

Evening Telegraph

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MONDAY, FEBRUARY 1, 1869.

Label Suits.

There is apparently an increasing tendency in some sections of the country, among individuals who feel themselves aggrieved by newspaper publications, to institute libel suits, and among juries to convict publishers on insufficient evidence, or to award unjust and disproportionate damages. People seem prone to forget the old maxim that a free press is a palladium of liberty, and that in the United States especially, where free institutions prevail and public opinion is omnipotent, it is vitally important that the newspapers should be permitted and encouraged to discuss with unrestricted freedom all matters appertaining to public men and public affairs and to events of general interest.

In Pennsylvania the freedom of the press is secured to a great extent by the following provision in the State Constitution:—

"The printing press shall be free to every person who undertakes to examine the proceedings of the Legislature or any branch of government. And no law shall ever be made to restrain the right thereof. The free communication of thought and opinion is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the truth of the facts; and for the propriety of the publication of papers investigating the official conduct of officers, or making a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases."

This section grants to newspaper publishers nearly all the privileges they should enjoy, provided it is liberally interpreted by courts and juries. A disposition is sometimes displayed, however, to violate the spirit if not the letter of this Magna Charta of the press. It will be seen that in reference to discussions of public men and measures, and in all matter "proper for public information," the truth may be given in evidence as a sufficient defense against prosecutions for libel. In ordinary cases this safeguard is sufficient, but occasionally matter proper for public information is published which proves, on investigation, to be untrue, although it was printed in perfectly good faith, and with a full belief in its truthfulness on the part of the writer and the publisher, who merely gave currency to a prevalent opinion or report, and that juries are induced to convict for libel under these circumstances mainly on account of a strained technical rule to the effect that "where a man publishes a writing which on the face of it is libellous, the law presumes he does so from that malicious intention which constitutes the offense." This presumption is unwarranted in nine cases out of ten, and it practically leads to great injustice.

It should either be set aside by positive legislation, overruled by judges who comprehend the spirit of the age and the character of its requirements of modern journalism, or treated with absolute contempt by every intelligent jury. If there ever was any sense or reason in this dictum, it was in the infancy of journalism, before the labors of local reporters commenced, before telegraphs were invented, and before the establishment of the genuine modern newspaper. It is barely possible that the old-time editor—who filled his columns with advertisements and an occasional editorial, interspersed with official documents and carefully gleaned items from his exchanges, and who rarely condescended to print local intelligence until it was a week old, or to publish original matter of any description, except such articles as promoted the interests of his political party, and who had ample time and opportunity to read and re-read every one of the few lines of news he furnished to the public—may not have suffered any accusation to appear in his columns without his deliberate consent, and without full preparation to prove the correctness of his statements or to abide the issue of a prosecution for libel. But no judge or jury possessed of a grain of common sense can fail to perceive the injustice and absurdity of the occasional attempts to fetter modern writers and publishers with an antiquated presumption. The public now demand news of all kinds and descriptions—from the uttermost ends of the earth, as well as from every street and court of the city or town in which they reside—and they will be content with nothing less than a daily record of all "matter proper for public information," whether it relates to occurrences in palaces or hovels, in courts or Congress; to the latest fire, the latest fight, or the latest fashion; to murders or amusements; to political movements or the manoeuvres of politicians. This omnium gatherum must be collected, written out, put in type, printed, and distributed at the shortest possible notice, and under such a pressure for time that no single individual except the proof-reader (and in many cases more than one proof-reader is required) ever reads, before publication, every line appearing in a complete modern journal, and he necessarily reads much of the matter mechanically, without caring for or endeavoring to comprehend the sense. The publisher generally exercises as close a supervision over his journal as circumstances permit (and if the public had any idea of the vast amount of interesting and piquant matter offered or proposed for publication which we exclude on account of its libellous character, they would fully comprehend that this is no holiday task), but he must necessarily depend, to a large extent, upon the discretion of correspondents, reporters, and editors; and it is utterly out of his power to know in advance the exact character of every line which appears in any number of his journal. Even if the writers are perfectly accurate, an unfortunate typographical error may convert an innocent paragraph into an atrocious libel, and the public may read a sentence declaring that John Doe is the keeper of a bawdy-house, which was written to convey the intelligence that he is the proprietor of a boarding-house. There are grave lawyers however, who contend that, no matter how much care a publisher exercises to prevent the appearance of malicious articles in the columns under his control, the fact of publication is prima facie evidence of malice on his part, and that common sense and inherent justice must be set at defiance because antiquated dictums of antediluvian judges still find a place in musty law books. If the Legislature fails to prevent them from urging this odious doctrine at the bar, juries should freely avail themselves of the privilege of harmonizing the law and the facts with modern progress.

