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EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS.

COMPILED EVERY DAY FOR EVENING TELEGRAPH.

The Impeachment of the President—Probabilities and Possibilities.

From the Times

The impeachment of the President excites a good deal of attention and interest through the country, but not more than it deserves. There is a general disposition to regard it as less serious than it really is. The people find it difficult to believe that the project of impeachment and removal from office is seriously entertained by responsible leaders of the Republican party, or that the mass of that party in Congress can be brought to support it. We see, therefore, that it is widely assumed that the inquiry will be suffered to sleep in the Committee which has it in charge at least through the remainder of the present session, and that probably nothing more will ever be heard of it. We think this is a mistake, and that the country will fall into serious error if it rests on this belief.

Those who have brought forward this project are not only serious, but they are zealous and resolute in pressing it to execution—not on its own account, not merely or mainly to punish the President for alleged misconduct or to vindicate the cause of justice, but because it is absolutely essential to the accomplishment of their political purposes. The removal of Andrew Johnson from office is sought as a *means*, not as an *end*. Wendell Phillips, who is the author of the scheme, denounced the President more than a year ago—not as a criminal to be punished, but as an "*obstacle* to be removed." He was in the way of the Phillips policy. He had not then done any of the acts for which Mr. Phillips now arraigns him; he had vetoed no bills, and made no removals from office; he had neither "swung round the circle," nor branded Colonel Forney as a "dead duck." Yet Mr. Phillips' demand for his impeachment and removal was just as imperative as it is to-day.

General Butler, who came somewhat later into the field, and who now considers himself the leader of the impeachment movement, is not quite so open in his avowal of motives, but none who know his character and ambition can believe that a disinterested and holy indignation against official misconduct has alone inspired the fervor which he displays. Governor Boutwell, a member of Congress, and also a member of the Judiciary Committee, which has this matter under consideration, said in a recent address, after enumerating the difficulties in the way of reconstruction:—"I say further, after the most careful reflection, that I see no possible way out of these difficulties while the present Chief Magistrate is at the head of the Government." And again:—"Congress is strong—but it is powerless to execute. It has no hand by which it can wield the vast powers of this Government. Therefore, I say, that during these two years, from the 4th of March next, if Mr. Johnson continues to be President of the United States during that period, I do not know how long the restoration of this Government will be delayed." And still again:—"I make no prediction as to what the future has in store for us with reference to the President in office; but I only say that if he continues in office during these two years to come, I know of no means by which human life can be protected, by which human rights shall be regarded as sacred, or by which any efficient means can be taken for the restoration of these ten States to their ancient place in the Government of the country." Governor Boutwell is a man whose ideas are always clear, who is always cautious in the language he uses; and while he avoids a distinct declaration that the President must be impeached in order to accomplish the political objects he deems desirable, he does declare, in the most explicit and impressive manner, that his removal from office in some way is absolutely essential to all the great ends of government in the Southern States. Thaddeus Stevens has repeatedly asserted that unless the President is removed, none of the bills for reconstructing the Southern State Governments, and imposing universal suffrage upon them, can be passed.

These declarations from leaders of the impeachment movement might be multiplied indefinitely. But we have given enough to show that his removal from office is deemed absolutely essential to the success of their political programme, and that they are, therefore, profoundly and resolutely in earnest in pushing it forward to consummation. If they abandon that, they abandon their whole scheme of reconstruction. They must give up their attempt to reduce the Southern States to a territorial condition, or to abolish their present State Governments, and substitute others in their stead, or to impose universal suffrage upon them, unless they can remove the President, who, while in office, is an invincible "obstacle" to all these schemes. Are they likely thus to abandon all their cherished plans? If they do, their career is ended. They have gone too far to retreat or to halt. *Their* failure is the President's success. Unless they reconstruct the Southern State Governments, those Governments stand as they are; and every day they so stand adds to their strength, and increases the difficulty of overthrowing them.

