THE CITY.

The Thermometer

NOVEMBER 16, 1862.			NOVEMBER 16, 1863.		
6 A. M.	33	3 P. M.	6 A. M.	42	3 P. M.
12 M.	35½	41	12 M.	51½	62
WIND.			WIND.		
N.	NNE	NNE	W	SW	NE ENE

ELECTION OF BANK DIRECTORS.—The Philadelphia banks held their annual elections for directors yesterday morning, excepting the Bank of North America and the National Bank. The following are the tickets elected:

Kensington Bank.—John Robbins, John Wainwright, John Martin, Edw. W. Gorgas, Benj. C. Naglee, Joseph Harvey, Eli Garrison, James Bell, George A. Landell, James Hogg, B. B. Stewart, Benjamin H. Brown, Alexander Peterson.

Mechanics' Bank.—Joseph B. Mitchell, William R. Thompson, John C. Davis, Charles Leland, Louis C. Jungerich, Benjamin W. Tingley, G. D. Rosengarten, Isaac F. Baker, Ebenezer Maxwell, Robert Steen, Edward G. James, Joseph G. Mitchell, David Milne.

Girard Bank.—D. B. Cummins, Samuel Morris, E. S. Hardy, Charles Kelly, Charles Rugan, S. B. Barcroft, William Hay, William Gillespie, Stephen Morris, J. M. Brooks, S. Caldwell, Jr., J. H. Michener, Redman Cooper.

Bank of Commerce.—George K. Ziegler, William W. Longstreth, Peter Cullen, John A. Brown, S. W. Cannell, John R. Wilmer, Alexander Brown, Th. W. Page, John Thompson, William V. Wicht, Thomas H. Kirtley, Patrick Brady, Charles H. Muirheid.

Corn Exchange Bank.—Alexander G. Cattell, Jas. Steel, Christian J. Hoffman, Robert Ervien, H. W. Catherwood, William P. Cox, Edmund A. Souder, Samuel T. Canby, Charles E. Wilkins, David Vansciver, Philip B. Mingle, John F. Gross, Jonathan Knight.

Southwark Bank.—John B. Austin, Thomas Sparks, James Simpson, Henry Freeman, George W. Hunter, Richard F. Loper, Samuel Castner, Wm. M. Baird, George W. Smith, Michael Erickson, William Clark, Richard H. Morrell, Hugh O'Donnell.

Tradesmen's Bank.—C. H. Rogers, George C. Thomas, John Lawrence, James McCann, Robert Coane, J. R. Baxter, Jr., Joseph B. Bloodgood, Thomas H. Moore, E. J. Kenney.

Commonwealth Bank.—Robert Morris, John Dreybelbis, Edward Lafferty, Charles Norton, Jed. T. Ricketts, S. K. Ashton, H. K. Harnish, H. N. Burroughs, W. A. Rolin.

Manufacturers' and Mechanics' Bank.—John Jordan, Jr., William Early, Benjamin F. Huddy, E. P. Middleton, Wm. Gulager, Joseph H. Seal, Curwen Stoddart, Peter Oliphant, Richard Ashhurst, Jos. Gilbert, Emmor Weaver, Lewis Hachnien, William P. Gresson.

The Philadelphia Bank.—Thomas Robins, Lewis R. Ashhurst, Richard D. Wood, John Price Wetherill, Chas. Hill, J. L. Erringer, Jas. L. Claghorn, J. Gillingham Fell, Edward S. Clarke, Samuel W. Becourse, Henry Preaut, George Whitney, Benj. G. Godfrey.

Farmers' and Mechanics' Bank.—S. A. Mercer, Edwin M. Lewis, John Ashhurst, Anthony J. Antelo, William H. Woodward, John Price Wetherill, Jr., Benjamin A. Farnham, Joshua B. Lippincott, James R. Campbell, Francis Tete, Pemberton S. Hutchinson, J. M. Edward Farnum, William M. Tod.

Union Bank.—James Dunlap, John H. Chambers, David Faust, Jesse Riegel, Josiah Brant, Peter Geiger, Milton Cooper, Phineas Pratt, Jacob Weaver, George Bullock, Henry Huddy, A. L. Bonaffon, Isidore Binswanger.

