

THE NEW YORK PRESS. EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS.

THE SENATE TARIFF BILL.

In the House of Representatives at the last session, the Tariff bill, as originally reported, raised the rates of duty about 25 per centum. This was a great gain for our industry, but the sober calculations of the Committee on Ways and Means were swept away in the confusion of debate, and the bill, as passed and sent to the Senate, was materially changed. Still it was an improvement upon the existing tariff, and we should have been satisfied had the Senate adopted it. But the history of protection in the last session was one of dispute and disagreement. The Senate postponed its consideration, and this year the Finance Committee have offered a substitute for the House bill, elaborate and thorough, which still further lowers the average duty upon our imports. The points of difference, the following are the more important:—

The House bill imposed a duty of 50 cents on woollen cloths, which the Senate bill would reduce to 45, though it properly retained the duty upon the same article at 50 cents per pound, and 10 cents ad valorem. Cloth importers will demand a still further reduction, and we fear, may get it. On carpets the Senate bill strikes out the ad valorem rate, and re-places the specific duty of the present tariff. On cigars, which the House would place at \$2.50 per pound, the Senate bill rates a duty of \$2.25, retaining, however, 50 per cent. ad valorem. The duty on coffee is made by the Senate bill, 10 per cent. in the House bill it is but \$15. A duty of 3 cents per square yard, and 30 per cent. ad valorem is proposed on linens, while the House bill fixed the rate at 30 cents. The duties on tea and coffee are doubled by the Senate bill, and the two instances of an increased rate. The 20 per cent. ad valorem upon books is reduced to 15.

The Senate bill, however, is much better than the present tariff, and than that proposed by the Commissioner of Cotton Manufactures, as well protected; the rates of the House bill on steel, iron, dress-goods, and worsted are retained, and we regret to add, those on coal. We should not complain if the bill, as it stands, were adopted by the Senate, for it is not likely to be improved by amendments. Yet the fact that the present tariff does not prevent our people from expending about \$300,000,000 per annum for imports ought to convince Congress that an increase of at least 25 per cent. on the existing rates is demanded by our industrial interests.

We must protect our manufactures thoroughly if we would elevate our standard of labor. Unskilled labor, employed in the rudest mode, does not obtain half the wages paid to manufacturing workers, and the real labor-power of the country cannot be utilized without a tariff that shall necessitate its development. To reap the value of our strength, we must not depend upon the manufactures of other nations. If here is our granary, our market, here must be our workshop. So long as foreign nations, by the help of free trade, are able to keep down the wages of our labor, and the wages of the laborer are kept down, and it is time that every workman in the land should know that the enemies of protection are the instruments of European monopolies, and that it is they who are the enemies of England, France, and Belgium unrestrained permission to undersell us in our own markets.

Slandering in Congress—The President De-nounced as an Assassin.

When the Hon. Ben. Loan, a member of Congress from Missouri, introduced his resolution charging President Johnson with sundry high crimes and misdemeanors, the Tribune remarked that he was evidently a "weak-minded person ambitious to figure in the newspapers." Stronger-minded men than Mr. Loan have not been free from this ambition; but few men of any mind at all would be eager to figure, either in newspapers or in Congress, in precisely the character which Mr. Loan has selected for his debut.

His resolution came up for consideration on Monday, and Mr. Loan rose, according to the fashion of the day, to deliver a speech, repeating and amplifying with due emphasis the charges made in his resolution. One of these charges, as presented in his speech, was that of complicity in the assassination of President Lincoln, upon which the speaker dwelt with a zest peculiar to the school of politicians to which he belongs. It happened by some extraordinary accident that one member of the House, Mr. Hale, of this State, was listening to the speech; and what is still more extraordinary, it struck him that a charge of assassination, made in his place, in ordinary debate, by a member of Congress, against the President of the United States, was not in order. Mr. Hale accordingly called the attention of the speaker to the subject; but the Speaker ruled that the speaker was both in order and in order to the subject; but the Speaker ruled that the speaker was both in order and in order to the subject; but the Speaker ruled that the speaker was both in order and in order to the subject.

