Grening Telegraph

AT THE EVENING TELEGRAPH BUILDING

NO. 108 S. THIRD STREET. Three Cents per Copy (Double Sheet), or Eighteen Cents per Week, payable to the Carrier, and mailed to Subscribers out of the city at Nine Dollars per Annum; One Dollar and Fifty Cents for Two months, invariably in advance for the period ordered,

MONDAY, AUGUST 26, 1867.

Judge Ludlow and the Boileau Case-Judge Allison's Opinion of It. WE alluded, in our remarks on Saturday, to the action of Judge Ludlow in the Boileau case. It may not be amiss to refresh the memory of our readers by stating briefly the facts in that case.

At one of the darkest periods of the war, when armed Rebels in the field and sneaking traitors in the rear were putting forth their must tremendous efforts to break down the Government, one A. D. Boileau, of this city, was arrested under military law, by the officers of the United States, and taken to Fort McHenry, for the alleged publication of articles tending to give aid and encouragement to the Rebellion. The court of which Judge Ludlow is one of the judges was then in session, and he straightway directed the Grand Jury to suspend all other business, ordering the District Attorney to send for the persons named, and the Grand Jury, after they had heard the witnesses brought before them, to present the facts to the court. The following day the presentment was made to the court of the fact of Boileau's arrest as above stated, and upon this presentment the District Attorney, by the judge then holding the court, was directed to prepare and send before the Grand Jury bills of indictment.

A few days after these proceedings were had, Judge Allison, of the same court, addressed the Grand Jury, reviewing the action of Judge Ludlow in a kind and respectful but most scathing manner, declaring that his proceedings in the premises were not only calculated to give aid and comfort to the Rebellion, but were absolutely illegal, and without any established principle to sanction or sustain them, and directing the Grand Jury not to bring in the indictment ordered by Judge Ludlow until ordered to do so by a majority of the court. As this case, therefore, directly affects the character of Judge Ludlow as a judge, as well as a loyal citizen, we invite special attention to Judge Allison's remarks, which we subjoin. After discussing before the Grand Jury the different legal modes of instituting criminal proceedings in this State, and after reciting Judge Ludlow's action as we have detailed it above, Judge Allison

"To this proceeding I am compelled to except, regarding it as wrong in every aspect in which it can be viewed. I would be derellet in my duty as a Judge of this Court, if, by my silence, I might even seem to sanction it, and it, in speaking, I did not place upon it my most emphatic condemnation. It was unwise, because it was unnecessary; the ordinary mode of crimi nal procedure being fully adequate to remety the wrong, if a wrong had been committed; and that method being, in my judgment, the only proper and legal way of bringing the case in Court. It was injudicious, for, however well in-tended, the consequence of a Judge, of his own motion, upon mere information obtained in no legal way—for there is no complaint under oath —with unnecessary and unusual haste, making ase of his official position to institute a prosecution strictly personal and private in its nature, is to render the whole proceeding liable to misconstruction; to place this Court in a false position before the country, as anxious for, and of its own motion seeking, a cause of different country. own motion seeking, a cause of difficulty with the Government, and because the legitimate re-sult of such action is to precipitate a collision between the States and General Government, when such collision should by all proper means and to the last possible extremity be avoided, that the true and constitutional Government of the land may be upheld and strengthened in its fearful struggle with an infamous Rebellion, which defies its authority, tramples on its flag, imperils its existence, and which has filled the land with lamentation and wee. I cannot consent that this Court shall even unintentionally be used for any such purposes upless the present be used for any such purpose, unless the necessity be forced upon us, and that a necessity that cannot be avoided; and, speaking for myself, I here say it shall not be so used if, by the exercise of any portion of, or all, the rightful power

cise of any portion of, or all, the rightful power of my office, it can be prevented.

"There is still another reason why I cannot approve of the proceedings under consideration, and that is, because I believe them to be unauthorized by the law of the land, having no established principle regulating proceedings before grand juries to sanction or sustain them: a brief reference to the essentials of the three extraordinary modes of instituting procedure, to which I have called your attention, will make this clear to a demonstration.