Western Bank.—Joseph Patterson, William A. Blanchard, William Miller, Morris Patterson, John J. Thompson, H. L. Carson, Isaac Jeanes, Thomas Heath, George M. Troutman.

Bank of Penn Township.—Elijah Dallett, William G. Ludwig, Charles Shoemaker, William K. Bray, Gillies Dallett, Joseph S. Medara, John H. Campbell, Henry Budd, William F. Shaffer, Thomas F. Stoteshury, Amos Ellis, John P. Steiner, Henry Duhring.

Commercial Bank.—Joseph Jones, John Garrett, George W. Steever, Alfred G. Baker, Wm. Musser, P. Jenks Smith, Joseph Wm. Bates, Thos. Williamson, Hugh Craig, Samuel Baugh, Charles H. Baker, Thomas H. Powers, Leon Berg.

City Bank.—William F. Hughes, Josiah Kisterbock, Chas. W. Trotter, Geo. W. Fahnestock, Geo. Gordon, John Baird, Thos. Potter, Sam'l Walton, Jos. Wharton, A. B. Cummings, Chas. E. Lex, Wm. W. Collket, Frederick Wilcox.

Bank of the Northern Liberties.—Isaac Koons, Joseph B. Myers, Joseph W. Miller, Joseph Baker, Israel Peterson, Charles Koons, Edwin W. Fitler, Michael Baker, William S. Grant, Charles J. Sutter, Joseph R. Moore, Robert R. Cabeen, James N. Stone, William Overington, Alex. M. Fox.

Consolidation Bank.—James V. Watson, Joseph H. Collins, John P. Verree, Henry Croskey, Joseph B. Van Dusen, William Hogg, Josiah D. Brooks, Ludlam Matthews, Robert Shoemaker, James S. Watson, Seneca Malone, Robert F. Taylor, John H. Bringhurst.

"A BREATH OF FRESH AIR."—This is the expressive title of a remarkable, large-size painting in oil, recently executed by Mr. Wenderoth, of the firm of Wenderoth & Taylor, and now on exhibition at their free gallery, No. 912 Chestnut street. The picture is worthy of notice for two reasons: First, its intrinsic merits as a work of art, and secondly, on account of the new field which its talented author has thereby opened in the science of photography and its correlative arts. The subject of the picture (which is displayed in a massive frame) is eight feet by six. The subject of it is at once pleasing and suggestive. A lovely, painted lifeness, occupies the centre, and around her are blended, with admirable effect, a succession of accessories, which tell poetically the story of their design. The lady is richly attired in an evening party dress, and has embraced an opportune moment to escape the heat and mazes of the dance within, to take a glimpse at the cool blue heavens and a "breath of fresh air" without. Her countenance speaks the thoughts that would be most natural under such circumstances. While not wholly obstacled from the gilded spectacle she has just left, she nevertheless seems much absorbed for the moment in the refreshing scenes upon which she is now gazing in the quiet moonlight, and the contrast which they picture to her mind. The blue sky, beautified by the virgin moon just then flinging her first beams over a distant tower, the fountain playing in the garden in front, mingling their spray with the indistinct beauty and fragrance of the flowers, make a charming summer evening scene, and the execution of this work of art Mr. Wenderoth has achieved a triumph in the combination of difficult lights that strikes the eye of a connoisseur at once. Each of the figure, through the open hall, the warm gas light is depicted so naturally that our sympathies are instinctively with the votary of fashion now enjoying "the breath of fresh air;" in front, the cool, blue moonlight assumes an ethereal naturalness that makes one almost forget the canvas for the beautiful reality, while midway between the light has achieved one of the most difficult feats in his profession—namely, the *conflict* of these opposing lights, and consequently the fine feature of the picture are admirably disposed for the best effect, imparting an air of real life to the whole that we have never seen in elaborated photographic pictures; for it must be borne in mind that, in a primary sense, at least, the picture we are noticing is a photograph. That is to say, an imperial picture of the lady and a portion of the surroundings was taken by this firm, and then enlarged to its present size, with the artistic embellishments above described, by Mr. Wenderoth. The coloring of the picture is faultless, and the drawing, outlined as it was by nature itself, is, of course, true to nature. The picture will remain on exhibition at these galleries for several days, and those who have not yet seen it should not fail to do so.

