Evening Telegraph

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MONDAY, MAY 27, 1867.

The Opinion of the Attorney-General.

ATTORNEY-GENERAL STANBERY, in a very elaborate opinion of the power delegated to the President by the Reconstruction bill, and the duties devolving on him under its provisions, examines with great care the various questions arising under the bill, and carefully deduces what are now the views of the Government on the meaning and object of the bill. We do not propose to review the points touched on by the Attorney-General. Many of them are of but small importance, and all of them apply to the South rather than to the North. There are, however, a few expressions of opinion which merit notice, as the view taken by the writer is the official explanation of the act, on which the Government will base its rules. Under the head of disqualifications falls the greatest part of interest in the inquiry. The Attorney-General proceeds to explain the provision which disqualifies from registration all those who engaged in the Rebellion under certain circumstances:—First. Holding the designated office, State or Federal, accompanied by an official oath to support the Constitution of the United States; and, second, engaging in rebellion against the United States, or giving aid or comfort to its enemies.

The writer then proceeds to examine at large the meaning of these terms, and shows all the arguments in favor of accepting them in their strictest construction. He makes the disqualification as narrow as possible, and seeks to admit to registration all Rebels who are not excluded by the most positive crime. Under the head of officers of the Rebellion, he does not include any judicial office. He says:

"I am accordingly of the opinion that the holding of a simple judicial office, or other executive offices, or such public employments as are of a purely civil character, such as county offices, municipal offices, and all others of a like nature, which were not created for the purpose of more effectually carrying on hostilities, and which did not involve the performance of duties expressly in furtherance of the Rebellion, do not, within the meaning of this part of the oath, fix on the incumbent the guilt of engaging in the Rebellion.

By this construction the Mayors of Richmond, Savannah, and New Orleans are admitted to registration merely because they held municipal offices. Yet who can doubt but their guilt was as great as that of any who held military positions under the Confederate Government? Again:—

"Giving due weight to these well-established principles, I proceed with the inquiry. I am of opinion that some direct overt act, done with the intent to further the Rebellion, is necessary to bring the party within the purview and meaning of this law. Merely disloyal sentiments or expressions are not sufficient. The person applying for registration is not required to clear himself from the taint of disloyalty.

Therefore the orators who urged the people to deeds of treason by their harangues are not guilty, as merely disloyal sentiments do not constitute treason, or make the holders of them fall without the bounds of registration. The ignorant dupes of their sentiments are guilty; and cannot vote; the prompters and movers of the whole scheme of treason are not subjected to the punishment visited on their deluded followers.

Not content with giving this broad latitude to Rebels, he goes yet further, and denies to the Board of Registration any power to investigate the record of any one presenting himself for registration. Every one who takes the required oath, which is an oath not to rebel in the future, must be registered.

See what the Attorney-General himself says:

"In arriving at this conclusion I have given due weight to that part of the first section of this act which declares the registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed to the following oath or affirmation. If we read these works by themselves, without regard to the other provisions of the act, the impression is made that two things must concur to authorize the registration of the applicant—first, that he actually possessed the qualifications required by the original act, and second, that he shall take the prescribed oath. But when we look at the qualifications required of the applicant by the original act, and find that he is required by this oath to swear for every one of these qualifications, and that no authority is anywhere given to enter upon any other inquiry as to his qualifications, or to administer any other oath to him, or any oath to any other person touching his qualifications, and that his oath, and his oath alone, is punished with perjury it is impossible to resist the conclusion that the oath itself is the sole and only test of the qualification of the applicant. When, therefore, a person applies to the Board for registration, the power of the Board is confined to the administration of the prescribed oath, and if the applicant takes that his name must go on the Register. The Board cannot enter upon the inquiry whether he has sworn truly or falsely. That inquiry must be reserved for a court, which may afterwards have jurisdiction to try him on an indictment for perjury."

The result of his decision is, that the Board of Registration have no discretionary power, but must admit all who take the oath, whether they know the applicants to be Rebels or not.

Following the strict letter of the law, the Attorney-General has failed to make a just interpretation of its intention. In all equity decisions the spirit, as well as the letter of an act, is consulted. Is it likely that Congress intended to make it within the power of every Rebel, by merely swearing for himself, to regain all his rights of citizenship? Would Congress trust the oaths of those who have openly broken the most solemn oath known to man? Is it reasonable to allow the word of a convicted perjurer to go as equal surety with the bond of an honest man? Why, the privilege accorded to the forsworn South is greater than that granted to a loyal Northerner. Here a citizen, when he votes on age, must be vouched for by others; there the word of the applicant himself is sufficient. By his decisive doubtless, the Attorney-General has sought to evade the act, and to readmit to their old power the disfranchised Rebels. He has sacrificed judicial duty to partisan purposes, and has stultified his office. By his decision, the aims of the act are circumvented, and the Board of Registers, created for the purpose of excluding Rebels, finds itself with no power but to write down their names. It is the old story of the Buchanan times re-enacted. The oath to support the Union and Constitution, then, gave no power to subdue rebellion. The provision which specifies certain disqualifications which were to exclude Rebels from the lists of the Registers, gives the Registers no power to discriminate between a Rebel and a Union man. Such is the logic of the Attorney-General.