So far as the leaders of the movement are concerned, we may look for the most zealous and vigorous prosecution of the impeachment project. But will the great body of the Republican party follow them? Not willingly, perhaps—but the past shows what we may expect in this regard for the future. The extreme men have never yet failed to bring or drive the mass of the party to their position; and this has more than once been done in the teeth of their most vigorous protests and struggles. On this very question a large majority of the party in caucus decided that no steps looking towards impeachment should be taken, without preliminary inquiry by a committee; yet on the very next day formal articles of impeachment were presented in the House, and a Committee was authorized to entertain and examine them; and scarcely half-a-dozen members of the party dared to go on record against this proceeding. The "yeas and nays" have a vague but very potent terror for the statesmen of Congress, and the extreme men, who stake everything on success, avail themselves of it with a remorseless and unrelenting rigor.

Many members, while voting for the reference, protested that they were only voting for "inquiry;" that they were not to be held committed to the movement; but they are *in the current*, and it will be much more difficult for them to turn back than it would have been to keep out. At what point will they stop? Do they expect to vote that the acts of which the Committee may accuse the President are not proved, or that they are not offenses deserving punishment? They will find themselves branded as faithless to public morals, as well as to party, if they go on record thus. They have committed themselves to the movement, and they will be coerced into carrying it through. Until the President is actually impeached the public clamor for his impeachment will be incessant and commanding. The scheme will be pushed, just as every kindred scheme has been pushed hitherto with vigor, courage, and determination. And the man who ventures to oppose it at any stage will very soon be denounced as a Johnson man, a Copperhead, and a Rebel, by the leaders of the movement and the press which they control.

The Committee which has charge of the matter starts with the intention to be very fair, dispassionate, and impartial in its inquiries. Its members profess to be fully sensible of the responsibility of their action, and declare their purpose to bring in no bill unless on grounds which the Senate and country will regard as sufficient. But it is not a question of intent, but of temper and tone of mind. Their action will be governed far more by their views of public policy and measures—by their estimate of party and public exigencies—than by any distinct purpose and pre-determination. The Committee is wholly in the hands of men who hold openly and avowedly the most extreme views on all the questions which divide the country. They are all zealous to the last degree in support of the extreme policy of reconstruction on the basis of Rebel disfranchisement and negro suffrage. Wilson, of Iowa; Boutwell, of Massachusetts; Williams, of Pennsylvania; Lawrence, of Ohio; Cook, of Illinois; F. Thomas, of Maryland—the country can judge whether these men are likely to bait in the march they have commenced, or to exaggerate the difficulties in their way.

They certainly will not err on the side of caution. They will not be too assiduous, to say the least, in their estimate of official shortcomings. They may be perfectly honest and upright in their intentions; yet they may very honestly give weight to testimony which men less credulous would discard, and deem acts to be high crimes and misdemeanors in which less zealous partisans would see only the blunders and derelictions of a fallible but well-meaning official. The chances are two to one that the committee will bring in an impeachment; and as only a majority vote is required, the chances are also two to one that this impeachment will be sustained by the House of Representatives.

But the mere fact of impeachment is of little consequence. The House of Representatives has an unquestionable right to impeach the President, or any other public officer, and to send him before the Senate for trial. That right is expressly conferred by the Constitution, and may always be exercised, subject only to the responsibility which the country would attach to an act of so much importance. Neither the President nor anybody else would have the slightest shadow of right to resist the legitimate execution of such a process, and all the menaces in which certain Democratic politicians and journals see fit to indulge, in case the President should be impeached, are simply idle and mischievous. But there is another contingency much more serious in its character.

Mere impeachment will not answer the purpose of those who have started this movement; that, indeed, is only the means by which their real object is to be reached. That object is the removal of the President from office; and that removal, to be of any service in the attainment of their political ends, must take place at once. It cannot wait for the trial and conviction. Besides, conviction is by no means certain. It requires two-thirds of the Senate to convict, and it is scarcely probable that two-thirds of the Senate can be secured for such a purpose. An essential part of the plan, therefore, is to remove the President upon impeachment, as a criminal in custody awaiting trial, without waiting for his conviction. The language of the Constitution seems to be explicit on this point. It says, "The President, Vice-President, and all other civil officers may be removed from office upon impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors." This seems to require both impeachment and conviction as conditions of removal. But it is now contended that this is not a true construction. General Butler, in his Brooklyn speech, on the 24th of November, insisted, in spite of the language of the Constitution, that removal or "suspension" from office might take place as soon as the officer was impeached. And the same view is held by the leading and active advocates of impeachment. They contend that Congress may provide for this by law, though they have not as yet introduced any bill, or taken any other steps, for that purpose. Such a bill would of course be vetoed, and it is more than doubtful whether it could be passed over a veto.