Mr. Loan is evidently unconscious of having done anything irreparable to himself, in discredit upon the country, which is not very clear. His personal opinion on the point is a matter of little consequence, but it is more significant that the House of Representatives should seem equally indifferent to effect of such intemperate utterances, uttered by its own members, who at the same time refuse to be responsible for them, upon the President of the United States. Whether they believe them to be true or not, the members of the House sympathize with and share the spirit which prompts such assaults. The party seems to be accomplished, and the personal resentments to be gratified, blind the majority of Congress to their effect upon the reputation of our country at home and abroad. If the charge is believed to have the slightest foundation in fact, the United States stand before the world with an accomplice in the assassination of their Executive head—of their only organ of only communication and intercourse with other nations. If it is not believed, Congress may be deemed less careful of its own dignity than any company of pot-house brawlers in the world.

presume that every intelligent man conversant with the facts of history will have no difficulty in tracing them as causes of disaster. But thousands will see the charges who have no information upon the subject to which they relate, and upon all such charges the most effectual effect they may fully believe them, but they will not know them to be untrue; and they will have at least the suspicion that the head of this republic, charged with the execution of its laws, representing its dignity, its character, and its power to all other nations of the earth, is an accomplice in assassination and murder.

The Late Decisions of the Supreme Court—Their Political Application.

The two decisions pronounced in the Supreme Court of the United States on Monday last—the one upsetting the test oath of loyalty of the State Constitution of Missouri in reference to clergymen, teachers, and lawyers, and the other declaring unconstitutional the test oath of Congress, as applied to attorneys seeking admission to practice before the Supreme Court—are of the highest importance in their political application. This court, as in the Milligan decision, five to four, has thus decreed that the Missouri State Constitution, in its test oath of loyalty, is an ex post facto law, and in effect a bill of attainder, and therefore null and void. On the same grounds, the test oath of Congress is declared invalid, with these additional objections, that lawyers holding no specific appointment are not officers of the United States, and therefore not subject to this Congressional oath; and that while the President's pardoning power is unlimited, his power restores the person concerned to his full rights of citizenship. For example, an Executive pardon to Jeff. Davis would render him at once eligible for the next Presidency, resigning his office, and the President would be bound to accept of a loyal citizen before he went over into the treason of the so-called Confederate States.

These decisions result from the concurrence in opinion of Justices Field, of California; Clifford, of Maine; Nelson, of New York; Grant, of Pennsylvania; and Waite, of Georgia—five. The dissenting opinion delivered by Justice Miller, of Iowa, was supported by Chief Justice Chase and Justices Swayne, of Ohio and Davis, of Illinois. They hold that the Congressional test oath is not an ex post facto law nor a bill of attainder, but "a qualification which Congress has a right to prescribe as necessary to an attorney," and that "the pardon of the President has no effect in relieving him from the requirement to take it." In regard to the Missouri oath these dissenting judges hold that in the Federal Constitution, upon this subject, "no restraint is placed on the action of the States," but that, "on the contrary, in the language of Story (Commentaries on the Constitution), the whole power over the subject of religion is left exclusively to the State Governments, to be acted upon according to their own sense of justice and the State constitution." Who decides when Congress declares the test oath null and void, and the majority is only one—in both cases goes with the Milligan decision; and all these decisions, while they remain un-reversed, are the supreme law of the land.

