TERMS OF PUBLICATION.

THE BEDFORD GAZETTE is published every Friday morning by MEYERS & MENGEL, at \$2 00 per annum, if paid strictly in advance; \$2.50 if paid within six months; \$3.00 if not paid within six months. All subscription accounts MUST be ttled annually. No paper will be sent out of the State unless paid for IN ADVANCE, and all such criptions will invariably be discontinued at the expiration of the time for which they are

All ADVERTISEMENTS for a less term than three months TEN CENTS per line for each in-sertion. Special notices one-half additional. All resolutions of Associations; communications of limited or individual interest, and notices of marages and deaths exceeding five line, ten cents line. Editorial notices fifteen cents per line. All legal Notices of every kind, and Orphans by published in both papers published in this

La All advertising due after first insertion. A liberal disc unt is made to persons advertising

the quarter, half year, or year, as follows:

10B PRINTING, of every kind, done with mess and dispatch. THE GAZETTE OFFICE has been refitted with a Power Press and new type. everything in the Printing line can be execued in the most artistic manner and at the lowest -TERMS CASH

All letters should be addressed to MEYERS & MENGEL, Publishers.

AT LAW, BEDFORD, PA., will promptly of to collections of bounty, back pay. &c., all business entrusted to his care in Bedford ng counties.

ther claim.

for sale Town lots in Tatesville, where a
Church is erected, and where a large School

shall be built. Farms, Land and Timber,
from one agre to 500 agres to suit pur

Office nearly opposite the "Mengel Hotel" and ank of Reed & Schell.

April 6, 1866—1y

CHARPE & KERR, ATTORNEYS AT LAW BEDFORD, PA., will practice in courts of Bedford and adjoining counties Of-on Juliana st., opposite the Backing House of d & Schell. [March 2, '66.

DURBORROW.

URBORROW & LUTZ,
ATTORNEYS AT LAW, BEDFORD, PA.,
fill attend promptly to all business intrusted to
beir care. Collections made on the shortest no-

ey are. also, regularly licensed Claim Agents and will give special attention to the prosecution of claims against the Government for Ponsions, lick Pay, Bounty, Bounty Lands, &c.

Office on Juliana street, one door South of the Mengel House," and hearly opposite the Laquirer

TOHN P. REED, ATTORNEY AT vices to the public.
e second door North of the Mengel House.

TOHN PALMER, ATTORNEY AT

AW. BEDFORD, PA. Will promptly attend business entrusted to his care. rticular attention paid to the collection of ary claims. Office on Juliana Street, nearly its the Mengel H use. LISPY M. ALSIP, ATTORNEY AT

H. SPANG, ATTORNEY AT

H. PENNSYL, M. D., BLOODY RUN, Pa., (1 ste surgeon 56th P.V. V...) ten-fers his professional services to the people of that place and vicinity. Dec. 22, 65-1y*

W. JAMISON, M. D., BLOODY
REN. Pa., tenders his professional services to the p-ople of that place and vicinity. Office one door west of Richard Langdon's store.
Nov. 24, '55—1v

P. J. L. MARBOURG, Having permanently located, respectfully tenders his professional services to the citizens of Bedford is processions.

Is processions and vicinity.

Office on Juliana street, east side, nearly opposite the Banking House of Reed & Schell.

Bedford, February 12, 1864.

J. G. MINNICH. JR., DENTISTS,

BEDFORD, PA.
ice in the Bank Building, Juliana St.
Interations pertaining to Surgical or Medi operations pertaining to Surgical or nical Dentistry carefully performed, and v

TFRMS-CASH.
Bedford, January 6, I865.

Bankers.

DEED AND SCHELL, DEALERS IN EXCHANGE, the city with a fine associated bealers IN EXCHANGE, BONNETS.

PEDFORD, PA.,

Ada and

Ada and

The city with a fine associated by the

Miscellaneous.

ANIEL BORDER, PIFT STREET. TWO DOORS WEST OF THE BED-OTEL, BEDFORD, PA. WATCHMAKER AND DEALER IN JEWEL-

RY, SPECTACLES, &C.