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The Gallant Democracy of Connecticut. GENERAL GRANT has not yet received official notification of his election as President of the United States, and we are already on the eve of another contest at the polls. New Hampshire is the first State to plunge again into the whirl of politics, her State election transpiring on Tuesday, March 9. The State is decidedly Republican, and has been such for years, Grant's majority in November having been nearly 7000, which was an increase of 4500 on the Republican majority of last March. Therefore the Democracy will not be tempted to make much of an effort. The same may be said of Rhode Island, which holds her State election on Wednesday, April 7. We believe that in this State the undismayed still go through the forms of nominating candidates for the empty honor of defeat, but as the Republicans are just twice as numerous as the Democrats, the fight is a very tame one, and of no particular significance.

In Connecticut, however, there is to be a big fight, which will culminate on Monday, April 5. The Democracy are already in the field, having just nominated the present incumbent, Hon. James B. English, as their candidate for gubernatorial honors. Governor English is an able, upright, and popular statesman. His Congressional record, on the strength of which he attained his present position, was very fair and creditable. Indeed, he contrived to cast aside the claims of his party to such an extent as to cast his vote in favor of the constitutional amendment abolishing slavery. This was a grievous injury to the Democratic party, an outrageous apostasy from the true faith according to the modern standards, and under any ordinary circumstances the indignation of the State would have thrown him overboard. But his Congressional record made him the only available Democratic candidate for Governor in the State. In 1865, the Democrats had not yet learned this fact, and placed in nomination such an arrant Copperhead as Origen S. Seymour, the result being his defeat by 11,935 votes in a total of 73,713. With this exemplary defeat they took wisdom, and in 1866 General Hawley succeeded in beating Mr. English by a majority of only 541 votes in a total of 87,407. The virtue of English's war record was so potent here that no member of the Seymour family dared aspire to the Governorship in 1867, and he was again placed in the field, this time carrying off the prize against General Hawley by a majority of 987 in a total vote of 94,143. This triumph of English effectually killed the whole race of Seymours, who formerly abounded in Connecticut, and at the expiration of English's first term he was renominated as a matter of course, and re-elected last April by 1765 majority, in a total vote of 99,318, over Marshall Jewell, who could not boast of having served the country in any capacity other than that of an enterprising manufacturer. By this time the Connecticut Democracy had been lulled into a blissful state of confidence, and on the basis of the "reaction" foreshadowed by their victory, they and their confederates throughout the Union even permitted themselves to predict, and for a time candidly to nourish the belief, that any sympathizer with Rebellion who might be run for President against any supporter of the Union would be assuredly successful. But behold their discomfiture! Grant was triumphantly chosen Chief Magistrate of the United States, in spite of all calculations to the contrary based upon the wonderful Connecticut "reaction," his majority in that State being 3041 in a total vote of 98,241.

On the strength of this showing the Age facetiously declares that "the gallant Democracy of Connecticut will re-elect their old and tried leader and the whole ticket by a glorious majority!" The Age's notions about glory are not very precise, and we suppose that if English receives a bare majority of 100 it will be proclaimed by that journal as the glorious thing it now has in mind. It is curious to observe the manner in which it arrives at such a positive and satisfactory result. "Since the November contest the Democracy have been hard at work in perfecting their organization, and the same labor will be continued until the election in April." If the Connecticut Democracy did not engage in some remarkably "hard work" during the interval between April and November of last year, our advice would be that not very remote locality have been exceedingly untrustworthy. And the sole result of this labor was the shifting of the popular majority from 1765 on the Democratic side to 3041 on the Republican, with a falling off in the total vote of

nearly 1100. But the Age not only counts on activity in the Democratic ranks; it relies on the apathy of the Republicans as well. "Before the State contest in Connecticut takes place," it says, "General Grant will have distributed the offices in his gift, and as the radical party is only held together by the cohesion of public plunder, it will melt away like snow before the summer sun!" It would be downright cruelty to disturb the symmetry of this very elegant and rather novel metaphor, and we forbear further remark except the expression of our belief, founded upon the figures analyzed above, that the gubernatorial days of James B. English are numbered, and that his gubernatorial hopes will flicker out on the 5th of April next, leaving the Connecticut Democracy again in total darkness.

A Just and Needed Law.

