#### VENING TELEGRAPH.-PHILADELPHIA. WEDNESDAY, OCTOBER 10, 1866. THE DAILY

# THE NEW YORK PRESS,

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS.

COMPLLED EVERY DAY FOR EVENING TELEGRAPH.

The Real Issue Before the American People-The Future Governing Party of the Country. From the Herald.

In the excitement and contusion of ideas produced by the political and party contests carried on all over the country, the great underlying question is hardly realized or recognized. Men are apt to think that the point on which the elections turn is whether the President or Congress is to be sustained, whether the restoration of the seceded States is to be accomplished by Executive will or in accordance with the directions of the national Legislature, and whether the Democratic party is to resume the power which it abused and lost or the Government is to remain in the hands of that party which represents the ideas and policy that prevailed in the terrible contest out of which the nation has so recently emerged. To a certain extent these questions are involved in the present elections but only as collateral or subsidiary questions. The real issue, which has deeper than those of the present contest, and which is to take shape and prominency in the next session of Congress and in the elections of two years hence, is "What party shall have the governing power in this country for the next half-century or more?" unseemly and undignified personal squab

bles between President Johnson and the mea-bers of the present Congress are but disgraceful incidents in the politics of the times, and cannot affect, one way or the other, the solution of great question which we have here indicated

What, then, is to be the future governing party of the United States? We know what party has governed it, with but few intermissions, for eighty years and more, up to the commencement of the Rebellion; but that party can govern it no more. We know that the ideas of the leading politicians of Eastern Virginia and South Carolina controlled the Gov ernment from the days when the Constitution was formed, down to those gloomy days when Buchanan, inspired by them, declared to Congress that there was no power under the Con-stitution to coerce rebellious States into submission

With the election of Mr. Lincoln to the Pre-sidency in 1860 the death-knell of that power was tolled. The Southern politicians heard it with prophetic ear, and knew too well what it foreboded. They recognized in it the doom of their old pro-slavery, State-rights ideas, and the growth of a better and stronger and truer system of republican government. Pro-slavery, State-rights democracy, fell in 1860, never to rise again. Driven to desperation, the leaders and adherents of the decayed political faith took up arms, and, with a resolve to govern either in or out of the Union, made a tremendous effort to destroy the life of the nation.

Foiled in that attempt, and doubly defeated on the political field and on the battle-field, they gave up the struggle, and have abandoned, com pletely and forever, we believe, those dogmas of government which they have been forced to recognize as unfitted for the present age. The Democratic party, therefore, as the representa-tive of those political dogmas, has ceased to exist; and the organization which now assumes that name has bardly anything in common with that party which so long ruled the country.

To say, therefore, that there is a political contast going on between the Republican and the Democratic parties—as these were known up to the overthrow of the Rebellion—would be a microlication of the Rebellion—would be a misapplication of words. The living cannot fight with the dead. But there is a great contest going on between the representatives of opposing ideas in Congress and among the people. One side represents the principle væ sictis-wo to the vanquished-in its extremis and most ruthless form, and advocates general confiscation throughout the late Rebel States, the distribution of their lands among the colored population, the enfranchisement of the blacks. and the disfranchisement of all who took part in the Rebellion, meaning all the white citizens of the South. Its champions are the remorseless Stevens, the conceited Sumner, and the loud-mouthed, bellowing Butler, the mock hero of Bethel and Fort Fisher, and projector of the famous Dutch Gap canal. The other side, supported by the moderate men of all political parties, and find-ing adherents even in the Southern States, msists on nothing more than those guarantees for the future which the acts of the past seem to render necessary. render necessary. Those guarantees are embodied in the amend-ments to the Constitution proposed by Congress at its last session, and submitted to the States for ratification. When those amendments are engrafted on the Constitution, as they un-doubtedly will be, then will commence the rule of that party which will be the governing party of the future, and under which the strides of this country to greatness and power will outthis country to greatness and power will out-strip in the last third of this century its wonderful progress in the first two-thirds of it. We have seen how the political party which embodied the views of the extreme men of the South has been extinguished. We are now to see how the embodiment of the views of the opposite extreme is to share a like fate. New England ideas of government are no more to prevail in this reconstructed republic than are the ideas of Eastern Virginia and South Carelina. The practical common sense of the American people realizes the truth of the old Latin maxim, in medios res tutissimus ibis-that safety lies in the middle course-in moderation. It is neither to extinguish the political life of Southern communities, nor, on the other hand. to restore them to their former power in the control of the Government, that the people of the great middle States, extending from the Atlantic to the Pacific, put out their strength to crush the Rebellion. The people of those mid-dle States are well aware that it was their armies that won the victory, and that they are equally determined that their political doctrines shall rule the country. The question, as we have suid, does not de-The question, as we have suid, does not de-velop itself in the elections now at hand; but it will assume form and dimensions and great-ness in the next session of Congress, and par-ticularly in the sessions of the Fortieth Con-gress, and will come up for final decision in the elections of 1868. What the result will be no observant man can doubt. The extreme politi-cal doctrines of New England will be trodden under toot and crushed out of existence just as thoroughly as have been those of the South, and the party which adopts the modern and mode-rate views of policy will be the governing power of the country for the next half century or more. of the country for the next half century or more. In other words, the party designated "radi-cals" will share the fate of the secessionists, and that which is now known by the name of "con-servative" will be the controlling party of the future.