What, then, is the bearing of these decisions upon the all-important question of Southern reconstruction? According to the Milligan decision there can be no exigency in the Government justifying the overstepping of the strict limits of the Constitution. This pronounces the conduct of President Lincoln in assuming the powers of Congress, in the absence of Congress, "to raise and support armies" to save the life of the nation, unjustifiable. As the old Phœnix held that man was made for the Sabbath and not the Sabbath for man, so this Milligan decision affirms that the country was made for the Constitution and not the Constitution for the country. According to these two later decisions neither Congress nor any State can establish a qualification which is not a regular trial and conviction. This may be a strict interpretation of the Constitution; but as a party accused of treason must be tried in a court where the charges are examined, and as under this requirement no jury can be found to convict, how is Congress to make any discrimination between loyal citizens and Rebels in the work of Southern reconstruction? There is a remedy suggested in Mr. Justice Miller's dissenting opinion upon these two late cases, and in the case which he recites, of an appeal to this Supreme Court from a fine imposed upon a Catholic priest of New Orleans for violating a local ordinance relating to funeral rites, restricting them to the cemetery imposed by the Ordinary chapel. Upon this appeal the Supreme Court of the United States replied that "the Constitution makes no provision for protecting the citizens of the respective States in their religious rights, as left to the State Constitution, and laws. Nor is there any inhibition imposed by the Constitution in this respect on the States." This late decision touching the test oath applied to a Catholic priest in Missouri reverses the former decision, and here lies our remedy. The decisions of the Supreme Court are not binding upon the Court. If, therefore, the latest decisions of that body are all tending to the conclusion that the late war for the Union was not only a failure, but a blunder which has left us constitutionally still where we stood the year before the war, we have only to reconstruct the Court in order to reverse these decisions, and to secure such interpretations of the Constitution as will proclaim the great fact that the war for the Union was neither a blunder nor a failure, but a great revolution, the issues of which have become the Constitution to the Supreme Court.

This is one remedy, and there is some reason to suspect that it is the remedy contemplated in Congress in the proceedings instituted for the President's impeachment and removal in order to reach this court. But there is still another remedy. It lies in the pending Constitutional amendment. Upon this platform, in the name of General Grant, as the candidate of the Union party, we are content to leave the existing deadlock between Congress on the one hand, and the President and Supreme Court on the other, to the verdict of the people in 1868. But there is no danger in the interval that the Supreme Court may proclaim some other decisions interfering all other proceedings in the way of Southern reconstruction? We cannot tell. We apprehend, however, that this court, with every decision running in the channel of its late three, is strengthening the impeachment party in both Houses of Congress.

Mexico and Juarez.

It is claimed by Ortega that Juarez is not the rightful President of the Mexican Republic; that his term of office, as fixed by the Mexican Constitution, has expired; that he is consequently a private citizen, possessing no more legal authority than any other Mexican citizen; that the same article of the Mexican Constitution which terminates the official life of Juarez makes Ortega his rightful successor, until a new President shall be chosen by the people. There seems sufficient evidence that this statement is in most parts correct; but does it thence follow, as Ortega claims, that the United States are

bound to ignore Juarez and recognize Ortega as the head of the Mexican Government? This question is of the very greatest practical moment; for if our Government aids Mexico in the recovery of her independence, it must recognize some authority in that country with which it can treat, and it ought not to make a mistake. We are clear that President Johnson is right. We cannot more properly and support Juarez, notwithstanding the expiration of his term. It is necessary that our Government should proceed on some sure ground of settled principle; and since nothing acting established, as a principle, of our diplomacy, than the policy of abstaining from the domestic disputes of foreign States, and recognizing the de facto Government. We have recognized, for example, all the numerous Governments which have succeeded one another in France since the beginning of our own, without ever concerning ourselves about the rightness of their origin. To take the instances which have occurred in our own history, we recognized the French republic of 1848 without inquiring whether it was legitimated by the constitution of 1830, which it overthrew; and, with equal readiness, we recognized Napoleon the Third, despite the fact that his term as President of the Republic had expired, and that he continued to rule France by destroying the constitution of 1848, which the people of that country had established, and he had sworn to support.

