THE CITY.

Thermometer.

JANUARY 16, 1863.	JANUARY 16, 1864.
6 A. M.....12 M.....3 P. M.	6 A. M.....12 M.....3 P. M.
53½.....55.....46¾	28½.....32.....34
WIND.	WIND.
S.....SSE.....W by S	NNW.....NW.....NW
JANUARY 17, 1863.	JANUARY 17, 1864.
6 A. M.....12 M.....3 P. M.	6 A. M.....12 M.....3 P. M.
23½.....28½.....29½	25.....36.....41½
WIND.	WIND.
WSW...NNW...W by N	SSW...SW by W...SW

SKATING.—One needs no better proof to be convinced that the art of skating is properly appreciated in this city, than the eagerness manifested within a week or two past to excel in it by both sexes. The desire has suddenly become a *furore*, and it extends itself among a class who have seldom before ever witnessed others indulge in the sport they now so earnestly crave themselves. The danger which has attended skating has deterred beginners, and it required no small degree of *firmness* on the part of ladies at least to venture, unless when in good skating company. This apprehension has been in great measure removed by the establishment of the park in West Philadelphia, where an opportunity is given to beginners for attaining, without risk or danger, a knowledge of the skating art. This park is under excellent management, and no impropriety is allowed that would in the least render it unsuited for the attendance of females. On Saturday the pond was crowded, and in the evening hundreds skated till the going down of the moon. With a continuances of cold weather, our city would soon become as famous as New York or Boston for its graceful skaters. As the ladies now visiting the park are almost entirely beginners, the following instructions, sent us by an enthusiastic skater with a poetic turn of mind, may be useful to them:

"If any one disposed to learn
Th'art not for Which to many years?
Stand up erect; the ankles stiffen;
Surveying your slight form, screaming, laughing,
And with a proud defiant air,
Strike boldly out—now sere, now there—
Right, left, right, left—but not so wide:
Now stand erect, and swiftly glide.
Now without air or clamor,
Your equilibrium recover.
Now, try again; now this way—that way:
This way—that way—this way—that way:
Let the arms swing free and easy;
Never mind the air so breezy;
In your form the future write
Of some delighted handsome beau.
Watching you as with you go
Over the ice, a very queen
Of grace and beauty. But I ween
That now and then you'll get a fall—
Head, feet, and all—
In quite an interesting "mass,"
But never mind that; it makes a fuss!
Even though you hear from two or three—
Vote very cold the ice must be!"

PARADE OF THE VETERAN 95TH.—This veteran regiment made a street parade on Saturday, and attracted a great deal of attention. The route over which the line passed was crowded with people, and every demonstration of welcome was given the veterans.

The different companies began to arrive at their headquarters, Seventh and Decatur streets, at ten o'clock, and soon after this formed into line and proceeded over a designated route, as announced in *The Press:* Up Market to Seventh, up Seventh to Arch, up Arch to Seventeenth, down Seventeenth to Spruce, down Spruce to Broad, up Broad to Chestnut, down Chestnut to Third, down Third to Spruce, down Spruce to Second, down Second to the Cooper Shop and Volunteer Refreshment Saloons, where a substantial collation was found awaiting them, and to which they did ample justice.

Thede old flag, tattered and fluttering in a hundred shreds, was greeted with cheer after cheer at all points on their route, and created an enthusiasm which moved even the coldest heart.

The following is a list of the officers of the regiment who have again tendered their services:

Captain, C. H. Macfarlan, com'd of battalion.
Captain Francis J. Randall.
Captain George Wcest.
Captain Patrick Egan.
Captain John Harper.
Captain H. Oscar Roberts.
Captain Lemuel Coleman.
Lieutenant Edward McEwen.
Lieutenant James E. Howe.
Lieutenant Wm. J. Reynerald.
Lieutenant Jacob Bisbing.
Lieutenant George P. Wood.
David Gordon, lieutenant and acting adjutant.

DEPARTURE OF A COLORED REGIMENT.—The 8th Regiment U. S. colored troops, numbering seven hundred and eighty men, arrived in this city from the barracks near Chelton Hills, on Saturday afternoon, from which place they marched to Walnut street wharf. Quite a number of their friends, of both sexes, had assembled there to see them off, and the scene at the time of their departure was very interesting, and also brought up sad thoughts of what may happen in the future. The regiment came to Camden in the steamboat *State Rights*, where they were placed in a special train for New York. They were expected to have reached New York yesterday, on the transport steamers Prometheus and City of Bath, bound for Hilton Head, S. C.