He keeps on hand a stock of fine Gold and Silwe Watches, Spectacles of Brilliant Double Rebold Glasses, also Scotch Pebble Glasses. Gold
vatch Chains, Breast Pins, Finger Rings, best
uality of Gold Pen. He will supply to order
ay thing in his line not on hand.

Oct. 20, 1865-

F. IRVINE,

and Ender in Boots, Shoes, Queensware, and Varieties.

For Orders from Country Merchants respectfully solicited.

Out 20, 1865,

D. R. ANDERSON,

Licensed Scrivener and Conveyancer, will attend to the writing of Deeds, Mortgages, Leases, Articles of Agreement, and all business asually transacted by a Scrivener and Conveyan-cer. The patronage of the public is respectfully solicited.

For the Gazette. PROF. NOTT'S EXHIBITION.-Mr. Editor:-The votaries of fashion, music and good manners, were well entertained at the Court House one evening last week, in your (the editor's) absence, and you will, therefore, excuse a communication from the back corner of the rooms

The Spanish dance, El Bolero, as well as the Scottish Highland Dance, both very difficant of execution, were admirably performed by Misses Mag. The Bedford Gazette. gie Shoemaker and Rosa Meyers. No. better dancing, but inferior is, often

done on the stage.

The Waltz, by Masters Ed. Meyers and Ol. Shannon (each about as tall as yard-stick) showed what could be lone by very small boys. The Cotillms and other dances engaged in by Miss Sallie Shannon, Frank and Sa-Iome Minnich, Julia McFadden, Dan. Shannon, Morsy and Percy Anderson, Tepie Shoewaker and other interesting

the Mandella Country of the Country of the Country of the Country White Lead,

Snow Franklin White Lead,
Washington White Lead,
Washington White Lead,
New York White Lead,

ALSO:—Frankl Porcelain Finish;
Demar Varnish;
Varnishes of all kinds,
Flaxeed Oil, (pure.)
Turpentine and Alcohol.

All kinds of IRON and NALS.

All kinds of IRON and NAILS.
No. 1 CHRYSTAL ILLUMINATING COAL

Publishers.

Attornets at Yaw.

LAMPS in profusion.

We would invite persons wanting: Saddlery Hordware, to give us a call, as we have everyting in the Saddlery line, such as Buckles, Rings, Homes and Webbing Leather of all kinds; all and to odlections of bounty, back pay, &c., are to contain the saddlery line, such as Buckles, Rings, Homes and Webbing Leather of all kinds; all and to odlections of bounty, back pay, &c., are seen to contain the saddlery line, such as Buckles, Rings, Homes and Webbing Leather of all kinds; all and the saddlery line, such as the saddlery line, such as the saddlery line, such as sad

Tys, etc. Housekeepers will find at Blymyer & Son's Housekeepers will find at Blymyer & Son's tore a great variety of household goods. Knive and Fork of the very best quality; Plated Table and Ten Spoons at all prices. Give us a call and we can supply you with Barn Door Rollers, the latest improvements; Nova Scot a trindstones, better than any in use; Shovels. Tooks and Spades.

Grain and Grass Seythes and Snathes; Fishing Tackle; Brushes of all kinds; Deni-Johns; Patent Wheel Gresse, Tar and Whale Oil, and an infinite various of agriculture.

variety of articles.
\$20 000 WANTED—Would like to get it if our friends weuld let us have it. Less will do; but persons having unsettled accounts will close them up to the first of March, to enable us to close our old books. This should be done may4, 66.

GEO. BLYMYER & SON.

Drugs, Medicines, &c.

