The City Solicitor, in response to a request from the Mayor of the city, has prepared the following paper, showing the state of the law on the interesting subject of Sunday car

CITY SOLICITOR'S OFFICE, 212 South Fifth street, Philadelphia, May 30th, 1866.—Hon.
Morton McMichael, Mayor, &c.: DEAR SIR
—Your favor of the 26th instant, was received by me on the 28th instant. You therein inform me "that complaints have been lodged before you against a Passenger Railway Company for running their cars on the Sabbath.' You add "that you understand the question involved in these complaints to have been determined by judicial authority, and you therefore request of me information as to the state of the law, and instructions as to the action it will be proper for you to

take in the premises."

As the subject referred to in your favor has from time to time occasioned much public discussion and aroused considerable feeling, I have endeavored to bestow upon

it a careful examination. The first legislative act of our infant colony was the recognition of the Christian religion. It was passed in 1700. Judge Duncan (in 11 S. and R. 402), remarks that "Before this, in 1646, Lord Baltimore passed a law in Maryland, in favor of religious freedom, and it is a memorable fact that of the first legislators who established religious freedom one was a Roman Catholic and the

The act of 1705 recites. "That according to the example of the primitive Christians and for the ease of creation, every first day of the week, commonly called Sunday, all the people shall abstain from toil and labor, that, whether masters, parents, children, servants or others, they may better dispose themselves to read and hear the Holy Scripture at home, and frequent such meetings of religious worship abroad, as may best suit their respective persuasions.

prohibits the service of process upon the first day of the week, save in the excepted cases of treason, felony or breach of the peace. (Sec. 4, 1 Smith, 25), and in a subsequent section, prohibits drinking and tippling in taverns, &c., (Sec. 5, 1 Smith, 25.)
The act of April 22, 1794, prohibits the performance of "any worldly employment or business whatsoever on the Lord's day, commonly called Sunday, works of neces-

sity and charity only excepted."

The last act upon this subject was passed February 26, 1855. It prohibits the sale of liquors on Sunday, and imposes penalties for the violation of its provisions. (P. L., 1855, p. 53.) It has no application to the complaints to which you allude. The legis-lation which I have thus sketched has, of course, been the subject of frequent discussion in our courts. The only cases, however, which now occur to me as bearing directly upon the question at present before you are, Com. vs. Johnson, and Com. vs. Jeandelle. Com. vs. Johnson is reported in 10 Harris, 102. It was a proceeding to recover the fine of \$4 imposed by the act of 1794 above quoted, the defendant being the driver of an omnibus, hired by the month. It was there held, in an able opinion by the present Chief Justice Woodward, that "the running of public conveyances is forbidden

by the act of 1794, but that traveling by private conveyance is not forbidden." The case of Com. vs, Jeandelle is reported in 7 Am. L. Reg, 615. 2 Grant 506. 3 Phil Rep. 509, and Legal Intelligencer, vol. xvi. p. 364. It is not often that a single indivip. 364. It is not often that a single individual attains the legal notoriety enjoyed by this defendant. Jeandelle was three times heard upon the charge of a breach of the public peace, for driving a railway car upon Sunday, July 17, 1859. Before the committing magistrate he was bound over. He thereupon sued out a writ of habeas corpus before Mr. Justice Thompson, of the Su-preme Court, and after a full hearing he was remanded. The case then came on in regular order before the Criminal Court, at August Sessions, 1859, and was again heard with great patience by Mr. Justice Ludlow. vexata was exhausted in the arguments of the array of learned counsel who represented the prosecution and the defence. The re-sult was that the defendant was discharged. This seeming conflict of decisions is easily reconciled by the perusal of the two opinions. Mr. Justice Thompson decided:

1. "That the law gives to the public the right of enjoying the Sabbath as a day of rest and religious exercises, free and clear of

all disturbance from merely unnecessary and unallowed worldly employment, and where the law is contravened in such a man-ner as to disturb that enjoyment, by noise or

disturbance accompanying it or incident to it, it is a breach of peace."

2d. "That driving a public conveyance for hire subjects the party to the penalty of \$4, imposed by the act of 1794," the latter point having been already decided in Com. ys. Johnson, above quoted.

