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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 marriages and deaths exceeding five lines, ten cents All legal Notices of every kind, and Orphans Court and Judicial Sales, are required by law t be published in both papers published in this

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class are sold anywhere

jan 29, 'y1

## Loofland's Column.

YOU ALL

HAVE HEARD OF

HOOFLAND'S GERMAN BITTERS.

AND

HOOFLAND'S GERMAN TONIC.

Prepared by Dr. C. M. Jackson, Philadelphia. Their introduction into this country from Ger-

1825.

THEY CURED YOUR FATHERS AND MOTHERS.

And will cure you and your children. They are

The greatest known remedies for
Liver Complaint,
DYSPEPSIA,
Nervous Debility,
JAUNDIUE,
Diseases of the Kidneys,
and all Diseases arising from a Disordered Liver,
stomach, or ach, or IMPURITY OF THE BLOOD.

Constipation, Flatulence, Inward Piles, Fullnes of Blood to the Head, Acidity of the Stomach, Nausca, Heartburn, Disgust for Food, Fullness or Weight in the Stomach, Sour Eructations, Sinking or Fluttering at the Pit of the Stomach, Swimming of the Head, Hurried or Difficult Breathing, Fluttering at the Heat, Chokung or

Head, Hurried or Difficult Breathing,
Fluttering at the
Suffocating Sensa Official Vision or
Suffocating Sensa Official Vision when in a Lying
Posture, Dimness of Vision, Dots or Webs
before the sight, Dull Pain in the Head, Deficiency of Perspiration, Yellowness of the Skin
and Eyes, Pain in the Side, Back, Chest,
Limbs, etc., Sudden Flushes of Heat,
Burning in the Flesh, Constant Imaginings of Evil and Great Depression of Spirits.

All these indicate diseases of the Liver or Digestive Organs, combined with impure blood.

### HOOFLAND'S GERMAN BITTERS

is entirely vegetable and contains no liquor. It is a compound of Fluid Extracts. The Roots, Herbs, and Barks from which these extracts are made, are gathered in Germany. All the medicinal virtueus are extracted from them by a scientific Chemist. These extracts are then forwarded to this Country to be used expressly for the manutacture of these Bitters. There is no alcoholic substance of any kind used in compounding the Bitters, hence it is the only Bitters that can be used in cesses where alcoholic Bitters that can be used in cases where alcoholic mulants are not advisable.

HOOFLAND'S GERMAN TONIC

is a combination of all the ingredients of the Bitters, with PURE Santa Cruz Rum. Orange, etc. It is used for the same diseases as the Bitters, in case where some pure alcoholic stimulus is required. You will bear in mind that these remedies are entirely different from any others advertised for the cure of the diseases named, these being scientific preparations of medicinal extracts, while the others are mere decoctions of rum in some form. The TONIC is decidedly one of the most pleasant and agreeable remedies ever offered to the public. Its taste is exquisite. It is a pleasure to take it, while its life-giving, exhilarating, and medicinal qualities have caused it to be known as the greatest of all tonics.

There is no medicine equal to Hoofand's German Bitters or Tonic In cases of Debility. They impart a tone system, strengthen and vigor to the whole system, strengthen the appetite, cause an enjoyment of the food, enable the stomach to digest it, purify the blood, give a good, sound, healthy complexion, eradicate the yellow tinge from the eye, impart a bloom to the cheeks, and change the patient from a short-breathed, emaciated weak and nexons invalid to a full-faced

Weak and Delicate Children are made strong by using the Bitters or Tonic. fact, they are Family Medicines. They can

These remedies are the best

Blood Purifiers

ever known and will cure all diseases resulting from bad blood. Keep your blood pure; keep your Liver in order, keep your digestive organs in a sound, the use of these reme will ever assail you. The best men in the country recommend them. If years of honest reputation go for anything, you must try these preparations.

FROM HON. GEO. W. WOODWARD.

Chief Justice of the Supreme Court of Pennsylva PHILADELPHIA, March 16, 1867.
I find that "Hoofland's German Bitters" is not an intoxicating beverage, but is a good tonic, useful in disorders of the digestive organs, and of great benefit in cases of debility and want of neryous action in the system

Yours Truly, GEO. W. WOODWARD.

FROM HON. JAMES TAOMPSON. Judge of the Supreme Cont of Pennsylvania.

