

SPIRIT OF THE PRESS.

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

The Rebel Army of Maryland.

The apprehensions of the country begin to take form and to solidify into particulars. The President is declared to be casting an amorous eye upon the Maryland militia, a body of treasonable antecedents and factious proclivities. This force, we are told, has been recently reorganized, and of the 10,000 men of which it is composed there are said to be 4600 in the city of Baltimore. There are other facts which are not reassuring. We printed yesterday a telegram that Gen. Grant having properly refused to grant the requisition upon the General Government for artillery, Governor Swann has placed them in the charge of companies commanded by Rebel soldiers. This is startling enough, but we must add to it the expenditure, by a State already impoverished, of nearly \$300,000 for uniforms and muskets. Why should Maryland prepare for war? Why should Governor Swann organize a militia which is little better than a Rebel army? It is argued that if the President were disposed to subject Congress to a "Pride's Purge," or to drive it altogether from the constitutional domicile, this Maryland militia would be found a ready and convenient auxiliary. The worst of these rumors is that they should be current at all. The burning shame of the whole matter is that anybody of unclouded reason should think such usurpation possible. The dishonor to the republic of a Chief Magistrate to whom such intentions may be seriously imputed, is greater than the danger of their practical fulfillment. It affords only another illustration of what we have again and again declared—that the public mind is in a condition of chronic alarm, and watches with nervous susceptibility for the slightest indication of Executive violence. Never before has the country been in a predicament so humiliating. It is a disgrace to be credulous, and it may be ruin to disbelieve.

After a dozen vetoes, and after persistent evasion of the laws enacted in spite of Executive prohibition, it certainly becomes all loyal citizens to be upon the alert. That prediction may be important now which ten years ago would have been simply ludicrous. The mouthpieces of the President threaten war, and if there is to be war, we prefer to commence the campaign without an hour's delay. We propose to encounter the Rebel army of Maryland with bloodless weapons, and, by giving them a taste of the people's quality, to decrease their passion for practical combat. The President may not care for the popular will, when it does not keep time and tune to his own, but we suspect that the warriors who are to be summoned by the White House revelle to take Congress into custody may prove to be of a less uncompromising nature. They may have an apprehension of predestination, and of the day of reckoning. If the coming State elections condemn as unmistakably and as emphatically as they should the President and his "policy," the sonorous language of the great result will not be wasted upon the Baltimore banditti. We have tried the stuff of which they are made, and if they so quickly apprehended General Butler's uncompromising intentions, they will hardly prove more obtuse in the face of great Republican majorities. His Excellency may call them, but as there is no law which, at the risk of their lives, can compel them to parade in Washington, to gratify his love of military spectacles, they may take time for reflection before they obey the summons; and, if they reflect at all, it is probable that they will prefer the comfort and safety of their own firesides to the chances of grasping at the capital. They are, no doubt, a phalanx of uncommon closeness and compactness—a legion rivaling the regiments of Rome; but Mr. Johnson is not Philip of Macedon, and would have cut but a sorry figure in crossing the Rubicon. He may, for aught we know, be reading up in French history, and preparing himself for the crisis by a careful study of Napoleon's management of the Council of Five Hundred; but he is no more Bonaparte than Washington is the Paris of 1799, or the Maryland militia the veterans of Lodi and Arcola. Up to this moment we believe that Mr. Johnson has been dressing of a popular support and cooperation; and it is time that such reveries should be rudely interrupted, for his own good and for that of the country. Let us have a noble Republican victory in New York, showing upon which side the State ranges itself unmistakably, and not one mercenary trooper will march from any quarter at the call of a self-elected dictator.

Perhaps we are treating this matter too seriously. If it be true that the President is meditating the military experiments of which rumor is speaking so plainly, the reception of General Sheridan in Baltimore must have been anything but encouraging. It is a question now whether the loyal people of that city would permit the militia to metamorphose themselves into the Swiss Guard of Mr. Andrew Johnson. "It was expected," says the report of General Sheridan's passage through Baltimore, "that the Rebel inhabitants would interfere, but they did not, the crowd was so very enthusiastic, cheering Sheridan and greeting Johnson and Swann." It is to be presumed that those who thus welcomed a proscribed hero will keep a watch over the movements of their militia; and if General Sheridan is wanted in Baltimore or Washington, we are sure that authority will somewhere be found for calling him to the rescue of law and of order.

Impediment and the Rumors of Executive Resistance. From the N. Y. Times. We have attached no importance to the rumors imputing to President Johnson the intention of forcibly resisting Congress in case it should resolve upon his impeachment and suspension from office. They seem to us utterly preposterous and absurd. Yet they obtain credence in many quarters, and are widely used to excite and arouse the public mind in regard to the pending canvass. And we see that Senators in Congress, who ought to have some regard for the dignity and duties of their position, are lending their authority to these attempts.

It might be a great outrage for Congress to impeach the President, and a still greater one to suspend him from office during trial. Possibly, it would be an utterly unconstitutional proceeding. We think it would. But that fact does not authorize the President to plunge the nation into civil war for the purpose of defeating it. He is by no means the Protector of the realm—but simply the head of the Executive Department of its Government. The Constitution defines the extent to which he may participate in making laws. It gives him a certain weight and influence in deciding

what laws shall, and what laws shall not, be enacted. He can override absolutely the wishes of Congress, provided he has the sanction of one-third of its members; but against two-thirds he is utterly powerless. Two-thirds can make a law in spite of him; and in regard to all laws made in this way against his will, as well as all made in the usual way by his assent, he has the simple duty of seeing that they are faithfully executed. He has not the faintest shadow of authority or of right to embarrass their execution—still less to resist it.

