

Constitutionality of the Legal Tender Act.

At last the final decision of the United States Supreme Court on the legal tender act has been delivered. Mr. Justice Strong reads the opinion on Monday, affirming the constitutionality of the act of February 25, 1862. The opinion is an able and elaborate one, being exhaustive on the subject of the constitutionality of the act. The following extracts are taken from Justice Strong's opinion:

The debts which have been contracted since February 25, 1862, are to be paid for the greatest portion of the indebtedness of the country. They were contracted in view of the acts of Congress declaring Treasury notes a legal tender, and in reliance upon that declaration legal-tender notes have become the universal measure of value. If now the decision of the court establishes that these obligations can be discharged only by gold coin, and that contrary to the expectation of all parties to contracts, legal-tender notes are rendered unavailable, the Government has become an instrument of the grossest injustice, all debtors are loaded with an obligation it was never contemplated they should assume, a large percentage is added to every debt and such must become the demand for gold to satisfy contracts, that ruinous sacrifices, general distress and bankruptcy may be expected. These consequences are so obvious to a plain man, and there is no well founded objection to be made because the constitutional validity of an act of Congress declaring Treasury notes a legal tender for the payment of debts contracted after its passage, and that of an act making them a legal tender for the discharge of all debts, whether those incurred before or after the passage of the act. There may be a difference in the effect produced by the act in the hands of the creditors in both cases.

The fundamental question, that which tests the validity of the legislation, is, can Congress constitutionally give to Treasury notes the character and qualities of money? Can such notes be constituted a legitimate circulating medium, having a defined legal value? If they can, then such notes must be available to fulfill all contracts not expressly excepted, as valid in money without reference to the time when the contracts were made. It is not strange, therefore, that those who hold the legal-tender act unconstitutional when applied to contracts made before February 25, 1862, find themselves compelled also to hold that the acts are invalid as to debts created after that time, and to hold that both classes of debts alike can be discharged only by gold and silver coin.

A lengthy examination of the rules of constitutional construction is made, and the conclusion is that Congress has authority in all cases to enact laws necessary and proper for the execution of all powers created by the constitution, and that the necessity spoken of is not absolute, but within the judgment and discretion of Congress. This decision overrules so much of what was decided in *Hepburn vs. Griswold* (8 Wall. 705) as related to the legal-tender act, and that the constitutionality so far as they apply to contracts made before their enactment. It is said that it is unprecedented things in courts of the last resort, both in this country and in England, to overrule decisions previously made, and that even in cases involving private interests. If this court is convinced it has made a mistake, it will hear another argument and correct the other. It is agreed that this should not be done inconspicuously, but in a case of such far-reaching consequences as the present, thoroughly convinced as the court is, that Congress has not transgressed its powers, it is regarded as a duty to decide and to affirm the judgment below in both cases. It is also remarked that the court is not accustomed to hear such cases in the absence of a full court.

In concluding the Chief Justice says: "It then, the plain sense of words, if the contemporaneous exposition of parties, if common consent or understanding, if the opinion of courts, or any saying in determining the meaning of the Constitution, it seems impossible to doubt that the power to establish a uniform standard, or values, and that no other power to establish such a standard, is conferred upon Congress by the Constitution."

A Temperance Argument.

Before Chicago was reduced to ashes, its innuenerable groceries were very commonly surrounded by the bluest white information that "Lill's Premium Ale" could be had on the premises. This legend, uniform in its style and structure, met the Chicagoan everywhere, and it was evident that if only who professed to sell the ale drank it, Mr. Lill must be doing a thriving business. It is, therefore, with some surprise that we learn that Mr. Lill, at a Chicago meeting the other night, stated his brewed brewery would never be reconstructed, and he was sick of the business, and would not continue his traffic except the brewery should be rebuilt by others and given to him. It had been a profitable business, he added, but all his employees were more or less drunkards, and he preferred to go into some other calling, even he made less than half the money which his brewery paid him. The source from which this statement of Mr. Lill's comes makes it notable, and gives it marked value for a temperance lecture.

Moderate Republicans.

