

Evening Telegraph

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SATURDAY, DECEMBER 8, 1866.

A Plain Statement of the Case.

There are but two theories concerning the effect of the Rebellion upon the Southern State organizations. The first is that it had no effect upon them to invalidate them, but that they continued throughout the whole war to remain lawful and constitutional governmental organizations.

If this theory be true, then President Johnson had no right to overthrow these governments at the close of the war; and the organizations he has erected in their places exist merely as the product of revolution and Executive usurpation.

The other theory is, that by the Rebellion the Southern State Governments, though existing as de facto Governments throughout the war, ceased to be lawful State governments in the eye of the Constitution, and were mere Rebel organizations. Hence they were naturally overthrown with the overthrow of the Rebellion itself.

If this theory be correct, then with the downfall of the Rebellion the Southern communities were without civil governments. Their Rebel State Governments had vanished with the overthrow of the Rebel forces. There was land, and there were people; but there was no organization, no Government, no civil State. The land and the people were a portion of the United States, and so a part of the "Union," just as Montana and Idaho are; but they were no longer States of the Union. Now, the simple question arises, Who, under our form of government, has the right to make a State?

Clearly an unorganized people, under our system, cannot legally make themselves into a State, because, being unorganized, they are without law. To organize a State, elections must be held. But in the absence of law, who shall decide upon what day, at what places, under what restrictions, and with what formalities they shall be held? To whom shall the returns be made? Who shall declare the result? In cases of dispute, who shall be the common and authoritative arbiter? All these things require to be settled beforehand by law. It was decided by the Supreme Court in the Dorr case that, under our system, there is no such thing as the voluntary and spontaneous organization of a State by any community upon its own motion. All the preliminary steps must be taken in a regular and orderly manner, in conformity to the law as prescribed by some competent authority.

As the several States of the Republic have no jurisdiction beyond their own separate limits, it is clearly impossible that they can do anything towards organizing a community into a State. Hence the work must devolve on the general Government. And this is in accordance with the settled practice of the Government ever since the adoption of the Constitution.

The only question that remains is, To what department of the general Government does the organization of States belong? It would seem impossible that such a question should have practically arisen at this late day. The whole work is upon its very face legislative. The preliminary steps for the election of conventions must be prescribed by law. The Legislative Department of the Government is the only one that can make valid law. The organization of a State is one of the highest of legislative functions, and can by no possibility belong to any other than the legislative branch of the Government.

The conclusion seems to be inevitable that the President's attempts to organize State Governments in the late Rebel communities have been entirely unconstitutional. The work that he has done has no element of legality about it. The organizations he has created have no legal or constitutional basis, and are in no sense of the term States of this Union.

It only remains for the Legislative branch of the Government to proceed with the work which the Constitution imposes upon it, and provide in its own time and way for the organization of State Governments in the communities lately in rebellion against the United States.

Citizenship the Reward of Service to Colored Men in the Armies of the Revolution.

OUR readers have already seen how utterly false and baseless is the theory of the status of the colored race during the revolutionary era, originally invented by the late Chief Justice Taney to cover up the iniquity of his monstrous Dred Scott decision, and now revamped by the ultra conservatives of the Democratic persuasion, as a basis for their opposition to the more liberal and truly democratic tendencies of their own party. We have shown that free colored men were citizens of the United States, and were possessed of the elective franchise in five of the original thirteen States at the adoption of the Federal Constitution. We have, moreover, shown that the great statesmen of the Revolutionary era, Washington, Jefferson, Adams, Franklin, Jay, Madison, etc., were heartily in favor of the abolition of slavery, and with the full knowledge that freedom for the slave involved his national citizenship, and in many States his possession of the elective franchise.

We shall show to-day that the State of New York conferred full citizenship, including the elective franchise, upon slaves in that State who enlisted in the patriot armies fighting against Great Britain for the independence of the States.