CONTRACTS AWARDED.—The following contracts were awarded at the army clothing and equipage office yesterday:

Kunkel, Hall, & Co., Philadelphia, 7,000 overcoats, at $7.63, sample.

Chas. O'Donnell, Wilmington, Del., 342 pairs pants for mounted men, at $3 80, army standard.

Hawkness & Bro., Philadelphia, 6,000 overcoats, at $7.37½, sample; 4,000 do., at $7.81, sample.

A. Oppenheimer, Philadelphia, 20,000 pairs pants, for mounted men, at $3 82½, sample.

P. V. Kellogg, Utica, N. Y., 15,000 overcoats, at $7 74, sample.

R B. Leiler, Philadelphia, 6,600 overcoats, at $7.39, sample.

W. H. Lewis, 8,500 pairs pants, at $3 67½, sample.

Jos. F. Page, 4,000 pairs pants, at $3.73, sample; 16,000 do, at $3.80, sample.

W. Y. Colliday, 3,000 pairs pants, at $3.57½, sample.

W. Y. Colliday, 6,000 overcoats, at $7 24, sample.

A. J. De Camp, 5,000 overcoats, at $7.20, sample.

Jas. Anderson, 6,700 overcoats, at $7 24, sample.

Asnpach & Stanton, 25,000 overcoats, at $7.37, sample.

Asnpach & Stanton, 25,000 pairs pants, at $3.85, sample.

W. P. Hanrell, 10,000 pairs pants, at $3.63, sample.

Rockhill & Wilson, 875 pairs pants, at $3 50, sample.

Jos. F. Page, 8,000 overcoats, at $7.75, sample; 300 do, at $7 65, sample.

W. H. Lewis, 8,000 overcoats, at $7 45, sample.

Kunkel, Hall, & Co., 6,000 overcoats, at $7.37½, sample.

H. Wilson, 6,560 yards 56-inch burlaps, at 36 cents per yard, sample.

Gemmill, Hurstzal, & Sears, N. Y., 15 000 yards 54-inch burlaps, at 35¾ cents per yard, sample.

W. B. N. Cozzens, 2,942½ yards 54-inch burlaps, at 39½ cents per yard, sample.

F. Watson, 20,000 yards 56 inch burlaps, at 35 cents per yard, sample.

L. A. Lipman, 300 regimental order books, at $2.29 a piece, army standard.

THE SANITARY COMMISSION AND THE RICHMOND PRISONERS.—The Sanitary Commission, known world-wide as the most distinguished charitable and patriotic organization of the Union, whose expenditures in behalf of furnishing materials to our armies reach over one million of dollars in two years, is about extending its sphere of usefulness. Arrangements are about being made, with the concurrence of our civil and military Government, to have an agent at Richmond to take charge of all stores sent to our suffering soldiers there confined. The Commission are now receiving large supplies of contributions from various sources, intended for immediate shipment South. The office on Chestnut street contains many articles contributed by ladies of the liberally-disposed, which will be forwarded to Fortress Monroe in a few days. The Commission is engaged in a laudable undertaking, and should receive a hearty support.

THE CITY TREASURY.—The receipts of the City Treasury for the week ending last week amounted to $48,326. The items were on account of

Taxes of 1863	$19,937 78
Water Rents	11,244 73
Highway Department	232 76
City Railroad Tolls	44 22
West Philadelphia Railroad	557 30
Law Department	149 66
City Loan, &c	3,262 50

The payments amounted to $52,942 26

At this rate, city warrants must be sold at a ruinous discount. The tax payers should be more prompt in their payments, if they would have all her creditors and employees speedily paid in turn.

HOME AGAIN.—Captain Wm. B. Trump, late of the 31st Regiment P. V., has been honorably discharged from the service on account of ill health. Captain Trump participated in most of the battles of the Army of the Potomac, and has seen some hard fighting. He enlisted, over two years since, as second lieutenant of the company from which he has just resigned. He is about re-engaging in mercantile pursuits, from which he was called on the breaking out of the rebellion. He has faith in the final suppression of the rebellion has never faltered, and his confidence never stronger than at present.

