Administration and the country. We have from time to time indicated some of the specific measures of reform called for, including the saving of the item of twenty-five or thirty millions now absorbed in the perquisites of the national banks. Then, again, the boundless resources of the Government mineral lands of our new States and Territories from the Rocky Mountains to the Pacific, in some way, not to the prejudice of miners and settlers, but to their advantage, might be made to relieve materially the burden of taxes of every taxpayer in the land. In all these suggestions there is a field for such an executive message to Congress in December as will electrify the country with a new inspiration of confidence in President Johnson.

Equally inviting and not less to the credit and glory of his Administration, is the policy suggested in the present state of things touching our relations with England, France, and Spain, Mexico, and the South American States; indemnities for Anglo-Rebel spoliation on our commerce during our late civil war, the Monroe doctrine, in its broad and comprehensive application; a stable republican Government for Mexico, with the assistance of the United States; a system looking to the enlargement of our commercial exchanges everywhere, and especially with the independent States of this continent, are subjects which may well command the prompt and earnest attention of President Johnson, as among the practical measures of his foreign policy. In the broad, inviting fields of our financial system, and our foreign affairs, he may not only recover the ground he has lost in his conflict with Congress on Southern restoration, but make his administration one of the most successful and popular since the time of Andrew Jackson.