PHILADELPHIA, April 28, 1866.

I consider "Hoofland's German Bitters" a valuable medicine in ease of attacks of Indigestion or Dyspepsia. I A can certify this from my experience of it.

JAMES THOMPSON.

FROM REV. JOSEPH H. KENNARD, D. D., Pastor of the Tenth Baptist Church, Philadelphia,

DR. JACKSON-DEAR SIR :- I have been frequently requested to connect my name with rec-ommendations of different kinds of medicines, but ommendations of different kinds of medicines, but regarding the practice as out of my appropriate sphere. I have in all cases declined; but with a clear proof in various instances, and particularly in my own family, of the usefulness of Dr. Hoofland's German Bitters, I depart for once from my usual course, to express my full conviction that for general debility of the system, and especially for Liver Complaint, it is a safe and valuable preparation. In some cases it may fail; but usual ly, I doubt not, it will be very beneficial to those who suffer from the above causes. Yours, very respectfully, J. H. KENNARD, Eigth, below Coates Street.

CAUTION.

Hoofland's German Remedies are counterfeited. The Genuine have the signature of C. M. Jackson on the front of the outside wrapper of each bottle, and the name of the article blown in each bottle. All others are counterfeit.

Price of the Bitters, \$1 per bottle; Or, a half dozen for \$5. Price of the Tonic, \$1 50 per bottle;

Or, a half dozen for \$7 50.

The tonic is put up in quart bottles Recollect that it is Dr. Hoofland's German Remedies that are so universally used and so highly recommended; Druggist to induce you to take anything else that he may say it just as good; because he makes a larger profit onit. These Remedies will be sent by express to any locality upon application to the

PRINCIPAL OFFICE,

At the German Medicine Store. No. 631 ARCH STREET, Philadelphia.

CHAS. M. EVANS, PROPRIETOR.

Formerly C. M. JACKSON & Co. These Remedies are for sale by Druggists, Store keepers and Medicine Dealers everywhere.

Do not forget to examine the article you buy
in order to get the genuine.

may29'68y1

## THE REGISTRY LAW. It is Declared Unconstitutional:

Injunction Awarded-Justice Sharswood's Opinion in Full.

On Saturday, in the Nisi Prius, Jus-tice Sharswood delivered an opinion in the case of Patterson and others against Barlow and others, involving the constitutionality of the Registry Law. It will be seen that the law is declared unconstitutional and the reasons given for this decision are presented forcibly, and in language not to be misunder-

The following is the opinion in full: Sharswood, J.—This bill alleges that the act of Assembly, approved April 27' 1869, entitled "An act further supplemental to the act relative to the echicies of the control of the lections of this Commonwealth" is un-constitutional, and, therefore, void. If this is so, then previous decisions of the Supreme Court, the authority of which is binding upon me, have set-tled that the execution of it may and ought to be prevented by injunction. Moss vs. Reading, 9 Harris, 188; Sharp-Moss vs. Keating, 911arris, 188; Sharpless vs. The Mayor, 18, 447; Mott vs. Pennsylvania Railroad Company, 6 Casey, 9; Ewing vs. Thompson, 7 Wright, 370; Kerr vs. Trego, 11 Wright, 292; Page vs. Allen et. al., S. C., July 2, 1868. Although sitting as a single Judge at Nisi Prius, I am undoubtedly benedictioner of the set according to my own conbound to act according to my own con-victions under my oath to support the Constitution; yet upon a question of this character and magnitude, I would hesitate long before arresting the execution of an act of the legislature, if my decision could not be immediately so of the manner in which the tickets so of the manner in which the tickets brought before the Supreme Court by

an appeal.

In order "that the general great and essential principles of liberty and free government may be recognized and unalterably established" the people of this Commonwealth, in the fifth section of the ninth article of the Constitution, have declared "that elections shall be free and equal." To make it perfectly clear that this and the other provisions of that article—headed Declaration of Rights—were not intended as directory merely, but that they were to be applied and enforced by appropriate sanctions and remedies, they emphatically and solemnly add: "To guard against transgressions of the high powers, which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain

It follows as a necessary consequence that any legislative act which destroys or impairs either the freedom or the equality of elections is null and void. These words in the Declaration of Rights have certainly some meaning. They are no brutem futmen. They were intended to prevent wrong wrongs, which might be attempted under the forms of law. They were use-less else. It is the manifest duty of the judicial power so to construe them as to give them value and effect as an expression of the will of the people, made known in the highest exercise of their sovereignty, and paramount, therefore to any act or resolution of the Legisla ture, or any other department of the

inviolate."