What are termed Moderate politicians are the heaviest drag the greatest curse to whatever party they may belong. Always uneasy, always wavering; fearful of this or that tariff at that; never satisfied and ever complaining that party is best of which has the fewest of them in its ranks—still later off when it shakes itself to get on with all of them. We find in the editorial columns of the *Liberal Courier* some sound remarks on the subject of "Moderate Republicans," which we take the liberty of using, conveying substantially our own sentiments. The *Courier* says: "Men who desire to be in *modest* in their attachments to their consciences are generally a half-hearted class who are totally fit in situations in times of emergency. It is the through going of a man who holds fast to what he takes hold of that achieves desirable results and pushes the world on to its great movements of progress. Moderate men, in the same way flatter themselves with that term, never yet bore a great cause, or a liberal martyr-like, its great principle with it were the laurels-wreaths of victory. The moderate mind moves along in doubt and weakness, ever ready to complain and find fault and despair of ultimate success, while he of convictions and his devotion is filled all through with his cause and resolute in his conduct no such word as 'fall' in our life struggle for the life of the nation, what a weight on the man of full loyal convictions, whose moderate and doubtful kind whose swiveling complaints hung like an incubus on the efforts of those who felt that the conflict involved continued Union, or death to the nation and to liberty!"

And to-day the only danger to the principle that triumphed in that deadly conflict flows from men who like to style themselves 'moderates,' who strangely seem to take a pride in being neither fish or flesh, having suspended the Mohammed's coffin between heaven and earth, not knowing exactly whether they may drop into the lap of Republicanism or Democracy. How long would Republican ascendancy be maintained with the spirit of these *moderates* prevailing in the party? Indeed, they are not in the conflict for the maintenance of the party's necessities. Instead of being brave and determined soldiers in the cause, with a moral and conscientious earnestness to make them heroes, they are more like the despised camp-followers who are willing to hang on to the rear of their army and to participate in the spoils of victory with the vile that wins. In nearly all communities this class is found, but wherever found they are led by M. C. C. at the head of the loyal army, afraid to move lest he should lead the enemy.

Some of these "moderates" is not know now where they will be found in the coming Presidential contest. Moderate-like, they are waiting for something to turn up to shape their course, instead of having for their North star the light which has directed the Republican party in its amazing strides of progress. They seem to be open for negotiation with the defeated and half-hearted Democracy, not being able to see much difference in the character of the parties—one of which abetted treason in its schemes to destroy our nationality and liberty for the world, while the other bore aloft, above profusion of aristocracy and hostility of *color*, the banner of the flag to the establishment of freedom on this continent and the progress of liberty throughout the world. The moral obligation of him who is so moderate as to see no difference between these two radically different organizations shows a blindness as deep as that of Mammoth Cave, where a ray of light has never reached.

In preparing them for the coming civil battle, earnest believing men must go to the front, and with that liberty and progress for which the Republican party has done so much, inscribed on their banners and engaged on their hearts, keep the old flag flying and the old principles which have struggled with Wrong since the world began the ascendant in the direction of our national Government.

On March 4, 1873, the terms of the following Senators expire: Spencer of Alabama, Rice of Arkansas, Cole of California, Ferry of Connecticut, Osborn of Florida, Hill of Georgia, Fremont of Illinois, Morton of Indiana, Harlan of Iowa, Pomeroy of Kansas, Davis of Kentucky, Kellogg of Louisiana, Vickers of Maryland, Blair of Missouri, Nye of Nevada, Patterson of New Hampshire, Conkling of New York, Pool of North Carolina, Sherman of Ohio, Corbett of Oregon, Cameron of Pennsylvania, Sawyer of South Carolina, Merrill of Vermont, Howe of Wisconsin.

By a recent act of Congress elections to fill Senatorial vacancies are required to be held by the Legislature next preceding the date at which the vacancy occurs. Under this rule elections have been or will be held this year only in States where the Legislature meets biennially. Thus far California has chosen Hon. A. A. Sargent, Republican, to succeed Mr. Cole; Kentucky Hon. T. C. McCreary as successor of J. R. Davis, and Ohio re-elected Hon. John Sherman. The States yet to elect are Iowa and Oregon. The contest in the former State has been of a most exciting nature. The Republicans have more than two-thirds a majority of both houses, and the conflict consequently is wholly within the party. The struggle lies principally between Hon. W. B. Allison, a member of the House of Representatives, and Senator Harlan, the present occupant of the seat. Oregon is so far removed that we hear little if anything of the struggle. The Democrats, however, have a majority, and will elect one of their party to succeed Mr. Corbett.