The following is a list of the officers of the 8th Regiment:

Colonel—Charles W. Fribley.
Lieutenant Colonel—Nelson B. Bartram.
Major—Loren Burritt.
Adjutant—J. E. Richardson.
Quartermaster—H. E. Burrows.
Surgeon—A. P. Heichhold.
Assistant Surgeons—Michael Breen, Christian Miller.
Chaplain—George A. Rockwood.
Company A.—Captain, George E Wagner; Second Lieutenant, Seth Lewis.
Company B.—Captain, Romanzo C. Bailey; First Lieutenant, James E. Giffin; Second Lieutenant, Joseph Smith.
Company C.—Captain, O. G. Tuck; First Lieutenant, Frank H. Evans; Second Lieutenant, Wilson Lamb.
Company D.—Captain, James S. Cooper; First Lieutenant, Thomas Goldsborough; Second Lieutenant, Elg.
Company E.—Captain, O. S. Pride; First Lieutenant, F. Maiser; Second Lieutenant, W. B. Pease.
Company F.—First Lieutenant, Elijah Steirls; Second Lieutenant, John Reed.
Company G.—Captain, E. A. Pratt; First Lieutenant, Thomas Young; Second Lieutenant, W. A. Brooks.
Company H.—Captain, F. F. Newland; First Lieutenant, George Warrington; Second Lieutenant, James L. Decker.
Company I.—Captain, R. A. Travis; First Lieutenant, C. C. Cone; Second Lieutenant, F. H. Tagsett.
Company K.—Captain, A. G. Dickey; First Lieutenant, O. W. Norton; Second Lieutenant, James J. Thompson.

INTERESTING TO FIREMEN.—The committee of the Board of Directors of the Fire Department are busily engaged in preparing the statistics of the department. The work, when completed, will be interesting to firemen.

The Diligent Engine Company expect to house their new carriage, capable of carrying 500 feet of forcing-hose, in a few days.

The Moyamensing Hose Company made their first appearance in their new equipments (New York style of nats and blouses) on the 4th inst. in New Market street, on Thursday last. The company had thirty men fully equipped, and looked remarkably well in their new uniform.

The *America* Engine Company have purchased a property on St. John street, above Buttonwood, for the purpose of building a stable for the accommodation of their horses and ambulance.

Greatfordett is given to the Northern Liberty Hose Company for their activeness as men, and as firemen in rescuing the children of Mr. Jacob Keeper, at the fire in New Market street, on Thursday morning last.

The Philadelphia Hose Company *ha* purchased a pair of beautiful and serviceable horses for the use of their company in conveying their steamer to fires.

The Independence Hose Company housed a new and comfortable ambulance on Monday last. It is a beautiful production of Philadelphia skill.

The Columbia Hose Company have sold their property on Cherry street, west of Seventh, and intend building a suitable house in one of the principal streets chased by them, on the south side of Race street, west of Eighth, during the coming spring. Their apparatus is at present kept in the old wooden house in the rear of Seventh street, below Cherry.

GENERAL SCOTT MEDALS.—The entertaining scene of the presentation of two silver medals, as prepared by the Scott Legion, took place on Saturday evening, at Major Caspar M. Berry's headquarters, on Sixth street, below Chestnut. The medals are of pure silver, and were presented by Captain O. G. Jones, president of the Legion, at the instance of Captain Wm. William P. Smith, of the 60th, to Lieutenant Henry F. Young, of the 28th Pennsylvania Volunteers, who represented these regiments, to Captain William F. Berry, of the 71st Regiment P. V., and to Lieutenant Caspar M. Berry, in the same service in the Mexican campaign.

Captain Small, who is always pleasant in speechmaking, on receiving the medal, returned thanks for the honor conferred upon him by his comrades of former days. He had done his duty as a citizen should who loved and revered the sacred flag of the Union. He could still see its bright stars peeping out amid the clouds of war, and he felt quite sure that the bright sun of our great Republic would shine forth at no distant day in its wonted splendor, and thus illumine the entire world with American glory.

