## Grening Telegraph POSLISHED EVERY AFTERBOOM

(SUNDAYS EXCEPTED).

AT THE EVENING TELEGRAPH BUILDING. EO. 108 & THIRD STREET, PHILADELPHIA:

The Price is three cents per copy (doub's sheet); or eighteen cents per week, payable to the carried by whom served. The subscription price by made is Kine Dollars per annum, or One Dollar and Fifty cents for two months, invariably in advance or the time ordered.

PRIDAY, MARCH 12, 1869.

The Cabinet Reconstructed. Some weeks ago General Grant, in reply to eager questioners, who expressed great anxiety in regard to his Cabinet, quietly remarked that there need be no uneasiness on that score, for if he should happen to make a mistake it would be a very easy matter to rectify it. and that he would remove his own appointees as readily as those of his predecessor, if the

public interests required such action. Few persons could have then supposed that this remark would be illustrated by the important reorganization which has occurred in the very first week of the new administration. While few office-holders die and none resign this remark often applies with peculiar force to Cabinet ministers. Witness the wonderful enacity with which Seward clung to the office Secretary of State under all the exciting changes of Lincoln's administration as well as the varying moods of Andrew Johnson, from avage hostility to traitors to loving sympathy or the very worst of the Rebels! Witness, : .o, the adhesiveness with which Welies fas-1 med, as close as a barnacle, to the Navy Department for eight long years!

The peculiar method by which the Government has been administered by some Presients fully explains why politicians attach nch importance to the selection of a Cabinet-The executive functions have occasionally b sn placed so completely in the control of the heads of departments, that in affairs of olomacy, finance, war, or of internal polity, the more remained for the occupant of the "hite House than to play the part of an a miable automaton, while seven powerful ministers pulled the moving wires.

s there is no danger that Grant will sink i. ... this slough, it is a matter of comparatively it importance who is in the Cabinet, but the utry has good cause for rejoicing in the ctions he has made. In detail they challe: ge criticism, and as a whole the new administration will command unqualified aproval.

Despite Mr. Washburne's usefulness in Congress, and his irresistible claims to the confi dence of the country and the gratitude of the President, his appointment as Secretary of State was a surprise to himself as well as the nation. No man had a better right to select his own field of political labor, and his resignation as Secretary of State and appointment as Minister to France have been followed by the choice of a very worthy and distinguished Successor. Hamilton Fish is one of the best of the polished old school of American statesmen. His experience as a Congressman, Governor, and United States Senator, combined with his training and ability as a lawyer, and the varied acquirements gained by careful intellectual culture and foreign travel, admirably qualify him for his important position. He cannot fail to command admiration at home and respect abroad.

There could have been no happier termination of the Treasury imbroglio than the appointment of Mr. Boutwell as Secretary of the Treasury. The fidelity and ability he has displayed in important State and national offices, including his important services as Commissioner of Internal Revenue, give a sure guarantee of his successful management of the national finances. Pennsylvanians will be especially gratified with the fact that Mr. Boutwell is a firm advocate of a protective system. In a speech which he delivered at a Massachusetts State Convention, last fall, he strongly advocated gradual contraction until paper money "approximates in value to the standard of coin," and he predicted that the credit of the country would be so completely restored by the election of Grant that the nation could "issue bonds payable after ten or twenty years, bearing a low rate of interest, and thus save annually the sum of twenty or thirty millions of dollars." Time will show to what extent these utterances as a stump-speaker foreshadow his policy as a statesman and his sagacity in divining future

There is great propriety in the appointment of General Rawlins as Secretary of War. He was a personal friend and neighbor of Grant before the war, and during all its trials and the exciting events which have followed it, he was Grant's favorite aid and counsellor. The country will admire and applaud the disposition which clutches with hooks of steel a companion tested in so many varied scenes, especially when, as in this instance, the recipient of the confidence of the President is admirably qualified for the duties of his new position.

Bincklay commenced to froth at the mouth as soon as Andrew Johnson left Washington, and when the paroxysm left him he found himself under heavy bail for making a cowardly attack upon Mr. Harland, the Deputy Commissioner of Internal Revenue. It's a pity that Binckley was not choked to death by the wheoping cough, unless he has not yet reached that stage in his infantile car-er when this complaint might be expected to prostrate bim.

ANDREW Jourson is overwhelmed with joy at his deliverance from the burdens and slavery of Presidential life. If his joy exceeds that of the American people at their deliverance from him, he must, indeed, be blessed that date has never been called in question. with very expherant spirits.