The State Sabbath School Convention.

A STATE Convention of Sabbath School superintendents and teachers, and others interested in the work of Sabbath Schools, is to be held in this city to-morrow, and promises to be a gathering of more than ordinary interest. The objects of the Convention, as stated in the call, are, first, to obtain an accurate view and survey of the State in its Sabbath School relations; and, secondly, to devise and ways and means by which to impart increased vigor and efficiency to the Sabbath School work of the State.

As conducing to the first named of these ends, statistics of the Sabbath School work in the State, more minute and thorough, than any heretofore collected, will probably be presented. These statistics relate to the following items, viz.:—Names, locations, and denominations of schools; number of teachers and scholars; average attendance of teachers and scholars; number of conversions of scholars during the past year, and also since the organization of the schools; teachers' meetings; mission schools; Sunday School concerts; number of sessions each Lord's Day; number of volumes in libraries; number of teachers that were once scholars; amount of contributions to Christian and benevolent objects during the year; what proportion of whole number of children in the community are in Sabbath Schools; number of teachers that are church members; and length of time during the year that schools are kept open. If anything like full returns upon these topics shall be made, the actual condition of the Sabbath School work in the State will be pretty accurately disclosed. What that may be, is a matter of interest to all concerned.

The second object of the Convention—to wit, to devise ways and means by which to impart increased vigor and efficiency to the Sabbath School work of the State—may be expected to form the staple of its discussions, addresses, and exercises generally. The field of inquiry and discussion thus opened is a broad one. The Sabbath School work has become one of great importance, and has drawn to it the best talent of the Church. And yet it may fairly be questioned whether it is accomplishing *all* that it might do. In so large a gathering of superintendents and teachers there ought to be many, and there doubtless will be, whose practical experience has qualified them to give valuable hints upon the best methods of conducting schools. We observe that Professor Hart, so well known as a practical teacher, and as a writer upon educational topics, especially those connected with Sunday Schools, is to give an address before the Convention. Other distinguished gentlemen will also address it. The main interest, however, we judge, will attend the discussions upon the floor of the Convention. It is there that the action of mind upon mind, the piquancy of questions and answers, the familiar detail of practical experience in the work of organizing and teaching schools, will lend the highest interest to the proceedings.

The Convention will doubtless be largely attended, as the number of persons in our own city connected with Sunday Schools as teachers must amount to several thousand. Full details of the proceedings will be given daily in THE EVENING TELEGRAPH.

Release of Colonel Hayes.

WE are most happy to be able to chronicle the pardon of Colonel John E. Hayes, Editor of the Savannah *Republican*, who was convicted some months since of libelling a Rebel postmaster, and sentenced to a fine of $1000. In case of his refusal to pay the fine, he was to be imprisoned until he did. Colonel Hayes, deeming it an outrage, and finding that his finances could not successfully withstand such a drain on his nearly exhausted treasury, refused to comply, and has been for three months incarcerated in jail. From his prison he is released by the pardon of Governor Jenkins. Hayes is the only loyal editor in Georgia, is a consistent friend of the radical party, and has been boldly fighting for its principles both during and since the war. He is well known to many of our citizens, all of whom will feel rejoiced to hear of his release.

Massachusetts Morals.

THE people of Massachusetts are, indeed, an extraordinary people. When compared with them, all other nations have no idiosyncracies. Having been thoroughly imbued with the idea that men shall not live by bread alone, they devote themselves to the acquisition of mental food and drink, in opposition to the physical.

The State has undertaken to be the Mentor of the morals of the people. With the old Puritan intolerance, they have forbidden the smoking of a cigar. By recent act of the Legislature, the sale of intoxicating drinks is forbidden. And thus, having set an example to high-toned morality in the physical way, Massachusetts deliberately opens her public libraries on the Sabbath, and lets in a flood of girls and boys, who spend the day of rest in reading trashy works of fiction. One is catering to the mental, the other denying to the physical appetite. We think it would be better to let her citizens smoke, and keep her libraries closed on the Sabbath.

The Capture of Maximilian.

BY a despatch published elsewhere in THE EVENING TELEGRAPH, our readers are informed of the capture of Prince Maximilian by the Liberals, under Juarez. By the last news the drama of the Mexican Republic is ended. Viewed from some points, it seems melodramatic. In other lights it is a farce. We earnestly hope it may not end in a tragedy. The ever varying fate of the Mexican Empire savors rather of romance than reality.

The Austrian Archduke is induced to quit the palace of the Hapsburgs to accept a crown in the Halls of the Montezumas. Entering his new territory under the most auspicious circumstances, he little dreams of the termination of the play. Backed by the three great powers of Europe, with a neighbor rent by civil war, and no rival on his part but a guerilla President, with a handful of soldiers, half banditti, he seems safely seated on the throne.

