# THE DAILY EVENING TELEGRAPH .- PHILADELPHIA, FRIDAY, DECEMBER 21, 1866.

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### EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS.

#### COMPILIED EVENT DAY FOR EVENING TRLEGRAPH

#### Nouseuse in the Senate. From the Tribune

This is a thought which we fancy often enters the heads of those who, for their sins or taeir solace, peruse the reports of Congressional doings and debatings. Most public creatures who talk for the sake of talking partly, and partly for the same of being resurrectionized the next morning, m the journals, to an immortality of from seven to ten days, have something smart, sweet or savage to say about "American Principles," which would be more satisfactory if they would deal a little more in particulars and a little less in generals. Mr. Davis, for instance, who is, as they say in Erin, a knowledgeable man, besides being a Senator of the United States, was good enough, a day or two since, to tell us that "it is a fixed American principle that uffrage pertains exclusively to white men." This looks promising at first, but when you scrutinize it, you and that Davis is talking as loosely about fixity as the rest. It is frightful presumption, we know, to cross-question an honorable Sena or, but perhaps Mr. Davis will be good enough to at ribute it to our uncontrollable airst for knowledge, if we inquire, the principle being fixed, who used it, and when it was fixed By whom was the principle first enunciated By what body was it reduced to an enactment By what popular vote was it confirmed and in corporated into our fundamental law? For a should be there, it anywhere. It is dangerous to the public sa ety to nave principles lying apout loose—the, should be codified, engrossed upon sheepskin, printed and published for study, for instruction, and for reference. Now t is our opinion, whatever may be its value, that to save his body from destruction and his soul from tarment, it is not in the power of Mr. Senator Davis to put his tinger upon the smallest authority for his ghb assumption-if we except the dictum of Judge Taney, which, indeed, has long ago ceased to be authority at all, if it ever was, which is a matter of grave doubt. Suf-frage for white men an American principle! Why, ever since the foundation of the Govern-ment, in many of the States, the black men have been voting. Massachusetts, for instance, one of the oldest States, one of the creators of the nation, whose great men were among the most illustrious framers of the Constitution, has never dreamed of contining suffrage to white men, and has never made in this matter the least distinction on account of color. Don't they know an American principle" in Massachusetts when they see it? Here in New York we require of colored men-i, e., men colored black-a certain special qualification, but, possessing that, they vote; so that here, too, Mr. Davis' "American principle" is quite as far from being authoritaively recognized as anywhere else. So, too, in North Carolina for years qualified blacks were voters. What was "the American principle" doing all this time? Was it discarded? Not at Nothing can be discarded which never existed.

5. The written word alone remains. And it is safest to stick by it. The underlying axiom of our institutions is the freedom and equality of all men. Every deviation from that has proved to be both a crime and a blunder. And if members of Congress, profound and sagacious as we know them to be, will permit us to say so, it is their business not to establish principles, but to enact laws in accordance with principles already established and clearly ascertained and defined, not by Senator Davis, who has neither call nor warrant for the work, but by the Declaration of Independence, the American Magna Charta, and by all the traditions of the Republic, as illustrated and interpreted by common sense, without special pleading or the quibbles ot a desperate sophistry. As for the empty effigies of "principles," which such men as Senator Davis are always manufacturing and setting up and falling down to worship, we know the hearts that conceived them and the hands that made them too well to crook our knees in their presence. We have seen scores of them elevated and praised, and pulled down to rot awhile, and then utterly to disappear. We have been called upon to salute them and assured by Presidents, and Senators, and Representatives, and Gov-ernors, and Mayors, that the world would cease to move upon its axis if they were disregarded. We remember when human slavery was an "American principle." We remember when catching runaway slaves was an "American principle," We remember when murdering the tree-State emigrants in Kansas was an "American principle " We remember when acquiescence in all the demands of sword-bearing Rebels was an "American principle," We re-member the distinctive "American principles" of Mr. Saulsbury, of Mr. Vallandignam, and of many others whose heads were of copper and whose hearts were of adamant. And now we have the "American principle" of Mr. Senator Davis, which turns out to be just about as un-American as possible. In short, whenever a cheming factionist, or a discontented disturber of the peace has a notion to support or a point to carry, we may be sure that he will have an "American principle" to match the one or the other: but the time for bringing suck goods to market has gone by for the present.

