

WASHINGTON.

"LIBERTY AND UNION, NOW AND FOREVER, ONE AND INSEPARABLE."

THURSDAY, JULY 21, 1864.

THE RECONSTRUCTION BILL.

The reader of the proclamation of the President which we published on the 9th instant, giving his reasons why he refused to sign the bill passed by Congress at its late session...

The Congress expressly declared that in its judgment the plan of reconstruction propounded by the President in his last annual message was anti-republican in its nature and revolutionary in its origin.

Speaking in support of this feature of the bill and in opposition to the plan of the President, Mr. WADE, of Ohio, held the following language in the Senate on the 1st instant:

What is the relation that these seceded States hold to the Government now? Gentlemen differ widely on that subject. It is a most important question, however, to be ascertained and declared by Congress...

As Mr. WADE was charged with the conduct of the bill in the Senate, and represented the views of the Republican majority by which it was passed, it will be seen that this language is very explicit and significant as reflecting the views of the Senate.

The qualification of suffrage prescribed by the President's plan, as the test of loyalty, requires the voter to swear to support not only the Constitution and Laws of the United States, but also all proclamations of the Executive respecting slavery...

These are the great fundamental differences between the President's plan of reconstruction and the plan adopted by Congress. Both plans proceed on the principle that slavery shall be prohibited by the constitutions of the "reconstructed States."

The President, it has been seen, refuses to recognize the right of Congress to interfere with the proceedings taken under his direction in Louisiana and Arkansas, where "one tenth of the people of the States" have been already organized according to the terms of his December proclamation.

These reasons will be very unsatisfactory to all the adherents of the Congressional plan, for it was, in a great measure, to undo the proceedings taken in Louisiana and Arkansas that this measure was conceived and passed—the said proceedings being taken under a plan denounced by Mr. WADE as "most anti-republican, anomalous, and entirely subversive of the great principles that underlie all our State Governments and the General Government."

And yet, with a singular inconsistency, after signaling these objections to the plan of Congress,

(One of them going to the constitutional competency of Congress to do what he conceives it to have attempted.) The President proceeds to say, in the concluding part of his proclamation, that he is nevertheless "fully satisfied with the system for restoration contained in the bill, as one very proper plan for the loyal people of any State choosing to adopt it, and that he is, and at all times shall be, prepared to give the Executive aid and assistance to any such people, as soon as the military resistance to the United States shall have been suppressed in any such State, and the people thereof shall have sufficiently returned to their obedience to the Constitution and the laws of the United States, in which cases Military Governors will be appointed, with directions to proceed according to the bill."

So the people of any State choosing to adopt this plan, including its unconstitutional assumption of power, as the President views it, are invited to do so with the promise of "Executive aid and assistance." And this too while the plan has no validity whatever as a law, for the President refuses to sign the bill. So we have the anomaly presented to the world of "a very proper plan" involving an unconstitutional feature—a plan which has no legal validity, (because lacking the President's official approval in the only way prescribed by the Constitution,) and yet one under which the people of certain States are invited to act, and under which the President says he will himself act so far as to appoint Military Governors in certain circumstances, with directions to "proceed according to the bill."

Upon the principles involved in such an attempt to do by proclamation, on his own mere motion, what the President declines to do by law of Congress, that leading Republican paper, the Cincinnati Gazette, remarks very forcibly, as follows:

"Our despatches on Monday gave a proclamation by the President, on the bill passed by Congress to provide for the reconstruction of State Governments, which failed to become a law for want of the President's signature. As this proclamation is up to this time uncontradicted, we conclude that it is in force."

"The President states that he did not see fit to sign the bill so late as to make it a law, because he is, now, as he was in December last when he propounded his plan of reconstruction, unprepared to commit himself inflexibly to any one plan of reconstruction, yet he publishes it for the information of the loyal people of the rebel States, and if they prefer it to his plan, they may try it, and he will at a proper time give them military governors to put it in operation."

"It is true that he has an inflexible plan. Generally this is said to be his chief object. He is not content with only safety. All magistrates whose duty it is to see that the laws are faithfully executed have necessarily to commit themselves to an inflexible plan. Indefinite laws, enacted by the constitutional power, are held to be the only laws which may be enforced by the courts. Any law which is not inflexibly committed, instead of flexible or arbitrary edicts."

"The President states also that he is 'also unprepared to declare that the Free State constitutions and government already adopted and installed in Arkansas and Louisiana shall be set aside and held for naught, thereby repelling and discouraging the loyal citizens.'"