tury. They are as inconvenient and unhealthy as they could wall be made. They seem calcu-lated to destroy all instincts of modesty, deli-cacy, decency, and cleanliness. That portion of our workers who can afford to live five to ten miles from their work may be quite com-fortably and cheaply housed; but most of the near these avecations, confine them to the poor whose avocations confine them to the lower halt of this island are lodged abominably. Mr. Stewart's philanthropy has taken an excel-lent direction, and we trust it may serve as an

encouragement to others. We hope, therefore, that he has not deter-mined (as is reported) that his generous gift shall be expended in building small houses for the accommodation of separate families. He might as rationally buy or hire five nundred stores for the transaction of his dry goods business. The great economies which distinguish our age are achieved in an opposite direction. An eatitice covering a block 400 by 250 feet, or thereabout, six stories high, with a single entrance from the street, a man and wife keeping the door and supervising everything, with odgings in the attic for virtuous, industrious single women only at very moderate rates, and all the modern appliances of gas, hot air, hoistways, etc. etc., with a promenade on the roof, a children's play-ground in the centre, and a common sitting and reading-room for all the inmates, would afford comfortable house-room for more people than could be sheltered on a hundred separate city lots at a like cost, while the comforts of the spacious edifice would be immeasurably the greater. We beg Mr. Stewart not to decide this point until he shall have considered plans and estimates (which shall be forthcoming), for an edifice which will afford at once pleasant, commodious homes for at least a thousand persons, suggestion and inclicance to capitalists and philanthropists of other cities, and an ornament and honor to this emporium of the New World.

#### The Amendment and the South. From the Times.

Sundry journals and public men in the Southern States are beginning to urge the acceptance of the Constitutional amendment, as expedient and wise. It would scarcely be correct to speak of the movement in this direction as general or

influential, but the fact that it has been started at all is not without significance. We think a good many prominent and judicious Southern men are really in favor of it, who are as yet unwilling openly to advocate it. There is one point the South ought to bear in

mind :- The only parts of the amendment open to serious objection are temporary in their ope-ration. By changing the ratio of representation their political power is reduced, but only until they find it wise and sale to apply the same qualifications for suffrage to both blacks and whites. Whenever they can put both races on the same footing, and allow both to vofe upon the same conditions of education, property, etc., they become entitled to their full representation In the ordinary course of things, this result aust be attained before many years. The thing is true, to a still greater extent, of the distranchising clause. It excludes from office ertain classes of those who have been active in the Rebellion, but Congress may at any time, by a two-thirds vote, remove this disability. If peace and order again prevail, and matters resume their normal course in the Southern States, but very lew years can elapse before Congress will be very glad to remove this disability altogether, and in regard to many Southern men, there is little doubt it would be removed very soon.