L. LEWIS having purchased the Drug Store, lately owned by Mr. H. C. Reamer takes pleasure in announcing to the citizens of Belford and vicinity, that he has just returned from the cities with a well selected stock of

n from the cities with a well selected stock of DRUGS,

MEDICINES,
DYE-STUFFS.
PERFUMERY,
TOHLET ARTICLES,
STATIONERY,
COAL OIL, LAMPS
AND CHI INEYS.
BEST BRANDS OF CIGARS,
SMOKING AND CHEWING TOBACCO,
FAENCH CONFECTIONS, &c., &c.
Toe stock of Drugs and Medicines consist of the purest quality; and selected with great care.
General assortment of popular Patent Medicines.
The attention of the Ludies is particular y invited to the sock of PRIFUMERY, TOLLET and FAACY ARTICLES, consisting of the best perfumes of the day. Colognes, Soaps. Preparations for the Hair. Complexion and Teeth; Camphor ice for chapped hands; Teeth and Hair Brushes, Port Monaies, &c.
Of Stationery, there is a fine assortment:
Biller Note Levice Leaf and Mourning Paper

LAW, BEDFORD. PA. Will faithfully and promptly attend to all business entrusted to his care in Bedford and adjoining counties. Military claims, buck pay, bounty, &c., speedily collected. Office with Mann & Spang, on Juliana street, two doors South of the Mengel House.

Jan. 22, 1854,

F. M. KIMMELL. J. W. LINGENFELTER, Harrorneys AT LAW, BEDFORD, PA. Have formed a partnership in the practice of the Law. Office on Juliana street, two doors South of the 'Mengel House,'

H. SPANG, ATTORNEY AT

H. SPANG, ATTORNEY AT

herry and Black Humphrey's Homeopathic Remedies. Cigars of best brands, smokers can rely on a

purchase at reasonable prices.

Country Merchants' orders promptly filled. Goods done on the 11th of March, 1865.

E MOVAL.—CALL AND SEE NEW MILLINERY STORE!—Mrs. E. V. MOWRY would respectfully inform her old friends and customers, as well as the ladies generally, that she has removed her store to the fine rooms, immediately opposite the Bedford Hotel, formerly occupied by J. Cesans, where she he just received a large and carefully selected assortment of NEW MILLINERY and DRESS GOODS, and NOTIONS, consisting, in part, of BONNETS and HATS, RIBBONS, FLOWERS, &c.,

ALL WOOL DELAINES.
POPLINS, BERAGES,
ALPACAS, LAWNS,
CALICOES, &c.
LADIES COATS
and SHAWLS, and SHAWLS,

BEST KID GLOVES,

SILKand THREAD Glor

COLLAKS.

HOOP SKIRTS.

BALMORALS.

CORSERS.

MISS KATE DEAL & MRS. M. R. SCHAEFFER have just returned from the city with a fine assortment of fashionable

RICHARD LEO,

CABINET-WARE, CHAIRS, &C.,
BEDFORD, PA.,
The undersigned being engaged in the Cabinet
making business, wilt make to order and keep on
hand everything in his line of manufacture. BUREAUS, DRESSING STANDS, PARLOR AND EXTEN-SION TABLES, CHAIRS, BEDSTEADS, WASH-STANDS, &c., &c.,

will be furnished at all prices, and to suit every taste. COFFINS will also be made to order. Let Prompt attention paid to all orders for work. Let Shop on West Pitt Street, nearly opposite the residence of George Shuck.

July 10, 1863.—tf RICHARD LEO.

PRINTERS' INK has made many a business man rich We ask you to try it in he 'olumns of THE GAZETTE

Bedford Gazette.

BEDFORD, PA., FRIDAY MORNING, JULY 20, 1866.

VOL. 61.-WHOLE No. 5,356.

From the Climber. FOR EVERY STATE A STAR. Air-"BONNIE BLUE FLAG."

Come all good Union Democrats
And join the column strong,
That moves for Law and Liberty
Against the tyrants' wrong
We'll have no broken Union, boys,
No Poland in the South,
No Poland in the South,
No Polandek on our mouth No nadlock on our mouth.

Hurrah! Hurrah! tor Liberty, hurrah
Hurrah for our country's flag.

And on it every star!

Disonionists may rant and howl,
Thad. Stevens rage and row.
And Saumer in the Senate scowl.
And Wade hiscurses pour.
Our banner is the flig that bears
For every State a star!
And death to the Disonionist
Its symmetry would mar.
Hurrah! Hurrah! for Liberty, &c.

Our Union's that of all the States— From Maine to Oregon.
From Lake to Gulf, the sister-hood of Thirty-six in One.
Oh! who would strike a single State From out the glorious band?
Accursed be his traitor heart

And pulsied be his hand! Hurrah! Hurrah! for Liberty, &c.