The second medal was presented to Lieut. Berry, who, with his native modesty, replied in a neat and appropriate manner.

The speeches were frequently applauded. Among the invited guests were a number of military gentlemen, now in the service of the country. Some of the 28th boys were present, who fought under Colonel Small, and subsequently under Major Berry at the great battle of Williamsburg, and the subsequent struggles on the Peninsula.

DEATH OF HENRY BIRD.—At a special meeting of the Board of School Directors of the Seventh School section, held the 16th inst., Charles Williams, Esq., president in the chair, and Penrose Fell, secretary, the following preamble and resolutions, offered by Geo. Inman Riche, Esq., were unanimously adopted:

Whereas, Henry Bird, whose active membership of the Board of School Directors for the Seventh section had ceased about two years, within that short time, been stricken by the hand of death; therefore, be it

Resolved, That the members of the Board hold his memory in such affection and reverence that they cannot refrain from an expression of their sincere sympathy experience at his sudden demise. His kindness, his benevolence, his sagacity, and fidelity to principle had so endeared him to directors, teachers, and scholars, before ever witnessed others indulge in the sport they now so earnestly crave themselves. The danger which has attended skating has deterred beginners, and it required no small degree of *firmness* on the part of ladies at least to venture, unless when in good skating company. This apprehension has been in great measure removed by the establishment of the park in West Philadelphia, where an opportunity is given to beginners for attaining, without risk or danger, a knowledge of the skating art. This park is under excellent management, and no impropriety is allowed that would in the least render it unsuited for the attendance of females. On Saturday the pond was crowded, and in the evening hundreds skated till the going down of the moon. With a continuances of cold weather, our city would soon become as famous as New York or Boston for its graceful skaters. As the ladies now visiting the park are almost entirely beginners, the following instructions, sent us by an enthusiastic skater with a poetic turn of mind, may be useful to them:

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Th'art not for Which to many years?
Stand up erect; the ankles stiffen;
Surveying your slight form, screaming, laughing,
And with a proud defiant air,
Strike boldly out—now sere, now there—
Right, left, right, left—but not so wide:
Now stand erect, and swiftly glide.
Now without air or clamor,
Your equilibrium recover.
Now, try again; now this way—that way:
This way—that way—this way—that way:
Let the arms swing free and easy;
Never mind the air so breezy;
In your form the future write
Of some delighted handsome beau,
Watching you as with you go
Over the ice, a very queen
Of grace and beauty. But I ween
That now and then you'll get a fall—
Head, feet, and all—
In quite an interesting "mass,"
But never mind that; it makes a fuss!
Even though you hear from two or three—
Vote very cold the ice must be!"

HOSPITAL ITEMS.—Catharine Hughes, between six and seven years of age, was run over by a railroad car at Pennsylvania avenue and Twentieth street, on Saturday afternoon. Both of her legs were shockingly fractured. The unfortunate child died from her injuries yesterday.

Cornelius Maione, aged nine years, was admitted into the hospital with *one* of his hands mashed by the tilting of a cart. He will lose one of his fingers.

James O'Rourke, aged fourteen years, had the forefinger of his left hand severed by a straw-cutting machine, on Christian street, above Eleventh, on Saturday afternoon. He was also admitted into the hospital.

A colored lad named Thomas Frisbe, aged fourteen years, was admitted yesterday with the left side of his head badly cut. The injury was received at the colored church, on Sixth street, above Lombard, when he and another boy disputed about a seat, when the other one drew out a knife and cut him. The lad who committed the act was arrested.

A woman named Sarah Walker, aged forty-four years, was also admitted. She was suffering badly from burns received by her clothes taking fire from a coal oil lamp which she was lighting. Her child, who was in the room at the time, also caught fire and was seriously burned. She was brought to the hospital on account of her case being helpless. The accident took place at No. 1824 *Wood* street.

THE GOVERNMENT BOUNTY.—The large bounty recently paid to volunteers by the Government has again been resumed, which, with the city bounty, of two hundred and fifty dollars, amounts to a considerable sum. Persons desirous to enlist for three years or the war, need have no fear as to their not receiving either of the bounties as they are actually being paid. Capt. Cadwalader, on Chestnut street, above Sixth, is the general recruiting officer for enlistments in regiments. Forty-four men recruited by him during the past week received the city bounty on Saturday. They will be sent to the barracks at Twenty-second and Wood streets to-morrow.