"The Free State Governments of Louisiana and Arkansas are only kept alive by military nursing. The time has come when they should be permitted to stand on their own feet. When a majority of the enrolled inhabitants shall have taken the oath, as prescribed by the bill, and when a majority of the sworn majority shall have voted to sustain the Free State Government, will be quite as soon as they are ready to do so, and will be the best test of their capacity to sustain the Government. And we are assured that this is quite as soon as the loyal people of the rebel districts desire to be left to their own State Government. In the mean time they need a government of inflexible law."

"The President states that he is 'also unprepared to declare a constitutional competency in Congress to abolish slavery in the States, but is at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation may be adopted.' The bill provided that the State Government should prohibit slavery, as a condition preliminary to their recognition, the same as is done by the President's plan of reconstruction. Furthermore, it is to apply to States where slavery is already declared abolished by the President's emancipation proclamation."

"It can hardly be unconstitutional for Congress to do by law a thing which it is constitutional for the President to do without law. And if the emancipation proclamation is valid, a Congressional provision that slavery shall not again be re-established is not the abolition of slavery, but the protection of liberty—a power which the Constitution expressly confers on Congress."

"The amendment to the Constitution abolishing slavery throughout the nation was not a condition of the emancipation proclamation, nor of the amnesty reconstruction act. It is a separate and independent measure, although it may be hoped for now, it can hardly be expected as a near and reasonable probability."

"If the emancipation proclamation has made all men in certain States legally free, Congress has the constitutional power to do so imperatively duty to protect them in their freedom. If it has not made them legally free, what status has it put them in?"

"If that territory is now free, Congress has power, which it has exercised from the formation of the Government, to require that it shall remain free. If Congress has not done this, it is to be regretted that the Executive, whose power extends only to executing the laws, has not. If the emancipation proclamation has not abolished slavery, and if the President has not the power which he proclaimed in his amnesty proclamation to re-instate the reconstructed State Governments to prohibit slavery, then certainly these documents cannot be edicts unconstitutionally inflexible."

GVERNOR ANDREW.

To the Editors of the National Intelligencer. GENTLEMEN: Will you oblige me by printing in the Intelligencer the "urgent call" of Secretary Stanton on Gov. Andrew for four regiments to aid in the defence of Washington in the summer of 1862, and the Governor's reply, in which "he practically ignored the Secretary's call, and engaged in a parley for the purpose of dictating terms on which the Government might expect the prompt and hearty support of Massachusetts in the defence of the national capital?"

A CITIZEN OF MASSACHUSETTS.

Boston, July 19th, 1864.

NOTE BY THE EDITORS. The "call" to which we referred (writing from memory) was made in May, 1862, and therefore it would have been more accurate to say in the spring than in the summer of that year. The nature of the call and Gov. Andrew's reply may be read in the following document:

BOSTON, MAY 19, 1862. To Hon. E. M. Stanton, Secretary of War. SIR: I have this moment received a telegram in these words, viz:

"The Secretary of War desires to know how soon you can raise and organize three or four infantry regiments, and have them ready to be forwarded here to be armed and equipped. Please answer immediately, and state the number you can raise."

L. THOMAS, Adjutant-General. A call so sudden and unexpected finds me without materials for an intelligent reply. My young men are all pre-occupied with other views. Still, if a real call for three regiments is made, I believe we can raise them in forty days. The arms and equipments would need to be furnished here. Our people have never marched with arms. They go into camp while forming into regiments, and are drilled and drilled with arms and muskets as soldiers. To attempt the other course would dampen enthusiasm, and make the men feel that they were not soldiers but a mob.

Again, if our people feel that they are going into the South to help fight rebels who will kill and destroy them, by all means known to us as civilized men, I will cheerfully do so. I believe we can raise them in forty days. The arms and equipments would need to be furnished here. Our people have never marched with arms. They go into camp while forming into regiments, and are drilled and drilled with arms and muskets as soldiers. To attempt the other course would dampen enthusiasm, and make the men feel that they were not soldiers but a mob.