I propose to consider what was meant both by the freedom and the equality of elections, and then apply the declara-tion of the Constitution as thus inter-preted to the act of Assembly, the validity of which is now brought in ques-

By declaring that elections shall be equal, I think that it was evidently intended to provide that the regulations for conducting them should be uniform and that no distinction ly as to the evidence required to prove the elective franchise, should ever be made between one class of citizens and another-between those residing in one place and those residing in another. If equality of election does not mean this,

means nothing.
The Constitution, in section 1 of artiele III, has defined with great accuracy those who shall enjoy the rights of electors. This definition of the elective franchise the legislature can neith er enlarge nor abridge. Subject to this necessary limitation, they doubtless have the power to prescribe how the tribunals shall be constituted and chosen, who shall receive and count the votes, and, of course, decide who are and wbo are not electors; the manner in which, and the officers by whom persons may be qualified by the assess-

ment and payment of a tax, and the evidence required of those who offer to vote to prove their qualifications.

In all these respects, however, as it seems to me, in order that elections shall be equal, the regulations on this subject must be uniform throughout the Commonwealtn. If the legislature should enact different rules as to differ ent classes of persons claiming to vote, no one, I apprehend, would venture to contend that such elections were equal, or such laws constitutional. Put case that it should be provided that professional gentlemen, clergymen lawyers and physicians should only be required to prove their qualifications by their own oath or affirmation, or by their word of honor as British peers. and all other persons by the testimony of one or more witnesses on oath or at firmation, would any one, lawyer or layman, hesitate to pronounce elections so conducted to be unequal, and the provision therefore unconstitutional? On what conceivable principle can a distinction be drawn between such a case and that of an act establishing on rule for the people living in one tion district, and a different one for those in another—one rule for the peo-ple of the city of Philadelphia, and another for the people of the city of Pitts burg, and the other cities and counties of the State? I have faithfully endeavored to discover, but without success. It was a wise foresight in the framers of the fundamental law to declare that elections should be equal. What more likely to occur in the heat of polltical strife, which so often blinds the eyes of men to what is just and right in the pursuit of victory, than that a majority in pow er should attempt to maintain it by throwing embarrassments in the way of certain classes, whose sentiments

they might know or fear to be adverse to them-to make the process of voting more troublesome, uncertain, dilatory, or expensive to them than to others, or to accomplish the same unjustifiable results as to some particular section of country, to whose inhabitants they may have rendered themselves obnoxious? Even although the fact may be that no duly qualified elector is neces-sarily excluded from the exercise of the elective franchise, can the legislature make an invidious distinction between persons residing in one county and those residing in another, any more than they can between different indi-viduals? Indeed the argument, if sound, must logically lead to the last inference. If the legislature can say that the rule for the people of Phila-delphia shall be one, and that for the

another. The Constitution has, therefore as it appears to me, wisely or-dained that election laws shall operate equally upon all citizens and upon all parts of the Commonwealth. It has said to the legislators: "Whatever said to the legislators: "Whatever rules you establish in this matter shall affect the rights of all your constituents alike. Although on other subjects you may adopt the policy of local legislation on this most important one of elections your laws shall be equal."

The violation of this fundamental article of the Declaration of Rights in the set of April 17, 1869, now moder.

the act of April 17, 1869, now under consideration, is patent and undis-guised. The first seventeen sections are general, and appear to provide for all parts of the Commonwealth. But the eighteenth section declares that "None of the foregoing provisions of this act shall apply to the city of Philadelphia, excepting sections twelve and thirteen." Sections twelve and thirteen relate only to naturalization in court. The remaining sections, except the nineteenth, twentieth and thirty-eighth, which are immaterial as to this question, apply exclusively to the city of Philadelphia. They estab-lish an entirely different system. No one can deny that if this act goes into one can deny that it this act goes into operation we will have one code of election laws for the city of Philadelphia, and an entirely different one for all the other parts of the State.

