THE DAILY EVENING TELEGRAPH .- PHILADELPHIA, TUESDAY, JANUARY 15, 1867.

G

M

U

C

5

THE TEST OATH.

6

DECISION OF THE SUPREME COURT.

is is Pronounced Enconstitutional by Associates Wayne, Nelson, Grier, Clifford and Fleid,

THE DISSENTING OPINION.

WASHINGTON, Jan. 14 .-- In the Supreme Court of the United States, to-day, 'Associate Judge Fields said he had been instructed to deliver the opinion in the case of John A. Cummins, plaintiff in error, against the State of Missouri, myolving the constitutionality of the test oath of that State.

The plaintiff was a Roman Catholic priest and convicted by the courts for advising and preaching without having first taken the resuired oath, and sentenced to pay a fine of five hundred dollars and committed to jail until paid. On appeal from the Circuit Court, the Supreme Court of the State affirmed the judgment. The following is a mere outline of the opinion:-

The cath by the Constitution of that State imposes more than thirty distinct affirmations and lests. Some of them constitute offenses of the highest grade, to which the heaviest penalties are attached. Some of them are not recognized by statute, while others are not blameworthy They require him not only to swear that he was not only not in hostility to the United States. but that he never manifested adherance to the cause of the enemy, or desired a triumph over the arms of the United States, or that he ever experienced sympathy for the Rebels, or even sought to promote the ends of those engaged in war against the United States authorities, or even left the State to escape enrollment or the performance of military duties, or ever expressed his dissatisfaction with the Government.

Every person unable to take this oath was declared incapable of holding office of trust, honor or emolument, or of acting as a trustee or manager of any corporation, now or hereafser to be established, or from teaching in any educational institution, or holding real estate for such religious society or congregation, &c.; and every person holding any such office at the time the Constitution went into effect, was required, within sixty days, to take the oath, in default of which his office becomes vacant.

No attorney at the Far West, or preacher of any doctrine or order, is permitted to teach or solemnize marriage without taking the oath. False swearing is made punishable by imprisonment in the penitentiary. This oath is without any precedent in this country which the Court could discover. It is first retroactive, and if taken years hence would cover the intervening period. In other countries test oaths were limited to the present, and were not administered in particular instances of past misconduct. Secondly, the oath is not only directed against individuals who opposed the acts of the Government, but denounces their sympathies and desires. It makes no distinction between acts arising from malignity and acts springing from affection,

If any one ever expressed sympathy for the Rebellion, even if he were connected by the closest ties of blood, he is declared unable to subscribe to the oath, and is debarred from the employments specified. The Court admitted the proposition of the learned counsel of Missouri, that the State possessed all the attributes of sovereignty, and among the rights reserved to the States was the power to determine the qualifications for office and the conditions on which citizens may exercise their callings and pursuits within its jurisdiction, but it by no means follows that the State can inflict punishment for acts which were not punishable when committed.

It was evident from the nature of the pursuits and professions of the parties placed under disability by the Constitution of Missouri, that their acts had no possible relation to their fitness for their pursuits and professions. There was no connection between the allegation that Cummins left the State to avoid the draft and the administration of the sacraments of his church, nor can a fact of that kind words of sympathy for those in rebellion, show the unfitness of lawyers and professors or teachers, or their want of ability in acting as managers of corporations. It was manifest in the simple statement of their acts that there was no such relation. The oath could not be applied as to whether the parties were gualified or not. The oath was intended to reach persons, not their calling; not because their acts unfitted them for their calling, but because it was thought their acts was deserving of punishment, and in no way but by depriving them of citizenship. The Court did not agree that less than the deprivation of life, liberty and property was no punishment at all. A disqualification from holding office, as an impeachment may be a punishment, also the preventing attorneys from practicing in the Federal Courts. By the articles 9 and 10 of William the Third any person speaking or writing against the Divine spirit was liable for the first offense to be rendered incapable of holding offices of trust or profit, and for the second to be sent to prison. Statute 2, of George the Third, for contempt against the King's authority, took away the right to receive any legacy, deed or gift, or vote at elections for Parliament, with a penalty of £500. Blackstone says the loss of liberty counts in the loss of lands and profits of lands for life, and disabilities from holding offices of honor or emolument.

deprived of migright to preach or teach in the institutions of the land, there is no question but that his would be a bill of attainder in view of the Constitution. If the clause, instead of mentioning his name, had declared all persons subject to a like deprivation, the claime would be equally open to objection, and if it had deciared that all such persons would be held guilty, provided that by a day specified they did not do certain acts, that would be within the constitutional inhibition.

In all these cases it would be the legislative udgment, without the form of security of citizens, established by our tribunals. The question presented is one of form and not of substance. The existing clause presumes the parties guilty, from which they cannot release themselves without an expurgatory oath. It is certain the legal result is, that what cannot be done directly cannot be done indirectly.

The Constitution deals with substance and not with shadow. It aims at things, not names. Chief Justice Marshall says an *ex post facto* law imposes punishment for an act not punishable atithe time it was committed, or imposes penal-iles additional to those them prescribed on dif-ferent testimony. Thacher against Feck, makes it an act of punishment for what was not punishable at the time the act was committed. The act to which Judge Marshall makes refer-ence, was passed by the Legislature of Georgia, repealing a previous act by which land had been granted. The Constitution deals with substance and not

choce, was possed by the Legislature of Georgia, repealing a previous act by which land had been granted.
It was decided that the repealing act had the effect of an *ex posifacto* iaw. The clause of the Missouri Constitution did not in terms define any crime or declare punishment inflicted, but presumed the same result as if the crime had been defined and the punishment prescribed. It aimed at some persons who directly or indirectly had aided the Rebellion, or escaped proper responsibility of citizens in time of war, and was intended to deprive certain persons of offices of trust and emolument.
Such deprivation is a punishment, nor is it a way which is opened by an expurgatory oath. Now some of these were not officers when the acts were committed. It was not then an offense to avoid the enrollment or the draft, howmuchsoever it might be a matter of censure. Some of the acts at which the Constitution was directed were offenses at the time, but the clause in question subverts the rules of evidence, which, by the common law, are fundamental. It presumes the parties to be guilty, and declares their innocence can be shown only in one way, and that by expurgation.
— The this clause in the form of a legislative act, and it would read, "Be it enacted, &c., that all persons in armed hostility to the United States shall, on conviction, not only be punished as the law provided at the time of the offense, but also rendered incapable of holding offices of trust, honor or emolument, or exception.

