Editorial Opinions of the Leading Journals Upon Current Topics-Compiled Every Day for the Evening Telegraph.

LEGAL TENDER-THE SUPREME COURT DECISION.

The recent opinion of the majority of the Supreme Court stands in direct hostility to the uniform tenor of that great series of acts and measures which were required to destroy the Rebellion. Singularly enough, it is the decision of an unfriendly court of a State which stood on the brink of disloyalty which has been affirmed, and in effect the numerous decisions made in support of the act throughout the North are reversed.

Although the present Chief Justice, who rendered the decision, was not the author of the measure which he now aids to destroy, he yet, as Secretary of the Treasury, was the strenuous advocate of its passage, without whose powerful co-operation it could not have become a law. Mr. Spaulding, who was Chairman of the Committee of Ways and Means of the House of Representatives, and the author of the bill, expressed to Mr. Seward the embarrassment he felt from the want of support on the part of Mr. Chase, and the latter, after stating in a letter to Mr. Spaulding that he came to it reluctantly, declared that he had done so firmly and thoroughly. From an examination of the Congressional reports for February, 1862, it will appear that it was owing to the urgency of Mr. Chase, in the form of letters, that the bill was suddenly taken from the Committee of Ways and Means and ordered to a vote, after a twohours discussion. "It is very important," he wrote, "that the bill should go through to-day, and through the Senate this week." The situation of the Treasury required this extraordinary haste. The measure became a law at his solicitation; he put it into immediate execution, and requested, at a later period, that the amount of legal-tender issues should be increased. It was through his direct instrumentality that issues were authorized under five dollars; it was Mr. Chase who did more than any other to flood the country with them, ornamented with his own effigy; and now, on a change of scene, he decides that what he then did under the solemnity of his official oath was unconstitusional and void.

The grave circumstances of that extraordinary time can scarcely be forgotten. The State banks on the 31st of December, 1861, had very generally suspended specie payments. At a meeting of their principal managers in New York, it was announced to Mr. Chase, on the part of Mr. Gallatin, that they could take no more of the bonds of the United States; that they were only agents for placing public loans, and that what they had on hand could not be disposed of, as there were no takers either here or abroad. The attitude of foreign countries at the time was generally not of a friendly character, and the issue presented to our Government was whether, as the public funds were wholly exhausted and the associated banks had declared their inability to furnish additional funds, we should resort to the policy of a forced circulation or abandon the war. The letters of Mr. Chase clearly show that we had reached this point in the struggle. and it would appear from his present views that at such a juncture Congress had no other duty but submission. If these views had then prevailed the rebellion would have been successful, probably to the extent of imposing its own authority over the entire

The argument in favor of the constitutionality of the Legal-tender act lies, as it were, in a nutshell. The power to conduct war carries with it the right to employ all success. The policy of Great Britain in making the bills of the Bank of England in effect a legal-tender during the wars with Napoleon was resorted to from dire necessity. The precious metals were being exported to the continent, partly through the instrumentality of emissaries of Napoleon, and that proud and opulent nation was compelled to set the example which we followed. It may be assumed that no nation which has permitted an extensive resort to paper money during peace can conduct a war of great magnitude on the basis of the precious metals. Such had been our situation as to preceding issues of paper; and inasmuch as the war power reaches to the height of the emergency, there was no escape from the measure which Mr. Chase supported. This policy being a means to the end, and Congress, is the judge of the fact, having pronounced it to be "necessary and proper," it clearly became lawful, because not prohibited by the Constitution.

In bestowing the power to raise and support armies, the means are not expressed, and in raising the means the situation must be regarded. Mr. Chase, as Secretary of the Treasury, was the best judge at the time; he urged that the legal-tender measure was necessary and proper, and he induced Congress to unite in declaring this fact. The ole question which the court had to consider, in view of the pressure of uniform decisions made from the origin of the Government, was therefore this, whether the measure was reasonably conducive to the end in view, and was unprohibited. There is no pretense that it was prohibited, and it is clear, from the experience of England and of this country, that, as a means, it is efficacious. What would be the situation if we were obliged to-day to conduct a new war with this decision staring us in the face?