President Johnson seems inclined to regard himself as the special protector and defender of the Constitution, as against all other departments of the Government, and even against the people themselves. But this is much too broad a view of his jurisdiction. His sphere of duty is clearly defined in the fundamental law. He is unquestionably right in withholding his aid from the enactment of a law which he deems to be unconstitutional. He may return it with his objections—and there his right and his duty end. If Congress chooses to pass it over his head, it will become a law nevertheless; and he has not the shadow of right to interfere with its execution. He is not responsible for the laws which Congress may enact against his objections; nor on the other hand is Congress in the least degree responsible to him. Its power to make laws is far more absolute than his power to prevent them from being made; but when made, his duty to execute them is simple and imperative.

And this applies to all laws alike. The Democrats are encouraging the President to believe that he has the right to defeat and protect his department of the Government against Congress—to resist any attempt that may be made to curtail its jurisdiction or weaken its authority, even though those attempts should be made in the name of law. This is a great mistake, and if the President should be weak enough to act upon it, the Democrats would be the first to desert him. He can do nothing to maintain the authority of the Executive department which he cannot do to maintain that of Congress or the Judiciary. All departments stand on the same basis and exist by the same authority. And Congress, as the law-making power, has the same right to enlarge, regulate, or restrict the powers of the Executive, within the limitations of the Constitution, as it has to regulate those of the judicial department of the Government. And if in either case it transgresses the provisions of the Constitution, the remedy must be sought in the same quarter—by appeal to courts of law and to the people at the ballot-box—not to force in any form.

We deprecate any attempt at impeachment. We do not believe it to be demanded by any acts of the President nor by any interest of the public. It would throw public affairs into fresh confusion, excite the public mind, exasperate political passion, damage the business of the country, and do infinite harm in every direction without the slightest benefit in any. Still more should we deplore any attempt to expel or remove the President from office pending his trial on impeachment. Such a step would in our judgment be one of violence without warrant in law or in precedent, and certain to plunge the country into the most deplorable and disastrous complications. But if the President should attempt to meet any such movement by force—by dispersing Congress, arresting its members or disputing its authority otherwise than through the operation of the courts of law, he would bring himself within the definition of treason, and become liable to its pains and penalties. No department of the Government has any right to look to civil war for its own defense, nor can the public force ever be used to defeat or resist the law, but only for the purpose of securing its execution. General Grant, as head of the army, would have no right to obey an order issued for any such object. And the whole country, without distinction of party, would rise to suppress any such rebellion against the law and the law-making power, as it did to suppress that which arose in 1861.

We do not suspect President Johnson of any such wickedness as folly. The only impulse to him such designs, or prompt him to entertain them, are his worst and most fatal enemies. He can avoid impeachment and suspension by avoiding acts which serve as provocations to them; but if he invites or incurs them, he cannot resist or avert the due course of proceedings under the law. Whatever he may do by force in that direction will only excite and justify the proceedings themselves.

The October Elections. From the N. Y. Tribune. The States of Pennsylvania, Ohio, and Iowa hold their annual elections on Tuesday, October 8; while California holds a Judicial election about the same time. Ohio and Iowa elect Governors; a single Representative in Congress is to be chosen from Pennsylvania, in place of Mr. Dennison, deceased, and one from Ohio, vice General Rutherford B. Hayes, who, having accepted the nomination for Governor, has resigned his seat. The Democrats tried to nominate a candidate, but quarrelled—part of them insisting on an out-and-out Copperhead, while the rest wanted to run a soldier; so they gave it up, and are supporting General Samuel F. Cary (Republican), who is the independent candidate, against Richard Smith, the regular Republican candidate. The simple fact betrays their weakness. In Pennsylvania, ex-Judge Woodward is running as the Democratic, against ex-Captain W. W. Ketchum, Republican. The district (Luzerne and Susquehanna counties) is close, though carried heavily against us last year by fraudulent votes in the coal-mining precincts of Luzerne. With a fair vote, Mr. Ketchum stands a good chance of election. The Democrats have no hope of carrying Iowa, though they expect to gain on a light vote by attracting to their standard liquor-selling and liquor-loving Republicans, on some pretext of local dissatisfaction. In Ohio, they virtually concede the election of General Hayes as Governor, but cling to the hope of securing a majority in the Legislature by fomenting jealousies between the friends of rival candidates for United States Senator. Their main effort, however, will be to defeat the Constitutional amendment, which extends the right of suffrage to blacks, and that they confidently hope to achieve. We entreat every Republican to consider that the defeat of impartial manhood suffrage will be everywhere hailed as a Democratic triumph, and will thrill with ecstasy the soul of every unreconstructed Rebel in the land. Nothing that has occurred since the taking of Fort Pillow—unless it be the Memphis and New Orleans massacres—has so excited the heart of rebellion as it will be enraptured by the tidings that Ohio has decided that blacks have no rights that whites are bound to respect. It will be a fresh Dred Scott decision, and exulted over accordingly. We pray every Ohio Republican to constitute himself a vigilance committee, for the purpose of securing every possible vote for manhood suffrage. It is the pivot of the issue, and our adversaries will plausibly insist that blacks have no rights that whites are bound to respect. It will be a fresh Dred Scott decision, and exulted over accordingly. 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