Black men fought in the Revolutionary war on the side of the United States, and they did in the war of the Rebellion. In the Massachusetts regiments they fought side by side with the white troops, just as Crispus Attucks and his comrades had fought and fell in the Boston massacre—the first act in the drama of the Revolution. Rhode Island raised a separate regiment of colored men, who were commanded by Colonel Greene, and did admirable service. In March, 1781, the Legislature of New York passed an act for the raising of two regiments of soldiers upon the inducement of "bounty lands unappropriated," in which especial provision is made for the mustering in of slaves; and it is enacted that "such slave so entered as aforesaid, who shall serve for the term of three years, or until regularly discharged, shall, immediately after such service or discharge, be, and is hereby declared to be, a free man of this State." As at that time free colored men were voters in the State of New York, this provision of the law placed them upon the same footing as other citizens. Freedom was conferred by law in all the States upon all slaves existing in the armies of the Revolution wherever there was any statutory provision authorizing their enlistment. Of course, in those States where the free colored citizens were voters, this was equivalent to giving the elective franchise to the colored soldier.

Our Revolutionary forefathers held that citizenship was the proper reward for the man who had fought for the independence of the country. We know of no greater injustice in these days than that which denies the elective franchise to one of the defenders of the republic for no other reason than because he is a colored man.

The Peetrinations of Jake Thompson. JAKE THOMPSON—like Mrs. Toodies' "Thompson," spelt with a "p"—has turned up in Havana. Ever since the United States Government offered a reward of several thousand dollars for the body of this man, whether dead or alive, he has found it convenient to pass his time abroad. We are heartily glad of this fact, and hope the reward will still be kept hanging over his head, and he, as a consequence, still be kept upon his travels. We do not desire to see him running about loose in this country, for fear he might make another attempt to fire the Southern heart. Neither do we desire to see him within our borders as a prisoner of state, as we have one white elephant of that particular breed on hand, and his proper disposition concerns us not a little. We say, then, let our friend Jake continue his travels indefinitely.

After making the tour of the Continent in very elegant style, we understand that Jake set out for the New World, and that about a month since he took his departure from Halifax in the steamer Delta, Captain Sampson, bound for Havana, via St. Thomas. A prison of his family is with him, and together they intend to pass the winter at the Cuban capital. That Jake will create a sensation in "the ever-faithful isle" cannot admit of doubt, for he has a pocket full of money and a head full of wit. In truth, we should not be surprised if he became something of a lion in certain social circles there. The only pity is that it is not convenient for the whole Thompson family to join him, so as to make the sensation as intense as possible. However, certain of his kith and kin reside upon a plantation in Mississippi, which they contrive to manage so discreetly that the exile head of the house is in constant receipt of remittances therefrom. As the perambulation of the whole Thompson family might result in the stoppage of these remittances, and the consequent return of Jake to his native land, we are content to see the family divided. May it still continue divided, and may Jake still entertain a passion for seeing the world, until he shall have reached the bourne whence no traveller returns! We have no desire to keep track of him beyond that point.

LEGAL INTELLIGENCE.

Court of Quarter Sessions.—Judge Peirce.—Habeas corpus and miscellaneous business were the objects of the Court's consideration to-day. The regular Saturday business was to-day's, does not usually bring a large number of persons to Court, and consequently the room was not so densely and uncomfortably filled this morning as it was throughout the preceding days of this week.

A KIND DISCHARGE. Thomas Doran, a little boy who was convicted during the week of a charge of arsony, was called up to the Judge's desk to give an account of himself. He spoke with earnestness, and stoutly declared his innocence. He gave rather a plausible explanation of the affair, stating that another boy committed the theft. His Honor Judge Peirce, after giving him a mild but pointed reprimand, and warning him against bad company, sent him home with his father.