The effect of the decision, if allowed to stand, upon the future of the country, if it shall unfortunately be involved in war, will constitute its worst feature. The Supreme Court of the United States strips the nation of one of its means of warfare and defense, and it should be the policy of the Govern-ment to restore this essential power at the first opportunity. It was a great oversight to leave the country exposed to this danger, in the neglect to appoint proper judges, consti-tuted as the court evidently was. There should be no mistake about the complexion of those now nominated. Judge Chase, of all others, was relied upon to sustain on the bench the measures resorted to in war for the common safety; but although the one in question exceeded in no degree the constitutional limits, and was not only necessary for success, but accomplished all that was intended, it would appear that some new light had broken in upon him, leading in a differ-ent direction. It is not too late to correct this misstep if the Senate shall be willing to dismiss all thoughts of mere patronage, and, looking carefully to the exigency, shall consider only great public interests.

From the decision pronounced in Feb.

ruary, 1869, it would appear that as to recent contracts made payable in coin, judgment will be enforced specifically in coin, and that when made in dollars, generally without spe-cifying the kind of currency, judgment will

be entered for dollars without distinction. | has idealized fact. It was the boast of Bona-Although the latter point did not arise in the | parte that he could carry on war when his case, what fell from the Court will no doubt generally be adopted. The contracts made of stockings. Miss Anthony has never prior to the act of February, 1862, now held suffered this latter privation. The stockto be payable in gold, are numerous, but their enforcement will be subject to the doubt worn pair—have been always with her, which prevails as to the future construction of the Court. We repeat, therefore, that no duty is more imperative upon the body which advises and consents to appointments, than to be certain that this necessary power in war shall be restored to the Government, and that the Court shall be constructed on a plan which, instead of being harmonious with Kentucky, shall discourage personal ambition and be in strict harmony with the loyalty of the republic.

JURY DUTY.

From the N. Y. Journal of Commerce, It is easier to point out an existing evil than to prescribe a remedy. Jury trials in some parts of the country have become a disgrace to our system of jurisprudence. Most of the judges trace this fact directly to the unwillingness of competent men to serve in this capacity, and Mayor Hall has prepared the draft of a law exacting obedience to this requisition from every citizen summoned to the duty, under the severest penalties. We have not space to go over the whole ground at present, but we wish to submit a few suggestions bearing on this theme as aids to

further discussion. And first, the farces enacted in the jury room, and especially in criminal cases, to which special reference has been made, have not been attributable to the absence from the list, as originally drawn, of all the intelligence and virtue that exist in the community, nor to the utter unwillingness of all this class of citizens to sit upon the trial. The judges have themselves to thank for that stupid rule of law which virtually excludes from the box in such cases nearly every person of ordinary intelligence. To have read any full report of the crime for which the prisoner is to be tried, to have formed any opinion, however vague and indefinite, concerning his innocence or guilt, or to have a conscience that will not allow the denial of these facts or impressions when questioned, is to be excluded from the select twelve who are to render the verdict. Who has not seen scores of men of unusual intelligence and sound judgment set aside, one after another, under the application of this rule, and twelve persons far below the average of the list, including some of the rarest dunces in the community, ultimately sworn in as triers of the case, simply because they knew nothing of the facts and had formed no opinion? When gentlemen of intelligence and high character are mixed in with others in the box, it is usually because of their absence from home when the crime was committed or of their extraordinary absorption in other business while the excitement was fiercest and the topic was publicly discussed. Not until this rule of law is modified can there well be twelve intelligent and impartial men selected for the jury trial of an important case. Often the entire panel, including hundreds of unexceptional citizens, is exhausted before the suitable dozen can be found to match the absurd requirement.

