THE NEW YORK PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS—COMPILED EVERY DAY FOR THE EVENING TELEGRAPH.

The Tenure of Office Bill.

From the Times.

The bill regulating the tenure of civil officers appointed with the consent of the Senate, has become law over the President's veto.

By this measure the appointing power of the Executive is greatly circumscribed. It deprives him of the power of removing civil officers whose appointments come before the Senate for confirmation; or rather limits the exercise of the power to cases in which the Senate concur. And in this provision the Cabinet advisers of the President are included.

It has been supposed that the veto would hinge upon this particular application of the principle, as an infraction of a privilege always accorded to the Executive by reason of the confidential relations in which the Cabinet officers stand. But the message takes exception to the whole scope of the bill, as an invasion of the power of removal which by the usage of the Government has been vested exclusively in the President. It is admitted, however, that though this usage has been sustained by Story and Kent and other eminent interpreters of the Constitution, its validity has always virtually rested upon the decision of Congress, speaking through majorities, and has as constantly been disputed by statesmen of admitted weight. A Constitution which one majority affirmed may, then, be reversed by another majority without wrong; and this is what the expiring Congress has done.

So far as it imparts a certain permanence to qualified occupants of civil offices, the bill effects a desirable reform. A more satisfactory measure would be that of Mr. Jenckes, which would leave the entire civil service of the country out of the slough of politics, and secure an amount of efficiency at present unattainable. But the step now taken is an advance, excepting only in its bearing upon the Cabinet; and in that respect it has the appearance of being aimed at Mr. Johnson. His Message would have been stronger in argument, though perhaps not more effective in Congress, had it applied solely to this point, instead of ranging over a wide ground, where, on his own showing, Congress has a right to legislate untrammelled by precedent or the dicta of commentators.

The General Bankrupt Law.

From the Herald.

The Thirty-ninth Congress has left behind it one legacy for which the people will be grateful. The passage of the act to establish a uniform system of bankruptcy throughout the United States will afford general satisfaction and prove a valuable boon to the country. While some of the features of the law—for its final approval by the Executive may be regarded as certain—may require alteration or amendment, its enactment in an imperfect shape will be universally conceded to be preferable to its defeat.

The jurisdiction in bankruptcy cases is given by the act to the several District Courts of the United States, with the United States Circuit Courts acting in a supervisory capacity as Courts of Equity. The Judges of the District Courts will be assisted in the performance of the duties imposed upon them by Registers in bankruptcy, who are required to be counsellors of those Courts, or of some of the Courts of Record of their several States. The power of the Registers is limited, and provision is made for reference of disputed questions to the District Court Judges, and for appeals from the District Courts to the Circuit Courts, and from the latter, in cases where the matter in dispute shall exceed two thousand dollars, to the Supreme Court of the United States.

There are two kinds of bankruptcy contemplated by the act—voluntary and involuntary. In the former any person residing within the jurisdiction of the United States, owing over three hundred dollars, and finding himself insolvent, may apply by petition to the judge of the district in which he has resided for the six months preceding the date of the petition, or for the longest period during such six months, and shall thereupon be declared a bankrupt. The creditors, having been properly notified by the court, meet together and appoint one or more assignees of the estate of the debtor; the choice to be made by the greater part in value and in number of the creditors who have proved their debts, or in case of failure to agree, then by the District Judge, or where there are no opposing creditors, by the Register.

The whole affairs of the bankrupt pass into the hands of the assignees, who have full powers granted them necessary for the collection of all debts and the final adjustment and closing up of the estate. Stringent regulations are made for the proper deposit and safe keeping of all moneys received from the estate; and where delay is likely to occur from litigation in the final distribution of the assets, the Court is empowered to direct their temporary investment. The bankrupt is liable at all times to be called up for examination on oath upon all matters relating to the disposal or condition of his property or to his business transactions, and, for good cause shown, his wife may in like manner be compelled to attend as a witness in the case.