An attempt at removal in the absence of such a law would unquestionably involve very serious consequences. It is scarcely probable that the President would yield to it. It is certainly possible that he would resist its execution by all the means at his command; and in the absence of an explicit law on the subject, he might feel warranted and compelled to use the army and navy for the maintenance of his constitutional prerogative. If Congress should persist in an execution of its purpose, the country would again encounter the perils of a civil war, not sectional in its character, but following more or less closely the divisions of political parties.

We do not think the issue is likely to be pushed to this extremity. The general sentiment of the country is already pretty distinctly pronounced against the whole project of impeachment; and as its contingent perils become more and more apparent, that sentiment will grow stronger and stronger. Still, the leaders of the movement have placed themselves in a critical position. They are committed distinctly and unequivocally to the impeachment and removal of the President, and both are regarded by them (probably with justice) as absolutely indispensable to the success of their plans of reconstruction for the Southern States. Retreat and failure are equally fatal to their success, and will equally discredit and damage them as a political party. They cannot be expected, therefore, to abandon the scheme or submit to defeat without a strenuous struggle which may in its progress seriously disturb the peace, business, and credit of the country—even if it does not involve it in still graver perils.

Highly Important and Decisive Movement for Southern Restoration.

From the Herald.

We are happy to state that at last there is a movement afoot which cannot fail, but which promises a speedy, comprehensive, and decisive settlement of all the difficulties of Southern reconstruction and restoration. It is a movement which, in embracing the settlement of the next Presidential election in advance, removes many of the obstructions to the pending Constitutional amendment, and which, in relieving the outside States of the test of disfranchising their own people concerned in the Rebellion, makes their reclamation easy to themselves, while satisfactory to all concerned.

Looking upon the surface of things at Washington, the various political elements, sections, factions, cliques, and coteries thrown together there seem to be mixed up in hopeless confusion. There is the Republican financial faction, directing its efforts mainly to a precipitate return to specie payments, whereby the national banks and all their appendages in the interest of Chief Justice Chase (the founder of the greenback system) for the Presidency, expect to realize, no doubt, clear profits at the expense of the people at large of at least one hundred and fifty millions of dollars. Then there is the human rights radical faction, pure and simple, who will have nothing less as a Southern settlement than universal negro suffrage as established in the District of Columbia. Then there is the Copperhead faction, waiting and hoping and working for a violent collision between Congress and the President, under the delusion that it may bring about another civil war; and then there are the old State rights fire-eaters of the South still vainly looking to the administration for a rescue from the grip of the Northern radicals and the Constitutional amendment. It is apparent that if there cannot soon be found a way of deliverance from all these conflicting forces, the ruling majority of the Republicans in Congress will cut the Gordian knot in the President's impeachment. As the business classes of the country, however, East and West, dread the depressing effects of this expedient, it will probably be withheld to the last extremity, and it may be indefinitely postponed in view of the more graceful and acceptable movement which we shall presently explain.

A cause and a name—a cause which swallows up all other political causes, and a name which stands high among the people, one essential to the success of any great measure or system of measures involving a reconstruction of our political affairs. Such a cause and such a name are now needed to fuse the clashing factions of the dominant party of the North, and to settle the public mind of the South in favor of a definite and uniform policy of reconstruction and restoration. For these purposes we understand a movement, which will cover the ground, has been set on foot through a consultation at Washington of a number of the leading men of the Republican party from the principal Northern States—a movement which we say cannot fail and cannot be seriously resisted. This movement embraces, first, the ratification of the pending Constitutional amendment by the Republican States as fast as practicable, and next, when three-fourths of the States represented in the general Government shall have adopted it, an act of Congress declaring said amendment part and parcel of the supreme law the land, binding alike upon the inside States, the outside States, and all the Territories of the United States.