But times have changed. His allies have withdrawn, the divided republic has become reunited, a power has arisen which will not tolerate a monarchy, the President of Mexico gains victory after victory, until at last the *soi-disant* Emperor is a prisoner, and the Austrian Government begs for the life of its Prince at the hands of a so-called bandit.

We hope that no personal harm will come to the Prince. Our Government has already spoken in his behalf, and it would disgrace the cause of Juarez did any personal ill come to the captive. Let him return to Vienna, and there meditate on the mutability of human affairs.

THE WORKING OF THE SUNDAY LIQUOR LAW.—Yesterday the law forbidding the sale of intoxicating liquors on the Sabbath went into full force for the first time. We had been told that it would have no good effect, and that men would carry home on Saturday the liquor to drink on Sunday, and thus evade the law. This statement we doubted, because many men who will drink in a public house will not take before their family that which they do not hesitate to accept at the bar. The returns at the police headquarters to-day prove the truth of our opinion. The number of arrests made yesterday was fifty-seven, in opposition to over one hundred and fifty on every preceding Sabbath. Not only was the decline most obviously the result of the new law, but of the arrests made nearly three-fourths were made before 6 o'clock in the morning of the Sabbath, showing that the liquor was not that which they bought and took home, but what they drank before midnight on Saturday. There can be no better argument in favor of the efficacy of the law than the testimony of the figures of the police report.

IT is rumored that the Fenians will be hung. Earl Derby says that such is the fate in store for Burke. Organizers of a new expedition will please take notice.

CANADA.

ROYAL RATIFICATION OF THE DOMINION—THE CANADIAN SENATE—LIST OF THE SENATORS—A MAN ALREADY CRAZED BY MONARCHY—VOLUNTEERS' REVIEW.

MONTREAL, May 25.—The Canadian Confederation act, which ushers in the new North American dominion of England, was signed by Queen Victoria at Windsor Castle, London, yesterday. By virtue of the royal sign-manual the dominion of Canada comes into existence on the 1st of July next. A list of the members of the Canadian Senate appointed under the act, by the Queen, is published to-day. Sixteen of the old members have been left off the roll.

The following are the names of the Senators:—Joseph F. Armand, A. Foster, Joseph N. Bosse, L. A. Olivier, Charles Wilson, J. Bte. Proulk, Louis Renaud, Letellier de St. Just, M. J. Jessier, John Hamilton, Sir N. F. Belleau, A. J. Duchesnay, Leandre Dumouchel, Louis Lacoste, P. U. Archambault, James Ferrier, Louis Panet, Charles Malhjot, J. E. Gingras, Thomas Ryan, J. S. Sanbern. Total, twenty-one.

Mr. Letellier is the only reform man among them, he being a Rouge. Perhaps Dumouchel is another.

We have already a rather melancholy example of the effects of this canvass about royalty, dominion, and so forth. A respectable gentleman of this city has become slightly crazed, laboring under the delusion that the Queen of Great Britain is his aunt, and that his mother, by some trick of law, swindled him out of a right to the possession of Buckingham Palace. Goaded by his imaginary loss, he made an attempt to murder his mother yesterday.

Jeff Davis remains very quiet, and was not out at the volunteer review yesterday. There were five thousand volunteers present.

There is not the slightest Fenian excitement here at this moment.

SPECIAL NOTICES.

[*For additional Special Notices see the Second Page.*]

REFRIGERATOR BAZAAR.—B. S. HARRIS & CO. have, in addition to a fine assortment of Refrigerators of best quality, three new patents, viz.:—Harris' Patent, Rees & Tevis' Patent, and Wright's Patent Ice-Water Refrigerator; all warranted to preserve meat, etc., etc., dry and sweet, and to be more economical in ice than any other Refrigerators.
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FOR TRANSPO TATION TO MILITARY Asylum at Augusta, Maine, apply at
No. 243 S. THIRD Street,
on this and Monday morning, from 9 to 12 A. M.
JAY COOKE,
5 25 2t Manager.

THE AMERICAN SUNDAY SCHOOL UNION.—At the Anniversary of this Society in TUESDAY EVENING next, at the Academy of Music, addresses may be expected from Rev. J. SPENCER KENNARD, Rev. JOHN E COOKMAN, and Rev. A. A WILLITS, D. D., and the singing by some 800 Sunday School Scholars, under the direction of Mr. John M. Evans.
Exercises to commence at a quarter to 8 o'clock. [5 25 2t

ANNIVERSARY OF THE AMERICAN SUNDAY SCHOOL UNION.—The services connected with the Forty-third Anniversary of The American Sunday School Union, will be held at the ACADEMY OF MUSIC, on TUESDAY EVENING, May 28, at a quarter to 8 o'clock.
Tickets of admission may be had, gratuitously, on application at the Society's Buildings, No. 122 CHESNUT Street, on MONDAY next, at 9½ A. M. 5 22 3t

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