offices of trust, honor or emolument, or exer-cising the office of a teacher or a priest," &c. No one could doubt that this third article, if thus rendered, would be *ex post facto*, because it would be adding a new punishment for an old offense, for an offense not punishable at the time of the enactment it would impose penal-ties without the form of judicial proceedings. The Constitution of Missouri Imposed an oath which it was impossible for all to take. It was

The Constitution of Missouri imposed an oath which it was impossible for all to take. It was an impossible condition. The Constitution of the United States connot be evaded in the form by which the power of the State is exerted. If this can be accomplished by indirect means the constitutional inhibition may be evaded at pleasure. Take the case of a man tried for trea-son, and, if convicted, pardoned. Nevertheless the Legislature might prescribe that unless he took an oath that he never did the act charged took an oath that he never did the act charged he should never hold an office of honor or profit. Suppose the minority should get the control of the State Government, nothing could prevent them from requiring that every person, as a condition of holding office of honor or profit, should take an oath that he never advocated, advised or supported the imposition or the pre-sent expurgation oath. Under this provision the most flagrant viola-tions of maties which the support

thons of justice might be committed, and indi-viduals deprived of their civil rights. A ques-tion rose in New York in 1783, upon a statute of the State, which involved an expurgatory oath as a means of punishment. The subject was regarded so important as to engage the atten-tion of aminent haveners and distinguished regarded so important as to engage the atten-tion of eminent lawyers and distinguished statesmen of the time. Alexander Hamilton demonstrated that it was in violation of the Constitution, which secured the rights and liber-ties of the people, as the result of the revolu-tion. It was a wise axion that every man is believed to be innocent until he is proved guilty. The reversing of this was to hold out a bribe to perjury. It deprived the citizen of the advantage of leaving the burden of proof on his prosecutor. Let us not forget that trial by jury should be inviolate forever, &c. The same view was embraced by the Judiciary on analagous questions.

offenses against the United States, except in cases of impeachment. This extends to every other offense known to the laws. This power of the President is not subject to shenegative control of Congress, which manot limit the of the President is not subject to the negative control of Congress, which cannot limit its effect. The benigh prerogative of mercy cannot be avariad by legislative restrictions. A parden reaches both the punishment prescribed and the offender. It blots out the consequences of the offense, and in the sys of the law the of-fender stands as guiltless as if he had not com-mitted the offense. If a pardon is granted before conviction, it does away with a trial. If granted after conviction, the subject of it is made a man. The pardon produced by the petilioner is a full pardon, and subject to cer-tain conditions, which have been complied with.

with. The effect of the pardon is to relieve him of all disability and from the consequences of his offense during the Rebellion. He is placed be-yend the reach of pnuishment. To exclude him from his profession, is not embraced in the pardon. If follows from these views that the prayer of the petitioner must be granted, and the amendment of the second rule, adopted un-advisedly January 4th, 1865, which requires the oath to be taken by attorneys and counsellors, must be resenced, and it is rescinded. The majority of the Coart are associates— Wayne, Nelson, Grier, Clifford and Field. Dissenting Opinion. Associate Justice Miller delivered the dis-senting opinion. It was hoped the effect of the circumstances under which the law was passed would soon cease, in order that the statute might be repealed or modified. All good men looke for the return of better feelings between all sections, when the reason for the law would not exist, but the question now presented in-volved the exclusion from offices of public trust those who engaged to destroy the Govern-ment by force. This could never cease to be one of profound intervet. The effect of the pardon is to relieve him of all

volved the exclusion from offices of public trust those who engaged to destroy the Government by force. This could nover cease to be one of protound interest.
It is always delicate to say Congress exercised power not confided to it. In the act of Congress members are as much bound by oath to support the Constitution as are the Judges of the Cont. The Constitution as are the Judges of the cont. The Constitution for contrast of justice to administer the laws and protect the rights of the citizens.
Article third, seetlon first, says the judicial power of the United States shall be vosted in the Constitution to fix their salaries, provide for all necessary officers, such as marshals and prosecuting attorneys, commissioners, jurors and bailiffs. By the act of 1789, commonly called the Judiciary act, it is enacted that parties may appear and manage their cases personally or accoring to the rules.
It is believed that there is no civilized society in the world where there are not attorneys or practitioners at law. The enactment which has just been cited recognizes the utility of this class of men. They are as essential to the working of the Cont as are insulated of a privilege on such conditions as the law-making power may prescribe. It is a privilege, and not an exclusive right.

sive right. Every State in the Union and every civilized Government on earth have laws by which the right to practice depends on professional skill and good moral character. The continuance of the right is made by law the continuance of the right is made by law the continuance of these qualities. Attorneys are often deprived of the privilege when it is discovered they are of had moral character. This is done by law, statutory or common, which is equally the ex-pression of public will. Attorneys are subject to legislatures the same as judges. Congress has the power to prescribe the qualifications of attorneys and to prescribe the oath. The act just declared unconstitutional is no-thing more than a law that attorneys shall take the same oath as other officers in civil or

take the same oath as other officers in civil or military life. This looks at their past and future conduct, and all has reference to the overthrow of the Government. They are required to swear that they are not guilty of treason in the past, and will give their allegiance to the Govern-ment in the future.

and will give their allegiance to the Govern-ment in the future. That true and loyal attachment to the Gov-ernment is made the qualification of attorneys, seems to be plain. History shows that mem-bers of the legal profession are powerful in a government, as they are the moulders of public sentiment and the power of the government, and they aid in the constitutional enforcement of law, as from among them the judges are selected. To suffer treasonable sentiment unchected in

selected. To suffer treasonable sentiment unchecked, is to let the stream be polsoned at the source. If all attorneys in the past had rendered faithful allegiance to the Government, we should have been spared the borrors of the Rebellion. If this qualification is so essential to a lawyer, it cannot be denied that the law was intended to secure that position. The majority of the Court, however, do not

base their decision on a mere absence of autho-rity to enact laws on the subject under consi-deration, but insist that the Constitution pro-hibits the enactment of such a law both by Congress and the States; that the present is in the nature of an expost facto law, and that the provisions of the Missouri Constitution are in conflict with the Constitution for the same rea-son, and are therefore yold. Hebellion, nor of the consequent hardships, much more severe than any law. He had merely endeavored to show what the law is, and Chief Justice Chase and Associate Justices Swayne and Davis concurred in this opinion.

