THE DAILY EVENING TELEGRAPH .- PHILADELPHIA, MONDAY, MAY 28, 1866.

Evening Telegraph

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MONDAY, MAY 28, 1866.

"Is the War to be Renewed ?"

HON. ROBBET DALE OWEN and the New York Times are just now engaged in a heated discussion as to the result of the failure of the Constitutional amendment for ming the basis of representation on the number of voters. Mr. Owan contends that the gross injustice which the North would suffer under the old system would sting the people to renew the war in order to secure their rights. The Times, on the other hand, denies that the North would have any right to take aggressive measures in such a case, and declares that even if it had such a right there is no possibility of its using it. The question is one well worthy of consideration as the fact that a difference of opinion exists shows that the temper of the Northern masses is at least doubtful. It may be well for us to see to what extent the injustice resulting from the defeat of the amendment will affect us. According to the Constitutional compromise brought about in 1787, the South was entitled to count three-fifths of the slaves in the apportionment of representation; by the freedom of the slaves it is entitled to the additional twofifths, as, under the old system, whether the in habitant was a voter or not he counted the same in the enumeration. The population of the South, according to the census, was 5,449,463 white] to 3,653,870 colored, or three-fifths of the whole number were white, and two-fifths colored. If no amendment be adopted, the representatives will be apportioned not for threefifths of the colored, but for the whole number. That is to say, the South will be entitled to eighty-nine instead of seventy-seven representatives. Yet those men will be chosen by the same class as was before the war entitled to seventy-seven. In other words, the result of the compulsory emancipation of the blacks would be to give their late owners twelve more representatives; the fruits of deteated treason will be an increase of political power. What an absurdity such a result presents to a reflective mind !

Again, we have shown that the whole population is but three-tifths of the number counte I in the enumeration, and as only three-fitths can vote, it follows that three Southern votes are equal to five Northern ones. That is to say, that the influence of a reconstructed traitor will be nearly double that of a returned soldier. Is it likely that the proud spirit of the North will see its crushed, beaten, defeated enemies thus triumph over their conquerors ?

The allowance of the continuance of the present law will enable the three-fifths to exclude the two-fifths of the black. On this point we quote Mr. OWEN's words :-

"It so happens that the race numbering two-fifths of the population of these States are, with very low exceptions, loyal to the Umon and triendly to the North, while the race numbering three films are, by a large majority, tinged with secession horestes a id unifiendly to the Northern people. I make this latter statement not as an imputation, but only as asthe circum-fances is very natural. The sword conquers, it does not convince; and the vanguished are hot apt to ove the victors. It will happen, also, in case no provision touching suffrage enters into an amendment to the Constitution, that the race num-bering three-fifths will have the power to exclude from voting the two-fifths." This will practically be rewarding our enemics and punishing our friends-another paradox to excite the future historian's wonder. We have thus far only given a plain statement of facts; we have shown how the Repellion will be rewarded by twelve additional representatives; how the loyal portion of the South will be excluded; and how three Southern votes will equal five Northern ones. We now come to the question asked by the Times, and answered by Mr. OWEN:-"Is South Carolina, the arch-conspirator, to be rewarded for her computity in the Repetition and her exclusion of loyal men from the polis by this, that herea for, so long as she deprives her colored people o: suffage, every white voter within her borgers shall be surged, every white voter within her borders shall have twice and one-third as much political power, in 1 ies dential and o her Federal elections, as a white voter in New York or in Ohio? It is not enough to dec are that this would be an upparaileled folly and a flagrant injustice. I say that the permanent existence of such a feature of sectional inequality is AN IMPOR SIBILITY. Let ALEXANDER H. STEPHENS, and others who proclaim that is is just, and imagine that it is possible, know thus, that the North would renew the war to-morrow rather than endure it." We emphatically concur with Mr. Owen. The North will not stand such injustice; and should the amendment be defeated, the South and the South's friends will be astonished at the uprising of our people. The Times holds that the North will not act vigorously in the matter, because of the slight importance attached to the issue. It may seem so now, but should the time arrive when the fate of a Presidential election rests on this inequality, and the North be about to lose its candidate because of the injustice which it has sustained, it would soon be seen that the conquerors of Sonthern treason are not inclined to passively submit to be subdued at the ballot box by those who fled before out bayonets. We, therefore, deemthe proposed amendment not only just, but essential to the continued peace of the Union; and, if the South but know the temper of the Northern mind, it would use its influence to secure its adoption, and prevent the results by avoiding injustice. In regard to the question, "Will the war be renewed ?" we cannot better express our negative beliet than by quoting the concluding paragraph of Mr. Dake Owen's letter:-"I revert to your question. 'Is the war to be r-newed?" I answer, no. The action of Congress and the people will prevent so g eats calamity. The rooting out of an intolerable mjustice will be, as you justly remark it should be, accomp shed by a peace-tu process." Congr. as will propose to the States an amendment embedving as courtable adjustment of amenument embodying as equitable adjustment of the basis of representation. The states of the North will railing it; it will become part of the Constitution That will ensure peace, as tair justice between differ-cut sections of a country always does."