There was introduced into the Legislature on Friday last a very proper bill, making provision for the license of pawnbrokers. In addition to the requiring of the license, it also provides for the punishment of any of that class of tradesmen who seek to extort money or to aid thieves. The law, in the first place, compels every pawnbroker to pay to the Mayor, for the city, \$50 per annum for a certificate of authority to transact that business. This is a fruitful source of revenue, and will not fall heavily on any citizens. But not only does it thus give a permanent fund to Philadelphia, and thus do good, but it also gives the authorities a hold on these dealers—a check on any of their misdeeds—which cannot be beneficial in its results. Thus, if any suspicion of receiving stolen goods be shown to be well founded, or if, under the disguise of a pledge, valuable property is received and disposed of to the disadvantage of the owner, the Mayor can revoke the license granted, and either thus cause restitution or prevent the parties implicated from exercising their business in the future—a power of suspension in cases where such transactions are not exactly criminal, yet are certainly great wrongs. There are many such cases which are not sufficient to convict a person in the dock of the Quarter Sessions, but are sufficient to cause a revocation of his license. In this light, therefore, we see much good in the proposed law. Then, again, it makes it a penal offense to charge more than 1 per cent. a month for money loaned, or to sell the article pledged until after nine months from its being given as security. Both of these provisions would have a salutary effect.

A stringent yet not unjust paragraph is also inserted in regard to the receiving of stolen goods knowing them to have been stolen. We all know right well that, were it not for the pawnbrokers, two-thirds of the amount of sneak-thieving which is done would not be attempted. The parties who engage in the business of petty larceny would have comparatively small inducements to do so were there not some parties who would take their plunder off their hands. If they had to sell it themselves, the risk of detection would be too great, and few would run it. But if in league with a pawnbroker, then he will take the goods cheaply, keep them a short time, and then dispose of them. By this means the thieves can with comparative safety ply their trade. The bill, as introduced by Mr. Mullen, makes all who are convicted of receiving stolen goods liable to a fine of from \$500 to \$1000 and imprisonment for not less than six months nor more than a year. We see much good in the proposed statute, and hope that it will be speedily passed.

A Pension for Mrs. Lincoln.

The Committee on Pensions in the United States Senate have reported adversely to granting to Mrs. Mary Lincoln, widow of the late President, a pension. They base their decision nominally on a technical ground, but in reality it arises from the adverse sentiment felt by the American people to any such provision. The conduct of Mrs. Lincoln, not only since the death of the President, but long before, has been such as to utterly estrange all those feelings which a people so generous as our own would naturally feel for a grief-stricken widow. If one title of the tales told be true—and where there is so much smoke there is generally some fire—then she has acted as a spendthrift, and certainly not as a mourner. While, in case she should be in actual want, it is probable that she would be saved from starvation, yet at present, as the only claim to the gift of \$3000 is that she writes on deep mourning paper, we think the committee did right in refusing, anyhow until the facts of the case receive some investigation.

The Age, in response to our insinuation that it is addicted to the use of harsh words, declares that it "will never be mealy-mouthed when an attempt is made to assail the rights of Pennsylvania." This is an excellent platform, and we can only express our regret that the Age does not always adhere to it. When the grossest frauds were being perpetrated upon the legal voters of this city by a Democratic judge, last fall, the Age never once lifted up its voice, except to assail those who attempted to prevent an utter perversion of the will of the people.

The Washington correspondent of the Age is a youth of unusual brilliancy. This morning he astonished the Democracy of Philadelphia by styling the proposed amendment to the Federal Constitution extending the right of suffrage to all the citizens of the United States a "scandalously unconstitutional measure!" This is "an opinion as is an opinion."

The French Budget has been submitted to the Emperor by his Minister of Finance. The report opens with a brief history of the loan of 1868. In the beginning of that year it says that there were before the government three necessities. The first was, the necessity of meeting the floating debt increased by the political events of 1867; the second was the

