THE BAILY EVENING TELEGRAPH-PHILADELPHIA, WEDNESDAI, NOVEMBER 10, 1869.

SPIRIT OF THE PRESS.

Editorial Opinions of the Leading Journals Upon Carrent Toples-Compiled Every Day for the Evening Telegraph.

FUNCTUS OFFICIO. From the N. Y. Tribune.

The Hon. Garrett Davis, who was a dele

2

gate to the Capital Convention at St. Louis, and who voted against the removal of the national seat of government "to some place in the valley of the Mississippi river," has given his reasons for that vote, in a long letter to the Governor of Kentucky. Mr. Davis takes the ground that, however much we may desire to carry our national gods from the District of Columbia, we have no power in the premises. When Virginia and Maryland ceded each a portion of its territory to the nation, they did so forever. When the United States accepted this territory, they took an inaliena-ble estate, and were bound to use it for the purpose and upon the conditions of the cession for all time to come. Mr. Garrett Davis states this doctrine in two languages-the Eng-lish and the Latin-as follows:-""When the States have ceded the necessary territory, they cannot withdraw or abrogate their cessions; and so when Congress has accepted them, it cannot repeal or abrogate its acceptance. No one will deny that the cession of the States and the acceptance by Congress concludes any further action of the States, and their power over the subject then becomes functus officio; and it is equally true that the associated power of acceptance by Congress, when executed, is exhaustive and functus officio;" and, therefore, there is nothing more to be said or done about the matter. Congress is powerless. Conventions are in vain. Delegates can do nothing. The capital is like an obstinate old womanwhen it is sot, it's sot." It is as immovable as the everlasting hills, and is firmly bedded in the mud of the district by some irrepealable law of constitutional inertia.

Mr. Davis might have safely left the discussion at this point, but he indulges, after his dry logic, in various poetical and historical suggestions. "Shall public buildings," he exclaims, "whose style and magnificence command the admiration of every traveller; shall halls, made historical by eloquence and statesmanship, surpassing the Roman forum and all the learned seats of Athens in their palmiest days, be abandoned to bats and owls?" We fully agree with Mr. Davis in his answer:--"The noblest reason and sentiments of man answer, No!" As we write, a melancholy picture of the ruined Capitol presents itself to our mind's eye, with a special and particular fox looking out of each unglazed window; with whole colonies of owls trying in vain, by solemn looks, to keep up the reputation of the edifice for wisdom; and with flocks of bats flitting in the twilight of the crumbling corridors. The foxes bark, the owls complain to the moon, and the rustle of the bats suggests the wandering and uneasy ghosts of departed Congressmen. It may be long before Lord Macaulay's New Zealander will arrive to in spect the ruins; but even the generation nearest to our own may furnish a Volney or a Layard to philosophize or to photograph in Pennsylvania avenue! Meanwhile, the capital having been removed to St. Louis, she has (to use Mr. Davis' vigorous words) "taken to her bosom a moral leper, the Government of the United States;" and her "frenzied populace" is continually frightening honorable members out of their senses by the perpetration of "the wildest and bloodiest excesses."

Mr. Davis' final argument against the projected removal is the highly classical one

ing the euphonious name of Ah Bow, thereupon applied to the United States Court for an injunction to restrain a Sheriff from collecting this tax. The Judge, who bore the equally euphonious name of Noggles, refused the injunction on some technical ground. But he took occasion to express an opinion on the law in question and all laws of a similar character. This circumstance very clearly indicates what their fate must be when brought before the national tribunals. The Judge further traced them to the influence of California legislation, and did not hesitate to declare that they were the product of "hostility to the Chinese," and he expressed a de-termination to banish them from the country. He also described them as "infamous laws, and due to an effort to "gratify the low prejudice of narrow-minded, illiberal, self-con-ceited demagogues." He showed that our Government has in many ways endeavored to maintain friendly relations with China, and that these statutes are inconsistent with such relations, and with all the enactments which invite foreigners to come to this country as "a country of equality, justice, and humanity." And, speaking of the Burlingame treaty, he added that "when this treaty has been proclaimed, and has become binding upon this Government, of course the present infamous laws will be superseded thereby.

Mr. Justice Noggles talked good law when he declared that the Burlingame treaty must override any State law which is in conflict with it. The Constitution declares that such treaties shall be "the supreme law of the land," and this provision has been expressly decided by the Supreme Court to be binding upon State Courts and Legislatures. He uttered very good sense also when, having quoted from a speech of one of the highest officials in California the statement that the Chinese were "the most frugal, industrious, and ingenious people on the face of the earth," and that they were "an injury to the State, and he would unite with any party that would use energetic means to keep them out of the country," he characterizes the speech as "the same old fogy argument for-merly used to prevent the building of railroads, threshing machines, and reapers.