With these rulings Mr. Justice Ludlow The remaining portion of the syllabus in 2 Grant reports Mr. Justice Thompson, as deciding as matter of law, "that the running

of cars on passenger railroads on Sunday by reason of the noise accompanying them is a disturbance of the public peace of the Sabbath and the rights of worship and of rest, and the drivers of such cars may be arrested and held for a breach of the peace." It this is the law without qualification or exception, then every conductor and driver in charge of cars running on a passenger railway (and still more clearly every con-ductor, engineer, fireman and brakesman on all the roads using locomotives) on Sunday is liable to arrest. It might be asked.

day is liable to arrest. It might be asked, too, hew, if this were the law, that very defendant was subsequently discharged—for, beyond all question, he had driven a car over a passenger railway on Sunday?

The answer to this question is, that Mr. Justice Thompson was hearing the case on habeas corpus. He was not holding the Court to which the defendant had been bound over. It was an attempt by the defendant to obtain a discharge from his recognizance without appearing before the Court to which he had been held to answer. Unless it clearly appeared that the prisoner Unless it clearly appeared that the prisoner was "entirely innocent, the Judge was bound to bail or remand him." Brightley's Rep. 36.

Rep. 36.
An examination of Mr. Justice Thompson's opinion will show:
That the syllabus, as above quoted, is not a correct report of his ruling, and that he did not decide that "the running of cars, by the poise accompanying them, is a

reason of the noise accompanying them, is a breach of the peace." The learned Judge was speaking of cause

in reference to that particular car—not of all cars, but of that car. He says (2 Grant, 510): "His (Jeandelle's) driving the car at the time of the arrest was accompanied by noise sufficient, as the testimony shows at the time, and by the experience of the preceding Sabbath, to greatly interfere with public worship and disturb the people along the line, and was accompanied by a crowd of persons and some disorderly conduct, i the witnesses are to be believed. I think this constituted a breach of the peace of the Sabbath, as ordained and established by the act of 1794, and that, under the circumstances, an arrest was proper. And at p.

512 he remarks:
"The conclusion I have come to is to refure the discharge of this man. I no further decide upon his case than to refuse his discharge. Let the law hand him over to his proper judges at the proper time. They will decide what is best to be done when they shall have heard all the testimony in the

It is clear, therefore, that the Judge was speaking of that case only, and in reference to the testimony before him of "noise greatly interfering with public worship and distarbing the people."

Before Mr. Justice Ludlow the evidence resented a different aspect. He says, in commenting upon the facts (3 Leg. Int., 514): "The evidence for the prose-cution fails to connect this defendant with the transactions of the Sunday preceding for the alleged breach of the peace which oc-curred on that day, and we dismiss the testimony as irrelevant, unless the running of le car, at the usual rate of speed is indeed a breach of the peace—a question to be hereinafter noticed and determined. The evidence for the prosecution relating to the occurrences of the day, and at or about the time of the arrest, has also failed to convince us that this defendant committed a breach of the peace, for the car which he drove moved without actual noise or disturbance of any kind for a distance of two squares, when the arrest took place."
The learned Judge then rules that the defendant was not responsible for a breach of he peace because a crowd assembled, there

being no evidence of a single act of disorder. arrest. He then considers the question whether the driving of the car at the usual rate of

speed was a breach of the peace.
The Court alludes to the fact that "the cars were to be driven according to a code of printed rules adopted by the Company, and intended to prevent an actual breach of the peace," and then say, "what would have been the result of the experiment about to be tried by the Company, is, of course, a

matter of mere conjecture."
As the arrest was made before "the experiment" was tested, the Court ruled that it was premature," and that "the defendant was entitled to his discharge."

It seems, therefore, clear to my mind, that

the evid nee before the two judges was not the same. It did appear to both that the defendant drove the car on a Sunday, but on the hearing before Mr. Justice Thompson, the witness swore to noise "interfering with public worship and disturbing the people,' whilst before Mr. Justice Ludlow the evidence was, that the car "moved without actual noise or disturbance of any kind."