HORSE CASE. The Common Pleas ex rel. Elton A. Griffith. This was a charge of larceny against Mrs. Griffith. A Mr. Burns put two horses at livery with James Burns in Sanson street near Ninth, at \$25 per month. One of these horses belonged to himself, and the other to Mrs. Griffith. At the end of two months Mr. Burns sent a bill to Mr. Baker, amounting to \$50.50 which was not immediately paid. Mr. Burns told his horse to Mrs. Griffith, and she gave up the stable till the bill was set off. Mrs. Griffith sent for her horse, and the host sent her word of what Mr. Burns had said. Mrs. Griffith then went herself for the horse, and she let it go up to her. It was then held that this taking of the horse, against the will of Mr. Burns, amounted to larceny, as he had a lien on it for the keeping of both horses. Counsel for defendant said that a lien was only shifting, being as long as it is in the stable-keeper's possession, and as the horse was given up to Mrs. Griffith by the host, who could have kept it, and no force had been used, there was nothing of larceny in the case. Mr. Burns here said that Mr. Baker had paid the bill of both horses and had taken his away. Mr. Burns here said that the witnesses to pay the bill showed that there was no felonious intent in the taking of the horse by Mrs. Griffith, but only showed that she had "pirt."

Charles Crosson a boy, convicted of a charge of the larceny of clothing, was sent to the House of Reform. This case included the business of the day.

RELIGIOUS NOTICES.

THE THIRTY-FIRST ANNIVERSARY OF THE HOME MISSIONARY SOCIETY OF Philadelphia will be held in the F. R. T. REFORMED CHURCH, CHURCH STREET, at 7 o'clock, on Tuesday Evening, December 11, at 7 o'clock. Addresses will be delivered by Rev. G. DANA ROBERTS, Rev. H. W. HAY, and Rev. S. J. D. B. GEORGE H. STUART, Esq.

CHURCH DEDICATION.—THE FIRST PRESBYTERIAN CHURCH, Northern Liberties, on HUNTONWOOD STREET, below Sixth, having been dedicated to the worship of God next Sabbath, 9th instant, the Pastor, Rev. T. J. NICHOLS, D. D. will preach the sermon in the Morning, at 10 o'clock, and Rev. DANIEL MARCH in the Evening, at 7 o'clock. A very interesting service may be expected, to which all are invited.

CHURCH OF THE INTERCESSOR, Protestant Episcopal, SPRING GARDEN STREET, below Broad, Sunday Morning, the Pastor, J. W. BONHAM will preach a sermon on "The Personal Absent until the Times of Restoration," subject Sunday Evening, "The Christian's Return Prior to the Millennium." Service at 10:30 A. M. and 7:30 P. M. Stanzas welcome.

REV. DANIEL C. EDDY, OF BOZON, will preach at the TABERNACLE BAPTIST CHURCH, CHURCH STREET, at 7 o'clock, on Sunday, 7 to-morrow Morning and Evening. Services commence at 10:30 and 7 o'clock. Strangers cordially invited.

WEST ARCH STREET PRESBYTERIAN CHURCH, corner of EIGHTH STREET.—Rev. F. H. SEVIN will preach to-morrow at 10:30 A. M. and 7 P. M. Preparatory sermon this evening at 7 o'clock. Strangers always welcome.

REV. FREDERICK T. BROWN, D. D., will preach in SECOND PRESBYTERIAN CHURCH, CHURCH STREET, at 10:30 A. M. and 7 P. M. on Sunday, 7 to-morrow Morning and Evening. Services commence at 10:30 and 7 o'clock. Strangers cordially invited.

THIRD REFORMED CHURCH, TENTH STREET, below Market, Sunday Morning, the Pastor, Services at 10:30 o'clock Morning, and 7 P. M. Evening. Subject of Evening discourse: "The Temptation of Satan." Services at 10:30 A. M. and 7 P. M. on Sunday, 7 to-morrow Morning and Evening. Subject of Evening discourse: "The Nature of Future Punishment." All are welcome.

OXFORD PRESBYTERIAN CHURCH, BROAD AND OXFORD STREETS.—Rev. SAMUEL CRITFIELD will preach to-morrow at 10:30 A. M. and 7 P. M. on Sunday, 7 to-morrow Morning and Evening. Subject of Evening discourse: "The Nature of Future Punishment." All are welcome.

UNION M. E. CHURCH, DECEMBER 9.—Rev. Dr. CARROLL, Pastor, will preach at 10:30 A. M. and 7 P. M. on Sunday, 7 to-morrow Morning and Evening. Subject of Evening discourse: "The Nature of Future Punishment." All are welcome.