But again, and more briefly: the large list of exceptions from jury duty leaves the burden to fall unequally upon the community. Not only firemen and militiamen who have served their term, but some whole professions, are exempt. It is all very well for lawyers, not one of whom is ever summoned as a juror, to censure other citizens for seeking to evade this service, but how would they like it in their own case? We think there isn't one who would not twist as many ways as an active merchant or other man of busi-ness does to evade this unwelcome call; and yet, notwithstanding all that has been urged on that side, there is no sufficient reason why lawyers should be wholly excused.

suggested several methods of relief. It is perfectly absurd to ask an active business man, whose time is not only money to him, but whose constant attention to his own concerns is absolutely necessary to his success, to leave his own pursuit at his own cost to settle other peoples' differences, especially when the latter, as often happens, involve a much less amount than he will lose by this call. We would allow all civil suits to be tried before a judge alone in every case where neither party demanded a jury. This would strike out the call for such service from threefourths, if not nine-tenths, of the civil cases on the calendar. There are few disputes in which both parties and their lawyers would not rather leave the decision to the bench than to the jury box. In the remaining cases let any party demanding a jury be compelled to give security for the payment of a sum sufficient to furnish ample remuneration to those who may be compelled to give their valuable time to the task.

We would extend the same principle to criminal cases, allowing all those to go before the court without a jury who might so elect, reserving to every person charged with crime the right to a trial by his peers upon his demand, the public purse to pay the jurors a handsome price for the service. We would add to this the repeal of the absurd rule under which challenges for cause are now preferred, allowing, except the limited peremptory privilege, every man to be sworn who is not too biased to render an impartial verdict. If these reforms were effected, the remaining duties would be light. We would then compel every man of every profession to serve when summoned, unless he could show a reasonable personal excuse, and to shut off repeaters, who might wish to earn the liberal pay provided, forbid any man from serving oftener than once in three years. The duty would then be less irksome, and being reasonably compensated, the exaction would not

be as oppressive as it manifestly is at present. THE SEMI-CENTENARY OF SUSAN. From the N. Y. World.

It is an interesting fact that the fiftieth anniversary of the birth of Susan B. Anthony will occur to-morrow, and it is matter of a still more intimate interest that the day will be celebrated by what in the parishes of New England is known as a "donation visit" at the

office of the Revolution. "The clock," it has been said, "marks the interval from hour to hour; but no hammer on the horologe of time peals out the change from era to era." Nevertheless, there are certain solemn and affecting landmarks in history, as in space, to arrest for moments the attention of men. The 15th of August last year was the centenary of Napoleon. The 15th of August next year will be the centenary of Sir Walter Scott. There is a felicity in the intercalation between these two famous dates of the semi-centenary of Susan B. Anthony. She has something in common with both these famous men. Napoleon was the armed soldier of democracy. Sir Walter wrote fiction. Miss Anthony's battles have been bloodless, albeit not windless, and her sole and sufficient panoply is in the terrors of her front and the justice of her cause. But if she has not written professed fiction, her admirers may justly claim for her that she like y are on public service; if they were, they would take good care to secure their pay for it. Why under the sun shall the Treasury be drawn upon to feed these tramps? If it has money to spare for feeding anybody, we insist that our people who stay at home and

treasury was empty and his army devoid even of stockings. Miss Anthony has never and have been to her party as was the white rose to the house of York and the red rose to the house of Lancaster-for a badge as well as for a decoration. But she has carried on more campaigns upon less capital than ever did Napoleon or any other commander of whom record has been preserved. She mounted her hobby when it was, so to speak, but a wild ass' colt, cropping grasses from the green wildernesses of the general female mind; and she has ridden it far and fast, without rest and with infrequent forage, until it now has become a gaunt and spavined spectre, fit to frighten the souls of men. And now she pauses under the palm-trees of Twenty-third street, and invites us to pay tribute to her persistence and to bait her beast. Breathes there the man with soul so dead