GROCERIES, ETC. NEW CROP JAPANESE TEA,

OF THE PINESS QUALITY,

FOR SALE BY

JAMES R. WEBB. 8 145 FIGHTH and WALNUT Streets. N E W FRUIT. Orown, Basket, Layer, Bunch, Seedless, and Sultana Raisins, Currante, Citron, Franes, Figs, Bavana

OTADges, etc. etc. ALBERT C. ROBERTS.

DEALER IN FINE GROCERIES, 1 7rp§) Corner ELEVENTH and VINE Sta
W. WARNER, No. 1530 AND 1532 RIDGE. Avenue, below Sixteenth Street. KEYSTONE FLOUR STORE Choice Brandsof Family and Bakers Flour, orn MealOat Meal. Buckwheat and Rye Flour Corn. Oats, and Mill Feed of every description, t (9 all, parts of the city Free of Charge. [12 19 1mrp*
FURNITURE, BEDDING, ETC.
A HAPPY NEW YEAR.
COULD & CO NION FURNITURE DEPOT ORNER NINTA AND MARKET STREETS.
Nos. 37 and 39 North SECOND Street, (Opposite Christ Church.)
wite all their old customers, and as many new ones

d as many new ones as will come, to see their elegant and large assortment of FURNITURE, suitable for presents or otherwise, 210 5p HOUSEKEEPERS TOT

I have a large stock of every variety of FURNITURE

FURNITURE which I will seil at reduced prices, consisting on-PLAIN AND MABBLE TOP COTTAGE SUITS walnut CHAMBER SUITS. PARLOR SUITS IN VELVET PLUSE PARLOR SUITS IN VELVET PLUSE PARLOR SUITS IN REPS. Sideboards, Extension Tables, Wardrobes, Bookcases Mattresses, Lounges, etc. P. P. GUSTINET 815 N.E. corner SECOND and RACE Streets.

ESTABLISHED 1795.

A. S. ROBINSON,

French Plate Looking-Glasses. ENGRAVINGS PAINTINGS DRAWINGS' ETC. Manufacturer of all kinds of

LOOKING-GLASS, PORTRAIT, AND FICTURE

FRAMES TO ORDER.

		10 d d o							
"HILADELPHIA.						8 155			
	т	A	т	1	0	N	\mathbf{E}	R	Y.
	r o i	(ST	110	1			0.	00	

RAILROAD LINES.

DHILADELPHIA, WILMINGTON AND BAL.

PHILADELPHIA, WILMINGTON AND BA1-TIMODE RAILEDAD TORE TABLE. Commencing MOEDAY, December 79, 1963, Trains will leave Depot. comer of BROAD Street and WASHINGTOL Avenue, as tollows:-Express Train at 415 A. M. (Mondays excepted), for Bailmore and Washington, stopping at Chester, Wilning ton, Newark, Eliton, Northeast, Petryville, Have-de-Grace, Aberdeen, Perryman's, Edgewood, Magnolia, Chases, and Stemmer's Eun. Way Mail Train at 8'16 A. M. (Bundays excepted), for Bailmore, stopping at all regular stations. Connecting with Delaware Estations & Wilmington for Cristienti and intermediate stations.

with Delaware Raiload at Winnington for Urishell and intermediate stations. Express Train at 11 45 A. M. (Sundays excepted), for Baltimore and Washington. Express Train at 2 P. M. (Bundays excepted), for Bal-dimore and Washington, Stopping at Cheever, Claymont, Wilmington, Newark, Elkton, Northeast, Perrytille, Havre-de-Grace, Aberdeen, Perryman's, Edgewood, Mag-nola, Chase's and Stemmer's Bus. Might Express at 11 P. M. (Jaly), for Baltimore and Wash in (Saturdays acopted), stopping at Middleown, Stopyrna, Dover, Barnington, Seaford, Salisbury, trincess Anne, and connecting at Oriefield with Boat for Norfolk, Portsmouth, and the South. Passengers by Boat from Baltimore for Fortness Mon free as Morfalk will take the 11'45 A. M. train. WILMINGTON ACCOMMODATION TRAINS,

WILMINGTON ACCOMMODATION TRAINS, Stopping at all Statious between Philadephia and Wil

Nue Philadelphia at 12-50, 4-00, 6, and 11-30 (daily) F The 4-00 P. M. train connects with Delaware Hairosc illorid and informediate stations. The 5 P. M. train to New Castle. ave Wilmington at715 and 8:50 A. M., 3 and 6:30 by) P. M.

FROM BALTIMORE TO PHILADELPHIA. avs Balumore 726 A. M., Way-mail, 936 A. M. Fess. 1'10 P. M., Express. 635 P. M., Express. 8'20 Express.

Leave Balumote 720 A. M., Way-mail, 936 A. M., press. 110 P. M., Express. 6 35 P. M., Express 928 M. Express. Tr m Baltimore to Havre-de Grace and intermediate tions at 4 (0P. M., TRAINS FOR BALTIMORE. *Ave Chester at 4 49 and % A. M., and 208 P. M. Cave Wilmington at 10 Go and 9 40 A. M., and 4 18 P. M. SUNDAY TRAIN eaves Baltimore at 8:28 P. M., stopping at Havre-de-ace, Perryville, and Wilmington. Also stops at Eikkion d Newark to take passengers for Philadeiphia and have scorgers from Washington of Baltimore, and Chester to ve passengers from Baltimore or Washington. Through Tickets te all points West, South, and South-sti, may be procured at Ticket Office. No 205 Chesnut ect, an der Continental Hotel. Persona purchasing hets at the office can have their baggage checked at their idence by Graham's Haggage Express. B. T. KENNEY, Superintendent.