FATAL ACCIDENT.—Thomas Cushman, a laboring man, aged 40 years, was run over by the train on the Pennsylvania Railroad, near the Girard-avenue bridge, at 7 o'clock yesterday morning. He was on his way to his work at Hestonville, and, in attempting to cross the track ahead of the engine, was knocked down, and was instantly killed. He lived near Thirteenth and Poplar streets, where he has left a wife and three children. The Coroner held an inquest; verdict, accidentally killed.

THE LATE GEORGE R. GLIDDON.—The remains of the late George R. Gliddon, the well known author and lecturer upon Egyptian subjects, having been lately removed from Panama, were, on Saturday last, deposited in their final resting place at Laurel Hill, where, through the kindness of the managers of that cemetery and other friends of the deceased, an elegant and appropriate mural tablet has been erected to commemorate his memory.

A NEW TELEGRAPH LINE.—The first section of the People's Telegraph Line, extending from Philadelphia to New York and Baltimore, is now open for business. The second section, from New York to New Haven, Hartford, Providence, and Boston, will be open in a few days, as also the third section, from Baltimore to Washington. These lines are first class in every respect, and are under the management of Mr. James Merrihew, an accomplished and well-known telegrapher.

DEATHS AT THE ARMY HOSPITALS.—The following deaths were reported yesterday at the Medical Director's office:

Chestnut Hill—Jas. Godfrey, Co. H, 118th Pennsylvania Volunteers.

Broad and Prime—Patrick Lester, Co. F, 69th Pennsylvania Volunteers.

THEODORE DERRINGER, Esq., of this city, has been appointed by Governor Yates, of Illinois, a commissioner to administer oaths, &c., for that State.

GUARDIANS OF THE POOR.—The regular meeting of the Board of Guardians was held yesterday afternoon, President Dickinson in the chair.

The house agent reported the census of the house for the past two weeks, ending Nov. 14, 1863, to be—males, 1,072; females, 1,443; total.....2,515
Same time last year.....2,465
Increase.....47

Number of persons granted lodgings, 30; number of persons granted meals, 66; births, 7; deaths, 34; discharged, 76; absconded, 26.

Mr. Haines offered a resolution that the Committee on Accounts be authorized to ask Councils to make such transfers and appropriations as in the judgment of the committee they may deem sufficient for the balance of the year. The resolution was adopted.

Mr. Whitall, guardian for the third district, stated that the contract for furnishing wood for the outdoor poor in that district had been awarded to Jas. Galbraith, at the price of $8 per cord.

An election for chief apothecary was then gone into. The nominees were: Messrs. Shingle, Weaver, and Bender. After a number of ballots without result, the election was postponed.

The election of superintendent of manufactures was likewise postponed.

A. Redstreet was unanimously elected visitor of the second district.

On motion of Mr. Lowry, the Committee on Manufactures was authorized to employ a proper person to fill the place vacated by Stephen Franklin as superintendent of manufactures, until his return from the army.

The steward's requisition was then read and granted.

Mr. Maris offered a resolution, that the Committee of Classification and Diet, together with the chairman of the Committee on Insane Department, be a special committee to report on the practicability of concentrating the power to make requisitions on the store in the hands of fewer parties than now possess that power, and that the chairman of classification and diet be the chairman of said committee; which was adopted.

Adjourned.

WEEKLY REPORT OF ARMY HOSPITALS.—The following report of the Army Hospitals was received at the Medical Director's office yesterday, for the week ending November 14th, 1863:

HOSPITALS.	No. admitted.	No. returned to duty.	No. discharged.	No. deserted.	No. remaining.
South street	26	3	1		264
Broad and Prime	1		2		29
Smith House	16	28	6		1,879
Mower	16	26	5		1,793
Christian street	22	3		1	26
Officers' Camac Woods	2		1		26
Christian street	2	10	1		649
Cadwalader	2	4	2		31
Fort Mifflin	14	2	4		41
Broad and Cherry					5
Islington lane	11	1	2		603
Cuyler, Germantown	23	19	1		175
Schuylkill Arsenal					140
Sixty-fifth and Vine streets	14	10	3		270
Chestnut-hill, Pollock st.	12	4			12
Camp Cooke, Scranton, Pa.	18	5			63
Mulberry street, Harrisburg	11	5	3		61
Chestnut street	8	2	1		30
Walnut street	15	6	1		49
U. S. Barracks, York, Pa.	45	16			65
Town Hall, Chambersburg	9	16			65
Total	237	140	20	6	7,444