Property Exempt from Taxation. Is urging, a few days ago, the expediency o' taxing all species of property for the support of the city government, we estimated thamount of real estate in this city which has been wholly exempted from the burdens of taxation at more than \$40,000,000, according to the assessed value. The official statement published by us yesterday showed that our estimate was not a dollar too high, the amount being within a few thousand dollars o' \$41,000,000. The following statement show the total assessed value of real estate in the city subject to the different rates of taxation, in comparison with the amount exempt from taxation:-

Subject to Exempt from Percentag City rate...... Mis 029 689 Tuxation, of white \$39,283,480 Suburban rate, 24,256 286 Faim rate...... 21,772,642 1,130,800 556 600

Total ...... \$462,058,627 \$40,970,380 Thus it will be seen that, as the laws now stand, over eight per cent. of the entire real estate in the city is released from all the burdens of taxation, a state of affairs which certainly needs a summary remedying. The following figures show the amount of money which, during the current year, is practically wrenched from our tax-burdened citizens to support so called charitable, educational, and religious institutions: -

Tax on \$39 283,480, at city rates, \$1 80. 

Grand total The \$416,029,699 which are now taxed at the full city rate, \$1.80, will yield during the present year \$7,488,534.58, while if to this sum were added the amount exempt from taxation, making \$455,313,179, the same amount of revenue would be realized with the tax rate at \$1.64 only; and if the tax were to remain at \$1.80 the revenue of the city would be increased, as is shown above, by more than \$700,000, sufficient to enable us to get through the year without the customary addition to the floating and funded debts. There are unquestionably some species of property are justly entitled to exemption, but it is so difficult to draw the dividing line that the exemption of any property whatever inevitably leads, as it has always led, to the grossest and most scandalous abuses. The whole thing is wrong in theory, and we cannot hope to make it any better than it is in practice. For this reason the Legislature should not hesitate to come to the relief of our citizens, and those of the State at large, by repealing every law which exempts a dollar's worth of real estate from the burdens of taxation. Senator Nagle has introduced a half-way measure looking to the accomplishment of this object; but it is to be hoped that it will be perfected by including burial grounds within the reach of the tax. gatherer, before it is put upon its passage.

Legislative Iconoclasm.

It is with a sensation approaching astonishment that we read the proceedings of the House of Representatives at Harrisburg on Tuesday. Amid the dreary waste of bills that have "something in them" we encounter, for the first time during the present session, an attempt at changing the fundamental principles of the common law, as it has been handed down to us through the centuries. And the most astonishing part of the whole business is the fact that our legislative iconoclast, who rejoices in the name of Andrew Jackson Herr, and hails from Dauphin county, has had the temerity to raise his hand against one of the most sacred images in the temple of the law.

The principle familiar to the profession as "the Rule in Shelley's Case" is based upon several cases found in the antiquated series of reports known as the Year Books, which contain the decisions of the English courts during the period from 1154 to 1547, the earliest case in which the principle is set forth occurring in the year 1172, nearly seven centuries ago. The rule is thus quaintly worded by Lord Coke:-

"When the ancestor, by any gitt or convey-snee, taketh an estate of freehold, and in the same gift or conveyance an estate is limited, either mediately or immediately, to his heirs, in fee or in tail, the heirs are words of limitation of the estate, and not words of purchase."

Deprived of its technical obscurities, the principle may be thus stated: When a person is vested with an estate for life or for some other uncertain period, and in the same deed, will, or other instrument by which he receives this estate, an estate of the same legal or equitable character, either with or without the interposition of another estate, is vested in "his heirs," the "heirs of his body," or "his issue," to be held absolutely by them, the first person named is himself vested absolutely with the estate, and may dispose of it in the same manner as any other property belonging to him without restriction of any kind.

Perhaps there is not, in the whole range of the law affecting real property, a principle which has given rise to more research and discussion than the Rule in Shelley's Case. The works of the great commentators and the decisions of the courts of both England and this country are filled with it, and at last all the points on which it can possibly be brought to bear have been so elaborated by the standard authorities of the common law, that it has become one of the clearest and most unquestionable principles of the unwritten code. Chancellor Kent, in his celebrated Commentaries, says that "it has certainly the pretension of high antiquity, and has been firmly established as an axiom the English law of real property for more than five hundred years." Not only is it firmly established in England, but, as Kent says, it "has been received and adopted in the United States as part of the system of the common law," having been recognized as binding in nearly, if not quite, every State in the Union, from the time when the principle involved was first called in question by litigation. In Pennsylvania it was recognized and enforced as early as the year 1754, and since In the State of New York, alone, we believe

has it been tampered with by legislation, a law counteracting the principle having been passed in that State about thirty years ago.

Various reasons are assigned by the authorities for the rule, the principal one being, according to Blackstone, the desire to facilitate the alienation of landed property, by throwing It into the track of commerce one generation sooner, the result of vesting the inheriance absolutely in the person first named in the deed or will, and thereby giving him the power to dispose of it without restriction.