Oh! who would blot a single star From out that good old flag. Or call it Greely-like, "a lie."
And thate's polluted reg?"
The serificial blood that flowed
The Union to restore.
Appealsf or that true flag that bears
For every State a star.
Hurrah! Hurrah! for Liberty, &c.

Decision of the Supreme Court.

Disfranchisement of Beserters.

The following opinion of the Sureme Court in the case of Huber vs. Reilly, was read by Justice Strong:

The act of Congress under which the lefendant below justifies his refusal to receive the vote of the plaintiff is the one approved on the 3d day of March, 1865. The twenty-first section is the only one applicable to this case, und it is as follows: "And be it furher enacted, that in addition to the other lawful penalties of the crime of lesertion from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service, or report themselves to a Provost Marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and foreited their rights of citizenship, and their rights to become citizens; and such deserters shall be forever incapaole of holding any-office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who being duly enrolled, shall depart the jurisdiction of the dis-

The act of Congress is highly penal.

and penalties upon offenders before and without a trial and conviction by due secured to him by the State constituprocess of law, and that it is therefore process of law, and that it is therefore prohibited by the bill of rights.

tion, and to be held on the terms presented by that constitution alone.—

whether he has been guilty of a crimisuch trials. The twentieth article of service or to report to a Provost Marshal, and offence, and has as a consequence, war, enacted on the 10th of April, 1806, and not be being on the process of law, and that it is therefore process of law, and that it is therefore by the bill of rights.

case, and giving to the enactment the ernment. construction which we think properly But it is not a correct view of the act stitution nor our law has conferred up- ecived pay, or have been duly enlisted Deposite solicited.

GLOVES, Deposite solicit the passage of the act is not a penalty actment opperates upon an individual Even if they were to assume juris- be inflicted for the offence. The pun-THE Local circulation of the Bedford for this section of the Bedford for this section of the details and punishment by a court-marginal paper in this section of country, and therefore of ers the greatest inducements to business men to five ties that he had been drafted, shall be strue a statute, if possible, so "ut res" the law against amalgamation and bild duty, a public offence for which lie duty, a public offenc



failure to return to service, or to report unless on a presentment, or indictmen to the Provost Marshal. The second objection also assumes in the and or naval forces, or in the more than can be conceded. It is not to be doubted that the right to regu late suffrage in a State, and to deter mine who shall, and who shall not be a voter, belongs exclusively to the State itself. The constitution of the United States confers no authority up on Congress to prescribe the qualification of electors within the several States that compose the Federal U- in all criminal prosecutions certain nion. Congress is indeed empowered to make regulations for the time, place and manner of holding elections for Senators and representatives, or to the accusation, face to face presence alter those made by the legislature of with the witnesses against him, com the State, except those in relation to pulsory process for his own witnesses the places of choosing Senators, but and the assistance of counsel. The here its power stops. The right of suf-spirit of these constitutional provifrage at a State election is a State right, sions is briefly that no person can be a franchise conferable only by the made to suffer for a criminal offence State, which Congress can neither give unless the penalty be inflicted by due nor take away. If, therefore, the act process of law. What that is has been all persons who being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, duly order—

nor take away. If, therefore, the act often defined, but never better than it attempt to regulate the right of suffrage in the States, or to prescribe the conditions upon which that right may be exercised, it must be held unwarded to the suffrage in the States, in Den vs. Murray et al, 18 Howard 272. It ordinarily implies and includes a comparison of the distriction of the distriction is in truth an often defined, but never better than it was both historically and critically by Judge Curtis, of the Supreme Court of the United States, in Den vs. Murray et al, 18 Howard 272. It ordinarily implies and included states are consideration in the right of sufficient of the consideration is in truth an often defined, but never better than it of the united states are consideration in the right of sufficient of the united states. H. SPANG. ATTORNEY AT LAW, BEDFORD, PA. Will promptly attend to collections and all business entrusted to his ever in Bedford and adjoining counties. Office on Juliana Street, three doors south of the Mengel House, opposite the residence of Mrs. Tate.