MILITARY.—The number of men mustered into the United States service at the mustering in office, No. 1102 Girard street, from January 1st to October 31st, was 5,761—viz:

1st Regiment Reserves	513
1620 Regiment Pennsylvania Volunteers (artillery)	272
13th Regiment Pennsylvania Cavalry	100
19th " " " "	1,027
20th " " Militia Inf. (emergency)	808
Independent Co. " " "	370
" " " (3 months)	195
" " " (6 months)	128
" " Cav.	477
" " Art.	142
" " " (emergency)	105
1st Pennsylvania Chasseurs, (6 months)	440
Sewyer's Battery	6
Veteran Volunteers, Infantry	30
Owens' Regimental Band	16
11th Regiment Pennsylvania Volunteers	10
Polytechnic Engineers	2
2d Regiment United States Colored Troops	848
4th " " " "	3
8th " " " "	54
" " " "	221
Total	5,761

Of the above number 3,090 were enlisted for three years.

SOLDIERS MUSTERED IN.—The following report represents the number of men mustered into the United States service for the week ending November 14, 1863:

For the new regiments	41
For the old regiments	8
For the colored regiments	7
Total	59

HOSPITAL ITEMS.—A fata accident took place, yesterday afternoon, in West Philadelphia. A soldier named John McMichael, aged 32 years, belonging to the 24th New Jersey Regiment, while stepping from one car to another on the Pennsylvania Railroad, missed his foothold and fell between the bumpers of the cars crushing both legs and arms in a horrible manner. He was conveyed to the Pennsylvania Hospital, where he died in about three hours after his admittance. He resided in Lancaster, Pennsylvania, where he leaves a wife and two children.

A young girl named Ellen Morris, between seven and eight years of age, employed in the hospital, No. 1309 Cherry street, was shockingly burned on Sunday afternoon by her clothes taking fire from a grate. She had charge of a sick child at the time of the accident, and was preparing something for it, when her dress came in contact with the grate which ignited it, and before the flames could be extinguished the child was burned badly about the body. The sufferer was conveyed to the hospital yesterday, but it is thought that she cannot live over to-day.

FATAL RAILROAD ACCIDENT.—Two women, named Lena Renfer and Louisa Seifer, were run over, about half past 4 o'clock yesterday afternoon, by a coal train, at the junction of the Reading railroad and Sixth street, in the Nineteenth ward. One of them was instantly killed, and the other died shortly after she was taken home. They both resided in the vicinity of Sixth and Dauphin streets, where the Coroner was notified to hold an inquest, which will take place to-day.

ARRIVAL OF A REGIMENT.—The 34th New Jersey Regiment, numbering over eight hundred men, under command of Colonel W. H. Lawrence, arrived in this city, from Trenton, yesterday afternoon, and took the cars for Washington. They were entertained at the Refreshment Saloons before leaving. Five of the regiment deserted soon after their arrival, one of whom a guard succeeded in catching at Christian-street wharf, after firing two or three times at him, but the others escaped. Eleven sick men attached to the same regiment were placed in one of the army hospitals here.

IN PORT.—There were lying at our wharves yesterday 105 vessels, of which 2 were steamboats, 15 ships, 31 barks, 27 brigs, and 30 schooners.

GAS.—The Gas Company have resolved to charge $2 30 per thousand feet of gas consumed on and after the first of January next.

THE SUBSCRIPTION AGENT reports the sale of $805,000 of five-twenty bonds yesterday.

LEGAL INTELLIGENCE.

Supreme Court of Pennsylvania

ACT OF CONGRESS OF 3D MARCH, 1863, COMMONLY CALLED THE "CONSCRIPTION LAW," DECLARED UNCONSTITUTIONAL.

Henry S. Kneedler vs. David M. Lane et al., Francis B. Smith vs. same, and Wm. F. Nickels vs. same. Three bills in equity, and on a motion in each case for special injunction.

OPINION OF JUSTICE THOMPSON.

