SPIRIT OF THE PRESS.

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

General Grant's Letter of Acceptance.

From the N. Y. World.

General Grant betrays symptoms of vacillation. The exasperation of the Republican Congressmen since his speech on Saturday, and their muttered threats of opposition, have induced him to smooth matters by giving a virtual assurance that he does not intend to desert the Republican party. As a medium of conveying this assurance, he has adopted the unusual and, so far as we know, the unexampled course of sending to Congress a letter of acceptance. There is no reason in the world (aside from his wish to pour oil on the troubled waters) why he should have written a letter of acceptance, or why such a letter, if written, should be addressed to Congress. He was not elected by Congress, but by a body of Electors from whom all members of Congress are excluded by the Constitution. When the Electoral Colleges had discharged their duty of voting, and making out and transmitting the certificates of their votes, they were immediately dissolved and had no longer any existence. As there is no organized body from whom the new President received his election, there is none to whom a letter of acceptance could with any propriety be addressed. Congress, at a very early period, passed a law which completely dispenses with any formal acceptance by a newly elected President, by providing that nothing short of an instrument in writing deposited with the Secretary of State should be considered as a refusal. The law (passed in 1792) is in these words:—

"The only evidence of a refusal to accept, or of a resignation, of the office of President or Vice-President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of th eSecretary of State."

If a President-elect does not execute and deposit such an instrument, the law assumes that he accepts, and makes unnecessary any formal declaration to that effect. All former Presidents have acted in the spirit of this law; none of them have committed the absurdity of sending a letter of acceptance to a body who took no part in the election, who are excluded by the Constitution from taking any part in the election when there has been a choice by the Electoral Colleges, and who are merely present as spectators at the opening and counting of the votes. Why has General Grant (and Mr. Colfax to keep him countenance) deviated from the custom of his predecessors, and done a superfluous act which goes beyond the requirements of the law?

The reason is easily conjectured. The party hubbub caused by General Grant's speech of Saturday, has moved him to undo its effects by assuring Congress and the Republican party that he does not mean to cut loose from them. His virtual declaration of independence was made on an occasion so formal, that he felt constrained to invent an occasion equally formal for counteracting the impression it made. Hence this unusual step of sending a formal letter of acceptance to Congress. General Grant's letter is in the following words:—

"GENTLEMEN:—Please notify the two houses of Congress of my acceptance of the important trust which you have just notified me of, my election as President of the United States, and say to them that it will be my endeavor that they and those who elected them shall have no cause to regret their action."

General Grant, to use a slang expression, has "caved." Close upon the heels of the speech in which he ignored the Republican party and the Republican policy, he sends this letter virtually promising that that party shall have no reason to be dissatisfied with their choice. This letter is an afterthought. If he had had any intention of sending a written acceptance, he would have told the committee so on Saturday. This expedient has occurred to him, or been put into his head by friends, since, as the readiest means of quieting the alarm excited by his speech, and increased by the compliment and assurance of Democratic support tendered by Mr. Pruyn. Mr. Colfax was induced to send a similar letter, to cover the appearance of singularity. Colfax having no distrust or dissatisfaction to remove, his letter is perfectly insignificant. It is in the following language:—

"GENTLEMEN: — Please convey to the two houses of Congress my acceptance of the office to which I have been elected by the people of the United States, and assure them that I shall endeavor to prove worthy of this mark of confidence by fidelity to principle and duty."

There is no promise by Mr. Colfax of an endeavor to meet the expectations of the Republican party, because in his case there were no doubts or fears crying aloud for removal. General Grant has made a great stretch of complaisance in acting as if he had received his election at the hands of Congress, when the Constitution explicitly provides that "no Senator or Representative shall be appointed an Elector." And this almost obtrusive complaisance is for the purpose of renouncing the attitude of independence which he assumed on Saturday, and assuring the Republican party of his subserviency to its wishes.

Cabinet Tenure.

From the N. Y. Tribune.