I do not pretend to say that there may not be some varieties of local legislation on this subject, looking to the

islation on this subject—looking to the convenience of the citizens of different sections— such as are merely modal. For example, in some places additional officers may be necessary, and the time and mode of counting the votes shall be voted: whether in separate ballots or otherwise-the times of opening and closing the polls, and other minor details of the same character. A dif-ferent system is, indeed, absolutely referent system is, indeed, absolutely required in the case of persons voting while in actual military service at a distance from their usual place of electrics but this difference is considered as the control of the case of persons voting while in actual military service at a distance from their usual place of electrics but this difference is considered as the control of the case of persons voting while in actual military service at a distance from their usual place of electrics. tion, but this difference is especially authorized by the amendment of the Constitution of 1864. I do deny, however, that such differences as I shall now proceed to enumerate are of this time up to ten days before the election. modal character. I think the mere statement of them will be enough to show that they are material and fundamental—seriously affecting the rights of the electors-affording facilities in the one system which are not afforded

1. By what I shall term the general system-meaning that provided for the Stategenerally, the officers of the the State generally, the officers of the election are chosen as heretofore, by the electors of each election district. In Philadelphia they are to be appointed by a board composed of the aldermen of the city—persons chosen by the several wards for the performance of entirely different duties.

2 By the general system the agent

2. By the general system the assessors are bound to assess all persons claiming that privilege at any time up to the tenth day before the election. In Philadelphia no assessment can be made after the twentieth day of September in every year.

tember in every year.

3. By the general system the assessors are bound to assess all who claim a right to vote. In Philadelphia they are to assess only those who are qualified voters at the time of the assessment, and must annex their affidavit to the lists that every person whose to the lists that every person whose name is contained therein is aqualified elector, having a fixed residence in the division to the best of their knowledge, information and belief.

4. By the general system a person whose name is not on the assessors' list may prove his qualification on the day of elections at the polls. In Philadelphia he is required to make such proof, at least ten days before the elecion, and to a different tribunal-the division canvassers.

5. By the general system the claimant of a vote may prove his residence by any one qualified voter of the dis-trict. In Philadelphia he is required to make such proof, in addition to his own oath or affirmation, by the affida-vit of two qualified voters of the divison, whose names are contained in the sessors' division transcripts, under

the head of private householders. 6. By the general system, in order to prove payment of taxes, the tax receipt need not be produced, if the affiant shall state in his affidavit that it has been lost or destroyed, or that he never received any. In Philadelphia, if his name is not on the original asses sors' list, the tax receipt must be pro-duced, and, in addition proof made by satisfactory evidence that the tax has been paid to the proper person au thorized to recieve it.

7. By the general system the assessors are to place upon their list and as sess all persons claiming a right to vote, without any regard to their condition or station in society. In Phila-delphia they are forbidden to assess originally any person boarding at any hoel, tavern, sailors' boarding-house or any person who has not a fixed resiin the district. 8. By the general system, the right

of any person claiming to vote, may be challenged at the polls, by the qualified voter. In Philadelphia no voter, whose name is registered, can be chal enged at the polls on any question of

9. By the general system persons of foreign birth, who have declared their intention to become citizens under the act of Congress, and who design to be naturalized defore the next election, may be assessed. In Philadelphia no one actually naturalized on or before the wentieth of September can be assess

I may be allowed to remark here, in passing, the author of the general system seems, accidentally, to have over-looked the fact that two classes of peras of foreign birth might become izens before the election by naturalization without having declared their intention, to wit: minors who arrived in the country under eighteen years, and soldiers honorably discharged from service in the army of the United

10. By the general system, the assess ment on the person can only be a personal tax under the act of Assembly of April 15, 1834, section 4, (pamph, L. 522) which heretofore in this city and I be lieve, elsewhere throughout the State, has been put at twenty-five cents. In Philadelphia there is a special election tax of fifty cents imposed on each voter when the original division transcripts are made out (section 27),) and when the extra assessments are made (section 28), wi hout regard to the fact that the personal tax may have been previously assessed and even paid. I have myself already been assessed for the year 1869, and have paid a personal tax of twenty-five cents. If I read this act aright, the assessors are bound to impose upon me an additional tax of fifty cents. I see no reason why this extra personal tax on the voters of Philadelphia might not be fifty dollars as well as fifty cents.