DENNSYLVANIA CENTRAL RAILBOAD,-WIRTEB ARHANGEMENT. "be Trains of the Fennsy vanis Central Railroad leave Depot at Thirty-first and Market streets, which is ched directly by the cars of the Market Street Passenger iway. Those of the Chesanut and Wainut Streets Rail-iway. Those of the Chesanut and Wainut Streets Rail-in Sundars-The Market Street cars leave Eleventh and rhet Sts. 30 minutes before the departure of each Train ann's Ray gage Express will call for and dedver Bag-eat the Depot. Orders left at the Office, No. 651 Ches-street, will receive attention. TRAISS LEAVE DEPOT. VIZ.

Rege at the Depot. Orders left at the Office, No. 621 Ches-nui, street, will receive attention.
TAINS LEAVE DEPOT, VIZ.:Mail Train.
And Lacan Michael And Depot, VIZ.:Mail Commodation, No. 1 & 2, at 10 A. M. & 11 20 P. M.
Fast Line and Exit Express.
At 100 P. M.
Fast Line and Exit Express.
At 100 P. M.
Harrisburg Accommodation
At 200 P. M.
Harrisburg Accommodation
At 200 P. M.
Harrisburg and Erie Mail beaves daily, except Saturday.
Flidadelphia Express
Philadelphia Express
At 100 P. M.
Harrisburg and Erie Mail beaves daily, except Saturday.
Flidadelphia Express
Philadelphia Express
Passengers by Mail Train go to Cariisle and Chambors
Burgen of carr, and arrive at Lock Haven at 510 P. M.
Passengers by Mail Train go to Cariisle and Chambors
Burge without change of cars.
Breat Office, No. 631 Cheenut street.
Ticket Office, No. 631 Cheenut street.
The Saturday of the Saturday.
At 120 P. M.
Parkeaburg Train.
At 1950 A. M.
Philadelphia Express
At 1970 A. M.
Mail Saturday.
At 200 A M.
Markeaburg Train.
Mail Saturday.
Mail Commodation.
Mail Saturday.
Mail Commodation.
Mail Saturday.
Mail Commodation.
Mail Saturday.
Mail Commodation.
Mail Commodation.
Mail Commodation.
Mail Accommodation.
Mail Accommodation.
Mail Commodation.
Mail Accommodation.
Mail Accommodation.</

DHILADELPHIA, GERMANTOWN.

stop on the Germantown Branch.

Leave Chesnut Hi 25 minutes P. M.

On and after THURSDAY, November 1, 1866, until far-

FOR GERMANTOWN FOR GERMANTOWN. Leave Philadelphia 6, 7, 8, 9, 10, 11, 12 A. M., 1, 2, 3%, 3%, 4, 5, 5%, 6⁻¹⁰, 7, 8, 9, 10, 11, 12 P. M. Leave Germantown 6, 7, 7%, 8, 8, 8, 20, 9, 10, 11, 12 A. M. 1, 2, 8, 4, 4%, 6, 5%, 7, 8, 9, 10, 11 F. M. The 8 20 down train, and 3% and 5% up trains will not

9-25 minutes F. M.
FOR CONSHOHOCKEN AND NORRISTOWN.
Leave Philadelphis 6,8 55 11:05, minutes A. M., 124, 3.
434, 544, 656 minutes, and 11/4 P. M.
Leave Norristown 5'40, 7, 7'50 minutes, 9, 11 A. M., 134
434, 634, and 8 P. M.
The 5/4 P. M. train will stop at Falls, School Lane, Wis
The 5/4 P. M. train will stop at Galax babootics on only

HOR NEW YORK. --THE CAMDEN AND pany's Lines FROM Philadelphia and Trenton Hailroad Com-FROM PHILADELPHIA TO NEW YORK and Way Places, from Walnut Street Wharf, will leave as

follows, viz. :-At 6 A. M., via Camden and Amboy, Accommoda-At 6 A. M., via Camden and Amboy, Accommodation
\$225
At 8 A. M., via Camden and Jersov Oity Express.
\$206
At 8 A. M., via Camden and Jersov Oity Express.
\$206
At 2 P. M., via Camden and Amboy Express.
\$206
At 6 P. M., via Camden and Amboy Accommodation and Emigrant 1st class
\$228
At 6 P. M., via Camden and Amboy Accommodation and Emigrant 1st class.
\$228
At 10 A. M. 2 and 5 P. M., for Mount Holly, Ewans-ville, Pemberton, Birmingham, and Vincentown, and at 6 A. M. and 6 P. M. for Freehold.
At 6 A. M. and 2 P. M. for Freehold.
At 6 A. M. and 2 P. M. for Freehold.
At 6 A. M. and 2 P. M. for Freehold.
At 6 A. M. and 4 P. M. for Freehold.
At 6 A. M. and 4 P. M. Informers, Belanco, Beverly, Edgewater, Furlington, Florence, Bordentown, etc. The 10 A. M. and 4 P. M. lines run direct through to Trenton.
The 1 P. M. Market Line will leave from foot of Market steret, is pet Ferry.
LINES FROM KENSINGTON DEPOT WILL LEAVE At 11 A. M., 4'50, 6'45 P. M., and 12 P. M. (Might), via Kensington and Jersey City Express Lines, fare \$3'00. The 6 45 P. M. Line will run daily. All others Sundays excepted.
At 700 and 11 A. M. 3, 3'20, 4'30, 5, and 6'45 P. M. and FARS

BAILROAD LINES.

R E A D I N G R A I L R O A D GREAT TRUNK LINE. FROM PHILADELPHIA TO THE INTERIOR OF PRINNET LYANIA, THE SCHUYLEHL, SUSQUE-HASEA, CUMBERLAND AND WYONIEG VAL-LEVS, THE NORTH, NORTHWEST, AND THE GAMADAS.