"It is not such a presentment as can be made 'It is not such a presentment as can be made

the basis of any action by the Court, for being aimed at individual offenders, and at a specific and distinct offense, it could be legally founded only en the personal knowledge of the grand jurors; the presentment in question has for its foundation a communication made to the jury by the Presiding Judge, and the statements of persons sent before them by his direction: this is precisely what the Court in Carpenter's case decided they had no authority to do, and there-fore stands in direct conflict with the established law and express decision of this Court

I must, therefore, regard the presentment as irregular and invalid. "Neither does this fall under the second classification; the proceedings did not originate with the District Attorney, nor was any indict-ment of his own motion or otherwise, laid be-

"It is equally clear that it does not fall in with the only remaining mode, which is where the Court, of their own motion, call the attention of the Grand Jury to, and direct an investigation of realizer general in their nature for an tion of matters general in their nature; for, as we have already seen, that it can only be done where the evil affects the entire community and in no case where it is personal and indi-vidual. It is not to be doubted that in cases like to those previously mentioned, such as riots, nuisances, and multiplied and flagrant vices nuisances, and multiplied and flagrant vices which injuriously affect the health, or comfort, or safety of the public, the court may summon and send before the Grand Jury witnesses to ald their investigation; but, to recur again to the language of Judge king, 'this course is never adopted in cases of ordinary crimes charged against individuals, because it would involve, to a certain extent, the expression of opinion, by anticipation, on facts subsequently to come before the courts for direct judgment, and because such cases present none of those urgent necessities which justify a departure from the ordinary course of justice.'

"If a judge may direct an investigation by

"If a judge may direct an investigation by the Grand Jury of an individual case of an alleged false arrest, the result of which investigation is to be made the basis of an individual, personal indictment, then may he in this way institute separate and individual prosecutions upon information of unknown and irresponsible persons for every crime known to the calendar; a proceeding entirely at variance with the proper functions of his judicial office, and which, in itself, would constitute a power of a most fearful and despote nature; no citizen would be safe, for the same officer who procures the indictment of an individual defendant for a specific offense, would have the power to try a specific offense, would have the power to try and sentence him when brought into court by his direct agency. I have thus, at some length,

gentiemes, expressed my views upon a matter of great public moment; I could not do otherwise, and deal justly with myself as a true and loyal citisen, with the community of which I am a member and an officer, and with my country, which has a right to know, in this the hour of her extreme peril, that as a citizen and magistrate, my personal and official support shall be given to it. Nor could I, by my silence, permit the spirit of malignant and treasonable faction which lives among us, which is wholly in the interest of the Rebellion, which by every means in its power seeks to weaken the arm of the Government, and to give support and encouragement to armed reto weaken the arm of the Government, and to give support and encouragement to armed resistance to constituted authority, by the honest and well-intentioned though injudicious action of any member of this Court, to suppose that it could here receive encouragement, protection, or approval, I have said nothing of the act which has given rise to this proceeding; I have no opinion about it, because the facts have in no proper way come before me. If a prosecution should, in due course of law, grow out of the transaction, and be called for trial during this term, it shall receive its due consideration at the hands of the Court. I have formed no preconceived judgment, which would disqualify me from trying any case or determining any me from trying any case or determining any question connected with it. "The Clerk is directed to enter the following

order upon the minutes of the Court—
"And now, February 2, 1863, it is ordered that
the District Attorney shall send no indictment to the Grand Jury based on the presentment brought into Court on the 30th ult., until directed so to do by a majority of the

The Protest of General Grant.

RESEWHERE IN THE EVENING TELEGRAPH to-day we give the correspondence between General Grant and President Johnson relative to the removal of General Sheridan. A few days since we expressed our views on the subject of the political views of the General. We stated that so far he had given no indications which would lead us to infer that he did not heartily sympathize with the great party of the warthat party which is to-day battling against the country's enemy in Washington, as it did for six years against an equally vindictive foe in