ACCIDENTALLY SHOT TO DEATH.—On Saturday afternoon the Coroner held an inquest on the body of a man named Joseph P. Rickards, who was accidentally shot by Peter McAvoy, saveryman, corner of Front and Reed streets. It seems that Mr. McAvoy was handling a pistol, when it accidentally went off, the ball from which entered the lower part of the stomach of Mr. Rickards. Death ensued on Friday afternoon. The verdict rendered by the jury exonerates Mr. McAvoy from all blame.

TESTIMONIAL.—The Philadelphia Association, an organization for the relief of sick and wounded soldiers, will have a grand ball and supper given to them on the evening of February 2d, at the grand ball which is then to take place at the Academy of Music. This, it is hoped, will be a success, the lady friends of the organization, who feel a lively and patriotic interest in every effort made to ameliorate the condition of the gallant men who have so bravely battled to sustain the honor and glory of the Republic.

PRESENTATION TO THE GOVERNOR.—A committee, on behalf of fifty-six citizens of the State of New York, will present to Governor Curtin a copy of Audubon's Natural History to-morrow. It is bound in two volumes, one of quadrupeds and the other of birds. The cost in getting it up in such a splendid style was $400.

JOHN B. GOUGH.—Our readers will remember that the sale of tickets for Mr. Gough's lecture will begin this morning at 9 o'clock, at Stetson's, 606 Chestnut street. Persons wishing good seats should apply early.

BROKE OUT AGAIN.—The large fire which occurred on Thursday last, at New Market and Germantown avenue, broke out again yesterday morning. The neighboring companies were in service, and extinguished the flames.

LEG BROKEN.—A woman named Ann Hague fell on the ice at Elm and Girard avenue, on Saturday evening, and broke her leg. She was taken to her residence by Officer English.

The indirect Ash Tax.

To the Editor of The Press:

SIR:—In a very reasonable suggestion of a correspondent in this morning's *Press*, with others, to compone any relief for the pavements or yards under their burden of ash-heaps. It is often observed that the ashmen've been in a hurry, and to make further nuisance of that sort the obstinacy with which it is continued is doubled. *Ten* loads of coal are dumped where *one* should be, now where *one* was dumped before somebody introduced an ordinance to forbid it.

Again, there is a large revenue derived from the neglect of the authorities to remove the ashes. The cart-men go about, and at first sake five cents a load, then a second, second, and for the rest of the game, they said the money was to go to the soldiers' *Yesterday* they called at a back gate, of which your correspondent has the control, and proposed to take them at 12½ cents a barrel. But the woman understood that the city was now going to do the job, and declined, whereupon they affirmed with confidence that it "was no sich a thing," and so they took two barrels for twenty cents. Now, if some scorps of men are getting their living in this way, why not deduct from the tax bills whatever each housekeeper pays, and so make it easy all around?

A HOUSEHOLDER.

JANUARY 16, 1864.

LEGAL INTELLIGENCE.

Supreme Court at Nisi Prius in Equity—Before Chief Justice Woodward, and Justices Thompson, Strong, Read, and Agnew.

INJUNCTIONS IN THE CASES OF ENNEBLER VS PROVOST MARSHAL LANE ET. AL., SMITH VS. SAMS AND NICKELS VS. LEHMAN ET. AL., DISSOLVED, —CONSTITUTIONALITY OF THE DRAFT ACT AFFIRMED.

On Saturday, in the cases wherein preliminary injunctions had been granted in November last, at Pittsburg, restraining Provost Marshals Lane and Lehman from proceeding with the execution of the conscription act, so far as concerned certain persons who had been drafted, Judge Strong, in cases mo-tions to dissolve the injunctions had been made and agreed, Mr. Justice Strong delivered the opinion of a majority of the court, granting the motions and dissolving the injunctions.

Concurring opinions were also delivered by Justices Read and Agnew.

Chief Justice Woodward and Justice Thompson dissented at length, dissenting opinion having been read by the former.

The opinion of the court by Judge Strong, which is an able and thorough exposition of the law of the case, we publish in full.

OPINION.

Kneedler vs. Lane *et alias*, Smith vs. Lane *et al.*, Nickels vs. Lehman *et al.* Motion to dissolve the preliminary injunction.