WINTER ARRANGEMENT OF PASSESGER TRAINS. Oc ober 5, 1005. Leaving the Company's D'hot, at THIRTEENTH and CALLOWHILL Streets, Philadelphia, at the following

Chambersburg, Pinegrove. etc. AFTERNOON EXPIRESS Leaves Philadelphia at 8.30 P. M., for Reading Potts-ville. Havrishurg, etc., connecting with Reading and Coumbin Railroad rains for Columbia, etc. READING ACCOMMODATION Leaves Reading at 6%0 A. M., stopping at all way sta-tions, arriving at Philadelphia at 940 A. M. Resuring, leaves Philadelphia at 950 A. M. ; arrives in Resuring, leaves Philadelphia at 950 P. M. ; arrives in Resuring, leaves Philadelphia at 950 P. M. ; arrives in Resuring at 7.35 P. N. Trains for Philadelphia leave Harrisburg at 510 A. M., and Pottsville at 856 A. M., striving in Philadelphia at 100 P. M. Afternoon items in the Harrisburg at 210 P. M., Pottsville at 856 P. M., striving in Philadelphia at 640 P.M. RAPEISBURG ACCOUNTING ATTIC M., Pottav 645P.M.

145 P.M. HARRISBUIG ACCOMMODATION Leaves Reading at 740 A.M., and Harrisburg at 410 P. M. Connecting at Reading with Afgenoon Accomma-dation south at 650 P. M., arriving in Philadelphia at 916

Santon south at 6.33 F. M., arriving in Philadelphia at 9.16 F. M.
 Market train, with presenger car attached, leaves Phila-delphia at 12:45 noon tor Reading and all way stations. Leaves Reading at 11:30 A. M., and Downingtown at 12:30 F. M., for Philadelphia and all way stations.
 All the above trains run daily, Bunday's excepted.
 Sunday trains leave Philadelphia for Reading at 8 00 A. M., returning from heading at 425 F. M.
 CHESTER VALLEY RAILROAD.
 Passengers for Downingtown at 7:40 A. M. and 19:30 noon.
 New York EXPPENS For Downingtown at 7:40 A. M.

and 1930 noon. NEW YORK ENPRESS FOR PITTSBURG AND THE WEST LOAVES New York at 7 and 5 A. M. and 800 F. M., passing Reading at 1 65 and 11 55 A. M. and 146 P. M., and con-necting at Harrisburg with Pennsylvania and Northern Central Baliroad express trains for Pittsburg, Chicago Williamapert, Eindra. Baltimore, eic. Returner, express train leaves Harrisburg on arrival o the Pennsylvania express from Pittsburg on arrival o M. and 915 P. M., passing Reading at 459 and 1052 A. M., and 1780 F. M., Biecoing cars accompany these trains through between Jerses City and Pittsburg, without change.

Among the Romans, the loss of liberty was a disability of all the privileges of members of the family or eltizenship.

In France, deprivation of civil rights and legislation for office, or of being guardian or trustee, or of being employee in schools or seminaries of learning. The theory on which our institutions rest is that all men have certain inalienable rights, amongst which are life liberty and the pursuit of happiness. Thus, all places of honor and position are open to every one, and all are protected equally under the law. Any deprivation of rights for past conduct is punishment, and cannot otherwise be defined.

The Court then proceeded to the consideration of the constitutional question. The Constitution contains what may be deemed a bill of rights for each State. It says "no State shall pass a bill of attainder or ex post facto law." A bill of attainder is a legislative act which involves punishment without trial. If less than death it is a bill of pains and penalties. A bill of attainder includes pains and penalties. They assume the guilt of the parties without the sateguard of trial, and it fixes the degree of punishment in accordance with its own idea of the offense. Justice Strong says bills of this kind were mostly passed in England during the rebellion in England, or the gross substance of hem forgetting justice and trampling on the rights of others. Such bills are generally directed against individuals by name.

By the VIII Henry, it was declared that Earl Kindare and his abettors, confederates or adherents should stand and be attainted and conwicted of high treason, as though every one of them were properly named as engaged in the fact, So the declaration in Charles II, that Earl Carolan should suffer exile.

If the third article of the Constitution of Missouri had stated in terms, that Cummins was guilty of being in armed hostility to the United States, or had said he left the State to avoid being drafted, and that he was therefore

on analagous questions. The Court said, in conclusion, that the judg-ment of the Supreme Court of the State of Missouri must be reversed, with instructions to en-ter judgment to reverse the judgment of the Circuit Court of Pike county, and also with

directions to said Circuit Courty, and also with directions to said Circuit Court to enter an order discharging the defendant from imprisonment, and permitting him to go without delay. Associate Justice Field then said he was also instructed to deliver the opinion of the Oourt in the matter of the petition, ex parts, of A. H. Garland.

On the 20th of July, 1862, Congress passed an act prescribing the form of an oath to be taken by officers elected under the Constitution of the nited States, with the exception of the Presi-

On the 2ith of July, 1865, Congress passed ; on the 24th of any, 1860, Congress passed a supplimentary act embracing attorneys and counsellors. It provides that no person shall be admitted to the bar of the Supreme Court of the United States, or at any time after the 4th of March next be admitted to the bar of any cir-cuit court or district court of the United States, or the Court of Claims as on attorney or court cuit court or district court of the United States, or the Court of Claims, as an attorney or coun-sellor, or be allowed to appear by virtue of any previous admission of any special power of attorney, unless he first takes and subscribes the oath prescribed in the act to prescribe an an oath of office, approved July 2d, 1862, which said oath so taken and subscribed shall be pre-served among the files of such court; and that any person who shall falsely take said oath shall be guilty of perjury, and on conviction shall be guilty of perjury, and on conviction shall be liable to the pains and penalties of per-jury, and the additional pains and penalties