In the distribution of the bankrupt's estate dividends are to be paid as agreed upon by a majority in value of the creditors, from time to time, at three months' intervals, but the following claims are first to be paid in full:—First, the fees, costs, and all expenses under the Bankrupt act; second, all debts, taxes, and assessments due to the United States; third, all State debts, taxes, and assessments; fourth, wages due to any operative, clerk, or house servant to an amount not exceeding fifty dollars for labor performed within six months preceding the bankruptcy; fifth, all debts due to any persons who are or may be entitled to preference by the laws of the United States.

The voluntary bankrupt is entitled to his discharge provided no fraud is proved against him, at any time from sixty days to one year after adjudication of bankruptcy; but the proof or discovery of any fraud or concealment deprives him of the right to discharge. No person who has once received his discharge is to be entitled again to become a voluntary bankrupt, unless his estate is sufficient to pay seventy per cent. of his debts, or unless three-fourths of his creditors assent in writing to his bankruptcy. Preferences and fraudulent conveyances are declared void by the act, and suitable provisions are made for the voluntary bankruptcy of partnerships and corporations.

The exemptions under the law are as follows:—

The necessary household and kitchen furniture, and such other articles and necessaries of such bankrupt as the assignee shall designate and set apart, having reference in the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of $500; and also the wearing apparel of such bankrupt and that of his wife and children, and the uniform, arms, and equipments of any person who is or has been a soldier in the militia or in the service of the United States; and such other property as now is or hereafter shall be exempted from attachment or seizure or levy on execution by the laws of the United States; and such other property, not included in the foregoing exceptions, as is exempted from levy and sale upon execution or other process or order of court, by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount not exceeding that allowed by such State exemption laws in force in the year 1864.

Acts of involuntary bankruptcy under the law are classified as follows:—Departure or absence from the State where debts are owed, with intent to defraud the creditors; concealment to avoid service of process for the recovery of debt; concealment of property to avoid seizure on legal process; assignments designed to delay, defraud, or hinder creditors; arrest and detention for seven days under execution for a debt exceeding one hundred dollars; actual imprisonment for seven days in a civil action founded on contract for one hundred dollars; assignment, gift, confession of judgment, or any other act by which preference is given to any creditor, endorser, or surety; dishonoring commercial paper, or suspending and not resuming payment for fourteen days.

The petition for an adjudication of bankruptcy in such cases may come from one or more creditors whose debts reach two hundred and fifty dollars; but the petition must be brought within six months after the act of bankruptcy has been committed. In involuntary bankruptcy the proceedings are made more stringent than in the other description of cases. The penalty for any fraud or concealment, direct or indirect, under the act, is imprisonment, with or without hard labor, for a term not exceeding three years.

There are other details in the act relating to the duties of the officers appointed and authorized under the law, the amount of fees, etc., which are interesting only as a matter of detail. On the whole, the act seems carefully guarded, and, with very slight amendments, will, no doubt, prove a popular and beneficial law.

The Veto—The Situation.

From the World.

As a state paper, dealing with a great question on impregnable grounds of argument, nothing could be more cogent than this noble message. The clear, masculine reasoning by which President Johnson demonstrates the irreconcilable repugnance of the vetoed bill to the Constitution, and by which he shows that the evils it inflicts are the most galling and intolerable which oppression can inflict upon its victims, leaves nothing to be supplied. If he fails to produce conviction, it cannot be for lack of sound argument and forcible remonstrance, but for the want of dispassionate minds on which argument and remonstrance can make no impression. The prompt passage of the bill over the veto, with thirty-nine surplus votes in the House and eighteen surplus votes in the Senate above what was requisite to make the two-thirds, betokens that the question has passed beyond the province of argument to that of action. The next Congress will be quite as radical as the present, and even if the two-thirds and its surplus could be wiped out, it would make no difference, since a bare majority suffices to prevent the repeal of a law once enacted. If the Republicans carry the next Presidential election, the veto will prevent the repeal of this abominable law within the ensuing six years, for the long term of the Senators insure the Republicans at least one-third of the Senate, and a third of either branch of Congress suffices to support a veto.