The South may very well consider, therefore, whether it would not be wise to accept these temporary inconveniences for the sake of the permanent and substantial advantages to be gained thereby. There is very great danger to the South and to the whole country in keeping this question open for heated and protracted agitation. The condition of every State will become worse and worse with every day of delay. If the contest were closed and the South restored to its proper relations with the Union, the tendency of events would be to pacify and harmonize the country. The South certainly can well afford to make some sacritices of feeling for the speedy attainment of such results.

### Impeachment of the President. From the World.

The extract from General Butler's speech which was telegraphed from Cincinnati, and published by the city papers on Monday mora-

neached) "does not appear in person or by at-torney, his default is recorded, and the Senate may proceed ez parts to the trial of the impeach-ment. If he does appear in person or by attor-ney, his appearance is recorded." There have been, in all, four cases of im-peachment, since the beginning of our Govern-

ment, namely, that of William Blount, 1799; John Pickering, 1803; Samuel Chase, 1805; and James H. Peck, 1831. The law governing such trials, as stated by Judge Story, is founded on the precedents turnished by these four cases. The argument of General Butler, in the position of Wendell Phillips, that the Presi dent must necessarily be suspended from office during the trial, fails to the ground in the face of this uniform usage. But, even it the exploded esumption of Butler were correct, the taking of the President into temporary custody would of the President into temporary classedy would not operate as a suspension from office. If he should be totally disabled for six weeks by typhus fever, we suppose nobody is absurd enough to say that be would cense to be Presi-dent during his illness, and that the President of the Senate would be inducted into the Execu-tive obsta tive chair.

The Government would, in that case, be administered by the heads of departments, and papers requiring the President's name would remain unsigned until his recovery. That his could not be filled by another person during his transient disability may be shown by a conclusive analogy. Suppose Chiel Justice chase should be impeached, would his office be vacant during the trial? If so, the President could send to the Senate a nomination to fill the vacancy. The idea of his doing so is utterly preposterous. The office can be vacated only after a conviction, and in consequence of a sen-tence. To make the office would be the order tence. To make the office vacant is the only penalty which the Constitution allows against an officer impeached; and it is absurd to sup-pose the punishment can date from the accusation instead of from the judgment.

It the President is acquitted, the filling his office by another person during the trial would produce strange conjusion. The new President might appoint a new Cabinet. He might break off negotiations in progress with foreign powers. He might revolutionize all the offices of the country by a sweeping proscription and new appointments. When the acquitted President returned to his station, he might find it impos-sible to reinstate his deposed subordinates by the retusal of a hostile Senate to confirm his appointments. General Butler's assumption is, therefore, as absurd in its consequences as it is untenable in law. If we were to hazard a conjecture as to the

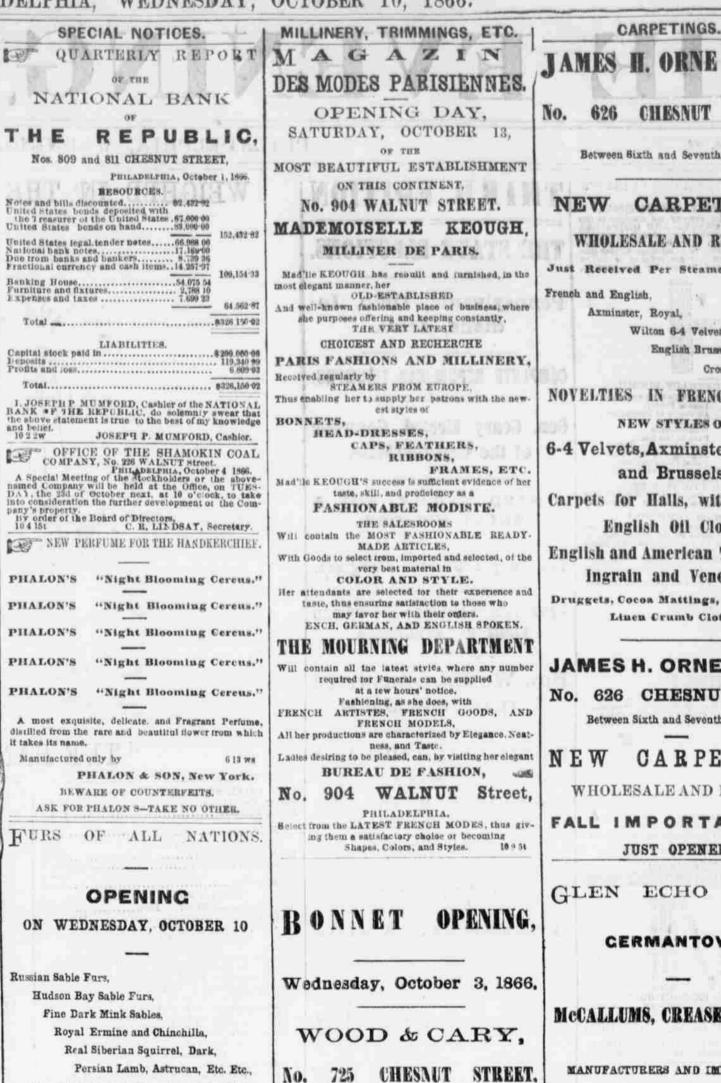
course of the President, in case he should be impeached, it would be that he will object to the competency of the court and refuse to appear. If, when the law gives a man the bench twelve jurymen, an iniquitous court should attempt to try him before seven, he would re-fuse to plead. The Constitution gives an im-peached officer the right to be tried by seventytwo Senators, and it requires two-thirds of the number to convict. If the radicals attempt to try the President by fifty-two, he has a right to deny the jurisdiction of a court of impeachment