At the December term, 1860, the petitioner was admitted as an attorney of the Court, and subadmitted as an attorney of the Court, and sub-scribed the oath required. By the rule, the attorney, as a condition of being admitted to the bar, must have practiced in the highest court of the State in which he lives, and his public and private character must be fair. In 1861, the State of Arkansas, of which Mr. Gar-land was a citizen, attached itself to the so-called Confederate States; the pelitioner fol-lowed the fortunes of that State, and was one of the representatives in the lower House and of the representatives in the lower House and was in the Senate of the Confederacy at the time of the sorrender of the Confederate forces In July, 1865, he received a full pardon of all

offenses committed by him. He now produces this pardon and asks per-mission to continue practice as an attorney, without taking the oath, which he is unable to

take by reason of the office he once held in the Confederate Government. He says the act of July, 1865, is unconstitutional and void, but if legal, that he is relieved by the pardon of the President, The Court proceeded to examine the charac-

the court proceeded to examine the charac-ter of the cath in question, saying, as it can-not be taken by all attorneys it operates as a perpetual declaration of exclusion from one of the professions and avocations of life, and, therefore, must be regarded as a punishment. In the exclusion is imposed a punishment for an offense which more not been musicher attorney. In the exclusion is imposed a punishment for an offense which may not have been punisha-ble at the time the offense was committed, and is thus brought into the character of an *ex post* facto law, as in the Missouri case just decided. The office of attorney and counsellor is not like an office created by Congress, and which may be burdened by conditions. Attorneys are not officers of the United States; they are offi-cers of the Court, and are admitted as such by the Court on the ground of their legal learning and good private character. The ad-mission to the bar is a sufficient indorsement. From the time of entering upon practice they become officers of the Court, and hold office during good behavior, and can be deprived of it only by the Court. Their admission and exclu-sion is not a mere ministerial power. The sion is not a mere ministerial power. The Court is not the register of the edicts of any other power. A counsellor, however, does not hold his office as a matter of grace and favor.

hold his office as a matter of grace and favor. To appear for suitors is something more than is revokable by a court or legislature. He can only be deprived of his office for misconduct or professional delinquency. The question is, whether Congress can fix qualifications as a measure of punushment. It cannot be indirectly done by a State, and the reason by which that conclusion is reached applies similarly to Congress. These view, are further strengthened by the pardon of the Pre-sident. The Constitution provides that he anali-have power to grant reprieves and pardous for

First in regard to bills of attainder, we must recur to bills of attainder passed by the British Parliament to enable us to arrive at a conclusion as to what was intended to be prohibited by the Constitution. The word attainder is defined to be the corruption of the blood of the cirminal capitolly condemned, which takes place by the common law on sentence of death.

The party attainted lost all power to receive or give to inheritance. This attaint, or corrup-tion of blood, continued to be the law of England at the time our Constitution was framed, and at the time our constitution was trained, and may be the law in condemnation of treason at this day. Bills or acts of attainder declared persons attainted, or their blood so attainted, so

corrupted as to lose heritable qualities. punishment of treason, but no attainder of treason shall work corruption of blood or for-feiture, except during the life of the person atainted.

He then explained, at some length, his views on this section, showing that the framers of our Constitution struck boldly at despotic ma-chinery, by prohibiting the passage of *ex post* facto laws and bills of attainder, with the excep-

tions which the Constitution provides, It remained to be seen whether the law of Con-gress and the Missouri Constitution were brought within this class of bills. It is not claimed that the act works corruption of blood, and therefore it is not a bill of attainder, nor did he see that it contained conviction of any

did he see that it contained to a fact Britain designated persons. It is true that acts were passed in Great Britain against persons whose names were unknown, but the laws leave nothing but the names of the but the laws leave nothing but the names of the persons to be made out, and to prove their asso-ciation with crime committed. If not so, it would be a mere burden for men, and punish-ment could be visited only by proof of the guilt. No person was pointed out by the act of Con-gress, either by name or description. It is said that this law was made to apply to those en-gaged in the Rebellion, but this is a mistake. It is applicable to all. The act does not declare confiscation, nor does it pronounce sentence or confiscation, nor does it pronounce sentence o inflict any punishment.

It leaves the party himself to determine the act of guilt, or announce and pronounce their own sentence or innocence. It designates no act of guilt, or abnounce and pronounce their own sentence or innocence. It designates no inflicts no punishment; therefore, it can in no sense be called a bill of attainder. As to its being an expost facto law and a penal statute, all will agree that it applies to criminal canses alone, and not to civil proceedings which affect private rights respectively. Cases were cited in support of the argument, and the argument was continued to show the law imposed a mere oath of office. There was nothing on its face to show it imposed an addi-tional punishment for any other act. He maintained that the purpose of Congress was to require loyalty as a condition to practice in this Conrt, and not as the majority maintained as a punishment for the gallows, but a lawyer cannot by him be re-admitted to this bar. It remains for the legislative power to say to what extent relief shall be extended. As to the opinion of the case of Cummings

As to the opinion of the case of Cummings pronounced to-day, Judge Miller quoted Jus-tice Story, who said that the whole power as to religion is to be left to the States, to be acted on in their own judgment; and in opposition to the views of the majority of the Court, quoted an ordinance of the First Municipality of New NewOrleans, imposing a penality on New an ordinance of the First Municipality of New NewOrieans, imposing a penalty on the priest of the obiuary chapel for performing service in the church of St. Augustine; the priest relied on the church of St. Augustine; the priest relied on the church of St. Augustine; the priest relied on the church of the Constitution of the United States to protect him, but the Court replied the Constitution makes no provision to protect elif-zens of a State in their liberties—that was tell to the State in was. And the case of Pomate was dismissed for want of jurisdiction. The Constitution of Missouri says certain classes shall not arcrise their functions unless they show their loyaity. This the majority hold to be unconstitutional, because the Con-stitution forbids it. In this discussion he, justice Miller, had said nothing of the great evise inflicted on the country by the

No. 630 ARCH Street, PHILADELPHIA.