This is the measure; and next come the cause and the name which are to carry it through. The cause agreed upon is the Presidential succession, which covers everything; and the name to be proclaimed as the candidate of the Republican party on the platform of the amendment is the same which, of all living men, stands highest among the American people—the favorite name of General Grant. This is the programme, and the simple statement of it will carry with it the general conviction of its success. It will remove at once all the stumbling blocks to a settlement with the South, in the shape of conflicting claims and schemes for the Presidency; it will consolidate the North upon the amendment, and upon General Grant as its champion, and it will bring the Southern States to a graceful submission to a reorganization which will have become part of the Constitution, without forcing them to sign it. Furthermore, if they choose to avail themselves of its advantages in regard to negro suffrage and representation, they may speedily regain their balance of power in Congress, and, with a new departure by a new opposition party in the North, they may regain in 1872 even the White House, with both Houses of Congress.

The name of General Grant will settle the contest of 1868 in advance. He entered into the late war a modest captain under General Fremont; he came out of it at the head of over a million of Union soldiers, crowned with a series of victories which, in strategy and tactics, eclipse the most brilliant campaigns of the great Napoleon. But the modesty of the General-in-Chief of the armies of the United States is still the same as that of the Western captain of volunteers. He naturally shrinks from politics and politicians, and yet so clear is his faith in this pending Constitutional amendment that he has felt constrained to express it. And herein, after all, lies his greatest strength. Had President Johnson, with the passage of the amendment by Congress, fallen in with it, how different would have been his position to-day from that which he occupies! What can Mr. Seward avail him now, or, looking to the future, upon whom has he to build, with the loss of John Van Buren? The case, we hold, is foreclosed against all competitors with the name of General Grant as the champion of the amendment for 1868: for surely the man whose genius was equal to the great task of putting down the armed Rebel States is the man to set them on their pins again, and upon the issues settled by the war.

The Supreme Court Decision.

From the Tribune.

The Supreme Court, on Monday, by a majority of one, annulled as unconstitutional so much of the present Constitution of Missouri as precludes those who participated in or sympathized with the late Rebellion from officiating as ministers of religion, as teachers in schools, or as legal advocates in Court. The opinions were pronounced by Justice Stephen J. Field of California, with the concurrence of Justices David Davis of Indiana, Nathan Clifford of Maine, Samuel Nelson of New York, and Robert C. Grier of Pennsylvania. The two first named were nominated by President Lincoln; the other three by his Democratic predecessors.) Justice Samuel F. Miller of Iowa read a dissenting opinion, which was concurred in by Chief Justice Chase of the District of Columbia, and Justices Noah H. Swayne of Ohio and James M. Wayne of Georgia. (The last named was appointed by General Jackson; the other three by Mr. Lincoln).

The grounds upon which this decision is made may be briefly stated. It is argued that the test-oath is directed against acts not defined in any code as criminal; for instance, the mere expression of sympathy with rebellion; that such acts had no possible relation to the lawful pursuits of the persons committing them; that the oath contravenes the clause of the Constitution forbidding any State to pass a bill of attainder or *ex post facto* law; that the oath is in effect both of these, because, by an evasion of the Constitution, it imposes the penalties of a bill of attainder and an *ex post facto* law, and that the Constitution deals with things, not names; that the oath is *ex post facto* because some of the acts for which it imposes the punishment of deprivation from office, etc., were not known as offenses when the acts were committed; that it subverts the presumption of innocence, and perverts the rules of evidence, presuming the party to be guilty, without trial; that it imposes penalties without the form of judicial proceedings; that if the oath is legal the Constitution may be evaded at pleasure, and individuals deprived of their civil rights.

The opinion of the Court upon the constitutionality of the test-oath imposed by Congress upon attorneys and counsellors is based on similar grounds, it holding additionally that attorneys are not officers of the United States, and that the Court is not the registrar of the edicts of any other power, *i. e.* Congress, and that Congress cannot impose qualifications as a means of punishment. It further holds that in the case considered the petitioners had received full pardons from the President for taking part in the Rebellion, and that Congress cannot limit the effect of a pardon which constitutionally restores to full citizenship.