It is just to say that when this call was made on Gov. Andrew, the full proportions of Gen. Jackson's irruption into the valley of the Shenandoah had not been developed. The Governor's "parley" for the purpose of dictating the terms and conditions on which the roads would "swarm" with "multitudes whom New England would pour out to obey the Secretary's call" was therefore made, on general grounds, rather than with particular reference to the defence of the national capital. And this cold and languid response, with its "ifs" and "buts," was, we discover on recurring to the documents in the case, exchanged for a much more worthy style of speech as Gov. Andrew was apprised of the imminence of the apprehended peril. He then issued the following proclamation:

MEN OF MASSACHUSETTS! The wily and barbarous hordes of traitors to the people, to the Government, to our country, and to liberty, menace again the national capital. They have attacked and routed Maj. Gen. Banks, are advancing on Ferry, and are marching on Washington. The President calls on Massachusetts to rise once more for its rescue and defence. The whole active militia will be summoned by a general order, issued from the office of the Adjutant-General, to report on Boston Common tomorrow; they will march to relieve and avenge their brethren friends, and to oppose with force zeal and courageous patriotism the progress of the rebels."

Given at Headquarters, Boston, 11 o'clock, this (Sunday) evening, May 25, 1862. JOHN A. ANDREW.

It will be seen, therefore, that the sudden call which Gov. Andrew "practically ignored," and in replying to which he engaged in a parley for the purpose of dictating a change in the war policy of the Administration, was not made with exclusive reference to the defence of the national capital. To this extent our statement was inaccurate, and it gives us pleasure to make the necessary correction. It was a military call for any purpose which he said the people of Massachusetts would feel to be a "heavy draught on their patriotism" so long as they were not allowed to "fire at the enemy's magazine." But if the President would sustain Gen. Hunter, (whose order of emancipation the President repudiated on the very day of Gov. Andrew's reply) then "the roads would swarm, if need be, with multitudes whom New England would pour out to obey your (the Secretary's) call." This language, with its "ifs" and "buts," we thought at the time unworthy of a "loyal Governor." We think so still, and the very different terms which Gov. Andrew held six days later serve to show that he was anxious to atone for the error into which he had fallen.

THE CONSORT OF THE ALABAMA.

Mr. MASON, the Confederate Commissioner of England, has inadvertently stated a fact in his letter of thanks to Mr. Lancaster, of the English yacht Deerhound, which throws much light upon the question which has been raised as to the character of the Deerhound. In the exuberance of his gratitude Mr. Mason says to Mr. Lancaster:

"He (Semmes) further told me that, on their arrival on board your yacht, every care and kindness were extended to them which could be expected in such a condition, even to supplying us with dry clothing."

It will be recalled that the Deerhound rescued forty of the Alabama's crew, and it must be regarded as very remarkable that a small steam yacht, on a pleasure excursion across the English channel, should have been provided with forty extra suits of clothing. The boat hands can hardly be supposed to exceed half a dozen in number, and it would be difficult to imagine the use of so many; and, besides these, we only hear of the presence on board of Mr. Lancaster and his wife and niece. The circumstances mentioned in this letter of thanks of Mr. Mason sustains the theory that the Deerhound was merely a tender to the Alabama.

A gentleman who, a few days ago, was wandering over the ground recently occupied by a portion of Gen. Early's forces, engaged in the "siege of Washington," picked up the note book of a Confederate soldier containing, among other matters, the following bit of jocular poetry:

Quoth Meade to Lee, "Can you tell me, In the shortest style of writing, When people will All get their fill Of this big job of fighting?" Quoth Lee to Meade, "I can, indeed, When legislators And speculators Are made to enter in it."

Maj. G. M. FRANKLIN arrived at the Revere House Boston, Friday afternoon, and took the train for Portland next morning. A large number of friends called upon him and congratulated him upon his recent fortunate escape from the rebels.

GEN. HUNTER'S CAMPAIGN IN VIRGINIA.

The Cincinnati Commercial (a Republican journal) of the 15th instant contains the following in reference to Gen. Hunter's campaign, which it says is "from a reliable source." We could wish that it might prove to be in some respects exaggerated:

"One thing is sure—Gen. Crook saved the army, as much so as the Government. He saved the army during the memorable contest at Chickamauga. The command which he would probably be given, hundred killed, wounded, and missing, one hundred and fifty wagons, fifteen hundred head of horses and mules, six pieces of artillery, and eleven caissons—the two latter items lost by sheer carelessness and gross neglect of duty on the part of somebody. Gen. Hunter is not a Napoleon by any means, while Gen. Crook was the 'King Bee' of the expedition. We lost Lynchburg by inexcusable delays, and could have taken it easily forty-eight hours before we got there; and we might have been there before we had reached it. 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