This is a discrepancy which, unfortunately, is not uncommon, especially in cases where witnesses at the first hearing speak under an excitement which abates before the final trial of the case.

It would seem, therefore, from these rul-

ings, that the mere running of a car was not regarded by either Judge as a breach of the public peace.

I have thus endeavored, at the risk of being tedious, to present to you an analysis of the legislation and decisions ruling the case now presented to your action.
In my humble opinion the following views

are deducible from above citations:

1st. That the running of a railroad car on Sunday subjects all the employes of the company engaged in that unlawful act to a fine of \$4, and in default of payment thereof to an imprisonment of six days.

2d. That, in addition to these penalties, the parties concerned may also be bound over for a breach of the peace where the act is accompanied by circumstances which amount to an infraction of the good order which should be sacredly observed upon the Sab-

3d. That where the act is unattended with a disturbance of the peace there can be no arrest.

Chief Justice Tilghman presents the whole law of the case in these clear and emphatic words:

"The violation of the Sabbath is a crime which deserves punishment, but when that violation consists of work without noise or disorder, there is nothing in it like an actual breach of the beach. (Com. vs. Eyre, 1

S. & R., 347.]
I would, therefore, respectfully recommend that where the complainants qualify to a state of facts which, in your judgment, constitute a breach of the peace as above defined, warrants be issued for the arrest of all parties concerned in the descration of the Sabbath, the religious observance of which is justly regarded as the corner-stone

of public morality.

Where, however, the evidence does not make out a breach of the public peace, the remedy should be confined to the imposition of the fine.

ion of the nne.
I am, very respectfully, yours,
F. C. Brewster, City Solicitor.

From Fortress Monroe. FORTRESS MONROE, June 11.—A young man, named George S. Goodall, an employe in the commissary department here as a night watchman, fell overboard from one of the wharves, at a late hour last night,

and was drowned before assistance could reach him.

Mr. and Mrs. Davis appear to have no lack of numerous visitors in their recently fitted-up casemate inside the garrison, which were assigned to her shortly after her arrival here, but which she has until now steadfastly refused, making fresh demands daily upon the patience of the commanding

general for rooms in Carroll Hall, where Jeff. is confined, and which have been as steadfastly refused.
On yesterday, J. L. Crenshaw, of the well-known firm of blockade-runners during the war, was closeted with both Mr. and Mrs. Davis, remaining in the fort until this morning, when he took his departure for Rich mond on the mail steamer John Sylvester Captain Post. The object of his visit has not been made known, but rumor says if was only in a pecuniary point of view, looking forward to the anticipated release of ing forward to the anticipated release of Jeff. Davis. Mrs. Davis accompanied him to the wharf, and the lively conversation which ensued showed her to be in good spirits about something. Visitors and sympathizers now often call and have interviews with the two personages in the fortress, always ending in tender assurances of their esteem, and an offer of assistance as far as it lays in their nower.

as far as it lave in their power. From Georgia. Augusta, Georgia, June 12.—J. E. Bryant, editor of the *Loyal Georgian*, the freedmen's organ, was arrested by civil authority this afternoon, for attempting to defraud negroes out of money, borrowed of then when he (Byrant) was an officer of the Gov

ernment. He was released on bail, a colored man becoming his surety.

AUGUSTA, Ga., June 11th.—The Central railroad, destroyed by General Sherman in his march to the sea, has been reconstructed and the trains from Macon to Savannah and Augusta passed through to-day. Cotton has advanced 4 cents, and holders

are stiff at 35@36 cents for strict good middlings.
In accordance with the instructions of the War Department, stringent quarantine regulations have been established at the ports

of Savannah, Brunswick and Darien. Church Difficulty in Baltimore.
Baltimore, June 12.—The Rev. Dr. Bullock, of the Old-school Presbyterian Church, delivered an address to his congregation tonight, in which he reviewed the recent a tion of the General Assembly with regard to the Louisville Presbytery, sharply con-demning the same and announcing his in-tention of withdrawing from the said General Assembly. Dr. Bullock is a brother-in-law of John C. Breckinridge. The con-gregation are to vote to-morrow night, to decide whether they will go with their pas-ter or wet.