The dissenting opinion of Justice Miller holds that practice in the Courts is a privilege which Congress may limit, and not an exclusive right; that attorneys are subject to legislation, equally as judges; that Congress has the power to prescribe their qualifications, and that the oath imposed is not an unjust discrimination; that the oath justly makes loyalty in the past, and the pledge of it in the future, a qualification. It denies that the test-oaths are in substance bills of attainder or *ex post facto*, and argues that they simply require the proof of loyalty as a condition of practice, and not as a punishment for past offenses. It holds that the President's power to pardon does not dispense with the laws; that "he may save a criminal from the gallows, but a lawyer cannot by him be readmitted to the bar." We place the substance of the two opinions before our readers, with the belief that if that of Judge Miller be not the law, we have the monstrous anomaly of a Constitution which gives treason the legal power to evade the consequences of treason, and prevents Congress or the States from making loyalty a qualification of office.

Still we do not regret these decisions, the more especially as they will be hailed with rapture by those who are in a state of chronic nervousness from apprehension that the States will be absorbed or crushed out by "consolidation." Here is a "sovereign State" overruled by a bare majority of the Supreme Court, and forbidden to decree that traitors to her and to the Union shall not teach her children, dispense religious instruction to her people, nor practice in her courts. We do not object to this; and you, Messrs. State rights men! will please make a note that your oracles rejoice over it!

Butler's Friends at Court.

From the World.

It looks as if the valuable time of Dr. B. F. Butler was likely to be so occupied for a couple of years to come, that he will have no opportunity to take his seat in Congress as a representative of a district in which he does not reside, or to impeach the President, or to pave the way for his own succession to Mr. Johnson's seat—three things upon which he has set what heart he has been gifted with. Everybody is suing him. The success of the Smith Brothers, bankers, in recovering their $50,000 in gold, seems to have prompted almost every one in Louisiana who has a real or fancied cause for grievance against the Doctor to commence a suit for damages. And the Doctor himself, fearing, doubtless, lest his face may not be sufficiently familiar in the Courts, has actually commenced a suit for libel against a far-away Western editor, laying his damages at $100,000, which presupposes two things, that the Doctor can be libelled, and that Western editors with $100,000 are common.

To the suits now pending in this city, the Doctor has put in a petition that they be transferred to the United States Circuit Court, on the ground that, at the time his unlawful acts are alleged to have been committed, he was a major-general in the service of the United States. Butler is an old hand at the bar, and this may be a dodge to get some sort of a legal or official recognition of a fact not likely otherwise to appear prominently in American history, not even in Bancroft's, that he *has* held some such position. But to this proposal Mr. Choate replied sharply that he did not believe that any act of Congress was ever meant to protect a thief; and the recent decision of the Supreme Court in the Milligan case strips off the military plea which has been so extensively used, in the last five years, to cover all sorts of unlawful and unjust proceedings. It is possible that the Doctor may find further consolation in another libel suit in being thus publicly alluded to as a thief. Still another libel looms up in the statement of Judge Barnard that Butler was described as having been "a Major-General from blank day of blank," because he was "a blank Major-General." And considering that the Doctor claims an election from a Massachusetts district in which it is alleged he does not reside, he will doubtless be entered on the rolls of the Fortieth Congress as "the blank representative from a blank district," particularly if his constant attendance in the courts makes his seat a blank in Congress. Some good must come from these suits, nearly all of which allege that the plaintiff had been unlawfully defrauded of something by the Doctor; for, although nobody believes that so great and good a patriot as Benjamin Franklin Butler would actually steal, any more than would the late Andrew Jackson Butler (a blank Colonel of blank date), yet these suits, malicious though they be, with all the evidence that will be elicited, must reveal something, if not all, of the Doctor's commercial and private pecuniary transactions generally in New Orleans, and the whole will properly pave the way for the publication of Senator Reverdy Johnson's report of the civil doings in the same department of Banks, who was also a blank Major-General of blank date.

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ALBANY LUMBER OF ALL KINDS
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