Democratic Prospects.

The unhappy Democracy have a terrible time in selecting a candidate for the Presidency. The *Lycington Standard* says:

We are informed from Washington, by one of the leading Democratic members of Congress from this State, that neither the cowardly "passive policy," or the project of supporting a nominal Republican for President in the Democracy, find any favor with the Democratic members of Congress. Our own delegation, we are glad to learn, is a unit against such a course.

The same paper addresses General Hancock and exclaims:

The timidity gotten up in this State about T. A. Scott, who probably never voted for a Democratic candidate for President or Governor in his life, who has no political experience whatever that is commendable, who knows nothing of and never was in a condition to study state-manship, who was raised to the sole business of transporting goods and managing the routine business of railroads, and who even in that capacity in which is all his experience and knowledge, has not succeeded in showing superiority over other men similarly engaged, amounts to but little and is likely intended only to cover up ulterior objects. The immediate effect of the movement, whether intended or not, is to kill Gen. Cass for Governor, and its ulterior purpose (aside from a few personal ones) is to injure the prospects of Gen. Hancock, by creating division in this State.

Meanwhile the Republicans are more than ever united in the re-nomination of the great President and great soldier who led the armies to victory over the great Rebellion.

Rumors of War.

The rumors of war's life at present may very probably, end in nothing. Such rumors have occurred from time to time, and been almost invariably followed by the adjustment of the difficulties which occasioned them. Except in the case of the war with Mexico, brought on without the consent of Congress, for the acquisition of territory, and opposed, as long as actual hostilities had not commenced, by the best statesmen of the time, there has been no foreign war since that of 1812; and it seems unlikely that a foreign war would be desired at present, seeing that the nation is only recovering from the effects of its late fratricidal conflict of four years. So severe was that conflict that the prominent statesmen and warriors who conducted it on both sides are nearly extinct, and most of the survivors of the file go about with broken constitutions. If a foreign war with Spain would involve no such frightful consequences, it would be carried on chiefly by sea, and that is a comparatively bloodless way of fighting. It would not materially damage American commerce on the ocean, seeing that at present our commerce is mostly carried on by foreign vessels. It would doubtless result in the annexation of Cuba, which indeed would be the real motive for entering into it, and that would be good for Cuba, whatever it would be for the United States.

In the event of Cuba being annexed, there could be little doubt that San Domingo would also be acquired in some way, and probably the Danish Islands. It would be as easy to protect all of these islands as any one of them, and with such an extent of fertile tropical territory, the United States would be as remarkable for its production of sugar and coffee as it is now for cotton and wheat.—N. Y. *Times*.

Scranton, Jan. 9.—

This morning a fearful accident happened at this place. Two laborers, Samuel Higginbotham and James Hennessy, were sent into a shaft in one of the Vermilion Coal Company's mines about 4 o'clock. They had scarcely reached their destination in the mine, when a violent explosion occurred, and as soon as possible assistance was sent to them.

The men were found blown apart to pieces. The cause of the explosion was the gas in the mines coming in contact with the light. Higginbotham, who lived here, leaves a family—a wife and one child. Hennessy lived in Ottawa, and leaves a family—a wife and four children. The men killed were employed hauling out water in certain portions of the mine.

From the fact that the bodies were found in a part of the mine which they were forbidden to enter by the company, because of the supposed presence of fire damp, their death would seem to be the result of disobedience of orders.

Scranton, Jan. 10.—

The difficulty between the Wilkesbarre Coal and Iron Company and their miners has been amicably settled. The men have agreed to accept the reduction of 10 per cent on the wages, provided the company will reduce the price of powder and oil. Mr. Parrish, president of the company, signified his readiness to agree to this, and work will probably be resumed in the Wyoming region on Monday next.