to color, equal before the law. This is substantial progress towards civilization, and encour ages the hope that the old barriers so long maininined by ignorance and prejudice are at last lelding to the freer spirit of the times. It is lifficult to conceive how any people could ever have incorporated into their laws the absurd idea that the competency of a witness could be affected by his color. The true principle of law is to collect evidence from every source that can throw light upon the question at issueeven from inanimate objects, as well as from the testimony of human beings. The equality of all men before the law is the

fundamental requisite of justice everywhere. Witbout it, law becomes but another name for injustice and oppression.

Democratic Theory of Secession Reviewed. A DEMOCRATIC member of Congress gives the following dictum: -

"That the Southern States are in the Union. Their ordinances of secession being null and void, they have never been out, and are legally entitled to representation in Congress."

This argument proves nothing by proving too much. If it be correct, then the Southern States were legally entitled to representation in Congress during the war-a conclusion which is absurd. Had the ordinances of secession stood alone, and been followed by no acts, they would, doubtless, nave failed to take the Southern States out of the Union. But when the ordinances of secession were followed by the actual withdrawal of the Southern Senators and Representatives from Congress, thus constituting, on the part of those States, an abandonment of participation in the Government of the Union, then the Southern States became, as a matter of fact, "out of the Union"-not out of its jurisdiction, not free from its laws, not beyond its boundaries, but out of it, in the sense (and it is the only sense in which the expression has any relevancy to a discussion like this) that they had ceased to participate in its Government. They had abandoned the partnership. They would no longer exercise any functions in it. But had the movement stopped here, there would still have been no war. It is entirely optional with any State whether it will or will not be represented in Congress. If it does not choose to send members to the House of Representatives, or Senators to the Senate, there is no law to compel it to do so. So had the South merely withdrawn its representatives from Congress, and done nothing more, it might have stayed out of the Union to its heart's content, and nobody would have complained. It would still have been entitled to its representatives, whenever it chose to send them. But when this actual withdrawal from all participation in the Government of the Union was followed by acts of war against the Union, by the setting-up of a rival Government composed of the seceded States unlawfully and unconstitutionally confederated together, then the Southern States lost all right of representation in the Union.

Their people then became Rebels and traitors, and lost all the rights and privileges of citizens. Their States were still, as matter of fact, organized communities, exercising civil and military functions; but they were no longer States in the eye of the Constitution, for their officers were no longer sworn to support the Constitution of the United States, but were Rebels and traitors, fighting against it. When the war ceased, by the overthrow of the Rebel armies, then President Jonnson went to work and dissolved these Rebel State Governments, and reduced the Southern States to a condition of utter disorzation, leaving each of them, until the work \$100,000 IN GREENBACKS. of reconstruction commenced, without any organized community, body corporate, or corporation which could be called a State. Now let us review our steps. The ordinances of secession were null and void; they had no legal force; they neither absolved any man from his old relations, nor imposed upon him new duties. but when they were followed by the actual withdrawal of the Southern Representatives, then the Southern States, as a matter of fact, ceased to be participants in the Union. Still they had lost no rights. They were legally entitled to representation whenever they should choose to claim it. But when, in addition to withdrawal from the Union, they made war against it, and entered into an unconstitutional confederation as a new Government, they lost all right to representation in the Union, and ceased to be any longer constitutional States, though they were still de facto States, just as their Rebel Confederacy was de facto a Government. When, at the close of the war, President JOHNSON overthrew their organizations, then these States ceased to be even de facto States, and became absolute nonentities. Reconstruction has made new de facto States in their places; but it has not yet secured for those States admission into the Union. Now it is the height of absurdity to attempt to override these facts of history by ingenious metaphysical sophistries. Secession was not legal, but it was a fact. Rebellion was not legal, but it was a fact. It was unconstitutional for the Rebel States to form a confederacy, but they did do it. All these acts were "null and void" in a legal sense, but they were acts, nevertheless, and acts which produced the most tremendous consequences. A marriage between parties, either of whom is already married, is "null and vo.d." but if entered into knowingly is still a crime, and punishable as such. To try to shield the Rebel States from the consequences of their acts on the ground that those acts were "null and vold," is absurd. Rebellion was a fact, and among its consequences the Rebel States find that, both as matter of 1act and matter of right, they have lost their political status in the Union. They can only regain it upon such terms as the nation in its wisdom shall see fit to prescribe. They have no legal claim whatever. The constitutional provisions 14 regard to States refer only to States that are in the Union, not to those which have lost their status through rebellion. The whole matter rests with the nation. free to act in such a manner as wisdom and justice shall dictate. HIESKELL'S MAGIC OIL CURES TETTER. ERYSIFELAS, ITCH, SCALD HEAD, AND ALL SKIN DISEASES. WARBANTID TO CURE OR MONEY REFUNDED For sale by all L suggists. PRINCIPAL DEPOT: No. 53 South THIRD Street, Above Chesnut. Price 25 cents per bottle. 4 24 3m4p FIRST-CLASS BOARDING AT A FARM Bouse in Darby. Inquire at the BUTTO WWOOD HOTEL, Darby. 535 21*