The rule undoubtedly originated in the desire of the courts to modify, as much as possible, the harsh terms of the old feudal system, by which the real estate of England was so tied up as to render its alienation almost impossible. It is true that, at times, the application of the rule may work an apparent hardship, by defeating the intention of a person who wishes to tie up his property; but the courts are always liberal in applying the principle to the interpretation of wills, and when the testator has clearly, expressly, and specifically declared his intention to restrict the life estate, it is invariably held that the rule does not apply, although, in the case of regular conveyances by deed, the principle is always rigidly enforced. The only result that could possibly be attained by ignoring the rule would be the facilitation of limited settlements of real estate, without enlarging the capacity of persons owning such property to make them; and against such settlements the whole spirit of the law has been wisely directed for centuries, in the manifest interest

It is against this venerable rule of construction, as applied to wills alone, that Mr. Herr directs his efforts in the bill introduced by him on Tuesday last. It expressly provides that in all cases arising under wills to which the Rule in Shelley's Case has been heretofore applied, the estate of the tenant for life shall be strictly limited, without the power in him to dispose of it according to his pleasure. The bill was referred to the Judiciary Committee, and it is to be hoped that it will receive a very careful consideration before it is enacted into a law. The principle of the Rule in Shelley's Case has been so carefully defined, and applied for so many centuries, that it should not be thoughtlessly overthrown. Says Chancellor Kent, while discussing the subject under con sideration:-

"All the great property lawyers justly insist upon the necessity and importance of stable rules; and they deplore the perplexity, strice, litigation, and distress which result from the pursuit of loose and conjectural intentions, brought forward to counteract the settled and determinate meaning of technical express. determinate meaning of technical expres

Our lawmakers should keep this warning before them in legislating upon questions of such great importance. They should also remember that there are hundreds of points arising under the common law upon which the authorities are still at loggerheads, as they are not upon the Rule in Shelley's Case; and if they desire to tamper in any way with the common law, let them turn their attention where there is more apparent necessity for immediate action. If the Rule in Shelley's Case be abrogated at this late day, not only will it give rise to a vast amount of vexations litigation, but the ground which has been so faithfully and painfully cultivated by the greatest jurists of England and America will have to be gone over again, starting from a different point and working upon a different principle. As a general rule, it is wise to let well enough alone.

PENNSYLVANIA CITIES .- The following is a list of several cities in this State, with their estimated population, based on the vote of jast October, and allowing six and a half persons to each voter:-

Reading..... 
 Scranton
 29,601
 York
 14 937

 Harrisburg
 25,135
 Erre
 14,274

 Labcaster
 24,651
 Pottsville
 13 552
 Williamsport.......19,792 Norristown.........13,416 

course the largest cities in the State, but the Arithmetic Man who concocted the table did not think it worth while to bother with them.

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COLD WEATHER DOES NOT CHAP or roughest he sain after using WRIGHT'S
ALCONA EBGLYARIN TABLETOFSOLIDIFIED
GLYCERIN. Its deliy use makes the skin delicately soft and besattful. It is delightfully fragrant,
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NUTICE.—I AM NO LONGER EX-tracting Teeth without pain for the Colton bental Associatio. Persons wishing teeth ex-tracted absolutely without pain by fresh Nitrous Oxide Gas. will find me at No. 1027 WALNUT Street. (therges suit all.)

126 3m

DR. F. R. THOMAS.

FIFTH ARMY CORPS. An Adjourned Meeting or the Fifth Army Corps Legion will be held on SATURDAY EVEN-ING March 13 at DISTRICT COURT ROOM, SIXTH Street, below Chesnut, to persect the organi-

zation, at 7% o'clock. Colonel R. G. SELLERS, Colonel RICHARD ELLIS, Captain A. M. K. STORKIE. UNIVERSITY OF PENNSYLVANIA MEDICAL DEPARTMENT.

The Annual Commencement for conferring Degrees in Medicine will be held in the AMERICAN ACL-DEMY OF MUSIC ON SATURDAY, March 14, as

Dean of Merical Faculty. AT A MEETING OF THE STOCK BANK, held this day at their Banking House, under BANK, held this day at their Banking House, under
the new organization, with a new capital of \$20,000,
a paid in, the following named gestlemen were
elected Directors—J. Henry Askin. Robert Clark,
sammel Miller, James C. Kelon, John Fereira Samuel
J Cresswell, Jr., John Bardsley, E. A. Shallcross, A.
C. R. berts
At a meeting of the Directors held this day, A. C.,
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Vice President, and
L. H., RASER
31038
Assistant Casnier.

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S. B. SINGSTON, General Freight Agent.

THE PENNSYLVANIA FIRE INSU-The Directors have 'his day dec'ared a dividend of SEVEN DOLLARS AND FIFTY CENTS p r share on the Stock of the Company for the last six months, which will be paid to the Stockholders or their legal representatives after the 1th Instant, \$2 10t

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A MEETING OF THE STOCKHOLD ers of the BORTHERN LIGHT PETER LEUM COMPANY, the CHAUTER OAK PETRO LEUM COMPANY, and the NEW ERA OIL LUMBER AND MINING COMPANY, will be had on MONDAY, rad instruction, as the office, no. 510 Walnut Street.

BY Older of the

BOARD OF DIRECTORS, Philadels his, March 12, 1469.

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The ugh he would like to so it.
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Which now are so mixed,
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Is a thing we ought to beware of. Beck to his store, Just as before.

Stewart peacefully goes,
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