For no other reason than to put an end to the horrible atrocities of Spanish rule, we think that our Government should obtain possession of Cuba. Valmaceda has issued a proclamation which would be a disgrace to a barbarian. It is to the effect that after the 10th of January every insurgent captured will be shot, that those who surrender after that date will be condemned to perpetual imprisonment, that negroes and whites alike will incur these penalties, that all negro women captured by the Spanish troops will be remanded to their former owners, and be compelled to wear a chain and that all white women captured in the woods will be banished from the island. Such barbarity as this should compel the United States to interfere in the interest of common humanity. Not to do so in our power to crush Valmaceda would be to become his accomplice in the horrid tyranny which he now exercises over the people of Cuba.

The Japanese Embassy.

YOKOHAMA, Jan. 15.—The Japanese embassy, composed of persons of the highest rank yet sent abroad, leave to-day to confer with the government of treaty powers in relation to the revision of treaties demanded to be made before July of the present year. These representatives are progressive, and profess great friendship for foreigners. If sincerely desirous of our friendship the embassy has not an opportunity of conveying to you the best of wishes and increase with the natives.

SAN FRANCISCO, Jan. 15.—The steamer America, from China and Japan has arrived, three days ahead of time, and brings the Imperial Japanese embassy, consisting of Takakura, Prime Minister of Japan, coming as envoy extraordinary and minister plenipotentiary to the treaty powers Kedo, member of his Imperial Majesty's Privy Council and assistant ambassador; Akaho, Chief Minister of Finance and assistant ambassador, is Assistant Minister of Public Works and ambassador of second rank; and Hama Greke, Assistant Minister of Foreign Affairs and ambassador of second rank.

The Japanese embassy has with them twenty-six attaches, sixteen secretaries and interpreters, sixteen servants, and twenty-three Japanese students, who are bound for New York.

Five of the Japanese prisoners go to Vassar College. The Japanese embassy, numbering one hundred and five persons, leave here in eight or ten days for New York, accompanied by Hon. Charles E. Delong, American minister to Japan, and Hon. Charles W. Brooks, Japanese consul resident here, by the Central and Union Pacific Railroad to Omaha, thence by special Pullman train through to New York without change.

Major General H. W. Halleck.

LOUISVILLE, Jan. 9.—General H. W. Halleck died at his residence in this city to-night of congestion of the brain, superinduced by disease of the liver, with which he has been affected for some time.

That this brief announcement will cause sorrow in many breasts we do not doubt, for the name of Halleck is one that rose to a proud eminence in the war of the rebellion, and his good service in council and in action will long be remembered by his grateful countrymen. Halleck was born in New York, and was appointed on the 1st of July, 1833, a cadet in the Military Academy at West Point. Here he was distinguished for his uncommonly fine intellect, a proof of which was that he graduated in the highest grade, that of engineers. After serving faithfully years Halleck resigned from the army on the 1st of August, 1854, there then being no apparent prospect of a war in which he could draw his blade in defence of his country.

On the breaking out of the rebellion he came gallantly to the fore, and in 1861 received the appointment of major general. He commanded in the West for a considerable time, and later rendered efficient service in Washington in the bureau of the Department of War.

Besides his ability in military matters, Halleck had as an author a reputation of no mean proportions, and in his desk the country has to lament the loss of a scholar who has added largely to the literature of the nation, as well as of a soldier who was always ready to draw his sword and shield his blood in defence of his native land.

A Race for Life.

The *London (Canada) Post* gives the following graphic account of a swamp fire in New England. It is a formidable enough, as some Canadian gentlemen were lying out on the line of a railroad recently felled. In the prosecution of their labor, they had penetrated the Long Swamp about half a mile, when suddenly the attention of Mr. Tate, one of the party, was attracted by a loud roaring, as if the approach of a hurricane. On looking in the direction whence the sound proceeded, to his horror he observed fire rushing toward them at a rapid rate, licking up everything in its way and falling large trees in every direction. Mr. Tate ordered a stampede at once, and then began a race. At the start, the fire was fully three hundred yards off. Away rushed the white party, white men and Indians, scrambling over logs, through brush heaps, tumbling headlong into holes, barking shins, spinning ankles, scratching hands and tearing clothes, but not a word spoken, so stopping to look back, or asking for companions in the rear; but each struggling to reach the clear swamp, though every muscle was strained, progress was like a walk compared to the rapid march of the fire. Fortunately, they reached the clearing in safety, but not a moment too soon; for the fire was but ten feet behind them when they emerged from the woods; had they delayed a minute later before starting, the probability is that they would have lost their lives."