It is clearly advantageous to the whole country that such questions as this be passed upon by courts which, though by no means insensible to local feelings, or even prejudices, are yet lifted up to a higher plane. where they are exposed to better influences. and are by their own constitution called upon to look upon such controversies from a national instead of a local point of view.

A DEAD MAN'S HEAD.

From the N. Y. World.

The ruthless determination of the law (or, rather, lawyers) to "find a victim" was never. it would seem, more singularly illustrated than during the late trial, in Rockland county, of Antoine Maurer, the Alsatian, for the murder of Joachim Fuerter. The circumstantial evidence adduced against the accused and now condemned Maurer was amply sufficient to justify the most searching trial. But it was not strong enough, in the opinion of the District Attorney, to warrant conviction; otherwise, that legal luminary could scarcely have summoned the extraordinary witness which he did summon to confront the prisoner. This witness was the murdered man's head !

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Without the fairness to bring it into court. -where the hapless Alsatian's horror at the sight of it would very likely have been so simulated by the horror expressed on the visages of the other spectators that an intelligent jury must have been puzzled to distinguish between the conscious gilt of Maurer and the shuddering innocence of Maurer's fellow-beings-the District Attorney, it is said, had the head itself "preserved in a can," in readiness to be popped out, like a hideous toy-ghoul from a box, before the eyes of the victim in his prison solitude. When Maurer went to wash his hands, he found the head staring up at him from the bottom of the wash-pail. When he sat in the hall, outside his cell, gazing at vacancy, a theatrical hand lifted the blanket from the hall table and revealed the head. The head glared at him in his waking moments at dead of night, and so frightened and haunted the poor wretch that it is surely no wonder that he was at last driven half insane. Then statements-wandering, contradictory, and improbable—which can hardly be called confessions, were wrung from him. These evidently helped to procure his conviction and his sentence to death Should this horrible story be substantiated by an official investigation, public sentiment would justify the Governor in so postponing the execution of the sentence as to enable the friends of Antoine Maurer to procure for him another trial. Justice cannot have been conserved by any such device for extracting a confession of guilt, or guilty participation, from a man on his trial for murder. The inquisition, with its appliances of the rack, gouges, and hot irons, was supposed to be, even in theory, an extinct institution; yet here, within an hour's ride of the city of New York, is reported to flourish a limb of the law who has it somehow in his power to establish a death's-head inquisition of his own against a prisoner for the purpose of procuring the latter to be hung.

reside in this Territory." A Chinaman, bear- | Crown vastly and almost daily with questions relative to his case. The Attorney-General (Mr. Cusack Smith) becoming impatient, one day said to him:-"Mr. Steele, I cannot reply to your questions, and if you ask another one I will omit your name from the indictment and you won't be tried at all, either as conspi-rator or rebel." This threat silenced Tom, just as Napoleon now silences Henri. Such mode of action results from the universal communism of great minds in contempt for professional politicians.

From the N. Y. World.

Our good friend Mr. Roebuck has laid mankind under a fresh obligation by furnishing a very good definition of the meaning of the much-abused word "gentleman." "A gentle-man," said Mr. Roebuck, addressing himself to the members of the Dewsbury Mechanics' Institute, "means a man of gentle manners, a man of enlarged knowledge, a man who does to his neighbor what he wishes his neighbor to do to himself, who is kind and gentle in all his intercourse with the rest of the world, and who sinks himself when he has to consider the benefit of the community. This being Mr. Roebuck's ideal of a gentleman, he wanted to know why the workingmen of England could not be educated or educate themselves into being gentlemen. In his opinion it was not the wealth of the upper classes that made them happy and pleasant among themselves-it was their ners;" and he could not see why the working-man could not teach themselves equally good "manners." "Why should the man," asked he, "who makes £200 or £300 a year by mechanical labor be a rude, coarse, and brutal fellow?" When Mr. Roebuck goes home, he finds, said he, "a cheerful wife, an educated and an elegant woman," and a daughter who inherited all the charms of her mother; and "why." asked he of his auditors, "should not your house be like my house, and your daughter and wife be like mine?" are sure we do not know why not, save that it is very difficult to cultivate all the cardinal virtues on $\pounds 200$ a year, and that when poverty pinches sorely, and husband, wife, and daugh-ter are compelled to toil all day long in a sweltering mill or a stuffy shop, and meet at night so wearied that they have spirit for nothing but swallowing their scanty meal and hastening to seek in slumber their necessary rest, there is little opportunity for the prac tice of "deportment" or elegant conversation concerning Shakespeare and the musical glasses. As many "gentlemen," m Mr. Roe-buck's definition of the word, can be found among the working people as among those who are able to take life easier; but it is rather too much to ask of them to make their homes