It is not our duty to look behind the fact that Juarez is at the head of the Mexican Government and seek his authority in the Mexican Constitution, than we were, in 1852, to look behind the fact that Louis Napoleon was the actual ruler of France, and explore the constitution he subjected in 1848, and inquire whether it is no business of ours to settle questions of disputed authority in foreign countries. Whether Juarez or Ortega shall be recognized by our Government is not properly a question of right, but a question of expediency. What is the actual ruler? Juarez is in the exercise of all the actual authority which he possessed before Ortega contested his claim; Ortega is in the exercise of no authority whatever. Juarez commands the army, and he has the support of the Liberals in arms against the leaders of the Government. Ortega has not a company of soldiers to back his pretensions. Our Government would make itself ridiculous to recognize, as the Government of Mexico an unproven adventurer who can pronounce no other warrant than his contested interpretation of a scrap of the Mexican Constitution. The United States cannot assume to expound the Mexican Constitution. They are bound to recognize the Government de facto that actually exercises power in the country, and so long as it is made by the de facto Government, they are bound to accept the statement. The Constitution of Mexico provides that the expiration of the term of the President, the Chief Justice for the time, in default of an elected successor, becomes President ad interim, until Juarez asserts that when his term expired, there was no Chief Justice—Ortega having fled the country, abandoned his office, and having abdicated his office. So long as this reasoning suffices as between Juarez and the Mexican people, it must be deemed conclusive between him and the United States; the only test we can apply to his logic being his actual possession of the Government.

It may be plausibly objected to this argument that the principle it assumes would have bound us to recognize the empire, the Government of Maximilian having been for a long period the de facto Government of the country. We have two replies. First, it is too late to reopen the controversy respecting the Monroe doctrine, as our Government and people have so decided it as to preclude a reversal of their judgment. The Monroe doctrine is not a principle of the situation, and we must accept its logical consequence: one of which is, that the empire was, in the purview of our Government, non-existent. It is all in vain to say that we cannot undo what we have done, and that the reversible acceptance of the Monroe doctrine by this country was as much a fact as the existence of the empire; and the permanent fact was designed to destroy the temporary phantom. This is the bearing of the principle which follows necessarily from the ordinary principles of diplomatic reasoning. When there are two conflicting Governments in a country, one of which we have before recognized, we do not tamely acquiesce in the restoration of the claimant, unless we are satisfied it has elements of permanence. This principle has always been acted on in our foreign intercourse, and there was no reason why it should have been departed from in the case of Mexico. We were certain, from the outset, that the Mexican empire would not stand, the measure of our certainty being the inflexibility of our determination to maintain the Monroe doctrine. We could not, therefore, do otherwise than continue our recognition of the republic, and refuse to recognize any other so long as the republic had no other visible representative.

In the transition from the moribund and nearly extinct empire back to a reorganized republic, we are overjoyed to receive the assistance of the actual Government, and we accept. The chief peril of Mexico, during this critical juncture, is the ravenous ambition of her rival political chiefs; and as none of the competitors for Juarez has any claims founded upon the popular choice, none has any right to the United States can respect. On what ground could our Government justify itself in paying any more deference to Santa Anna, or Milamón, or Ortega, than to any other private citizen of Mexico, and in placing in the private possession of actual authority, to which none of the others can make any pretensions; and we may reasonably assist him, not indeed in governing the country permanently, but in maintaining order while the people are exerting their prerogative through the election of a fair elector displaces Juarez, and puts in one of its rivals, we are bound to give the same friendly support to his successor that we now accord to Juarez, until the popular will has been legally pronounced, and the absurd, and destructive of all order, for us to countenance any of his competitors.

The abiding curse of Mexico has been the frequent overthrow of her Government by ambitious military chieftains, unless she can be secured against this evil, she has no future. In affording succor to her weakness, we must apply our plaster to the diseased spot, and make it as broad as the sore. We must uphold Juarez against the violence of the military chieftains, unless she can be secured against this evil, she has no future. In affording succor to her weakness, we must apply our plaster to the diseased spot, and make it as broad as the sore. We must uphold Juarez against the violence of the military chieftains, unless she can be secured against this evil, she has no future. In affording succor to her weakness, we must apply our plaster to the diseased spot, and make it as broad as the sore. We must uphold Juarez against the violence of the military chieftains, unless she can be secured against this evil, she has no future. 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