The *World* finds fault with the *Tribune's* theories about the new Cabinet and its statement of the duties of Cabinet officers. Those who have read carefully our speculations as to the policy which would probably govern General Grant, will find that they have been fully endorsed by the speech of the General himself. We perfectly understood the "meaning" of the Civil Tenure-of-Office act when we stated the responsibility of Cabinet officers to the President. To be sure, the Senate by a special vote did declare the President had no authority to remove the Secretary of War; but subsequently it virtually decided that the removal of that Secretary was not a violation of law. The effect of the impeachment inquiry was to destroy that provision of the Civil Tenure-of-Office act which made Cabinet officers permanent. Even if that provision did not exist, we can scarcely imagine a contingency (except the one under which Mr. Stanton acted) that would allow a Cabinet Minister to remain in the counsels of a President after he had been requested to resign. Practically, Cabinet officers, even under this Civil Tenure-of-Office bill, may be, and will be, deposed by the President whenever it suits his pleasure, the Senate consenting. If Johnson could remove Stanton in spite of a hostile Senate, what could Grant do with a Senate of his friends?

The *World* objects to our statement that the Cabinet Ministers act "by order" of the President. President Jackson on one conspicuous occasion certainly compelled a Secretary to do acts in defiance of Congress, and was censured for it. We presume if the ministerial acts of every Cabinet were analyzed it would be found that they have taken many responsibilities and performed many acts independent of Congress. We know that when Congress, in the early part of Lincoln's administration, censured certain Ministers, they were allowed to remain, and no notice taken of the censure. When the House virtually censured Mr. Seward by passing resolutions in reference to French intervention in Mexico, no notice was taken of that act, and the Secretary of State cavalierly explained away the vote of the House, by telling foreign powers that it was nothing more than an expression of opinion.

—Whether the Civil Tenure-of-Office bill be repealed or not, General Grant, or any President as highly in the confidence of the country, will find no difficulty in selecting men for executive trusts. We venture to say that if he were even to send to the Senate on the 5th of March names for nine-tenths of the offices, and simply state that he made the removals "for the public good," they would be confirmed. Practically, therefore, we see no difficulty in this Civil Tenure-of-Office bill. There will be no objection to the new President making the Secretaries ministers of *his* power. The Civil Tenure-of-Office bill tried to change this, and it probably would have been wise if it had been done. It failed, and what we have to do now is simply to look at the facts. General Grant's Cabinet will be his own. No one will object to that except the "unrecognized statesmen."

The Interoceanic Canal.

From the N. Y. Tribune.

If the treaty which Mr. Caleb Cushing has just negotiated with the United States of Colombia for the construction of a ship canal across the Isthmus of Panama is such as we have a right to expect, Mr. Seward has achieved a success far eclipsing the glory of his icebergs and earthquakes. The project of a canal across the little neck of land that separates the Atlantic and Pacific Oceans is nearly three centuries and a half old. The early Spanish adventurers were quick to perceive the immense advantages which must follow the cutting away of this barrier; how it would give them easy access to the wealth of India and control both of the rich coasts of the two American continents. Barely forty miles of land intervening between the two seas—and yet for those forty miles the treasure-laden galleons had to coast along both sides of a great continent and risk the perils of the stormy cape. In the sixteenth century, Philip II of Spain sent two Flemish engineers to explore the isthmus for a proper route; but they encountered insuperable difficulties; political reasons also came up which rendered the scheme undesirable; and the canal project was put under ban, and death decreed against any one who should revive it. In the present century the plans of the old Spanish pioneers have been canvassed over and over again with redoubled earnestness. The Government of New Granada has once or twice taken up the work; France and Great Britain have entered into it with zeal; and our own country has devoted to it extraordinary pains. The surveys of the tangled and dangerous forests by our American engineers, several of whom lost their lives in the enterprise, form one of the most thrilling chapters in the history of modern adventure. The task of selecting a route is no easy one, nor will the labor of building the canal be by any means so simple as it may seem. The interior of the country is so absolutely unknown that the surveyor must examine nearly every foot of ground in person; there are few records of previous scientific exploration to guide him. And though the strip of land between the two oceans is so narrow, it embraces natural obstacles which it will require the genius of superior engineers to overcome—obstacles so great that it has repeatedly been sought to avoid them by the choice of long and tortuous routes through the peninsula of Central America. The great trouble is that right through the isthmus runs the mountain chain which connects the great ranges of the Northern and Southern Pacific coasts. To cross this range with a ship-canal involves a tremendous system of locks, cuttings, and enormous tunnels, high enough and wide enough for the passage of large ocean vessels; and locks require feeders which at high levels it is difficult to find. These obstacles, however, are only such as money and perseverance can overcome. The work will pay in the long run; but can the capital be raised to defray the first cost? The Suez Canal is mere child's play in comparison with a canal through Panama or Darien.