altogether their freedom of action upon the n sin question, and it would be absurd to awear them to a form of government which they as-semble with the prescribed power to destroy, but upon all these matters we shall soon see how Maximilian proposes to operate; and it will depend upon the character of his programme whether it shall be entitled to respect, or whether we shall be compelled to regard it as only another Imperial ferce. The present action of Maximilian is of pecu-

har interest to us in relation to the diplomatic policy of our Government and the mission of sherman and Camobell. These functionaries were sent to Mexico on the theory that Maxi-milian's Government was coming to an immemilian's Government was coming to an imme-diate end. Their dealings with Juarez were to be on this basis. But as Maximilian's purpose is to relain his position, if possible, and as in any event he will unquestionably be supported by the Church party in that determination, there is still an obstacle of the most serious character in the way of Juarez, and in the way of our Government furnishing him that friendly aid which is represented especially in the person of General Sherman. As the head of the Church party, Maximilian would be supported by a very powerful body of the Mexican people, controlling large interests, possessing great wealth, and eager for the recovery of the power which they so long maintained in Mexico. such military chiefs as Miramon and Mejia, with control of the capital and Vera Craz, it would be beyond the ability of the Liberals to overthrow them without a war of the grantest (Mexican) magnitude. In such a contest, our Government could not take part without the most serious consequences. We suppose, therefore, that as soon as General Sherman apprehends the situation as it now exists, and learns definitely the condition of affairs and parties in Mexico, he will return in the Sasquehanna, and make report to the Government, for the future action of Congress.

# The Late Decision of the Supreme Court on Military Trials During the War. From the Heruid.

In the Supreme Court of the United States on Monday last, upon an appeal in the case of Milligan, Bowles, and Hersey (sons of liberty), tried in Indiana as treasonable conspirators by a military commission during the war, it was decided that said military commission had no constitutional authority to try and punish a citizen of Indiana, not in the military or naval service, for an offense committed in the State of Indiana, where the ordinary courts of justice were open and undisturbed in the exercise of their functions. This decision, an official report of which we await from the Court, covers all those cases. of the arrest, trial, and punishment by the Federal military authorities in the loyal States during the Rebellion, and will probably give rise to numerous prosecutions for damages by indivionals who have suffered from such military arrests and punishments.

This decision is the law from the final judicial tribunal of the country, and it must be so re cognized. But a Copperhead journal, in its rejoicings over this result, inrows out a hint or two which may possibly bring up in Congress before long the question of the reconstruction of the Supreme Court itself. The bints thrown out are these: -That the Court, after this righteous decision, may set aside the legislation of Congress if it shall assume to act on the hypothesis that a ratification of the pending Constitutional amendment by three-fourths of the represented States is sufficient to make it part of the Constitution; that "if Congress undertakes to degrade States into Territories its measures will be stranded on the same barrier." and that "it Congress undertakes to resist the judgments of the Suoreme Court, the Com-mander in Chief of the Army (President Johnson) will have some duties to perform in such a conjuncture.