that he will not deem it a sweet boon to an-

swer such a call? The Anti-Slavery Society, even after it seemed to be made superfluous by the abolition of slavery, required to be sustained by the substance of its friends, and issued requisitions on mankind for "chickens, boiled preferred." The World brought its needs to light, and urged the public to contribute of its chickens. And shall the World now be deaf to the plaint of Miss Anthony, which comes to it, so to speak, like the cry of a pelican in the wilderness and an owl that is in the desert? Never! For whereas the fowls which, at our instigation, were be-stowed upon the Anti-Slavery Society were but the chickens of charity, the contributions which we bespeak for the Revolution are the chickens of chivalry as well. Miss Anthony is indeed, as the occasion shows, herself no chicken; neither is she to be preferred in a "cold boiled" condition. But the advance of age upon her who was already and from her youth up venerable by her austere virtue is only an additional reason for liberality. And that she deserves well of her country her efforts in behalf of the sex which preponderates in it show. That sex, indeed, owes her a debt of gratitude which it is to be feared that it will never pay. She has not only wrought and written to deliver its members from the oppression of centuries, but she has discovered to them that that oppression existed. To form a party for the redress of flagrant grievances is an easy matter. But for Miss Anthony was reserved a more arduous task. It is not so easy to foment rebellion and educe clamor from half the human race, whose grievances are not even sensible to themselves until an Anthony arises to point them out. That she has accomplished this task is her high and peculiar praise. And the unselfishness of her labors is as notable as their energy. She has waged war in behalf of her unhappy sisters against the conjugal tyranny of which she, a celibate, had never felt the yoke. Luther attacked the celibacy of the priesthood. But Luther married a nun, and his critics would not thenceforth be persuaded that he was not therein pleading his own cause rather than the cause of abstract justice. But Miss Anthony is greater than Luther. Miss Anthony attacked an abuse from which she had never suffered-and from which, so long as it shall take two to make a bargain, she can never suffer-and awakened the attention of the wives of America to wrongs which they knew not, until she told them, that they endured. She fought the battle of married women for legal equality with the hateful race of men, when she already enjoyed that

equality.

Let us, then, bring succor to Susan and forward the Revolution. Let the men of America elevate their vision beyond the narrow needs of their own gender and contribute We long ago described the difficulty, and their money. Let the women of America make haste to bring their cake, their work in worsted, their pickles, and their "cold chickens, boiled preferred." And, in short, in the language of the Laureate, Let the land whose hearths she saved from shame attest their dread commander's claim, their ever-loyal iron leader's fame, with honor, honor, honor to her-eternal honor to

> HOW MUCH DELONG IS SHORT. From the N. Y. Tribune.

The Hon. Charles E. Delong, of Oregon, is our new Minister Resident at the Court of Japan, at an annual salary of \$7500 in gold. Knowing what we all do of the fierce scramble for such places which precedes and attends their dispensation, we are quite safe in assuming that he was not conscripted or otherwise constrained to enter the diplomatic service of his country. Yet Mr. Delong had hardly reached Yeddo when he wrote back to Secretary Fish that his pay must be hand-somely increased or untold disasters are inevitable. "It is impossible for the American Minister to have influence in Japan to compete with the other foreign Ministers, if the position is not made one of the first-class: and he is kind enough to explain that the British Minister at that court is paid \$20,000 per annum, beside no end of allowances. So he cannot be influential and useful unless he is paid as bountifully.

We protest against this doctrine. We never yet heard that Benjamin Franklin was overreached, outmanœuvred, or in any manner nullified, at the Court of Versailles, by Lord What's-his-name, who represented the British King there during our doubtful struggle for independence; yet the British lord's salary was very much higher than the Yankee printer's. If, then, Mr. Delong finds himself of no use in Japan without as much money as Great Britain pays her envoy there, is it not plain that he has mistaken his vocation, and ought to pack his trunk and take an early

steamer for San Francisco? But the triplication of his salary is but one item in our Minister's deficiency bill. He "urges that a legation building, offices, etc., and a Minister's residence, should be erected there at once," with a guard of twenty-five American soldiers to protect them, and a man-of-war always in port subject to the Minister's orders. Besides these, be wants a post office and jail at Yokohama, and a post office, jail, and hospital at Yeddo. No one can say that these edifices can be properly erected and furnished for less than half a million dollars, nor that the mission could be "run" according to Mr. Delong's ideas (including the man-of-war) for less than a quarter of a million per annum. Are we ready to pay such a sum? Might we not better resign