A canal, however, the interests of the world imperatively require, and we cannot doubt that the building of one is close at hand. Commerce between the United States and the Eastern coasts of Asia, and the islands of the great South Sea, is rapidly developing. The traffic between Asia and Europe, also, has been gradually making a highway of the American continent, even though the transit involves a double transfer of cargo from ship to railway, and from railway back again to ship. It is estimated that the saving in money to the trade of the world by the opening of this canal will be annually nearly $50,000,000, and the saving to the United States no less than $30,000,000. The saving in distance in the voyage from New York to Calcutta will be 4000 miles; from New York to Melbourne, 3840 miles; from New York to Shanghae, 9600.

There are questions concerning the neutrality of the canal in time of war which have been difficult to settle, and we shall await the publication of the text of Mr. Cushing's treaty with some anxiety to see how they have been disposed of. All civilized nations, however, seem yearly more and more anxious to lessen the horrors of war, and render its burdens as light as possible to non-combatants; and we doubt not that an agreement can be made with which the contracting parties and the world at large will be entirely satisfied.

Coin Contracts—An Important Decision by the Supreme Court.

From the N. Y. Times.

The question as to the payment of coin contracts made prior to the passage of the Legal-tender act was on Monday decided by the Supreme Court of the United States. The decision was that such contracts must be satisfied in coin. As the matter is one of very great public interest and importance, we may give an outline of the case which called forth this decision.

In December, 1851, Christian Metz and wife executed to Frederick Bronson a mortgage upon certain lands in Erie county, New York, to secure the payment of $1400 on the 1st day of January, 1857, "in gold and silver coin, lawful money of the United States," with interest semi-annually, "in coin, as aforesaid." In March, 1853, the mortgaged premises were conveyed to Peter Rodes, who assumed the payment of the mortgage and paid the interest thereon as it accrued, up to and including the interest due January 1, 1864.

On the 10th of January, 1865, Rodes tendered to Bronson $1507 in United States legal-tender notes, and requested him to accept this payment in satisfaction of the mortgage, and to execute a discharge. This Bronson refused to do, claiming that the mortgage should be paid in gold or silver coin. At the time the offer was made the market value in this city of legal-tender notes, as compared with gold or silver coin, was one to two and twenty-five one-hundredths. Rodes thereupon commenced action to obtain a judgment that the mortgage be satisfied. The cause was tried in Erie county before Justice Groves, who rendered judgment dismissing the complaint with costs, holding that the plaintiff had not made tender according to contract, and that he was not, therefore, entitled to the relief sought. On appeal to the General Term, in this State, that judgment was reversed, and a judgment directed in accordance with the prayer of the complaint; and this judgment was subsequently affirmed by the Court of Appeals of New York.

In this state of facts Bronson, in January last year, carried the case to the United States Supreme Court. He contended that the mortgagor, Mr. Rodes, having for a valuable and adequate consideration engaged to pay $1400 "in gold or silver coin," as the condition of discharging his land from the lien of the mortgage, he was compelled to show, in order to sustain his action, that he had performed or had offered to perform his contract as stipulated, or had been prevented from performing it by the defendant, to entitle himself to the relief demanded.

Rodes maintained the theory of the General Term and Court of Appeals of this State, contending that the real intention of the parties was to secure the payment of the mortgage "in lawful money," and that Congress was possessed of power to pass the act in question (the Legal-tender act), and the Court should enforce it.

The decision rendered on Monday by Chief Justice Chase is the conclusion of this protracted series of litigations.

It is not probable that the cases of which this is to serve as precedent are very numerous. For it will be observed that the decision applies only to such contracts, made before the passage of the Legal-tender act, as were made specifically payable in coin: when the kind of currency is not mentioned, the "legal-tenders" are lawful money in such connection.