Accident on the Danville Railroad. RICHMOND, Va., June 12.—A fatal accident occurred to the down mail train on the Danville Railroad, near Coalfield, this afternoon, caused by the switch rod. The ladies car was precipitated over an embankment, making three revolutions and crushing the car in its descent. Mrs. Trotter, of the vicinity of Danville, was instantly killed. Thirteen others were injured, among them Bishop Early, of the Methodist church, and Isaac Overly, of Charlotte.

tor or not.

New Orleans, June 12.—Cotton higher; sales of 3,500 bales. Low Middlings 36@38c. Receipts 80 bales. Receipts for five days 2,300 bales. Receipts to the same time last week, 3,726 bales. Stock in port, 121,791 bales. Sterling, 53@55. Freights to New York, 1c.; Liverpool, 3d; Havre 1c. New York exchange, ½@åc. premium.

The Texans are subscribing a Davisdefence fund.

The Texas upland-cotton crop is promis-ing. The bottom lands are overflowed and nothing is expected,

The St. Louis reply to the levee memorial

gives satisfaction.

The entire Mississippi valley is soliciting national aid to repair the levees.

The confederates captured in Mexico had settled on the church confiscated planta-

Bailroad Depot Burned. FITCHBURG, June 12.—The passenger depot and wood-shed adjoining, belonging to the Vermont and Massachusetts Railroad Company, at South Ashburnham, Mass was entirely consumed by fire this after-noon. The furniture was saved in a damaged condition. It is supposed that the fire originated from a locomotive while passing the shed.

New Brunswick Elections. ST. JOHNS, N. B., June 12.—The New Brunswick elections were finished to-day. Kings and Charlotte counties returned Confederate candidates by very large majorities. The Confederates will have 33 members

in the new legislature and the Opposition 8. THE DANGERS OF SURGERY .- Dr. G. R Swetting, of Berlin, Wisconsin, died May 30th, from the effects of a slight puncture in the finger with a needle, received while sewing up a body after a post mortem examination.

IN DEATH THEY WERE NOT PARTED.—Daniel Robinson, the editor of the "Maine Farmers' Almanac," died at Hallowell, in that State, on the 16th ult., and his wife on the day following.

Two sharp young country boys recently caught seven young foxes near Rockford, Illinois. They took them to town and made the Supervisors believe they were wolves. They got \$70 bounty for them. LUMBER EMBARGO.—Eight or ten millions

of logs are blocked up on the Allegash river, in Maine, for lack of water, and will proba bly not be got out this year. EDWARD WRIGHT, a rich and repected citizen of Detour, Michigan, hung himself

in his barn last week, without any satisac-tory reason known to his friends. THE cemetery at Andersonville — the charnel house of the South—is the largestin

the country. It contains 12,972 graves. A NEW literary society has sprung up in Memphis with the quaint name of "Buil Dog Cabal."

FIFTY-FIVE divorces have been granted in Scott county, Iowa, within the last 18 A Love of a bonnet made in Paris for a

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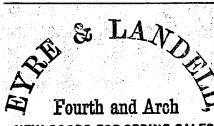
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NIAGARA FALLS. Leke Ontario, The Thousand Islands, Rapids of the kiver St. Lawrence, Montreal, Quebec, 1 iviere di Loup, Saguenay River, While Mountains, Portland, Boston, Lake George, Saratoga, New York, &c., &c., &c., will find it to their advantage to procure

THROUGH TICKETS Which are Sold at Reduced Rates at

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425 CHE-TNUT STREET. Passengers have choice of several routes to Blagara Falls, and Through Tickets are sold down Lake Ontotio and River St. Lawence, to Ogdensburg. Montreal and Quebec, via the American and English Line of Steamers, passing the Thousand Islands and the Rapids of the River St. Lawrence by day-light, returning to New York or Boston by

Fifty Different Routes,

These routes offer to pleasure seekers scenery unurpassed in this country.

No extra charge for meals or state-rooms on steamers between Nisgara Falls and Montreal.

Tick it good until November 1st, 1868, and entitle the holders to stop over at any point on the route.