The letter of the General shows us that our confidence was not misplaced. The General's protest is so vigorous, so comprehensive, so ntterly decided, that there can be no question but that he heartily approved of Sheridan's course, and consequently as strongly disapproved of the policy and conduct of Mr. Johnson. He does not tone or qualify his phrases. He immediately "urges, earnestly urges, urges in the name of a patriotic people, that this order be not insisted upon." He declares that the country approves of the course of Sheridan, and begs that the voice of the people may be heard. He commends Sheridan, declaring that "he has performed his civil duties faithfully and intelligently." He frankly tells Johnson that such an act would lead the Rebels to believe "that the Executive is with them," and implies directly that if the order be insisted upon, such an opinion would be natural, if not correct. And finally, "there are military reasons. pecuniary reasons, and, above all, patriotic reasons, why the order should not be insisted on." Hence General Grant deems the President unpatriotic in acting as he has done. From the fact that he states that Thomas has often protested against being assigned to succeed Sheridan, it is clear Mr. Johnson has been seeking to accomplish his end before now. The letter tends to reinstate Gen. Grant in the confidence of the people, which confidence was shaken by his course. We could not believe that a soldier so faithful and successful would fail his country in her hour of need.

We Must Have Good Men.

During the coming week the various local Conventions for the nomination of candidates for the different offices will meet and make their selections. At the risk of repetition, we would again urge upon them not only the propriety, but the absolute necessity, of selecting worthy men for every post within the gift of the people. The indications of the day are so plain that none can mistake them. The temper of the people on the subject of party is changing day by day. The lines are not as strictly drawn as they were in the days of Jackson. The wish to see good men only elected is rising above the wish to see a party triumph, and it is essential to the success of any candidate that he possess a clean record. The requisites laid down by Jefferson-honesty, patriotism, and capability-are once more beginning to be demanded in candidates, and the election of any one not possessed of these qualities is a matter of great doubt, whatever be the strength of his party. Nor do we regret this breaking down of caucus power, for it compels the introduction of a new and a better class into the public places of the country.

The truth of what we say is being demonstrated year by year. Two years since an objectionable nominee of the Republican party ran ten thousand votes behind his ticket, and met with a decided defeat. Last year a gentleman with no stain on his character was almost beaten because of the nomination of a more popular man by the opposition. This shows that the strength of the party, as far as local offices are concerned, depends as much on the candidate as it does on his professed principles. It matters but little to us that a sheriff should be in favor of reconstruction, if he also favors peculation and deceit. What we want is preëminent honesty, together with capability and patriotism. There can be no doubt that the Democracy will take the best men they can secure, because they are desperate for spoils, and are seeking to distract attention from the principles of the party to the personal character of the candidate. Whether they will or will not be successful rests entirely with ourselves. If we nominate our best men, then we are assured of victory. With an equality so far as the candidates are concerned, who can doubt the success of our principles? But if we fail to put up the best men within our reach, and they put up better men than we, then our chances of success are but chances. And the first step, the great step, the all-important step, is to be taken when the candidates are selected. Again we say to the Conventions, "As you value victory, nominate your best men."

Rousseau as a Spy. Oss of Mr. Johnson's organs lets this "cat out of the bag' in reference to General Rousseau's presence in General Sheridan's Department. People generally wondered what business Rousseau had in that quarter, but this writer, in endeavoring to shield him from General Sheridan's charge, that he was interfering with reconstruction, admits that the President telegraphed to Rousseau as follows:-"How do matters look in Louisiana?" and the latter. anxious to answer in accordance with the Executive desire, responded:-"Affairs here look very gloomy, and the people much depressed. Any change that would be required would meet with almost universal approbation." This explains Rousseau's mission. The President determined to oust Sheridan, and, to make a show of reason for so doing despatched this trusty agent, whose sympa. thies are in unison with his own, to New Orleans, where he acted the part of spy and informer on the commanding general.

Rousseau may have thought that he himself would secure the appointment to fill the gallant Sheridan's place by thus replying in favor of the malcontents at New Orleans. In that case, he would have avoided the iceregions of Alaska, and been placed in a more congenial climate, with more congenial associations. Mr. Johnson, however, did not thus estimate his services, and Rousseau, after having accomplished what he could to injure a brother soldier, returns North to sail for the barren and dreary shores of our new possessions. The principal in this contemptible business profits by the slanders of his "informer" and tool, while the latter is banished to the Seward-Johnson Siberia.