This is a hint of a possible conflict between King and Parliament, We apprehend nothing of the kind. But let us suppose that a majority of the Supreme Court are men established in the old Democratic theory of the Constitution, which culminated in the Dred Scott decisionsurely there is reason for Congress to look well to this Court before it proceeds another step in Southern reconstruction. Supreme Court judges are but men, and on political questions are apt, like other men, of the law to their fixed political notions. If, therefore, we still have a majority in the Sapreme Court of the old Democratic school of Judge Taney, we have no security for the future that even the Constitutional amendment abol-ishing slavery will stand; for if the doctrine is not sound that three-loarths of the represented States are competent to make the amendment part of the supreme law, it is void from the fact that a number of the Southern States required to make up three fourths of all the States were reduced to the ratification in an uregular way, and by Federal compulsion on the part of Pres dent Johnson, in his exercise of the discretion of a conqueror The decision in the Indiana case may be according to the strict letter of the Constitution; but in adhering to this strict letter we must go back to President Buchanan's decision—that be could find no authority in the Constitution to interfere with a second State. We must go back to the Dred Scott decision, and fall in with the Chicago platform—that the war for the Umon was a failure, and illegal and void. We hold, however, that the war, that last appeal of kings and peoples, has resulted in a great revo-lution, superseding the Constitution as it was, and demanding from the results of the war and from the sovereign voice of the people victorious in the war a new interpretation and a new de-parture even by the Supreme Court. It is in this view, from the Indiana decision, ignoring the vital necessities of the Government during the Rebellion, that a reconstruction of the Supreme Court adapted to the paramount decisions of the war looms up into boid relie as a question of vital importance. In trespassing upon the issues decided by the war the Coart may be faithful to the letter of the Constitution as it was: but it is assuming a jurisdiction over the superior tribunal of the war, which was an appeal from the Constitution to the sward, But still the Constitution, as if its frame's had foreseen this difficulty, provides the remedy. There shall be one Supreme Court, and such other inferior courts as Congress may from time to time ordain and establish. The Consti-tution establishes the Supreme Court, and pro-vides that its judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their offices during good behavior: but the number of these judges is left to the discretion of Congress. Thus, by increasing or diminishing the number of the ludges, the Court may be reconstructed in conformity with the supreme decisions of the war. In any event, it may be inferred that a court largely composed of judges handed down from Polk, Pierce, and Buchanan, and having little or nothing to do with the war, and still living in the atmosphere of the Dred Scott decision, is not adapted to meet the issues decided by the war, nor the demands of the great revolution under which the sovereign people of the United States regard that Dred Scott decision as a mark of empiric shame and disgrace. As the Coart now stands, away behind the war, we hold that there is good reason to fear that its judgments yet to come in regard to the doings of Congress during and since the war, including the abolition of slavery and the creation of our present national debt, if not provided for in season, may result in a new chapter of troubles and disasters to the country.

to the Constitution. "Congress, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of threefourths of the several States, or by Conventiona in three-fourths thereof, as the one or the other mode of ralification may be proposed by Congress." Knowing, as we do, the political complexion of all the State legislatures, we cannot suppose that two-thirds of them will concur in applying to Congress to call a National Within a few weeks, a great part Convention. convention, within a low weeks, a great par-of the Republican Legislatures will be in acs-sion, and will coubless ratify the pending amendment. How can it be expected that they will unite in applying for a National Convention to propose new ones? They have no motive for asking amendments less favorable to their party and amendments more invorable would as cer tainly be rejected by the Southern States as that now pending. Moreover, the admission of the Southern States to a National Convention would be such a recognition of the validity of their present Legislatures as would impugn and con-tradict the policy of the Republican party. It is clear enough that the Republican Legislatures will not favor a Convention, and it is therefore idle to agitate for one.

Whether a Convention of the kind will ever be called may well admit of doubt. The other mode of proposing amendments has always been preferred, for reasons of obvious conve-dience. It will probably be always adhered to, masmuch as in a National Convention the vote on every amendment would be taken by as wa- the case in the convention by which the Constitution was framed. The sway of numerical majorities has become so potent in our Government that two-thirds of the States are never likely to apply for a Convention in which they would derive no weight from their putation. The uniform practice of the na tional nominating caucuses, which we call Con centions, has educated our people or all parties into a set of notious inconsistent with a Con vention in which numbers would not have their Aside from the objections founded on the

structure and mechanism of a National Convention, there is no motive for calling one, unless there are particular amendments which the State making the application wish to propose. The Southern States do not want the Constitution amended; they are satisfied with it as it is Their only safety, as a minority, consists in their power, by united action, to defeat adverse amendments. Any amendments advantageous to them they cer ainly cannot expect in the present temper of the country. The Republi-can States, on the other hand, postess, by their control of a truncated Congress, the machinery for submitting any amendments they choose propose. The mode of proposal, whether by Congress or a Convention, is really of no importance, since, proposed by either method, they alike require the ratifications of threefourths of the States to make them valid.