For Chief Justice Chase to preside at the trial of the President would be also a great iniquity, although in conformity to the letter of the Con-stitution. The President of the Senate presides in all trials of unpeachments, with the single exception that the Chief Justice takes his place when the President of the United States is tried. The reason which has always been given for this exception is solid and conclusive. It is, that the President of the Senate, being the constitutional successor of a deposed President, is an interested party, and therefore unfit to conduct the trial. This objection applies in all its force to Chief Justice Chase. Contrary to all former example, to all sense of fitness, to all the decorum which beseems his great office, the Chief Justice is a candidate for President, as Mr. Johnson's successor. His success in reaching the Presidency depends on excluding the unre presented States from participation in the election; and the deposing of President Johnson is thought by the radicals a necessary step to their exclusion. With this great stake in the result. Chief Justice Chase is totally untit to preside at the trial. His friends ought to blush for him if he consents to act in that capacity.

## SPECIAL NOTICES.

FOR LADIES MISSES AND CHILDREN

COLTON DENTAL ASSOCIATION.-The originators of the anesthetic use of Oxide Gas. Extract teeth without any pain than 3400 persons have a state of the s





# Houses for the Poor.

From the Tribune. Mr. A. T. Stewart, it is said, has offered to expend \$1,000,000 in crecting dwellings for the poor of our city, provided the city shall give the ground whereupon to build them. The houses, we infer, are to be leased for whatever rents they will command, and the net income constantly applied to the building of more

habitations, carefully adapted to the needs and means of the industrious poor.

means of the industrious poor. The rift is a noble one, and its object most descrying. Wretched habitations are here a fruitful source of vice, crime, disease, and death. There are many more thieves, burglars, drunkards, and lost women in our city than there would be if bonest industry were amply supplied with decent, commodious dwellings at reasonable rates. reasonable rates.

Our tenement-houses are, for the most part, libels on Christianity and the ninsteenth cen-

ing, puts the point made by Wendell Phillips in a recent number of the Anti-Slavery Standard in the most plausible shape that can be given it by an expert and ingenious lawyer. Phillips contended that an impeachment would amount to nothing unless the President is suspended from from office while it is pending. Butler describes method by which this suspension is to be accomplished. The President, says Butler, from the moment the articles of impeachment are presented to the Senate, becomes subject to arrest, and if the Senate so direct, to imprisonment, by their Sergeant-at Arms. While thus in custody, the President is incapable of discharging the the President is incurrent of duties of his office, which becomes temporarily vacant. It would be filled by the Vice-Presi-dent if there were one, but there being none, by the President pro tempore of the Senate. This ingenious fallacy rests upon an assump-