FIRST-CLASS STATIONERY,

Adapted to mercantile and general business pur-

poses, embracing every style and variety of

Note, Letter, Foolscap, and Quadrille Papers,

ENVELOPES

Of all sizes and qualities, together with EVERY AR (ICLE usually found in a well-appointed Sta-tionery Warehouse. Both the active members of the firm having had a

number of years experience in the house of J. B. Lippincott & Co., feel confident of their ability to renoer entire satisfaction to all who desire to pur-

excepted. t 730 and 11 A. M. 3, 3:30, 4:30, 5, and 6:45 P. M. and 12 Midnight, for Bristol, Trenton, etc.; and at 10:15 A. M. I: Manight, of Srikov, Arenton, etc.; and at 10 25 A. M. for Bristol, At 7 38 and 19 15 A. M., 3, 4 30, 5, and 12 P. M., for Schenck's At 10 16 A. M. 3, 5, and 12 P. M. for Eddington, At 7 30 and 10 15 A. M. 5, 4, 5, 6, and 12 P. M. for Corn-well's, Torreedale, Holmesburg, Tacony, Bridesburg, and Frankford, and at 8 P. M. for Holmesburg and Inter-mediate stations.

chase. ENVELOPES MADE TO ORDER.

Orders Taken for Blank Books of every description. PRINTING of all kinds, in every style, done in the nealest and most expeditious manner.

EDWIN E. ECKSTEIN. HENRY D. MOORE. JOHN R. NAGLE.

110 thetuSt ECKSTEIN, NACLE & CO.

FREDERICK BALTZ & CO.'S

FIRST IMPORTATION

40 GALLON PACKAGES GIN.

Just arrived and in hond, 50 Packages 40 Gallon EX-

CELSIOR SHEDAM GIN, which we are now selling at

the lowest figure. We claim to be the FIRST IMPORTERS OF

FORTY GALLON PACKAGES. SHERRY AND PORT WINE.

Sole Agents also for RIVIERE GARDRAT & CO.'s

No. 116 WALNUT Street.

HARD RUBBER ARTIFICIAL HARD RUBBER ARTIFICIAL LIMBS, Arms, Legs, Appliances for Detormity, etc etc. These Limbs are transferred from life in form and fit; are the lightest, most durable, comford adopted by the United States (lovarn-ment and our principal Surgeona. Patented August 15 1863; May 23, 1865; May 1, 1868. Address KimBALL & CO., No. 639 ARCH Street, Philadelipala. Pamphlet free. 927 6m

Pamphlet free.

THE NEWS-STAND, S. W. CORNER SEVENTH and OHESNOT Streets is open daily until 9 P. M. for the sale of the leading Morning, Evening, Weekly, Sunday, and Diustrated Newspapers of this city; together with the New York dailes weeklies. etc.] 72

aven.

AND

Restored on the second second

FREIGHT LINES FOR NEW YORK AND

TREIGHT LINES FOR NEW YORK AND all the Stations on the CAMDEN and AMBOY and connecting Hairoads. INCREASED DESPATCH.
 THE CAMDEN AND AMBOY RAILROAD AND TRANSPORTATION COMPANY FREIGHT LINES or lock P. M. daily (Sundaya excepted).
 Treight must be delivered before 4½ o'clock, to be for-warded the same cay.
 Beturning, the above lines will leave New York at 19 neon, and 4 and 6 P. M.
 Fright for Trenton, Fringston, New Bruns-wick, and all points on the Camoen and Amboy Hairoad; also, on the Belvidere, Delaware, and Flemington, the New Jersey, the Freebold and Jamesburg, and the Bur-lington and Moant Holly Eallroads, received and for-warded up to 1 P. M.
 The Belvidere Delaware Railroad connects at Phillips-

ingten and Mount Helly Eathouse, received and for-warded up to 1 P. M. The Belvidere Delaware Raffroat connects at Phillips-burg with the Lehigh Valuey Railroad, and at Manun-kachunk with all points on the Delaware, Laczawanna, and Western Bairoad, forwarding to Syractuse, Buillalo and other points in Western New York. The New Jersey Raffroad connects at Elizabeth with the New Jersey Central Bailroad onnects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at Elizabeth with the Morris and Easex Raffroad connects at the state in with each load of goods, or no receipt will be given. N. B.-Increased facilities Cave been made for the transportation of live stock. Drovers are invited to try the route. When stock is furnished in quantities for two carloads or more, it will be delivered at the foot of Forlieta street, pear the Drove Yard, or at Fler No. 1. North River, as the abiparts may designate at the time of shipment. For terms, or other information, apply to WALTEE FREEMAN, Freight Agont. 113 No. 220 6. DELAWARE Avonne, Fhiladelphia.

1367 -PHILADELPHIA AND ERIF RAILs 1867 -PHILADELPHIA AND ERIF RAILs ern and Northwest Connties of Pennsylvania to the City of Erie on Lake Erie Libas been isseed and is operated by the Pennsylvania Railford Company. TIME OF PASSENGES: TRAINS A F PHILADELPHIA. Arrive Eastward-Erie Mail Train, TAM.; Erie Express Train, 120 F.M.; Elinirs Mail, 5 40 P.M.; Leave Westward-Erie Mail 7.9 P.M.; Erie Express Train, 12 M.; Elinirs Mail, 5 40 P.M.; Train, 19 M.; Elinirs Mail, 5 00 A.M. Passenger curs run throughon the Erie Mail and Express trains without change bath ways between Philadelphis and Erie.

trains without change both ways between Philadelphia and Erie. NEW YORE CONNECTION. Leave New York at 0.400 P. M., arrive at Erie 10 CO A. M. Leave New York at 0.00 P. M., arrive at Erie 715 F. M. Leave Eric at 500 P. M., arrive at New York 10:10. A M. Leave Eric at 500 P. M., arrive at New York 10:10. A M. Eleave Eric at 500 P. M., arrive at New York 10:10. A M. Leave Eric at 500 P. M., arrive at New York 10:10. A M. Eleave Eric at 500 P. M., arrive at New York 10:10. A M. Eleave Eric at 500 P. M., arrive at New York 10:10. A M. Elegant Sleeping Cars on all the night trains. For information respecting pascenget business, apply at corner THIETIETH and MARKET Streets, Phila. And for freight business, of the Company's Agents, S. B. Kingston, Jr., corner Thieteenth and Market streets, Philadelphia; J. W. Ecynolds, Eris; William Browns Agent N. C. E. R., Baitimore. H. H. HOUSTON, General Freight Agent, Phila. 13 A. L. TYLEE, General Sup., Williamsport.