Opinion by Strong J. When the motions for preliminary injunctions were made in these cases, and all the Judges of the Supreme Court were invited to hear the argument, and advise what orders should be made in the premises, I was of opinion that there was no equity in the complainants' bills, and I advised that the injunctions asked for should be denied. I thought then, as I still think, that the act of Congress of March 3d, 1863, under which the defendants were acting, is constitutional, and therefore that they were entitled to the protection of the writs commanded, or had been exempted, before the injunctions were issued. Other members of the court, however, differed from me, and as they were, in accordance with the opinion of a majority of the Judges of the Supreme Court, and upon their judgment, that the act of Congress is unconstitutional, they hold out to every drafted man a temptation which I believe it is the province of the courts to resist, and which it is not denied that, if the decision of Congress were unconstitutional. The facts charged exhibit no case for the interference of a court of equity. No chancellor ever enjoined in such a case. Indeed, it has never before been supposed that he has any jurisdiction to stay the wrong (if it be a wrong) as these complainants ask to be restrained. Entertaining the whole of the two arguments to which I have listened, and the opinions of the original motions, and the other against the preliminary motions to dissolve the injunctions, I have heard no reference to authority, nor to any principle that a court of equity has any right to interfere in such a case. There is no authority of the kind can be found. Reference has been made to our act of Assembly of June 16, 1836, which confers upon this court, and the several Courts of Common Pleas power to "grant such writs of injunction or continuance of acts contrary to law, and proceedings which may affect the interests of the community or the rights of individuals;" but until now it has never been supposed that this act extends the prerogative writs of the courts beyond that possessed by any English chancellor. No one has ever dared to assert that every civil wrong may be restrained by injunction, and that a judge sitting in equity can enjoin against a crime, or that a common law court and jury can redress. It was jurisdiction and power to this effect that the Legislature intended to bestow upon our courts; and if it has never been previously claimed that they bestowed more than is possessed and exercised by courts of equity in England and in other States, it is because, before these cases, such an injunction ever granted to restrain the commission of a merely personal tort? What chancellor ever asserted his jurisdiction and power? It was hinted, in the argument, that the power must be vested in this court, because the privilege of the writ of habeas corpus, either by Congress or by the courts of certain cases. The hint will not bear examination. How can the suspension of the writ of habeas corpus, either by Congress or by the heads of the Federal Government, enlarge the jurisdiction of this court? Or how can the restoration of this privilege certain the jurisdiction of the courts? The extent of the powers of every court in this State is defined by State law. It is not in the power of Congress to enlarge it, either by direct or indirect legislation. Besides, if the suspension of the privilege of the writ of habeas corpus could confer upon a State court a power to enjoin against an arrest, (a power which, without the suspension, it would not possess), then the Constitution of the United States, in authorizing it in cases of rebellion or invasion, when the public safety may require it, has merely conferred a habeas corpus into an injunction, and substituted a bill in equity for a common law writ. Then the object sought to be accomplished by the constitutional provision has utterly failed. Manifestly, the Constitution contemplates the possible necessity of arrests without the interference of courts in times of rebellion or invasion, and it has provided for such cases by authorizing the arrest of the privilege of the writ of habeas corpus. But what does this amount to, if the very act of to sing away the writ leaves the powers of State courts of equity, and justifies them in interfering to prohibit the arrests. I will not, however, pursue this subject further. I mention it as all only because I would not have it thought that I admitted the power of this court to interfere by injunction, even if the defendants proposed wrongfully to force the complainants into the military service of the United States.

When the injunctions were ordered in these cases, I endeavored to show that the act of Congress of March 3, 1863, is Constitutional; that, consequently, the wrong which the complainants fear is not one they have no equity. I have heard nothing since which has raised in me a doubt of the correctness of the opinion I then expressed. Very much might be added to what I said in vindication of the Constitutional power of Congress to enact the law, and in refutation of the objections which have been made to it, but it would be unjustified in entering again upon a discussion of that subject before these cases come up for final decrees.