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CORN EXCHANGE NATIONAL BANK, Philaphilphila, October 16, 1866. The Vice-Fresident of the Bank, A's xander Whilden, Frq. having in May last, ia view of a prolonged absence in Europe resigned his position, the Board of Directors to day elected J. W. Torre, Esq., Vice-President, and B. Scheltz, Far, Cashier io čay elected J. W. Torre, Esq., Vice-President, an
H. P. Schetky, Esq., Cashier, 10 17 ALEXANDER G. CATTELL, President,

FARMERS' AND MECHANICS' NA-TIONAL BANK.

TIUNAL BANK.
PHILADELPHIA, December 7, 1885.
The Annual Election for Directors of this Bank will be herd at the Banking Hense on WEUNE DAY, the 9th day of January next, between the hours of 10 o'clock A. M. and 5 o'clock P. M. WRUSHTON, Jr, Cashler, 12 11 26t



# The Latest Phase of the Mexican Ques-tion-Maximilian in a New Role. From the Times.

It seems, by the Imperial proclamation we published Wednesday, that Maximilian not only did not decamp from Mexico at the beginning of this month, as was represented to us by despatches from Franco-Mexican sources, but that, at that very time, he was putting the finishing touches to a scheme for perpetuating his rule under new circumstances and auspices, independent altogether of the French support, French direction, or outside interference. Indeed, he was determined, by the advice of a Council of Ministers, to remain Emperor for the present; but he makes the important announcement that a National Congress shall be convened, consisting of representatives from all political parties in Mexico; "and this Congress shall decide whether the Empire shall continue in future." If it does so decide, it shall assist in the legislation of the country, and in consolidating the public institutions. If it decide adversely, Maximilian says naught. It is the last effort of Maximilian in behalf of tutions.

Mexico and his own throne. It is the final and desperate struggle in a case in which every-thing seems against the bold adventurer. It is an act worthy of the Hapsburg who told us that he belonged to a family which never suc-cumbed under adversity. If such public, per-sonal, and domestic troubles, such periidious friends, such powerful enemies, and such a hopeless task, as have fallen to the lot of Maxi-milian, do not reduce him to despair, then he certainly is possessed of a strength of imperiat manbood which ought to be made available in Mexico or somewhere else, at the work of governing or at some other respectable work.

Maximilian does not give us the date of as semblage of this forthcoming Congress, to which he refers the existence of his throne, nor are we informed how it is to be constituted, or how the elections for members are to be carried bow the elections for memoers are to be carried on in the different States of Mexico. We fear that in more than three-fourths of the States – or in those which are controlled by the Libe-rals—elections to such a body would be abso-lutely impossible. He says that "all political parties" can participate in the congress, but we imagine that Maximilian gives his own meaning to this phrase. He certainly cannot ask such members as may be chosen to take the oath of allegance to his throne, for this would destroy

A National Convention.

From the World.

Within the last week or two, we have oberved sporadic prolfers, in various quarters, towards a National Convention for the settlement of pending Federal questions. A cursory survey of the situation will suffice to show that, in the existing state of public opinion, such a movement would be futile.

The only purpose for which a National Convention can be called is to propose amendments

NEW LONDON COPPER MINING COMPANY -A special meeting of the stock-holders will be held on F JLAY, December 21, at the office No. 129 south FRONT at 330 P. M., to decide upon the future course of the Company, and other matters of importance. 12 II lot SIMON POEY. Secretary. 1.50

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S. BRADFORD, Treasurer. 12 14 25t OFFICIAL

who deside to be examined to atomission to the robust Navy as provided in the act of congress approved July 25, 1866, whill at once make application, addressed to commodore S. P. Lee, Harttord, Connecticat who will notify them when to appear. These who do not make application prior to the 1st of January next, or who do not present themselves when notified will be considered as having waived their claim for examina-tion. Candidates, will take with them, when sum-moned, their efficial papers showing their naval record. GHzEOS w ELLLS, 11 23/mwim Secretary of the Navy.

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