May 13, 1864.

MEYERS & DICKERSON, ATLAW, Bedford, Pa., office

MEYERS & DICKERSON, ATLAW, Bedford, Pa., office

Menghase at reasonable prices.

Michigan and Solars Fine Cut.

Michi even the right of suffrage. But this is mitted there are a few exceptional the law for that purpose is the only one impairing the right itself. Under the laws of the Federal government, a vothe several courts of Bedford county. Pensions, bounty and take pay obtained and the purchase and sale of real estate attended to. [may11, 66.]

JOHN H. FILLER, Attorneyat Law, Bedford, Pa. Office neary opposite the Post [upr. 20, 66.—1y.]

Physicians and Dentists.

Ph. PENNSYL, M. D., BLOODY B. B. D. B. B. D. B. B. D. B. G. B. B. R. P. B. Gate surgeon 56th P. V. V..) ten
Bern Pa. Gate surgeon 56th P. V. V..) ten
The act of Congress is highly penal. It imposes for feiture of citizenship, and deprivation of the rights of citizenship, and deprivation of the rights of citizenship, and deprivation of the rights of citizenship, and thus deprived of the privilege of exercising the crime of desertion from the military or naval ser
The act of March 3d, 1865, is not to be considered apart from the other legrisation of the rights of citizenship, and deprivation of the rights of citizenship, and sums due by defaulting public officience. But I can call to mind no instance deprived of the privilege of exercising the crime of describing and sums due by defaulting public officiences. But I can call to mind no instance deprived of the privilege of exercising the crime of describing and sums due by defaulting public officiences. But I can call to mind no instance deprived of the privilege of exercising the crime of describing and sums due by defaulting public officiences. But I can call to mind no instance deprived of the privilege of exercising the crime of describing and sums due by defaulting public officiences. But I can call to mind no instance definition of the rights of citizenship, and thus deprived of the privilege of exercising this right of a public officience, and the may be imprisonable to the country, and thus destructed to the country, and thus deprived in the military of the country and sums due to the country, and thus destr vice of the United States, and it de-nominates the additional sanctions pro-for the naturalization of allens, or it particular case, administered by a judi-group ago as Rex vs. Soxdale, 1 Burrows, 147 vided as penalties. Such being its character, it is, under the well known rule
of law, to receive a strict construction
in favor of the citizen.

The constitutionality of the cet has strict construction
in the mannatation of acts, or the cital tribunal authorized to adjudicate
action, or non-action may thus determine whether individuals shall or shall
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The constitutionality of the cet has strict construction
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States and Learnest laws. Its
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States are subjects, noiwithstanding some of them may be expired or
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States are subjects, noiwithstanding some of them may be expired or
not become citizens. The constitutionality of the act has been assailed on three grounds. The first of these is that it is an expost factor in an offence committed before its for an offence committed before its for an offence committed before its formula of the constitutional punishment in a first of the constitutional punishment in a first of the constitutional punishment in a first of the constitutionality of the act has states, and I cannot doubt as a penalty state laws, is such a triu unal. I cannot not noticed, much be taken to be one of think they have power to try criminal offenders, till less to adjudge the guilt or innocence of an alleged violator of the United States. Disfranchisement to be forwarded of the laws of the United States. A trial to be inferred that a code of statutes passage, and altering the rules of evi- of a citizen as a punishment for crime, before such officers is not due process of relating to one subject was governed by dence so as to require different and less proof of guilt than was required at the time of the perpetration of the erime. There are, it is no unusual punishment. Barker vs. law for the punishment of offences, according to the meaning of that phrase in the Constitution.—There are, it is everal parts and provisions." In looking the constitution of the constitution. CORSETS, &c., &c.

Also, a fine assortment of LADIES', MISSES' and CHILDREN'S SHOES, and e specially to order.

These goods will be sold at the lowest prices, but for GASH only. Mrs. Mowry returns her thanks for past favors, and respectfully solicits a continuance of the pathways of the hydrogen of the pathways of th

ers the greatest inducements to business men to filverise in its columns.