ourselves to go short of Delong? Of course, our Minister is eager to be set up in the restaurant business. He says that "travellers are constantly pouring into Yeddo and Yokohama in their tours around the world." Well, let them tour, and let them feast; who objects? It is not pretended that they are on public service; if they were, they would take good care to secure their pay for it. Why under the sun shall the Treasury be

make farms, build houses, open mines, construct furnaces, and thus add to the national wealth, shall have the first lick at it, in pre-

ference to these wandering loafers. But our trade with Japan is large and in-creasing, urges Delong. So it is; and more's the pity. The more we have of it the poorer we grow. Japan floods us with her teas, her silks, her fragile, dainty wares which "perish in the using, and drains us of our allver in payment. We used to receive at this port from the Pacific coast some fifty millions per annum of the precious metals; we now receive very little, because China and Japan gobble up the lion's share. The far East, with its cheap labor and marvellous dexterity, is to-day 'the sink of the precious metals,' as it was in Pliny's time. Individuals may be enriched by this trade; but our country is poorer to-day than if Japan had remained hermetically sealed against us. Hence we have a double aversion to Delong's little bill. It is immensely too steep, and the consideration is of no value: "on the contrary, quite the reverse.

Delong's matter is of consequence as illustrating a prevalent tendency. All the rest of the horse-leech's daughters sing the same song. It is "more" here, "more" there, "more" everywhere. First, to get into office, if it has to be made on purpose; next, to get an increase of its emoluments, is the general aspiration. We entreat Congress to set its face like a flint against every such appeal.

SECRETARY FISH'S BOLDEST USURPA-TION.

On Tuesday last Mr. Arthur Folsom, Consul at this city for the Provisional Government of Hayti, had an interview at Washington with Secretary Fish. He had been de puted by his Government to make known to the Government of the United States the change of government and restoration of peace in Hayti, and to acquaint Mr. Fish of the desire of the Provisional Government to continue to be on friendly terms with the United States. Mr. Fish said that he was happy to receive the deputation, and to learn that such were the sentiments of the Government which they represented, but he desired to be informed upon a subject on which he had received official information, relative to the fitting out of war steamers by their Government, which he had been assured were intended for the purpose of aiding the Cabral party in their designs against President Baez of San Domingo, although he trusted that he had been misinformed, as he had informed their authorities of the protectorate assumed by the United States over the Government of President Baez.

So! it is not enough that Mr. Fish should, without the shadow of authority of Congress, make a lease of the Bay of Samana at \$150,000 a year in gold, and pay the first year's rent in advance, but he must go on and make a secret treaty of alliance, offensive and de fensive, with the Baez Government! The Senate has very properly rebuked Mr. Seward's presumption in purchasing the island of St. Thomas without consulting them. What will they do about this usurpation of their greater prerogative by Mr. Fish?

One thing is certain-the President canno with impunity much longer permit the mem bers of his Cabinet to trifle with the public interests as they are doing. Porter-Robe-son's mismanagement of the Navy Depart-ment is bad; Webster-Sumner-Fish's treatment of Cuba is worse; but this unautho-rized protectorate over one of the two factions contending for power in St. Domingo is atrocious. Congress and the country ought to demand Mr. Fish's resignation at once, and enforce the demand by all the means in their power.

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PRILADELPHIA, Jan. 25, 1879.

NOTICE TO STOCKHOLDERS.

The Annual Meeting of the Stockholders of this Company will be held on TUESDAY, the 15th day of February. 1870, at 10 o'clock A. M., at the Hall of the Assembly Smildings, S. W. corner of TENTH and OHESNUT streets, Philadelphia. The Annual Election for Directors will be held on

MONDAY, the 7th day of March, 1870, at the Office of the Company, No. 238 S. THIRD Street. 1 25 3w JOSEPH LESILEY, Secretary

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