It was strenuously insisted at the argument, that the present motions should not be entertained, because the defendants have not answered. The bill, nor put in an answer, nor presented affidavits denying the facts averred, and because the cases stand now as they stood when the orders for the injunctions were made. It is said a preliminary injunction will not be dissolved until an answer has been put in, or, at least, until affidavits on the part of the defendants have been filed. In answer to this, it may be said that whatever may be the extent of the rule relied upon in opposition to these motions, it is still but a rule of practice existing for the relief of the court, and not for the protection of complainants. The preliminary injunction is entirely at the discretion of the court. It is not a thing of right. Complainants cannot demand it. It is always granted or dissolved according to the will of the chancellor, and if at any stage of the cause he sees fit to dissolve it, no right of the complainant is taken away. Behind the general rule to be that when no answer, it must be supported by affidavits on the part of the defendant in answer to those upon which the injunction was obtained. Decisions to this effect may be found in any number. But the rule is applicable only to cases where the *facts* averred in the bill and special affidavits of the complainants are disputed. It has no relation to cases where the facts charged in the complainant's equity, not in the evidence of his facts. More frequently a motion to dissolve an injunction is based upon a denial of the facts charged in the bill, but a defendant may move to dissolve it on the sole ground of want or equity in the bill. Minturn vs. Seymour, 4 Johns. Chs., 173; Canal Company vs. Railroad Company, 4 Gill & Johnson, 7. When the motion is made for such a reason it need not be supported by affidavits, and a bill requiring such support would be absurd. The facts all appear in the bill of the complainant. They are not controverted. Nothing is in issue but the equity arising out of conceded facts, and affidavits either asserting or denying that would be a novelty indeed. Neither courts of law or courts of equity, in any case, require the law or the equity to be made to appear by affidavits. The decision cited in support of the rule of practice referred to have no relation to such cases as the present, which are motions to dissolve injunctions for want of equity in the bill. They could not have been cited unless the distinction between the cases of which make an equity and the equity itself had been overlooked. Thus, in the case first above cited, Chancellor Kent allowed a motion to be made to dissolve an injunction granted by himself, for the want of equity in the bill, though the defendant had not answered. Nor does it appear that he had submitted any affidavits. And in the Canal Company vs. Railroad Company, above cited, it was said by Chancellor Bland, in reference to a motion to dissolve an injunction, that "if it should appear the facts as stated in the bill, looking to the bill alone, gave rise to no equity, it is very certain that the injunction would be dissolved, whether the defendants had answered or not, or however imperfectly they might have answered." The contest in these cases relates solely to the question whether the complainants have any equity on their own showing. Clearly they have not, if the act of Congress is constitutional. Now, it is not denied that, if the defendants, before these motions were made, had put in answers admitting all the facts charged in the bills, as they might have done, it would be the duty of the court to dissolve the injunctions, or refuse to raise no equity in favor of the complainants, and that such a course would be perfectly regular. In what particular would the consequence of the court be better informed, had such answers been put in, than it is now? At most, then, the objection urged with so much vehemence to dissolving the injunctions, the objections that the cases stand now as they did when they were granted, is but the minutest technicality, and is proposed in the furtherance of justice, but to defeat it. In truth, however, it does not rise even to the dignity of a technicality, for the complainants have not upon their own showing a ground for any relief whatever. The motions to dissolve must be granted.

Nor ought it to be overlooked that the orders for the injunctions were in their nature extraordinary and unprecedented. When before was it that Congress ever declared unconstitutional by a State court, and declaring upon a motion for an interlocutory order? A just respect for the Government under which we live demands that, if there was a mistake in such a matter, the earliest possible opportunity for its correction under cover of a rule adopted only for the protection of the irresponsible. I may add that in other cases there has been no hesitation in the entertainment of applications for the corrections of mistakes into which errors of the Court in banc has been supposed to have fallen. This motion in banc has been was entertained in the Supreme Court to change a decree made by the Court at Pittsburg at October term last. It was supported by no affidavits, and there was a denial of anything that could be verified by affidavit but upon a want of equity in the bill, and to such motions the rule requiring affidavits in support does not apply. The motions were made in the regular course of practice, and were heard and decided upon the bills and answers. Other cases there have been no hesitation in the entertainment of applications for the corrections of mistakes into which errors of the Court in banc has been supposed to have fallen. This motion in banc has been was entertained in the Supreme Court to change a decree made by the Court at Pittsburg at October term last. It was supported by no affidavits, and there was a denial of anything that could be verified by affidavit but upon a want of equity in the bills