There are other differences, which have not escaped my notice, but it would extend this opinion unnecessa-rily to advert to them. The particu-lars enumerated make it, I think, suf-

tems of laws for conducting and regu-lating elections, materially and fundamentally different, and if the position hereinbefore assumed be sound, that the declaration of rights in ordaining that elections shall be equal, means that the laws upon this subject shall operate equally and uniformly upon all classes of citizens and upon all parts of the State, then this act is unconsti-

But elections are to be free as well as equal. By the freedom of elections I understand not only that the voters shall have free access to the polls in or-der to exercise their franchise without intimidation by threats or physical force, employed in the language of the act of July 2, 1839, section 110 (Pamph L, 543), "to influence unduly or over-awe any elector, or to prevent him from voting or restrain the free-dom of choice," but also that full and free opportunity shall be afforded to every person who is able to do so, to obtain the qualifications made requisite by the provisions of the Constitution, in order that he may enjoy the rights of an elector, and that no regulations shall be enacted whose object or tendency shall be to impair or necessarily em-barrass such acquisition, much less un-der the pretence of regulation to pre-vent it altogether. I will not stop to prove this proposition; to my mind it is self-evident. It would be in vain for the Constitution to declare that all persons, who have complied with certain prerequisites, shall enjoy the right of electors, if the legislature can by law exclude them practically from such compliance The sections of the act of April 17,

1869, which relate to the city of Philadelphia, do this effectively as to a large class of persons, though whether large or small matters not. The first section of the third article of the Constitution, in declaring that "In election to procure himself to be as-sessed. If the legislature cannot dif-rectly enlarge or abridge this time, neither can they indicatly accomplish the same thing by appointing a different day for the closing of assessments. By the twenty-eighth section of the act of April 17, 1869, it is expressly enacted that "no extra assessments shall be made in the said city after the twentieth of September in any year." This day so determined positively as the lastday upon which assessments can be lastday upon which assessments can be made, must be seventeen and may be twenty-four days before the second Tuesday in October. Thus the space of time allowed by the Constitution for assessment has been manifestly abridged from seven to fourteen days. If it is competent to the legislature to de this they might with equal show of do this they might, with equal show of right, enact that all assessments shall close six months before the election, and thus practically return to the Constitution of 1790, in disregard of the a-mendment of 1839. This is as effectually to overide and trample upon the fundamental law as if they had under-taken to alter its terms. It will be seen at once that all those who from sickness or temporary absence from home, want of knowledge, or other cir-cumstances, have not been able to-make personal application to be assessed on or before the twentieth of September are precluded from the exerdivision canvasser on the tenth day before the election, for they have no power to assess a tax, nor can they by the express words of the act, place his name on the list unless he shall produce a receipt for the payment of a State or county tax, assessed agreeably

to the Constitution. The argument for the unconstitutionlity of the act might well be closed at this point. But there are some other provisions which I think ought to be

particularly noticed.

In making out the original divis-In making out the original division transcripts, before the first day in June in every year, the assessors are required to classify the electors under the following heads, to wit: 1. Private house holders. 2. Private residents, (which I suppose, includes boarders at waste boarding houses). 2. Keepers private boarding-houses). 3. Keepers of hotels, taverns, sailors' boarding-houses, or restaurants. "In making out the said lists the assessors shall not place thereon the name of any person boarding at any hotel, tavern, sailors' boarding house, or restaurant, or the name of any person who is not a qualified elector, having a fixed residence in the division." After this positive prohibition we would naturally expect to find somewhere as positive a direction to place the names of these persons on the extra assessment list, or the list of the division canvassers upon their personal application, and making their qualification to appear. The Constitution certainly does not exclude them. It does not require a fixed residence, whatever may be the meaning of that term. Admit however that they have the right to be placed on these subsequent lists, under the general words of the act—what is the evidence, which they as well as all others, whose names are designedly or accidentally omitted from the division transcripts, are required to produce? In addition to his own oath or affirmation, the claimant must prove by the affidavit of two qualified electors of the division, whose names are contained on the assessors' division transcripts under the head of private householders, that he is personally known to them, that he is a bona fide resident of the division, and that they verily believe that he will be a qualified voter, entitled to vote in the said division at the next general election. Sections 28, 31, 33. Thus not only boarders at hotels, tayers, sailors' boarding houses and restaurants, who must make this proof, but residents with private househol-