ON SUNDAYS. Leave Philadelphia 2 % minutes A. M., 2 and 7 F. M. Leave Chesnut Hill 7:60 minutes A. M., 1240, 540, and

A. L. TTLEE, General Sup., Williamsport.
 W EST JERSEY RAILROAD LINES, FROM foot of MARKET Street (Upper Farry). LEAVE PHILADELIPHIA AS FOLAOWS - For Bridgeton, salem, Milville, and all intermediate stations, at 8 A. M. Mall., 250 P. M. Passenger. For Woodbury 8 A. M., 550 and 6 P. M.
 For Woodbury 8 A. M., S50 and 6 P. M.
 For Cape May, at 550 F. M. RETURNING TEAINS LEAVE
 Woodbury at 755 A. M. and 550 F. M. Freight, 546 P. M.
 Bridgeton at 745 A. M. and 550 F. M. Freight, 546 P. M.
 Bridgeton at 745 A. M. and 550 F. M. Freight, 546 P. M.
 Bridgeton at 745 A. M. and 550 F. M. Freight, 546 P. M.
 Cape May at 1145 A. M., Passenger and Freight.
 The treet, from 900 A. M. and 1500 P. M.
 That received before 760 A. M. will go through the same day. Freight Delivery, No. 258 B. DELAWARE Arenue.
 11 WILLIAM J. SEWELL, Superintendent.

FOR NEW YORK, VIA RABITAN AND DELA-WARE BAY BAILEOADS. -From Forry foot o VINE Street, Philadelphia. 67. hi.-Freight for New York, and points North of

VINE Street, Philadelphia.
64. M.-Freight for New York, and points North of East.
11 A. M. -Way Freight.
Goods delivered at company's Depot. No 320 N.
Warded by this time, and arrive in New York at 5 o'clock next morning.
Freight faceword at Puer No. 32 North River, N. Y. by 430 F. M. will be ready to delivery in Philadelphia.
PARE TO NEW YORK. TWO DOLLARS.
Taket Office, Vine Street Farry.
For further information apply to Company's Agents.
MARTYES, Philadelphia.
Martyes,

The 554 P. M. train will stop at Falls. School Lane, Wis scholckon, Manayunk, Spring Mills, and Constohocken only ON SUNDAYS. Leave Philadelphia 9 A. M., 254 and 654 P. M. Leave Norristown 7 A. M., 5 and 554 P. M. Leave Norristown 7 A. M., 5 and 554 P. M. Leave Philadelphia 6, 8356, 11:05 minutes A. M., 1 3, 454, 555, 655, 810, 11:05 minutes A. M., 1 3, 455, 556, 8365, and 1154 P. M. Leave Manayunk 610, 75, 8 20, 035, 11:55 A. M., 2, 5, 656 855 P. M. ON SUNDAYS. UNITED STATES REVENUE STAMPS.-Principal Depot. No. 204 OHESNUT Street. Central Depot. No. 163 S. FIFTH Street. one door below Chemut. Established 1863. B. M. ON SUNDAYS,
 Leave Philadelphia 9 A. M., 2/a and cM P. M.
 Leave Manayunk 7% A. M. Syand 2 F. M.
 W.S. WILSON, General Superintendent,
 115 Depot NINTH and GREEN Streets Bevenue Stamps of every description constantly on hand in any amount. Orders by Mall or Express promptly attended to. United States Notes. Dra is on Philadelphis or New York, or current funds received in payment. Particular attention paid to small orders. The decisions of the Cowmission can be consulted, and any information regarding the law cheerfully siven RARITAN AND DELAWARE BAY RAIL-BOAD.-On and after December 13, 1886, traina will run daily. Sundays excepted from Cooper's Point, Camden, opposite VINE Street Ferry. as follows :-11:30 A. M. Way Freight for all stations; passenget car estanched 1136 A. M. Way Freight for all stations; passenger car attached.
 610 P. M. -Through Freight for New York; passen-ger car attached.
 Freight received in Philade phia at the Company's warehouse. No.: 220 N. DELAW ABE Avenue, until 5 o'clock P. M., reaching New York early next morning Freight boat leaves Pier. No. 24, North river, New York foot of DUANE Street, daily, Sundaya excepted, at 5 P. M., reaching New Tork early next morning. The 9 A. M. train 'rom Philadeiphia, and the 11 A. M. train from New York, are discontinued.
 B. C. HASTY. General Freight Asent. Eed Bank N. J. Bunerintendent, Hed Bank, N. J. K. H. CHIPMAN Agent, No. 730 N. DELAWARE Avenue. Philadelphia. UNITED STATES REVENUE STAMPS.-Principal Depot, No. 364 CHESNUT Street. Central Depot, No. 105 . FI of H Street. one door below Chesnut. Established 1862. Revenue Stamps of every description constantly on hand in any amount. Ordere by Mail or Express promptly attended to. United States Notes, Drains on Philadelphia or New York, or current funds reseived in payment. Particular attention paid to small orders. The decisions of the commission can be consulted, and any information resarding the law observing

stop on the Germantown Branch. ON SUNDAYS. Leave Fhiladelphia 9.4, A. M., 2, 7, and 10% P. M. Leave Germantown 8.4, A. M., 1, 6, and 9% P. M. CHENNUT HILL BALLBOAD. Leave Philadelphia 6, 8, 10, 12 A. M., 2, 3%, 5%, 7, 3, and H P. M. Leave Cheanut Hill 7:10 minutes, 8, 9:40, 11:40 A. M. 1:40, 5:40, 5:40, 6:40, 8:40, and 10:50 minutes F. M. COONAC. 1 12 1m PHILADELPHIA.