We have published the most important passages of the opinions of Justices Lowrie and Woodward declaring the conscription law unconstitutional. The following will show the tone of Justice Thompson's opinion:

I hold that the act plainly and directly destroys the militia system of the States, as recognized in the Constitution, and the acts of Congress of 1792 and 1795. By its provisions the militia are to be enrolled as part of the *national forces*, another term, as will be seen, for national armies; and it requires each individual so enrolled to answer and report himself, when drawn, to the military officers of the Federal Government, under the pains and penalties prescribed for desertion. If this is not a taking possession of the entire *materiel* of the militia, and consequently the militia itself, bodily, I cannot comprehend the meaning or effect of language.

The direct object of the act is to constitute the national forces of the same material as that which constitutes the militia of the States, and for that purpose a Federal enrolment is made, and a portion so enrolled, and drawn from the wheel, and separately and individually transferred to the army of the United States, to be commanded, not by State but by United States officers. They are henceforth not militiamen but regulars. They are to be carried into the army under the power granted to Congress "to raise and support armies," not under that other power which authorizes Congress "to provide for calling forth the militia to execute the laws, suppress insurrection, and repel invasion." If called out in this capacity, it would be done by requisition of the President on the militia officers, at least without State military officers, and then the militia would come forth in organized bodies, not as individuals, and be officered by State authority. This is widely different from directing the Federal authority to each individual, to conscript him in his individual character, and to compel him to serve, not with State contingents and under State officers, but under Federal or army officers.

In short, the provisions of the act incorporate in the Federal army, and make the entire mass constituting the militia, by directing their authority to them individually, without a requisition on the States, and without any power in any State to appoint a single officer to command them, although the entire force was, by the Constitution, to be, when called into the service of the United States, under the military officers of the States, and in the service of the United such plain provisions of the Constitution, is certainly unconstitutional, if such a thing be possible as an act of power by a portion of Congress; but the act, in fact, establishes conclusively the limitation of the power to raise and support armies.

Those enrolled and not drawn out of the wheel at the first draft, remain subject to be called out afterward. They are the *unemployed National forces*, and are declared to be subject to be called into service under the plan of the act for two years, after the first of July succeeding the enrolment, to serve for three years or during the war. It is true, when called into service, the act says they shall be "placed on the same footing, in all respects, as volunteers, including advance pay and bounty, as is now provided by law." I presume it will make no part of the conscripts are to elect their own officers. But even if this were so, it would be no less a deprivation of the right of the States to appoint the officers of their militia, and unconstitutional for that reason.

As the enrolment or conscription into the National forces for two years, although unemployed, is nevertheless an incorporation of them with the National forces, it is a withdrawal of them for that period from the control of the States. The act would be worth nothing if the States might resolve that this should not be. The act of Congress is supreme or it is nothing. If it be supreme, then the enrolled men can be and are directly under the Federal authority all the time, and thus every citizen or enrolled person, in or out of service, may be liable to be controlled by military law all the time, if Congress chooses. Can this be possible? What is to become of the States and their sovereignty, a matter often sneered at, but among the most distinct, clear, and cherished principles in the whole body of the Constitution? One portion of the militia conscripted and actually in the field, the balance conscripted and not yet in the field, but subject to the military authority of the United States, where are the militia, and where is the security of the States against being entirely absorbed, and against invasions of the public liberty by the National authority, which the writers of the *Federalist* thought existed in the militia? It is neither in the field nor at home; it is abolished.

Apprehensions, doubtless, of just such an enactment as this now under consideration superintended the introduction of the Bill of Rights by amendment and consent of two-thirds of the States, in which is the declaration that "a well-regulated militia being necessary to the security of a free State, the rights of the people to keep and bear arms shall not be infringed."

The Constitution authorizes Congress to provide for calling out the militia to "suppress insurrections and repel invasions." During the whisky insurrection in this State, President Washington called upon the militia for this purpose, by a requisition on the Governor, and in person commanded them. So the militia were called out from many of the States during the war with Great Britain, and in every instance a requisition made by the President upon the Governors of the States. It is true that in 1814 the question was much agitated in Congress whether or not, under the power to "raise armies" the militia might not be conscripted by the Federal authority. The bill which proposed this had the sanction of high names, but it differed much from this act and was never finally acted on, because of the termination of the war by the peace of Ghent.