The sole power of President Johnson's veto consists in the strength of his arguments. Arguments of greater intrinsic force are not to be expected hereafter, and as they obviously produce no impression on the Republican majority now, there is no ground to expect from them any better result when the little novelty they may possess shall have worn off, and the startling occasion which commands attention to them at present, shall have given place to the leaden apathy with which people naturally regard reasoning which possesses no novelty, on questions regarded as settled. That the Republican party regard this question as settled, is incontestable; and we cannot expect that the arguments which produced no impression on them while it was pending, will be weighed with candor when they have come to consider the question as decided. It is not what Democrats think of these arguments that is going to change anything, but what Republicans think of them; and he must be strangely blind to the signs of the times, to the actualities of the situation, and to the ordinary operation of human motives, who expects that much can be accomplished by way of proselytism by their iteration. Arguments have spent their practical force when there is no longer any chance of getting them fairly considered by those whom you wish to convert. For all purposes of impression they become blueted by use, and by the difficulty of reopening questions which have been decided after long discussion. Familiarity with usurpation takes off the keen sense of its atrocity:—

"Vice is a monster of such hideous mien
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

These lines of the poet depict a tendency of human nature which has been deplorably exemplified by our countrymen within the last six years. The resolutions passed by Congress in the summer of 1861 with only two dissenting votes, declaring that the war was not waged for any such purposes as are now sought to be consummated, measures the sad decline in public virtue.

As a portrayal of wrongs, nothing needs to be added to this powerful message of President Johnson. But if we attempt to pass from the question of wrongs to that of remedies, we no longer tread upon well-explored, solid ground. The terrible and portentous evils which the President shows to be involved in the enforcement of this cruel law, are a strong argument for resisting its operation and shortening its duration, by every practicable or promising means. The worse any situation is, the stronger are the reasons for speedily getting out of it. The bill is so bad that nothing undertaken against it can be worse. The only possible methods of relief are these three:—

1. Military resistance by the Southern States.

2. A political revolution in the North leading to a repeal of the law.

3. A line of action in the South leading to its acceptance and reorganization under it.

We have not forgotten the Supreme Court; but the chances of relief from that quarter are too slender to inspire any confidence. The greatest expedition and celerity cannot procure a decision from the Supreme Court much short of a year, since the court, after its spring adjournment, will not meet again until next winter. In the meantime the existing State Governments will be utterly broken down and demolished, as the bill legislates out of office all the incumbents, and requires them to be replaced by persons not disfranchised by the proposed Constitutional amendment. When these Governments are once thrown down, there is no authority in the Supreme Court to set them up.

It has no power but to decide litigated cases between plaintiffs and defendants, determining what is law only as a means of awarding justice to parties. The best that could be hoped, therefore, even from a favorable decision of the Supreme Court, would be an exchange of military government for anarchy. The State Governments being already gone, the displacement of the military government by a tribunal having no power to supply anything in its place would leave the ten States without any sort of governmental protection, either military or legal. Moreover, the Supreme Court decided, twenty years ago, that it was bound to follow the action of Congress in determining what is the valid State Government in any State, arguing that, as the question was political, it could only follow the decision of the political branch of the Government. But, aside from this question of jurisdiction, the great age and infirm health of some of the conservative Judges do not permit us to count with any assurance on a favorable decision. We turn, therefore, to the three modes of relief which we have indicated;—

I. Military resistance holds out so little promise of success that it is not likely to be thought of, and its discussion need not detain us. The army will obey Congress. The known political sympathies of a majority of its officers, its dependence on Congress for its pay, and the natural tendency of a military body to magnify its own importance and prefer its own methods of government, will render the army a subservient, and perhaps a zealous instrument for the enforcement of this law. Some of the very worst dangers pointed out in the veto are inferred from the habitual contempt felt by military men for the dilatory proceedings of civil tribunals. Assuming, then, that the army will co-operate with Congress, the South may well despair of military redress. Every Southern fort, every Southern port, every arsenal, is in the possession of the army. The South has neither money, nor credit, nor munitions, nor even provisions. Owing to the short crops of last year, there are large areas where the people are in imminent danger of starvation. If a renewal of hostilities should intercept the charity of the North, multitudes would perish. The prostrate condition of the South precludes all possibility of relief by armed resistance, and we presume that even the most impulsive and impetuous of Southern citizens would not think of it, although it would be the most natural mode of relief, if it were practicable.