The judgment may produce some disturbance in mercantile and moneyed circles, and may give rise to some further litigation, but its justice cannot be questioned. The Legal-tender act would seem to have been a necessity of the war time, and we expect to see its constitutionality affirmed; but a grievous wrong was committed when the State courts made the enactment of this law a reason for invading the sanctity of contracts previously in existence. Where silence was observed in regard to the nature of the payment, greenbacks were properly available as legal-tender. In other cases, where gold was promised, payment in gold should have been enforced. The Supreme Court has now invested the equitable view with the binding force of law.

This proceeding to some extent renders unnecessary the measure pending in Congress for the legalization of gold contracts. We now know that they are already legal, and therefore obligatory. Some legislation is still necessary, however, to provide against the possible abuse of opportunities when two kinds of currency are brought into play.

General Grant's Programme.

From the N. Y. Herald.

Since the advent of General Jackson as the head of the nation no event has occurred at Washington of greater importance, as the foreshadowing of a new epoch in the management of the Government, than the little speech of General Grant on Saturday last to the Congressional committee informing him of his election to the Presidential succession. It has already made an impression upon the leading political and financial circles of both hemispheres hardly less remarkable than the little hint of Louis Napoleon to the Austrian Ambassador on New Year's Day, 1859, foreshadowing the expulsion of Austria from the basin of the Po and the unification of Italy.

As a man of deeds more than a man of words, we know that this brief speech of General Grant admits of the broadest interpretation. And what does he say? He says:—"I can promise the committee that it will be my endeavor to call around me as assistants such men only as I think will carry out the principles which you have said the country desires to see successful—economy, retrenchment, faithful collection of the revenue, and payment of the public debt." These will be the great objects of his administration, and they involve the twelve labors of Hercules. In economy and retrenchment he will have to fight the many-headed hydra of enormous jobs, wasteful expenditures, and powerful combinations of politicians, capitalists, and adventurers of every stripe. In the faithful collection of the revenue he will have to grapple with whisky rings, tobacco rings, Custom House rings, Indian land stealers, and railway bond and land jobbers—in short, all the rings of Treasury thieves, whose aggregate spoliations have doubtless exceeded two hundred millions a year under Johnson's tied-up administration. But if Grant can put a stop to these spoliations the payment of the public debt will be a simple and easy matter, even with the removal of half the burden of our present taxations.

How does he propose to accomplish these reforms? He says that his first endeavor will be to secure faithful and competent assistants, and that "if I shall fail in my first choice, I shall not at any time hesitate to make a second or even a third trial, with the concurrence of the Senate, who have the confirming power, and I should just as soon remove one of my own appointees as the appointee of my predecessor." In other words, saddled with the responsibilities, he will, like Jackson, be the master of his Cabinet and his policy. His ministers will not be, as were those of General Taylor, his equals in Cabinet council, but his staff officers or subordinate generals. He will not be, as the amiable Lincoln was, continually harassed by the clashing intrigues of his Cabinet; nor will he be a mere follower of his Secretary of State or Secretary of the Treasury, after the fashion of Johnson.

He expects in his removals and appointments the concurrence of the Senate. At all events, as occasion in his judgment may demand, he will not hesitate to try them, Tenure-of-Office law or no Tenure of Office law. He will give his reasons under the law, and if in any important removal the Senate shall refuse to concur, he may make a case of it for the Supreme Court, in order to have an authoritative judgment upon the constitutionality of this law. Johnson, it was said, at the time of Stanton's peremptory removal, was aiming at a case for the Court, but he went the wrong way about it, and was caught in the impeachment trap set to catch him. Grant has no such trap to fear; for the present House is with him, and the new House, on the 4th of March, will be with him, and, best of all, justice and the people are with him. As a mere creature of the Republican party, Johnson, accidentally advanced to the White House, in assuming to have a policy of his own, was regarded by Congress as an upstart and a false pretender. He had no right, they said, to be anything but a servant of Congress, and they fought him upon this issue and mastered him. Grant, on the other hand, was taken up at Chicago as a necessity, and his name saved the Republican party in November last from a crushing defeat. He is rightfully, therefore, master of the situation, and properly indicates his purpose to be so.