A WELL-EARNED HONOR .- The services rendered to maritime commerce by Mr. William Mitchell, of London, have been deemed worthy of recognition by the Crown, and the honor of knighthood has been conferred upon him. The services rendered by Mr. Mitchell in the establishment of "The National Code of Signals for the Use of All Nations," are among the most recent, if not the most useful of his labors. After several years of labor and outlay, it is now adopted, to the exclusion of every other code, by France, Holland, Sweden, Denmark, Russia, Greece, Italy, Austria, Prussia, Spain, and Portugal. It has been more or less in use in American ships for several years, but the war prevented its general adoption.

-Tobacco is given to criminals in Austria It makes them cheerful, and the fear of deprivation is a great aid to discipline.

SPECIAL NOTICES.

NEWSPAPER ADVERTISING.-JOY COE & CO., Agen s for the "TELEGRAPH" and Newspaper Press of the whole country, have RE MOVED from FIFTH and CHESNUT Streets to No. 144 S. SIXTH Street, second door above WALNUT. OFFICES:-No. 144 S. SIXTH Street, Philadelphia; TRIBUNE BUILDINGS, New York.

WEIGAND'S PATENT STEAM GENE-RATOR.-This is the most simple, safe, and economical apparatus known for making steam. It is less expensive, both in first cost and use, and its advantages are such that it must supersede every other boiler, IT CANNOT POSSIBLY BE EX-PLODED; will not incrust; can be increased to any capacity by the additions of section; can be separated into sections for convenient transportation; generates steam fast and dry; economizes in space, weight, and fuel; costs less for brick work and setting up; is less liable to get out of order, and can be anywhere repaired; and can be manufactured and sold thirty per than any other boiler now in use. neers, machinists, and capitalists are invited to examine one of these Boilers now in operation at Henderson's Mill, Coates street, west of Twenty-first, A. Company to manufacture this Boller is being organ and one thousand shares of stock in all ar offered for sale at \$50 a share, of which two-thirds has been subscribed. It will be shown to those interested, that a large profit is already being realized in the A model of the Boiler can be seen at the office of

SAMUEL WORK, Northeast cor. THIRD and DOCK Streets, where subscriptions for shares in the Company will be received. PARDEE SCIENTIFIC COURSE

IN LAFAYETTE COLLEGE.

The next term commences on THURSDAY, September 12. Candidates or admission may be examned the day before (September 11), or on Tuesday, July 30, the day before the annual commencement. For circulars apply to President CATTELL, or to Professor R. B. YOUNGMAN,

Easton, Pa., July, 1867.

OFFICE OF THE FRANKFORD AND PHILADELPHIA PASSENGER RAIL-WAY COMPANY, No. 2403 FRANKFORD Road.

PHILADELPHIA, August 28, 1867.

All persons who are subscribers to or holders of the Capital Stock of this Company, and who have not yet paid the tenth instalment of Five Dollars per share thereon, are hereby notified that the said tenth instalment has been called in, and that they are required to pay the same at the above office on the 10th day of September, 1867. day of September, 1867.
By order of the Board.
S26 121 JACOB BINDER, President.

NOW IS THE TIME TO PREPARE FOR FALL BUSINESS.

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College now open. Catalogues furnished on applica-Evening sessions after September 15. [8 24 smwlm4p

THE PENNSYLVANIA FIRE INSURANUE COMPANY.

AUGUST 21, 1867.

The Annual Meeting of the Stockholders of the Pennsylvania Fire Insurance Company will be held at their Office, on MONDAY, the 2d day of September neal, at 10 ofclock A, M., when an election will be held for nine Directors, to serve for the ensuling year.

8 22 9t WILLIAM G. CROWELL, Secretary.

BATCHELOR'S HAIR DYE,-THIS BATCHELOR'S HAIR DYE,—TMIS splendid Hair Dye is the best in the world. The only true and perfect Dye—Harmless, Reliable, Instantaneous, No disappointment. No ridiculous tints, Natural Black or Brown. Remedies the ill effects of Bad Dyes, Invigorates the hair, leaving it soft and beautiful. The genume is signed WILLIAM A. BATCHELOR. All others are more imitations, and should be avoided. Sold by all Druggists and Perfumers. Factory, No. 81 BARCLAY Street, New York.