II and III can be best considered together, as they are alternatives which depend upon a comparison of probabilities. It is a question between the relative chances of a change in Northern opinion and a change in Southern opinion. If the North remains immovable, the South can never be relieved from military tyranny except by reorganization under the new law. If the South remains immovable, it can never escape but by a political revolution in the North. It is a contest of opposing probabilities—a question whether the North or the South is most likely to yield, and which will yield soonest. If the South stedfastly persists, radical ascendancy would in time be broken, and the Union restored, for the North will never consent to its permanent dissolution. If, on the other hand, the North should adhere, with stubborn persistency, to its present views, it is equally certain that the South would at length succumb, to escape the evils of military domination. The important practical question is, Which is likely to hold out longest?

In all such contests of endurance, that side is most likely to prevail (other considerations apart) which has the most overweening confidence in its own strength and resources. So far as this consideration goes, the preponderance of weights is in the Northern side of the balance. A change in Northern opinion is more likely to be operated by disasters in business and monetary derangement than by arguments addressed to magnanimity or justice. But the storm which is merely brewing in the Northern sky has already burst upon the South; but pecuniary ruin in prospect and scarcely believed in, is a feeble motive in comparison with such ruin felt and groaned under as a present fact. The causes to which we look forward to produce a change of political action in the North are already operating with the direst intensity in the South; and so far as political changes can be predicted on such grounds, they may be expected to come soonest at the scene of their earliest and most blasting operation. The *amount* of change requisite, in either section, to give effect to one or the other policy, is a point that must not be left out of view. For the South to reorganize and get admitted under the odious law which has been passed over the veto, needs only a defection sufficient to make, with the negroes, a majority of the voting population. But to repeal the law requires a revolution in the North extensive enough to give the Democratic party a majority in both Houses of Congress, and, unless we elect the next President, a two-thirds majority. A party seeking to repeal a law is under a great disadvantage as compared with a party seeking to carry an election. The very checks and impediments by which the governmental machinery operates against rash legislation and in favor of stability, secure the perpetuity of bad laws until they have accomplished all their mischief. Even if we should elect a majority of the Congressmen in 1868, we should be powerless in the Forty-first Congress to repeal this law, inasmuch as the six years' term of the Senators prevents any party from suddenly changing the political character of the Senate. Certain it is, therefore, that this abominable and tyrannical law will stand for at least four years, unless it is rendered inoperative by Southern acceptance of its conditions. But while there is no possibility of its repeal without such a wide-spread and stable alteration of Northern opinion as will insure control of the Senate, a change, in any one Southern State, of white votes enough to make a majority with the negroes, will relieve that State from martial law, if Congress keeps its promise. The weight and power of the excluded States for purposes of resistance depend on perfect unity among their white inhabitants, and unity among all the States. But to escape martial law by compliance requires no co-operation, since each State can act for itself without regard to the others, and in States where the negro population is large a small defection will turn the scale. We conclude, therefore, that a mode of escape from martial law which requires the conversion of a distant hostile community, the co-operation of many States, and time enough to change the political complexion of the Senate, is less likely to prevail than one which requires fewer conversions, no co-operation, and comparatively little time.

The probabilities, as we estimate them, incline strongly to ultimate submission on the part of the South. If this estimate be not mistaken, good policy requires that the submission should be prompt enough to prevent the radicals getting control of the new State organizations. The planters can control the negro vote if they begin in season; and by accepting at once what they will be constrained to submit to at last, they can help their friends in the North elect the next President, and rescue the Government from radical domineering and insolence.

This exposition of the political situation is such as we would gladly have foreborne, if fidelity to truth, and the responsibility which attaches to a public journal which we should be loth to think without influence, did not constrain us. If our Southern friends are in a den of cutthroats that has only one opening for escape, we do not create the surrounding horrors by carrying in a friendly torch, but only disclose them.