In order to be perfectly free in his selections, he notifies the Congressional committee that he has come to the conclusion "not to announce who I am going to invite to seats in the Cabinet until I send in their names to the Senate for confirmation," or if he says anything about it it will be only two or three days before sending in their names. Why so? Because he has discovered that in proclaiming in advance any seven men out of say five hundred expectants, there will be a clamor raised against the men chosen by all the friends of the four hundred and ninety-three left out, and he wants to "have peace," at least till he is harnessed for battle. This reminds us of an incident in the beginning of General Jackson's Presidential policy. It was before his first inauguration. A number of his party leaders called upon him to offer him their assistance in Cabinet making. "I thank you, gentlemen," replied Old Hickory, "but though I cannot say anything about it just yet, my Cabinet is already appointed." So, we guess, is that of General Grant.

But in this significant speech of Saturday last General Grant says nothing of reconstruction. This is a remarkable omission, especially when Senator Morton, the mouthpiece of the official committee, expressed to the General the highest hope that "during your administration the work of reconstruction will be completed and the wounds of civil war healed." Perhaps the General thought reconstruction sufficiently complete to say nothing about it. It is enough, however, that his mind was preoccupied with "economy, retrenchment, a faithful collection of the revenue, and payment of the public debt." It is enough that he regards these as the paramount objects of his administration, and that in carrying them forward he has chosen his line of operations upon which to fight it out, as in the campaign of "the Wilderness." We conclude, then, that we are to have another Jackson, and not another Johnson, in General Grant.

The Tenure-of-Office Law.

From the N. Y. Times.

General Grant has made public proclamation of his purpose to clear the civil service of the thieves and imbeciles who have failed to collect the revenue, or have put it into their own pockets instead of the Treasury. He has declared that he will make removals from office to accomplish this result.

But by himself he cannot do this. The law forbids it. He has no power to remove any office-holder, no matter how flagrant his dishonesty or his incapacity; he can only suspend him and await the approval of the Senate. In his speech the other day all he could do was to promise reform, with the concurrence of the Senate. As things stand now, Mr. Sumner's assertion is true; the Senate is the Government. It has taken upon itself some of the most important of the functions of the Executive, and especially its control over the subordinate officers of the civil administration.

Will the Senate aid General Grant in reforming the civil service, or will it obstruct him in his efforts? No one thing tended more strongly to defeat Senator Morgan's reëlection than the belief that he would keep in office the Federal office-holders of this city and State, who have secured their appointments through his influence, and who have proved their unfitness for their positions. Governor Fenton was sent in his place, very largely because he was a new man, much more likely to aid General Grant in making the removals he may find essential, than to oppose and obstruct him.

The experience with the Senate, thus far, in its control of Executive appointments, has not been encouraging. We believe that there has not yet been a single case in which the Senate has "approved" the removal or suspension of a single office-holder, if he happened to be a member of the dominant party. Revenue officers have been convicted by the Courts of crime, have been sentenced and have actually gone to the penitentiary, and have yet been kept in office by the refusal or failure of the Senate to approve their removal. It is impossible that a numerous body like the Senate should perform executive duties of this kind with vigor, energy, and a proper sense of responsibility. And, as our experience proves, the chances are ten to one that party sympathies and party interests will control its executive action in all cases where the removal of party favorites is concerned.

The Tenure-of-Office law ought to be repealed. It can serve no other purpose now than to prevent General Grant from making the removals which he may deem essential to the public service. The Senate has full control over his appointments. They must be submitted to its consent and approval; what more do Senators require? If the President can make no removals—if in every case of suspension from office he must send his reasons to the Senate, and they must be submitted to the investigations of a committee, and then to the ordeal of the Senate itself, it is clear that practically his power of removal amounts to nothing. The delays and uncertainties surrounding it—the chances of thwarting his action by the Senate's vote—will be so great as to deprive it of all terror and all effect.

If the Senate intends to aid General Grant in his efforts for civil reform, let it repeal the Tenure-of-Office bill, by which it has tied his hands.