So For further information and Guide Books descriptive of the Routes, apply at the Company's Office, 125 (restnut tireet.

N. VAN HORN, jel21ft Passenger Agent,

SUMMER RESORTS ON LINE OF

Reading Railroad and Branches. MANSION HOUSE, MOUNT CARBON. Mrs. Caroline Wunder, Pottsville P. O., Schuy'l co, TUSCARORA HOTEL, Mrs. Hannah Miller, Tuscarora P.O., Schuylkill co. MAHANOY CITY HOTEL.

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LITIZ SPRINGS, Samuel Lichtenthaler, Litiz P. O., Lancaster co. EPHRATA MOUNTAIN SPRINGS. Alex. S. Festher, Pro., Ephrata P. O., Lancaster co April 21st, 1866. ap24-3m

TO THE PUBLIC THE SUBSCRIBER HAS fitted up at considerable expense, three buildings for the scommodation of parsons wishing to spend the summer in a pleasant, shady, cool and healthy place. the summer in a pleasant, snauy, took place.

DELAWARE FR' NT,

With sail and guns, boats for convenience of boarders, fine drives, and within two squares of depot, cars rouning every one or two hours. Also, two furnished cotteges to rent for summer, at Ulsymont, six miles below Chester. Any, one wishing to bring horses and carriage with them can be accommodated. Apply to F. HORD, No. 804 Market street, jel2-51\* SUMMER RESORTS.

UNITED STATES HOTEL. Cape Island, New Jersey.

We have pleasure to announce to our friends and the public, that this spacious, modern and favorite establishment, will open the SURF BATHING SEA-SON of 1866. June 15th. Our long experience in the management of first-class Hotels in Raltimore, Philadelphia and this place warrants us in the belief that we can offer inducof comfort and luxury not to be surpassed by any other first-class Eutel.

WEST & MILLER.

PROPRIETORS.

CAMBRIA CO. PA.

MOUNTAIN HOUSE.

my30-2m?

my17-1m3

Cresson Springs.

This delightful Summer Resort will be OPEN fether reception of guests on SATURDAY, JUNE 2d. 1866.

For further information address GEO. W. MULLIN.

CONGRESS HALL CAPE MAY. N. J.

Will Remain Open Until Oct. 1st. There has been added to this popular House, since last season, the entire Ocean House property, giving an ocean front of over 1200 feet, and over 300 rooms fronting and in full view of the sea.

A perfect a stem of sewerage and drainage has been completed, a teature possessed by few hotels outside of

completed, a feature possessed by a completed, a feature possessed by a complete throughout have received a most careful supervision suggested by the experience of pastsessons. For apartments address

J. F. CAKE,
Congress Hall,
Hassler's Brass and String Band.

TMY284

UNITED STATES HOTEL, ATLANTIC CITY, N. J., Will Open for the Reception of Guests

On Wednesday, June 27, 1866. Dodworth's Band engaged for the season. Persons desiring to engage rooms will address

BROWN & WOELPPER, PROPRIETORS,

ATLANTIC CITY, OR 827 RICHMOND St., Philada. EPHRATA AND LITIZ SPRINGS.

Passengers for EPHRATA and LITIZ, via Reading and Columbia Railroads, will leave Reading R. R. De-not. Thirteenth and Callowhill, at 8 15 A. M. and 3.30 P. M., connecting through to both above places. Fare to either, \$2.75. On Sundays, leave at 315 P. M. Exenraion Tickets to either place and return, \$3 65; good for Saturday, Sunday and Monday,

SURF HOUSE.

ATLANTIC CITY, N. J., Will be open for the coming season on the TWENTY-FIFTH OF JUNE.
A NEW FRONT has been erected and the HOUSE THOROUGHLY REPAIRED.
A BAND OF MUSIC has been engaged.
This is one of the most pleasant locations on the At-

ADDIC COAST. PRICE OF BOARD MODERATE. H.S. BENSON.

PROPRIETOR.

HOTEL REMOND

AND
FRENCH RESTAURANT,
Long Branch, N. J.

MEALS AT ALL HOURS,
NICELY FURNISHED ROOMS,
This well known Hotel, kept on the European plau, has acded to it a Lunch Room. Being situated between each station, visitors can have meals at the arrival of each train.