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For the colored regiments	7
Total	59

HOSPITAL ITEMS.—A fata accident took place, yesterday afternoon, in West Philadelphia. A soldier named John McMichael, aged 32 years, belonging to the 24th New Jersey Regiment, while stepping from one car to another on the Pennsylvania Railroad, missed his foothold and fell between the bumpers of the cars crushing both legs and arms in a horrible manner. He was conveyed to the Pennsylvania Hospital, where he died in about three hours after his admittance. He resided in Lancaster, Pennsylvania, where he leaves a wife and two children.

A young girl named Ellen Morris, between seven and eight years of age, employed in the hospital, No. 1309 Cherry street, was shockingly burned on Sunday afternoon by her clothes taking fire from a grate. She had charge of a sick child at the time of the accident, and was preparing something for it, when her dress came in contact with the grate which ignited it, and before the flames could be extinguished the child was burned badly about the body. The sufferer was conveyed to the hospital yesterday, but it is thought that she cannot live over to-day.

FATAL RAILROAD ACCIDENT.—Two women, named Lena Renfer and Louisa Seifer, were run over, about half past 4 o'clock yesterday afternoon, by a coal train, at the junction of the Reading railroad and Sixth street, in the Nineteenth ward. One of them was instantly killed, and the other died shortly after she was taken home. They both resided in the vicinity of Sixth and Dauphin streets, where the Coroner was notified to hold an inquest, which will take place to-day.

ARRIVAL OF A REGIMENT.—The 34th New Jersey Regiment, numbering over eight hundred men, under command of Colonel W. H. Lawrence, arrived in this city, from Trenton, yesterday afternoon, and took the cars for Washington. They were entertained at the Refreshment Saloons before leaving. Five of the regiment deserted soon after their arrival, one of whom a guard succeeded in catching at Christian-street wharf, after firing two or three times at him, but the others escaped. Eleven sick men attached to the same regiment were placed in one of the army hospitals here.

IN PORT.—There were lying at our wharves yesterday 105 vessels, of which 2 were steamboats, 15 ships, 31 barks, 27 brigs, and 30 schooners.

GAS.—The Gas Company have resolved to charge $2 30 per thousand feet of gas consumed on and after the first of January next.

THE SUBSCRIPTION AGENT reports the sale of $805,000 of five-twenty bonds yesterday.

LEGAL INTELLIGENCE.

Supreme Court of Pennsylvania

ACT OF CONGRESS OF 3D MARCH, 1863, COMMONLY CALLED THE "CONSCRIPTION LAW," DECLARED UNCONSTITUTIONAL.

Henry S. Kneedler vs. David M. Lane et al., Francis B. Smith vs. same, and Wm. F. Nickels vs. same. Three bills in equity, and on a motion in each case for special injunction.

OPINION OF JUSTICE THOMPSON.

We have published the most important passages of the opinions of Justices Lowrie and Woodward declaring the conscription law unconstitutional. The following will show the tone of Justice Thompson's opinion:

I hold that the act plainly and directly destroys the militia system of the States, as recognized in the Constitution, and the acts of Congress of 1792 and 1795. By its provisions the militia are to be enrolled as part of the *national forces*, another term, as will be seen, for national armies; and it requires each individual so enrolled to answer and report himself, when drawn, to the military officers of the Federal Government, under the pains and penalties prescribed for desertion. If this is not a taking possession of the entire *materiel* of the militia, and consequently the militia itself, bodily, I cannot comprehend the meaning or effect of language.

The direct object of the act is to constitute the national forces of the same material as that which constitutes the militia of the States, and for that purpose a Federal enrolment is made, and a portion so enrolled, and drawn from the wheel, and separately and individually transferred to the army of the United States, to be commanded, not by State but by United States officers. They are henceforth not militiamen but regulars. They are to be carried into the army under the power granted to Congress "to raise and support armies," not under that other power which authorizes Congress "to provide for calling forth the militia to execute the laws, suppress insurrection, and repel invasion." If called out in this capacity, it would be done by requisition of the President on the militia officers, at least without State military officers, and then the militia would come forth in organized bodies, not as individuals, and be officered by State authority. This is widely different from directing the Federal authority to each individual, to conscript him in his individual character, and to compel him to serve, not with State contingents and under State officers, but under Federal or army officers.