necessity of keeping up the land and naval armaments to the standard of other countries; and the third was the necessity of encouraging the national commerce and industry. To meet these requirements a law was passed by the French Chamber, in August last, authorizing a loan of four hundred and twenty-nine millions of francs, to be appropriated to the objects above named. The subscriptions to this loan opened on the 6th and closed on the 13th of August, with the entire amount taken up. On the 1st of January, 1869, the Treasury had already received one hundred and ninety-six millions cash. The remainder is payable in fourteen instalments, conformably to the law. In the budget of 1867 the total expenses, ordinary and extraordinary, were fixed at 1,905,458,609 francs. The receipts of every kind amounted to 1,739,396,000 francs. This left a deficit of 175,062,609 francs, which had been met by an appropriation from the loan of 1868. The budget of 1868, as finally adjusted by law, fixed the total amount of the ordinary and extraordinary expenses of government at 1,721,915,193 francs, and estimated the amount of receipts at the same figure. The result, says M. Magne, has confirmed and even improved these estimates. The returns from the indirect taxes alone for 1868 exceeded those of the previous year by thirty-four millions, and exceeded the estimated returns by thirty millions of francs. The estimates for the budget of 1869 are larger than those of 1868, owing to the increased expense attending the reorganization of the army, the creation of a National Guard Mobile, an increase in the pay of officers, and improvements in other departments of government service. Nevertheless, if the estimates of M. Magne are correct, there will be a small surplus of revenue over expenditure. These estimates are as follows:—Total receipts, 1,722,444,963 francs. Total expenses, 1,722,061,732 francs—leaving a surplus of 383,171 francs. According to the budget of 1870 the expenditure will be thirty millions greater than in 1869, or 1,850,000,000 francs. The revenues, judged by those of 1868, will be 1,739,000,000 francs, showing a surplus of 80,000,000, which will be transferred to the extraordinary budget. It is this extraordinary budget which will have to bear the expense of reorganizing the army and navy and continuing the public works. The application of an important portion of the loan to the reduction of the floating debt will, it is expected, "gradually" bring this debt down to 700,000,000 francs.

SPECIAL NOTICES.

(For additional Special Notices see the Inside Pages.) AMERICAN ACADEMY OF MUSIC.

CONCERT FOR THE BENEFIT OF THE POOR AT THIS EVENING, at 8 O'CLOCK, REPERTORY HALL, SEVENTH STREET ABOVE BROWN (REV. T. DE WITT TALKINGHEAD, given by the Choir, assisted by MRS. CAROLINE MOGUE FREERY, MISS WILLIE MOGUE FREERY, MR. WILLIAM A. BRISCOE, MR. B. F. WALTERS, MR. J. G. UMSTEAD, T. C. WILSON, to be read at Kennedy's Drug Store, corner of Seventh and Brown streets, and at the door. Concert to commence at 8 o'clock.

A FREE LECTURE WILL BE DELIVERED THIS EVENING, by Dr. SHERMAN, in BUTTWOOD STREET FREE BY BETHLEHEM CHURCH, Subject—"Contrast between the Northern and Southern Slaveholders." All are welcome.

MR. HUGH B. HOUSTON HAS BEEN admitted to an interest in our business from this date. JAMES E. CALDWELL & CO., 213 N. SECOND STREET.

POETRY ABOUT MAN AND BEAST. The beasts of the field are clothed with hair, The birds of the air with feathers; Both birds and beasts have plenty to wear, Exposed to all sorts of weathers. The reason the birds and the beasts go thus, It is certainly now decided, Is because no clothing furnished by us, Such as our man is provided.

But human critics would deem it a sin And such men and furs to dress, so And so each human covers his skin With pants and with coats, and vests, oh! And men, by the thousands, are clothed with goods.

Which we run some tremendous mills on, And the mass of the nation crowd to buy the Clothing of ROCKHILL & WILSON.

ROCKHILL & WILSON would mention, by way of passing remarks, that there are still a few clothes left of the same sort, going, going, going, at the same unprecedented low prices. Men being superior in understanding to the beast of the field, or the fowl of the air, will show his understanding by taking advantage of the present condition of affairs, and hastening to buy at this.

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TO RENT. TO RENT—SECOND FLOOR OF building at S. E. corner SIXTEENTH and PEARL streets, 40x60 feet, suitable for Society Meeting Room, Public Hall, or Reading Room. Apply between 1 and 2 o'clock in the afternoon, and 6 and 7 in the evening, at No. 126 N. SEVENTEENTH street.

FOR RENT—PROPOSALS WILL BE RECEIVED for the rental of the second, third, and fourth floors, and the three stores on SEVENTH street, of the five-story building N. W. corner TWENTY-FIFTH and PINE streets. Apply to A. H. MERRICK, No. 1201 MARKET street, between SECOND and THIRD streets.

TO RENT—AN OFFICE SUITABLE FOR A physician—a lawyer, with or without board, at No. 1121 GIRDARD street.

FINANCIAL.

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The Company will have the entire line finished through to California, and ready for this summer's travel.

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PHILADELPHIA,uary 13, 1869.

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CAPITAL STOCK FROM \$100,000, its present amount, to \$ 2 0 0 , 0 0 0 ,

In Shares of Fifty Dollars Each, And for which subscription books are now open at this office.

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