Mrs. Pierce, of Mississippi, has introduced a bill into the House of Representatives which provides that the money arising from the sale of public lands shall be used for the support of public schools, one-half to be distributed annually and the other half invested in a permanent fund, of which the interest shall be used for the same purpose. All States and Territories which will avail themselves of this act and agree to educate their children between the ages of six and sixteen are to be entitled to the advantages of it, the conditions being that they make annual school reports to Congress, educate all children, and submit to such other terms as Congress may impose. Such a plan is this would doubtless be very beneficial in many parts of the South, where ignorance and the poverty produced by a great war have rendered the people unwilling and unable to provide means of educating their children; but in the North, where nearly every State has a common-school system of its own, such provision seems unnecessary.

Looking For Frauds.

The recent Grand Jury of York county must have strong suspicions regarding the honesty of those who have been handling the public funds of the county, for ten or twenty years past, judging from the following petition which was signed by every member of the jury—The petition sets forth: "That during the years the debt of said county has increased to an unprecedented and enormous amount without sufficient evidence that there was occasion therefor, and without producing results at all commensurate with the expenditure of money that has been made—that that taxation increased, and has become enormous and burdensome—that the debt of the county, so far as your Memorialists are informed, is near about the sum of three hundred thousand dollars—that public opinion is fully impressed with the conviction that this is the result of official extravagance and corruption, and that the accounting and auditing officers of the county have failed to do their duty—that it is due to the people, upon whom the burden falls that an investigation should be instituted, and inquires directed to ascertain the true cause of the state of things thus complained of, and that all persons, if any such there be, who have dishonestly or unlawfully used, or applied to their own purposes, the public funds of said county, should be compelled to reckon for the same, and repay the amount with interest." The petition also asks for the appointment of Auditors with the power to examine persons and papers and to receive and adjust accounts for each year since 1863.

New Advertisements.

ESTATE of George A. Snyder, deceased.
ADMINISTRATOR'S NOTICE—

Letters of administration were given on the estate of George A. Snyder, late of Penn township, Snyder county, deceased, having been granted to the undersigned, all persons knowing themselves indebted to said estate are requested to make payment without delay, and those having claims against the same will present them to

JEREMIAH SNYDER,
By H. S. SPYER, Adm'r.
Middleburg, Jan. 16, 1872.

Widows Appraisements.

Notice is hereby given that Sarah Weir, widow of Jacob Weir, late of Chapman township, deceased; Elizabeth Krenner, widow of Benjamin Krenner, late of Chapman township, deceased; and Margaret Smith, widow of John Smith, late of Perry township, deceased, have filed their appraisements with the Clerk of the Superior Court of Snyder county, and that the same will be presented for confirmation on the 1st Monday of February, at 10 o'clock in the forenoon.

J. CROUSE, Clerk C. C.
Middleburg, Jan. 16, 1872.

License Notice.—

Notice is given that John J. Burns, formerly of Penn township, Snyder county, deceased; John A. Smith, formerly of Middleburg, deceased; and John T. Taylor, formerly of Penn township, Snyder county, deceased, have filed their appraisements with the Clerk of the Superior Court of Snyder county, and that the same will be presented for confirmation on the 1st Monday of February, at 10 o'clock in the forenoon.

J. CROUSE, Clerk C. C.
Middleburg, Jan. 16, 1872.

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Wallace & Thompson

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GLASS STORE

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Selingrove, January 15, 1872.

By virtue of a writ of F. F. A. issued out of the Court of Common Pleas of Snyder County, to me directed, will be exposed to public sale, at the Public House of Daniel E. Schenker, in Washington township, Snyder County, Pa., on

Saturday, February 3, 1872.

The following described Real Estate to wit:—All that certain Tract of Land situate in Union township, Snyder County and State of Pennsylvania, bounded on the east by land of John Switzer, west by land of Jacob C. Strauss, and north by land of Samuel H. Hildner.

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