In short, the provisions of the act incorporate in the Federal army, and make the entire mass constituting the militia, by directing their authority to them individually, without a requisition on the States, and without any power in any State to appoint a single officer to command them, although the entire force was, by the Constitution, to be, when called into the service of the United States, under the military officers of the States. Such an enactment as this, such plain provisions of the Constitution, is certainly unconstitutional, if such a thing be possible as an act of power by a portion of Congress; but the act, in fact, establishes conclusively the limitation of the power to raise and support armies.

Those enrolled and not drawn out of the wheel at the first draft, remain subject to be called out afterward. They are the *unemployed National forces*, and are declared to be subject to be called into service under the plan of the act for two years, after the first of July succeeding the enrolment, to serve for three years or during the war. It is true, when called into service, the act says they shall be "placed on the same footing, in all respects, as volunteers, including advance pay and bounty, as is now provided by law." I presume it will make no part of the conscripts are to elect their own officers. But even if this were so, it would be no less a deprivation of the right of the States to appoint the officers of their militia, and unconstitutional for that reason.

As the enrolment or conscription into the National forces for two years, although unemployed, is nevertheless an incorporation of them with the National forces, it is a withdrawal of them for that period from the control of the States. The act would be worth nothing if the States might resolve that this should not be. The act of Congress is supreme or it is nothing. If it be supreme, then the enrolled men can be and are directly under the Federal authority all the time, and thus every citizen or enrolled person, in or out of service, may be liable to be controlled by military law all the time, if Congress chooses. Can this be possible? What is to become of the States and their sovereignty, a matter often sneered at, but among the most distinct, clear, and cherished principles in the whole body of the Constitution? One portion of the militia conscripted and actually in the field, the balance conscripted and not yet in the field, but subject to the military authority of the United States, where are the militia, and where is the security of the States against being entirely absorbed, and against invasions of the public liberty by the National authority, which the writers of the *Federalist* thought existed in the militia? It is neither in the field nor at home; it is abolished.

Apprehensions, doubtless, of just such an enactment as this now under consideration superintended the introduction of the Bill of Rights by amendment and consent of two-thirds of the States, in which is the declaration that "a well-regulated militia being necessary to the security of a free State, the rights of the people to keep and bear arms shall not be infringed."

The Constitution authorizes Congress to provide for calling out the militia to "suppress insurrections and repel invasions." During the whisky insurrection in this State, President Washington called upon the militia for this purpose, by a requisition on the Governor, and in person commanded them. So the militia were called out from many of the States during the war with Great Britain, and in every instance a requisition made by the President upon the Governors of the States. It is true that in 1814 the question was much agitated in Congress whether or not, under the power to "raise armies" the militia

THE PROCESSION.

(Before Mr. Mayor Henry.)

Arrest of a French Doctor.

Officers S. Henderson and Lamon, of the detective force, yesterday afternoon, arrested a French doctor, at his office in south Fourth street. It seems that on Saturday last, two small boys, standing in front of the house, saw a man, who they thought, as all people generally, old and young. This document was entitled "An Address to Married Ladies." It is entirely too obscene to be published, and addressed to the recipient of one of these vicious documents, and he immediately proceeded to the office of Mayor Henry and entered a complaint. The serious nature of the charge demanded the requisition, and he at once proceeded to the office in response to the published address. He played his card well and quite amusing, for the game.

The doctor was highly pleased with the gentleman's visit, and entered quite elaborately into the wonderful properties and virtues of his instruments. He charged ten dollars for the instrument intended for use. The detective having made a clean job of the whole business, left the astonishing and impressive Lamon with the warrant, based upon the affidavit of Mr. Henderson, proceeded to the office of the doctor and arrested him. Finding the plaintiff, upon the physician was confronted with Detective Henderson, who was his customer on Saturday.

Mayor Henry having patiently heard the evidence of this disgusting case, made the following disposition of it:

For publishing a filthy and obscene libel, addressed to married ladies, $1,500 bail to answer at court. For obtaining money under false pretences, $1,000 to answer. For offering the alleged means to debauch the morals of the people, $1,000 to answer. Total amount of bail, $3,500.

Scientific gentlemen who have examined the method and the art used to effect the alleged object, as set forth in the "obscene libel addressed to married lad