that, if we wait long enough, Washington will become like the ancient City of Rome, which subdued "Italy, Gaul, Germany, Britain, Greece, and Macedon;" which "carried her arms in triumph to Carthage, and, under is walls, vanquished the great Hannibal;" is walls, vanquished the great Hannibal; hich "pushed them victoriously over the ominions of the Ptolemies to the Pyranids nd Thebes;" which "subjugated Syria;" which "swept across Mesopotamia;" which "passed over long-buried Babylon;" which "built her fortified camps on the banks of the Indus the Indus, where Alexander terminated his conquests"-and blubbered like a school-boy because he had reached the nil ultra of ambition! All this achievement required, as Mr. Davis coolly observes, only twelve conturies from the time when Romulus "located on the Tiber." But "What was Goose-creek once is Tiber now."

We have made a fair start in a classical direction, and in the year of our Lord 3069, if we will but wait, Washington will (Mr. Davis thinks) "run the parallel of Rome in the duration and splendor of metropolitan his-

tory." This may be a very good way of mitigating the ardors of Occidental ambition; but we fear that those who have this movement in hand will not care the drippings of a whisky jug for Mr. Garrett's talk about the Tiber, Carthage, Hannibal, the Polemies, Mesopo-tamia, and Alexander; for, although they are well-seasoned and respectable names, there is no spell in them to prevent St. Louis from running away with our seat of government. provided she does not find it an impracticable back-load. A good, solid, common-sense argument against the change-such, for instance, as its enormous expense, the nation being still heavily in debt-is worth all Mr. Davis' fine writing about Rome and Athens, the bats and the owls. The single fact that Washington is practically more nearly a centre now than upon the day of its foundation, is worth all the fine things which Mr. Davis can find in all the classical dictionaries which have over been printed.

THE BURLINGAME TREATY AND ANTI-CHINESE LAW

From the N. Y. Times.

The ratification of the Burlingame treaty with China will have an important effect upon our commerce with that nation, and upon our own laws and customs in those parts of our country into which the Chinamen have made their way. They have made their entrance in spite of the hostility of the whitesa hostility which has shown itself not only in cruel treatment of individuals, but in oppressive laws, directed against the whole race. Those laws, however, have been the work of State legislation. It is to this treaty, made by the nation, and to the national legislature, and to the national courts, that those who are unjustly affected by those statuets will look for protection.

A matter of this kind was recently brought before a United States District Court, in the Territory of Idaho. The Legislature of that Territory, following the lead of some of her older sisters in her prejudices against the Chinese, had passed a law declaring that no Chinaman should work at mining in the Territory without a license, which would cost him \$5 a month; and furthermore, that "all Mongolians, whether male or female, and of what-

NAPOLEON AND ROCHEFORT. From the N. Y. Herald.

M. Henri Rochefort, editor of a Paris journal named Lanterne-an excellent specimen of the lucus a non lucendo in transatlantie journalism-has completely failed in his endeavors to rank as a French political martyr. Napoleon has extinguished him, in his own peculiar style, and in a manner just suited to the case of Rochefort. The pen-and-ink parodist of revolution, who has been for some time past in exile in Belgium, set out from Brussels the other day for France. On reaching the frontier he was arrested by the police. This was a perfect "Godsend" to Rochefort, who immediately commenced to sing, in an-ticipation, like a Quartier Latin flea, when, behold, the Emperor comes out on him with a coup d'etat in the shape of a telegram directing his release and accompanied by a "safe conduct" paper, endorsed by the imperial sign manual, under which he journeyed to Paris, where he has been nominated for the Legislature and serenaded by his friends without any interference on the part of the police.

People have been accustomed to read and speak a good deal of the Malakoff and Ma-genta and Solferino, the assault on the tower of the Russian stronghold demonstrating that no impediment is too high or difficult for the military genius of France when inspired by a Bonaparte, while the attack-for it is an attack when applied to such a man—on Roche-fort proves that no event can be so trifling or insignificant as to escape the careful atten-tion of Napoleon the Third in the pursuance of his vast and peculiar system of rule. During the legal arrangements for the "State ever occupation, residing in the mining dis-tricts of this Territory, shall be considered foreign miners under this act, and shall pay a license of \$5 for each and every month they

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