Progress in Tennessee.

It is gratifying, amid many instances of a con. trary character, to record occasionally a real step in advance at the South, Thus, Tennessee has just modified her laws so as to make colored persons competent witnesses in all civil courts, to legalize the marriages they contracted while slaves, to give their children the right of inheritance, and to make all persons, without regard

F. MUSIN, BRUSSELS. The postponement is an unavoidable necessity, not so much in conrequence of the number of tickets yet unsold, as the postify necessity there is for the proper registration of these already disposed of, which has been delayed in conset us ice of the negligence and careless-ness of a portion of our Agents in making their proper returns. J. CAROLUS, BRUSSELS. A. EVERSEN, AMSTERDAM. WE ADVISE ALL FABTIES WANTING TICKETS WE ADVISE ALL FABLIES WASHING HICKEIS To send for them without delay, as we have but a limited number yet on hand. We wish most particularly to impress upon the minds of our Agents the importances of their making their returns at once, and of rectifying whatever errors may have crept into their reports nore-tofore. We will say, o those sending for the sale of the sole to the money will be returned. No applications for new agencies for the sale of tickets with the considered, as we have no more than auficient tickets to supply those Agents we have a ready ap-pointed. Tickets are for sale at the principal Holes, Book and Music stores in this city, and a our office. No, 133 DEARBORN street. Price all each; sent by ma i on receipt of price and stamp for return postage. We invite the particular attention of persons wishing to order tickets by mail to the following SEPECIAL TEEMS, OR CILLE RATES. J. REEKERS, AMSTERDAM. A. SURRURE, BRUSSELS. SPECIAL TERMS, OR CLUB RATES. A. MAES, BRUSSELS. Any party procuring a club of five or more names for tickets, and forwarding us the money for the same will be allowed the following commission, viz :-J.C. VERMEULEN, BREDA. H. VAN HOVE, ANTWERP. WE WILL SEND F. SPOHLER, AMSTERDAM. 5 Tickets to one address for \$4.50 do .26 25 ..35 9 do do do ..43.50 160 .85 00 In every case send the name and post office address of each subscriber. Moncy by drait, post office order, or in registered letters may be sent at our risk. All communications should be addressed to WIGGINS, BRADFORD & CO., AT No. 133 DEAFBORN Street, Chicago, flinois, The propiletor will donate to the Lincoln and Doug'ns Monument Fund \$7000; a = 0, there will be \$2000 reserved from the perion arawing the \$30,000 prize, for the same From the period data that the main mark of the purpose. References.-Hon Major Dan, Mace. ex.M. C or In-diana. Hon, Ina J Laveock of Kansas: Hon William Leffngweil, Loons, Iowa; Hon, Sopeph Knex, of Chi-cago; Hon, C., oraves rmita, of Minussotat Jacob For-syth, Agt M. S. R. R. Chicago I inols; M. Kronberg & Co. importers of watches ' hicago. Proposals for inserting this advartisement are re-quested. '28 I2t4p MARVIN'S SAFES. - ON IVI MARVIN'S SAFES D MARVIN'S SAFES. ANOTHER SUCCESS AN / HER SUCCESS ANOTHER SUCCESS ANOTHER SUCCESS GREAT FIRE IN CHARLESTON! MARVIN'S PAIENT TRIUMPHANT! Messrs. W. M. Find & Co., Charleston, 1 ay 2, 1856 :-Gentlemen :-- I feel it a dutr I ows you to express im entire satisfaction in resard to Marvin's lates, for which you are agents. They have proved a 1 yeu have secom mended. In the great fire on King street April 5, which des:royed "Fobb's" block, and my entire stock of groceries and liquors, my books and papers were p eserved in good condition, and it affords me great pleasure to testify to the excellent quality of these sales as they are justly entitled to the high at coafficance of the Respectfully yours, public. W. I. TRIM. The above Fafes for sale by MARVIN & CO., No. 721 CHESSUP Streat. (Masonic Hall), Philade phia, and No 265 B (OADWAY, New York. 5 28 12t WALL PAPER AND WINDOW SHADES,-S E. BAI DERSTON & SON. No 902 SPRING CARDEN Street 8 F. BAI DERSTON & SON. No. 903 SPRING GARDEN Street.