ders, their sons, other relations, friends and servants, and also boarders in private boarding-houses, whose names may be designedly or accidentally omitted, have this unusual, invidious and burdensome kind of evidence cast upon them. They cannot avail themelves of the testimony of the keeper or clerk of the hotel, but they must be able to secure the evidence of two private householders, who must reside in the division, and their names must be on the assessors' division transcripts under the head of private householders, and they must be willing to depose on oath or affirmation, from their own knowedge, that the claimant is a bona fide resident of she division, and, moreover, that they verily believe that he will be a quali-fied voter, entitled to vote in the said division at the next general elec-sion. The class upon whom this in-

of April 17, 1869, establishes two sys- ployment, who are usually boarders in some shape or other. Practically, numbers will find it very difficult, if not impossible, to fulfill these condi-tions. No such requirement is made in any other part of the State, not in Pittsburg, nor in any other large

city. There the testimony of one qualified elector is sufficient, whether he be a resident in the division or elsewhere,

and that at the polls on the day of elec-

tion, when of course the witness will not be required to vouch his belief in the existence of a qualification in future. But even if one of this unfortunate class of persons—being a private resident, or boarder at a private boarding house—finds his name on the division transcript list he is safe. The division canvassers, at their session, on the tenth can vassers, at their session, on the tenth day before the election, or at any adjourned session to be held on the eighth day, may in his absence, and without notice to him strike his name from the list by drawing a line in red ink through the same, upon the testimony of two reputable citizens qualified voters of the division whose names appear on the said transcript, under the head of private honseholders, to be given a resident of the division before the election, he shall not be entitled to vote therein." Yet the very next section enacts with equal positiveness that "the said register shall be the only evidence that the presons whose names person is not a resident of the division, rom voting at said election (Section 36). If he has procured himself to be placed on the extra assessment list by the production of the extraordinary ev-idence required for that, he is still at the mercy of the district canvassers, who, in his absence and without notice, yes, and without evidence, may strike his name from the list. "The aid can vassers shall also examine and revise the extra assessment books of their respective divisions, and shall strike therefrom the names of all persons who are not residing in the division on the tenth day before the elec-tion" (Section 35.) Is it necessary to do more than simply recite these provis-ions? Need I add, that in my judgment, they are unreasonable, contrary to the first dictates of natural justice, and unconstitutional, because they unnecessarily embarrass and prevent the citizen from that free and full op-portunity of qualifying himself for the

exercise of the elective franchise, which the Constitution guarantees to him? After all the complicated machinery which has been constructed in order to make up the final list of voters—the original assessors' division transcript prior to June—the board of aldermen—the extra assessment between the first and twentieth days of September, for five consecutive days, to be appointed by that board—the division canvassers, with their revision of the list, on the tenth and eighth days before the election, it is still perhaps a question upon the construction of the act, whether a the construction of the act, whether a duly qualified elector, whose name is not on the registry, may or may not prove his qualification to the election officers, and vote at the polls. In the fourth section, which relates to the other parts of the State, it is expressly declared that on the day of election any person whose name is not on the assessors' list may prove his qualification and be admitted to vote. The evidence which he is required to produce is porwhich he is required to produce is porticalarly described. There is no such provision in the sections which relate to Philadelphia. The evidence which shall be necessary before the assessors and division canvassers is carefully specified, as we have seen; but there is is not a word as to what shall be the evidence at the polls to the election officers, except the list and some things required in addition to it—production of tax receipts with proof of identity, andofcertificates of naturalization, with cise of the elective franchise, unless it should happen that they have been assessed at some previous period. It cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend before the division cannot help a person to attend the divis have a right to vote on giving dence prescribed by the General Elec-tion Law of July 2, 1839, section 66 (Pamph. L. 531), which in this respect is not inconsistent with the provisions of this act, and, therefore, is not re-