PAUL REMOND.

Proprieto.

A GOOD OPPORTUNITY—A STABLE, which canaccommodate from EIGHTEEN to TWENTY
HORSES, is to be rented for the season, at Long
Branch, N. J. Address
P. RE-MOND,
Hotel Remond,
jele m! Long Branch, N. J.

CONTINENTAL HOTEL.

LONG BRANCH, NEW JERSEY. This mammoth Hotel, fitted up with all the modern improvements, will open on or about June 1st, 1856. It is seven hundred feet in length, by two hundred feet deep, with a portice twenty-f. ur feet in depth along the entire front, and contains six hundred rooms, specially arranged for families, and fitted up with ras; bells, and other conveniences not usually found at Seaside Hotels. The dining room is two hundred by seventy-five feet. The surrounding grounds are spacious, meaty laid out, and provided with Congress Water in Arthficial Fountains, transported daily irom the famous Congress Sprints, Saratoga, New York. The Sea Bathing is unsurpassed, and perfectly safe. Guests leaving Wa hington by morning train for Philadelphia arrive at Long Branch at 8 P. M. same day. Those desiring rooms will please apply at the Kirkwood House, this city.

EPRAGUE & STOKES,

Jel2 1f Proprietors. This mammoth Hotel, fitted up with all the modern

BROAD TOP

MOUNTAIN HOUSE, HUNTINGDON COUNTY, PA.

This old and pepular Mountain Resort will epen for the reception of gaests on JUNE 1st. The House have been thoroughly renovated and improved. RXCURSION TICKETS, good until Oct. 1st will be issued by the Pennsylvania Railroad.

A Hack will be in readiness on the arrival of the cars at Dudley to convey guests to the Hotel, a distance of two miles.

Terms moderate. Address, W. T. PEARSON & CO., my23.1m\* Broad Top City, Huntingdon Co., Pa.

T. ONG BRANCH.

ONG BRANCH. GREEN'S BATH HOTEL, N. J.. IS NOW OPEN FOR THE SEASON.

This Hotel, having a central location, affords one of the innest views of the ocean in the United States. The greater part of the Hotel is neatly furnished, and will compare in all its appointments with the first-class Hotels of this great watering place. jel2ti class Hotels of this great watering place.

JO! FOR CAPE MAY, THE BEST WATERING
PLACE IN THE WORLD.—The undersigned
restectfully inform their friends and the public, that
they have taken the Metoroolitan (take City Ro-el), on
Hughes street, at d will refit and open the same by the
15th. Location one of the best on the Island. Those
wishing to engage rooms, should apply to the MountVernou House, Second above Arch street or atCape May.

BLAIR & SHACKELTON.

JES Im?

Proprietors.

METROPOLITAN HOTEL. LONG BRANCH. N. J.

Is now open for the reception of visitors. This house has been enlarged, improved, and will accommodate six hundred guests. Its situation cannot be surp assed. Parties wishing to accure rooms can do so by addressing

COOPER & LAIRD, 1614-117. Proprietors.

ie14-1f7 jel4-if? Propriecors.

CUMMER BOARDING.—Three chambers and parlor furniture with boarding, can be had from stc to 3 the of June, and from August 1st to the 1st of September. Apply to CHARLES J. ARTHUR, Rosemont Station, je7-6t\* Pennsylvania Railroad. Pennsylvania Railroad.

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DEASANT BOARDING AT A FARM HOUSE, two
miles from Absecom, in view of the ocean.

Board 37 per week.

Apply to
je-61\*

No pic Service.

W. J. ALS 3P

Board 7 per week.
Apply to
Je-Sit
No. 122 South Delaware avenue

THE "BARRTOW HOUSE" (opposite the Mansion
House), Atlantic City, is now open for the reception of visitors: Board \$2 per week.

Jes-121\* ELIZABETH EASTLACK.

SAVE TIME! SAVE MONEY! THE EXCELSIOR CHURN

Will Churn Butter in Two Minutes and

a half.

Call and See Them at SMITH & RICHARDSON'S, 611 MARKET STREET.