Strue a statute, if possible, so "ul res to each of the marriage ceremony, whether the deemed a deserter, enacted that such a to final, decides nothing, but leaves to the filverise in its columns.

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Structure in the filverise in the filverise in its columns.

Structure in the filverise in its The trial attracted a large crowd of spectators.

Which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is in harmony with the accused exposed to another tribunal and to the imposition by due protected at low which is a low without a converted at low which is a low with the accused exposed to another tribunal and the

which applies the forfeiture of citizen- "that no person shall be held to answer ship to the new offence described as for a capital or other infamous crime, of a grand jury, except in cases arising

militia, when in actual service, in time of war or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be be compelled in any riminal case to be witness against himself, nor be deprived of life, liberty or property, without due process of law.' The sixtharticle secures to the accused rights, among which are a speedy and public trial, by a jury of the vicinage, information of the nature and cause of In the view which we take of this It is an integral part of the State gov- forselted his right, is an inquiry of a (Brightly's Dig., 75,) is in these words: different character. Neither our con- "all officers and soldiers who have re-

for the original desertion, but for per- offender, punishes him for violation of diction of the offence described in the lishment of death in time of peace was list to be an erood forth law in respect to the offence described in the sistence in the crime, for failure (in the federal law, by deprivation of his act of Congress, and proceed to try the language of the statute) to return to said service, or to report to a Proleaves each State to determine for itto said service, or to report to a 170 been duly enrolled and drafted, wherhold with the issue of the President's proclamation. If this is so, the act of Congress to the crease the penalties of the law upon the tion. If this is so, the act of Congress to the crease the penalties of the law upon the treatment to service or failed to report to a solution of the law upon the treatment of the had deserted and failed to return to service or failed to report to a solution of the law upon the fence was committed, and it is not completely the constituted by the constituted by the solution of the law upon the fence was committed, and it is not completely the constituted by the constitution of th is in no sense ex post facto, and it is not for that reason in conflict with the confines for itself what shall be the consecutive of the indication of crime. Each State deproved that reason in conflict with the confines for itself what shall be the consecutive of the indication of crime. Each State deproved the indication of crime. Each State deproved the indication of crime. Each State deproved the indication of crime is in no sense ex post facto, and it is not commission of crime. 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And with us it is still our own that he had not forfeited his citizenship and it was declared that "such soldier appear at the next term of the Crimistry in the constitution which restricts the right all this would not amount to an acquitable and it was declared that "such soldier appear at the next term of the Crimistry in the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would not amount to an acquitable and the constitution which restricts the right all this would n ery new refusal to render the service of suffrage, and confers it upon those tal. It would not protect him against shall and may be tried by a court mar-

tion by thatother tribunal of the ful punishment prescribed by law.

Moreover it is not in the power of Congress to confer upon such a tribunal. which is exclusively of State creation urisdiction to try offences against the United States. Notwithstanding the lecision in Buckwalter vs. United States (11 S. & R. 198) which was an action for penalties, declared to be recoverable as other debts, the doctrine seems a plain one, that Congress cannot put my of the judicial power of the Unied States in the courts of any other government or sovereignty. Martii vs. Hunter's lessee, 1 Wheaton, 304 830, Eby vs. Peck, 7 Con., 242, and Secville vs. Canfield, 14 Johns, 338. And clearly if this is so Congress canno make a board of State election officer: competent to try whether a person has been guilty of an offence against the United States, and if they find hin ruilty to enforce a part of the prescribed penalty.

If, therefore, theact of March 3, 1867 really contemplates the infliction of its prescribed penalty or part of it without due process of law, or if it attempts to confer upon the election officers of : State the power to determine whether there has been a violation of the act incurring the penalty, and to enforce the penalty or any part of it, it may wel be doubted whether it is not transgressive of the authority vested in Congress by the Constitution.