tion which a little scrutiny will easily explode. The assumption is, that an officer under im-peachment stands in the same relation to the tribunal appointed to try him that an ordinary criminal does to an ordinary court. Because a court of justice never tries a criminal unless it has custody of his person, it is inferred that the same rule holds in the trial of an impeached other by the Senate. The analogy fails in con-sequence of a total difference in the liability of the persons accused. The Constitution declares that "judgment in cases of impeachment shall not extend further than removal from office" and disqualification to hold any future office. It is not necessary for the Senate to office. It is not necessary for the Senate to have the custody of the accused in order to inflict this punishment. But an ordinary criminal, on triai for theft, murder, or other crime, is liable to be punished by positive in-flictions on his person. It would be an idle folly to go through the form of passing a sen-tence of death or imprisonment if the culprit was beyond the reach of the officers of the law. A person impeached of a crime otherwise nun-A person impeached of a crime otherwise pun-ishable than by deposition from office, is also liable to the ordinary penalties of the same crime by the judgment of the ordinary tribunals. The impeasiment, having no other aim than simply to vacate his office, can accomplish its purpose just as well without the custody of his person as with. He is summoned to appear on the same principle that the defendant in a civil suit is summonod to appear. If he stays away, he only walves his opportunity of detense. An he only waives his opportunity of detense. An officer summoned to appear and answer to an impeachment has these three alternatives, with periect freedom of selection, namely—he may appear in person; he may appear only by coun-sel; or he may decline to appear only by coun-sel; or he may decline to appear at all. In the case of Justice Samuel Chase, of the United States Supreme Court, impeached in 1805, the Senate, after organizing as a high court of im-peachment, adopted the following as one of its rules of proceeding:— "10. The person impeached shall then be called to appear and answer the articles of im-

called to appear and answer the articles of im-peachment exhibited against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself or if by agent or storney; naming the person appearing, and the connects on which he person if by agent or storney; naming the person appearing, and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded." It is clear, from this weighty and authorita-tive precedent, that General Butler is wholly wroug in his law. Instead of the President being taken into custody and imorisoned, it depends on his voluntary choice whether he will appear before the court at all. If he appears, he is just as free to appear by attorney as in person.

as in person. Judge Story, in his Commentaries on the Constitution, describes at length the formalities ob-served in trials for impeachment. We cite the following passage as corroborating the infe-rences we have drawn from the rule of the court in Judge Chase's case: -- "If he" (the person un-

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S H E D -       The Largest Stock of Furs in the City, All of my own Manufacture.       10 6 mwr3m       No. 819 ABCH Street.       STATIONERS AND CAND ENGRAVERS.         Ladies do not buy your Cloaks or Furs until you have examined my stock       10 6 mwr3m       No. 819 ABCH Street.       STATIONERS AND CAND ENGRAVERS.         Ladies do not buy your Cloaks or Furs until you have examined my stock       C. I.EWISSON, No. 14 South SECOND Street, So. 203 Eacre Street, States, on roccipt of States, states 310       MONUMENTS, ETC. ETC.	N.Y. 334	Finest Assortment of Cloaks in the City.	IN UBLAT VABILIT.	FINE STATIONERY R. HOSKINS & CO.,
E. examined my stock E. examined my stock E. solution and SECOND Street, No. 14 South SECOND Street, New York. Destiny 3mg Six doors below Market. Philadelphia. Six doors below Market. Philadelphia. Destiny 3mg Six doors below Market. Destiny 3mg Six doors below Market.	HED-	The Largest Stock of Furs in the City,		STATISNERS AND CARD ENGRAVERS, 5 28 6mmp No. 913 ARCH Street.
And for the same a second seco	an line	Ladies do not buy your Cloaks or Furs until you have	FOR SALE STATE AND COUNTY BIGHTS	HEADSTONES, MONUMENTS, ETC. ETC.
And for the same a second seco	E essing Secre-	C. LEWISSON,	Heater for Coal Oil Lampat. It prevents the Chainbeys from breaking. This we will warrant Also saves one- third the oil Call and see them they coat but ten cents.	TWELFTH STREET, ABOVE BIDES VERBLE.
	New York.		1 No. 203 BACK Street, Philadelphic of St cents 319	