POLITICAL.

Agreeably to the call of the City Executive Committee, the REPUBLICAN CITIZENS of the TENTH WAED Will assemble in their respective Precincts on TUESDAY Evening, August 27, between the hours of 5 and 8 o clock, to elect delegates to the various Conventions as provided for in the kules. First Division—No. 141 N. Ninth street. Second Division—N. W. cor. of Ninth and Cherry States of the Various Convention. N. W. cor. of Fleventh and Eace sts. First Division—S. W. cor. of Eleventh and Eace sts. Fitth Division—S. W. cor. of Gobbard and Race sts. Seventh Division—S. W. cor. of Gobbard and Race sts. Seventh Division—S. W. cor. of Sixteenth and Cherry Righth Division—S. W. cor. of Sixteenth and Cherry Eighth Division—S. W. cor. of Twenty-first and Cherry streets.

Ninth Division—S. W. cor. of Twenty-second and Vine streets.

HENRY C. HOWELL.

President of the Ward Executive Committee.
CHARLES L. WEST, Secretary.

525 2t

POLITICAL.

TENTH WARD-SELECT COUNCIL.

We, the undersigned Republican voters of the Touth Ward, resommend our friends to attent the beliegests election, to be held at the different predict bouses, TUESDAY, August 17, between the hours of six and eight c'clock F. M., and cast their votes for designates pledged to nominate A. H. FEANCISCUS for reject Council, believing that the best interests of the ward and city will be served by his nomination and election. John W. Claghorn.
Isaac B. Williams.
David Weatherly, Jr.,
Wm. P. Troth.
Thos. A. Robinson.
Chas. Wise.
John Bteinmetz.
Ed. Levaring.
"co. F. Wardell.
B. S. Janney
S. B. Brick.
Wm. B. Poulson.
Chas. O. Soliers.
Ed. E. Eyre.
A. Cathbert Thomas.
E. Dr. Markley.
E. P. Moyer.
T. W. Markley.
Geo. Fryer.

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he ward and city will beleation.
James Poilock,
All'n Wood,
Geo Morrison Coates,
Geo Truman, Jr.,
A Wilson Henessy,
John Agnew,
Richard Stokes,
Henry C, Howell,
Geo. H Boberts,
J. Bargent Frice,
Ornige Bitchie,
Adam Matsinger,
Tristsm Boudle,
B. B. Jenkins,
Thos. Earp,
G. T. Berker, M. D.,
John M. Kennedy,
Chas F. Norton,
Albert Moulton,
Chas. D. Norton,
Wm H. Hurley,
John M. Weiherill,
Ed. Y. Townsend,
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H. Bost,
W. Harley,
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Wm Jackson,
E. D. Clark,
Sandford McCalla,
Ed Gilbert,
Samuel Miller,
Jacob Johnson,
Wm. Priest,
Robert Mills,
Jos. Hinchmae,
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TO THE REPUBLICAN VOTERS OF

TO THE REPUBLICAN VOTERS OF PHILADELPHIA.

In accordance with the Rules of the Republican Party, the registered Republican citizens of each Ward shall meet in their respective Divisions on TUESDAY, August 27, 1867, between the hours of 8 and 8 o'clock P. M., and elect one delegate from each Division to a City Convention; one Delegate from each Division to a Representative Convention; one Delegate from each Division to a Judicial Convention; two persons from each Division to a Ward Committee of Superintendence; two Delegates from each Division to a Ward Convention, except that the Twenty-third Ward may elect three Delegates from each Division to the Ward Convention; and in the Third Senatorial District one Delegate from each Division to a Senatorial Convention.

By order of the Republican City Executive Com.

WILLIAM R. LEEDS, President.

John L. Hill, Secretaries.

JOHN L. HILL, JOSEPH S. ALLEN, Secretaries.

N. B. The City Convention to meet at Horticultural Hall, BROAD Street, above Spruce.

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