But such is not the fair construction of the enactment. It is not to be pres imed that Congress intended to transgress its powers, and especially is this rue when the art admits of another construction entirely consonant with

all the provisions of the Constitution. What, then, is its true meaning? As already observed, forfeiture of citizen ship is prescribed as a penalty for desertion, an additional penalty, not for an offence committed before the pasage of the act, but for continued desertion and failure to return or report. It is not a new consequence of a penal ty, but it is an integral part of the hing itself. Nor is it the whole. It is added to what the law had previously enacted to be the penalty of desertion

is imprisonment is sometimes added to punishment by fine. It must have been intended, there fore, that it should be incurred in the same way, and imposed by the same tribunal that was authorized to impose the other penalties for the offence. It would be very absurd to suppose that two trials and two condemnations for one crime were intended, or that it was designed that a criminal might be sentenced in one court to undergo a part of the punishment denounced by the law, and be punished in another court by the imposition of the remainder. The law as it stood when the act of 1865 was passed, had provided a tribunal in which alone the crime of desertion could be inflicted: The consequences of conviction may be noticed in other

military post for trial by court martial, unless upon proper showing that he is not liable to military duty, the board of enrollment shall relieve him from he draft." All these acts of Congress manifestly contemplate trial for desertion by court martial and the infliction o no punishment or forfeiture, except upen conviction and sentence in courts. The act of 1806 provided for general ourts martial, and made minute and areful regulations for their organizaion, for the conduct of their proceedngs, and for the approval or disapproajof their sentences. Subsequent acts nade some changes, but they have not estrained the jurisdiction or diminishd the powers of such courts.

It is to such a code of laws, forming system devised for the punishment f desertion, that the 21st section of the ct of March 2d, 1865, was added. It efers plainly to pre-existing laws. It as the single object of increasing the enalties, but it does not undertake to hange or dispense with the machinery rovided for punishing the crime. The ommon rules of construction demand nat it be read as if it had been incororated into the former acts. And if had been, if the act of 1806, and its applements had prescribed that penty for deserti n or failure to report ithin a designated time after notice draft which the act of 1863 declares esertion) should be punished on coniction of the same with forieiture of tizenship and death, or in lieu of the atter such other punishment as by the entence of a court-martial may be inlicted, would any one contend that any portion of this punishment could be inlicted without conviction and sentence? Assuredly not. And if not, so must he act of 1865 be construed now. It means that the forfeiture which it prescribes, like all other penalties for Lesertion, must be adjudged to the convicted person after trial by a court martial and sentence approved. For the conviction and sentence of such a court there can be no substitute. They alone establish the guilt of the accused, and fasten upon him the legal consejuences. Such we think is the true neaning of the act, a construction that annot be denied to it without losing sight of all the previous legislation respecting the same subject matter, no part of which does this act profess to

It may be added that this construction s not only required by the universally admitted rules of statutory interpreation, but it is in harmony with the personal rights secured py the constitution, and which Congress must be presumed to have kept in view. It gives to the accused a trial before sworn Judges, a right to challenge, an opportunity of defence, the privilege of hearing the witnesses against him, and of calling witnesses in his behalf. It preserves to him the common law presumption of innocence, until he has been adjudged guilty according to the forms of law.

It gives finality to a single trial .-If tried by a court martial and acquitted, his innocence can never again becalled in question, and he can be made to suffer no part of the penalties prescribed for guilt.

On the other hand, if a record of con-

viction by a lawful court be not a prerequisite to suffering the penality of the law, the act of Congress may work intolerable hardships. The accused will courts, but the tribunal appointed by cence whenever the registry of the provost marshal is adduced against him cers will protect him against the necessity of renewing his defence at every subsequent election, and each time with increased difficulty arising from the possible death or absence of witnesses. In many cases this may prove a gross wrong. Itcannot be doubted that in some instances there were causes that port, by persons registered as deserters by Provost Marshals, that would have been held justifying reasons by a court martial, or at least would have prevented an approval of the court's sentence. It is well known also that some who were registered deserters, were at the time actually in the military service as vo!unteers, and honorably discharging the r duties to the government. To hold that the act of Congress imposes upon such the necessity of proving their innocence al legislature as intention not warranted by the language and connection of the enactment.

> It follows that the judgment of the court below upon the case was right. The plaintiff not having been convicted penalties and forfeitures of the law, was entitled to vote.

abolished in 1830. Corporeal punish- all soldiers except such as committed

-Nelson G. Merrya colored breacher