OFFICE, F. KRUSEMANN, BRUSSELS. 2d mo. 24, 1860. PHILADELPHIA February 24, 1866.-Dear 8j-:-We have used Cartel's combined Writing and opying Isk or over a year and find it perfectly satisfactors in every respect, being equal if not superior to any lik we have heretoiore used. Respect fit ly yours. JONES & EVANS, No. 631 Arch street. To R. Vagee, 1/9, No. 316 Chemus street. H. VON SEBEN, BRUSSELS, No. 413 CHESNUT St., Philad., Room No. 5. Pailabalipiila. February 20, 1868.-R. Megee. Sta-floner, No 316 (l'esnut street:-I am now using Wil-liam "arter & Brother's "Combined Writing and "opr-ing lak," and had it togive entire satisfaction or both purposes, and preisr it to any other ink I have ever used. DEL'S LAINE HUNT. No 206 Walnut street. The above Company has lately been organized CHAS, LEICKERT, AMSTERDAM, with extensive and valuable Silver Mines in the M. A. KOEKKOEK, AMSTERDHM. celebrated White Pine Mining District, Lander county, Nevada. FHILADELPHIA, March 9 1066 - Mr R Masse, No. 216 (hesnut stlett.- Sir :- We have used Carter & Brother's Ink, and can recommend it very highly, W. & H. R. BAIGUFL J. W. HILDERS, AMSTERDAM. Parties desiring to invest in a bona fide, legitimate J, STROEBEL, AMSTERDAM. Mining Company, where the subscribers to the Work-PEILADELPHIA, May 10, 1866 - Mr. R. Magee - Dear Sir :- We have used Carter's Writing Ink for two years, and prefer it to r.v other ink that is mul-Respectfully y.urs, W. H. THOMPSON & '70. No. 259 Market atreet. ing Capital Stock receive the largest share of the W KOEKKOEK, AMSTERDAM. earnings, and are guaranteed a large interest on their money, are invited to examine the Prospectus of this A. F. VERHOEVEN-BALL, ANTWERP Company, which may be obtained at the office, No. We are using Caster's Combined Writing Ink. and find it the best we have ever used. BLACK DIAMOND COAL AND IRON CO. ZACH. J. NOTERMANN, PARIS. 413 CHESNUI Street. The Mines are now being worked, and machinery F. VAN SEVERDONCK, BRUSSELS, BLACK DIAMOND COAL AND IRON CO. I have used Cartar's Ink, and consider it superior to any now in use. JAMES BEES. Mr. R. Magee No. 316 Chesnut street. Fullade phia — Dear Sir:-We Lave used Carter's Combined Ink for some month spast, and prefer it to any other. Its ex-cellence is an additional proof of the folly of importing foreign articles, while be tor are manufactured in Amo-tica. Truly yours, etc., KING & BAIRD. "Publishers "Legal Intelligencet." We conv. the following from the "Sunday Dispatch :will be erected at once. J. L. VAN LEEMPUTTEN, BRUSSELS. Subscriptions received at the office, or by mail, ad dressed to the Secretary, Post Office Box 1942 Philadelphia. 5 16 wfm13 4p Publishers "Legal Inteitizencer." We copy the following from the "Sundsy Dispatch :--Carter's ink - We have been using for some weeks the tombined Writing and (opying ink of Carter & Brother, which is supplied in this city by R. Marce, at No. 316 (heanut street We fin it o e of the best inks that we ever used flowing smoothy from the pen free from thicker for in the stand, and growing very black on ex-tremely short exposure to the air tremely short ex acsure to the air PHILADELPHIA. Way 9, 1866 -Mr. R. Magea, No. 316 Phenau. street.