pealed. But this would present a very gross incongruity; that two witnesses and of a very special character, shall be required to place a name on the list in advance, while at the polls the same thing can be done by the testimony of one competent witness, who is a qualified elector, and who need not be a resident of the division. I conclude, therefore, that when it is declared in the thirty-sixth section, that the list when finally completed by the division canvassers, "shall constitute the regis-try of citizens qualified to vote in the said divisions respectively at the next general election" (section 30), it is an affirmative necessarily pregnant with a negative. If this be the true construction of the act, then my settled conviction is that on that ground alone it is unconstitutional. Election day is the proper time to prove the qualifications of an elector, if required inspector or challenged by a citizen; for, from the very nature of the facts which make up the qualifications, they cannot be proved before. Residence in the State one year, and in the election district ten days, both periods of time to be immediately preceding the election, are past facts only complete and succeptible of proof then. No previons proof can anticipate and take the place of it. It is enough to say that the Constitution does not require the election to have the constant intention of continued residence in the State during the year, or in trict during the ten days. At the com-mencement of and during all that term he may intend to remove, and yet in fact continue to reside in the same If he removes from one district to another during the ten days he can neither vote at the old nor the new district. He loses his vote. A legislative attempt to remedy this by joint resolution of April 26, 1844 (pamph. L. 605), was very properly de 1844. cided to be unconstitutional in Ewing's Philadelphia, July 22, case, Q. S., Philadelphia, July 22, 1862, MS. Although a person may have truly sworn ten days before that it was then his intention to continue his residence in the district until the day of election, he may change his mind and remove the next day. His witnesses may depose, with great sin-

cerity, that they verily believe that, on election day, he will be a qualified voter, yet the result may show that they were mistaken in their belief.— On what principle can an elector who proves on that day that he pos every qualification prescribed by the Constitution, be deprived of his elective franchise because he has not proved what, in the very nature of things, he could not prove before? Let us take, however, the case of one, who, with every disposition to conform to the regulations which the legislatures have made, has applied and been re-fused both by the assessors and the division canvassers, because, by the express provisions of the act, his name could not be placed on the list. A citizen of foreign birth has been naturalized the day before the election.— He could not have been naturalized sion. The class upon whom this in-vidious burden is faid is large and re-pired. He offers his vote to the elecspectable, comprehending journeymen | tion officers at the polls. He is a citidelphia shall be one, and that for the people of Pittsburg another, they can equally well say that the rule for John Doe shall be one, and for Richard Roe in the state of Assembly in the state of the age of the say in stores and unanufactories, and unmarried workmen in all kinds of emission to the say of the say that the rule for John Doe shall be one, and for Richard Roe in the say in stores and manufactories, and unmarried workmen in all kinds of emission to the say of the say of

and has paid within two years a State or county tax, assessed at least ten days before the election. The tax may have been a personal one, assessed up-on him at the previous triennial assessment, or it may be upon property owned by him. To reject such a vote is to deprive him of an undoubted right; it is to violate the Constitution, says positively, imperatively, he shall enjoy the rights of an elector. I need not add that if, in consequence of the prohibition contained in this act, he was not assessed ten days before the election, this system, which denies him that privilege, deprives him just as effectually by that means of his elective franchise as by rejecting his vote if he had been fully qualified.

There is another matter which seems

evidence that the persons whose names are found thereon have resided for ten days immediately preceding the said election in the said division, and no voter whose name is so registered shall be challenged at the polls on any ques-tion of residence." I do not know how these two provisions are to be rec onciled, or which is to give way, the onciled, or which is to give way, the first or the last, nor is it necessary now to consider that question. It will certainly be a very difficult one to decide, if it should ever arise. I do believe, however, after the fullest reflection, that an act of the legislature which welves a registry processor. makes a registry previously made up, conclusive evidence of the qualifica-tions of all those whose names are on it, whether as to residence or anything else, as contrary to the Constitution as an act which undertakes to exclude those whose names are not found on it.

those whose names are not found on it.

On the whole, I am clearly of the opinion that the act of Assembly approved April 17, 1869, is unconstitutional. I have not felt it to be my duty to examine particularly the provisions applicable to the other parts of the State. As was held last year by the Supreme Court, in relation to the act of April 4 1868, because it undertakes of April 4, 1868—because it undertakes to establish two different systems—the entire act, at least, so far as elections are concerned, except the first clause of the fortieth section, must fall under the same condemnation. There appear to be some sections in re-lation to other matters upon which I am not called to give any judgment. The forty-third section, which repeals such other laws as are inconsistent with the provisions of the act, is of course, to be construed to mean such provisions as are constitutional and have the force of laws. "This conclusion," as was said by Chief Justice Thompson, in Page et al., vs. Allen et al., "leaves all the election laws in force which were intended to be super-seded by this act."

Injunction awarded, upon security being entered in the sum of one thousand dollars.

## Miscellaneous.

E L E C T R I C TELEGRAPH IN CHINA.

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system, and her only means now of communicating information is by couriers on land, and by steamers on water.

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