REV. DR. NADAL, AT TRINITY M. E. CHURCH, To-morrow at 10:30 and 7 P. M. Subject in the Morning, by request: "Childhood and the Church."

REV. W. W. NEWELL (UNITARIAN) will preach at LAKEVIEW M. E. CHURCH, Germantown, To-morrow Morning at 10:30 o'clock, and Evening at 7 P. M. Subject in the evening: "The Unity of God."

REV. A. LONGACRE, PASTOR OF CHARLES STREET M. E. CHURCH, Baltimore, will preach in SPRING GARDEN STREET M. E. CHURCH To-morrow at 10:30 A. M. and 7 P. M.

REV. P. S. HENSON WILL PREACH IN GREEN ST. CHURCH, 10th and 11th Streets, SEVENTEENTH and FOULR STREETS, To-morrow Afternoon at 3 o'clock.

E. BENZNER M. E. CHURCH.—REV. T. W. SIMPERS, Pastor, will preach on Sunday next at 10:30 A. M. and 7 P. M. Preaching every Wednesday Evening at 7 o'clock.

THE FIRST PRESBYTERIAN CHURCH WASHINGTON SQUARE, Rev. ALBERT B. HENSON, Pastor, will preach at 10:30 A. M. and 7 P. M. Strangers invited.

REV. P. BROOKS WILL PREACH AT A. VEST CHURCH, YORK AVENUE, above Buttonwood street, To-morrow morning, 9th instant.

SPECIAL NOTICES.

STEINWAY & SONS' GRAND SQUARE AND UPRIGHT PIANO-FORTES. Have taken thirty-five First Prizes at the principal Paris Exposition, and have also been awarded a First Prize Medal, in competition with 200 Pianos from all parts of the world. The great superiority of these instruments is now universally acknowledged by the great majority of the manufacturers and dealers in pianos, as well as by the most eminent pianists of Europe and America, who prefer them to their own public and private use wherever a choice is possible.

STEINWAY & SONS direct special attention to their newly-invented "Upright" Pianos, with their "Lattice Resonator" and double iron frame presented June 5, 1866. This invention is providing the instrument with an additional support in the form of a sound-board, with an iron brace frame in the rear of it, both frames being cast in one piece, thereby imparting a solidity of construction and capacity of standing in tune never before attained in any instrument. The sound-board is supported between the two frames by an apparatus resembling its tension so that the greatest possible degree of uniformity of quality of tone is obtained, and regulated to the nicest desirable point. The great volume and exquisite quality of tone, as well as the solid and permanent action of the new Upright Pianos, have elicited the unanimous admiration of the musical profession and all who have heard them.

STEINWAY & SONS confidently offer these beautiful instruments to the public, and invite every lover of music to call and examine them.

LETTER FROM WILLIE FAPE, Court Plunket in the County of Dublin, London England, February 4, 1866. Messrs. Steinway & Sons—I am much pleased to see the rapid advances you are making, and the numerous certificates you have so deservedly obtained. Should my humble opinion be of any weight, you may add that I give you my entire and unqualified approval, and that during my residence in Philadelphia, I have used the Grand Pianos of all the first European manufacturers; but I have found no instrument equal to the one I purchased of you. In fact, I consider one of your finest Grand Pianos equals to any one of the Grand Pianos manufactured here.

LETTER FROM WILLIE FAPE, Pianist to H. R. R. the Princess of Wales, Court Plunket in the County of Dublin, London England, February 4, 1866. Messrs. Steinway & Sons—I am much pleased to see the rapid advances you are making, and the numerous certificates you have so deservedly obtained. Should my humble opinion be of any weight, you may add that I give you my entire and unqualified approval, and that during my residence in Philadelphia, I have used the Grand Pianos of all the first European manufacturers; but I have found no instrument equal to the one I purchased of you. In fact, I consider one of your finest Grand Pianos equals to any one of the Grand Pianos manufactured here.

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