- Dear sitr-1 have used (artsr & Bro-ther's Combined Writing link for some time past, and consider it, without any exception, the best in the market I have used from d's for many years, and have no hesitation in saying that I consider this superior to it, besides having the additional recommendation of being American Young tury. Per Samuel C. Roney, No. 509 Market street. PHILADELPEIA April 30 1866 - ar or & Brother's THE SALE WILL TAKE PLACE BEDDING FEATHER WAREHOUSE, TENTH STREET, TENTH STREET, BELOW ARCH. Featters Bods, Bolsters, Pil-lows Mattresses of al kinos; Biankets, Comrotables Coun-ternanes, while and colored; Furing Beds; Spring Cots; Iron Bedsteads; Cusbious, and all other articles in the line of busi-ness. Per Simuel C. Roney, No. 509 Market atreet. PHILADELPHIA April 30 1666 - ' ar er & Brother's Comolned Writing and + epving Ink has been used in this office for the past four months and we find it insur-passed by any we have ever read. Aroudd's not excepted, it dees not der triorate im quality a fer the boilte is socred; but the last is equally good with that first poured out. N. B. THAYER, Publisher. I fully concur in the glow. WILLIAM OTLEY. Sec. of Inter 1 mon of Machinis's and Blacksmiths, PHILADELPHIA, May 1, 1866 - Mr B. Malen - Sir: --I SCOTT'S ART GALLERY, AMOS HILLBORN, No 44 Nor.h TENTH Street, Below Arch. Sec. of Inter. I mon of Machinis's and Blacksmiths. PHILADELPHIA, Way 1, 1866 - Mr R Ma.ea. --Sir:-I have need Carer & Brother's Ink. for which you are the neet and no not besirate in pronounding it to be the best inx I have even ased. either for writing or cooy-ing purposes. I willingly give this sight testimonial in its have. Very respectfully. L. SAWYER Agent, Cochichewick Ice Co. No. 429 Walnut street. No. 1020 CHESNUT St., PHILEDBLPFIA, Vay 16 1866-Mr R. Magoe: - We have riven Carb.'s Combined writing Ink a fair t ial, and take pleasure in recommending it as the best Ink we have used. JOHN STOVE & SONS. No. 805 Chesnut street. THE EVENINGS OF No. 895 Chesnut street. PHILADELPHIA, May 17. 1896. — Mr. Magee. — Sir: - I take great p casure in recommending Wilium Larter & brother's Combined Writums and Copying Ink. It is ree from sediment flows treely, and does not thicken or mould. While I consider it superior to any wilting fluid I have ever used it is at the s.me time upferior to none as a Copying ink. In connection with your copying-book it has given en its satisfaction. Yours truly. William H FORMOSA, Agent for D. L. Baumgardper's Penna and New England Cordage store: No. 25 Front street. SPRING. SEL WILLIAM D. ROGERS. WEDNESDAY, THURSDAY AND FRIDAY COACH AND LIGHT CARRIAGE BUILDER, MAY 30 and 31, and JUNE 1, Ncs. 1009 and 1011 CHESNUT Street. PHILADELPHIA. 2 28 2m4p TINE HARNESS AND SADDLERY. AT EIGHT O'CLOCK. R. MAGEE'S ENVELOPE MANUFACTORY 720 MARKET STREET. 720 Large salescom contains a full stock of good ser PRINTING OFFICE. iceable SINGLE AND DOUBLE HARNESS, best Leather and workmanship, for city trade, at moderate, BLANK BOOK BINDERY. The Paintings will be open for Exhibition on prices, and made to order at short notice. AND E. P. MOYER & BROS., MONDAY, at 12 o'clock M., and will remain STATIONERY STORE. No. 720 MARKET Street. open, day and evening, until time of sale. N. B.-Superior SOLE LEATHER TRUNKS, for En-No. 316 CHESNUT STREET, The Gallery will remain closed till time of sopean travel Also, Ladies' French Dress Trunks. PHILADELPHIA. [523.0 exhibition. 5 19 lm [5 26 6t4p