THE DAILY GAZETTE:
PUBLISHED BY
PENNIMAN, REED & CO.,
Office, 84 and 86 Fifth Avenue.
F. B. PENNIMAN, JOSIAH KING.
T. P. HOUSTON, E. P. REED,
EDITORS AND PROPRIETORS.
TERMS OF THE DAILY.
By mail, per year.....$8.00
Delivered by carriers, per week.....15 cts.

The Pittsburgh Gazette.

VOL. LXXXV. PITTSBURGH, MONDAY, FEBRUARY 8, 1870. NO. 33.

THE WEEKLY GAZETTE
Is the best and cheapest commercial and family newspaper published in Western Pennsylvania. No farmer, mechanic or merchant should be without it.
TERMS:
Single subscribers.....$1 50
Clubs of five.....$3
Clubs of ten.....$1 15
A copy is furnished gratuitously to the getter up of a club of ten. Postmasters are requests to act as agents.
Address,
PENNIMAN, REED & CO.,
Proprietors.

FIRST EDITION.

MIDNIGHT.

HARRISBURG.

Pennsylvania Legislature.

Extension of Allegheny City to Woods Run—Plan to Diminish State Debt—Extension of Charter of Erie Canal Company—History of Pennsylvania Volunteers.

(Special Dispatch to the Pittsburgh Gazette.)
HARRISBURG, February 7, 1870.

SENATE.

BILLS INTRODUCED.

By Mr. GRAHAM: Bill for the extension of Allegheny City, which annexes all that part of McClure township beginning at the car stables, taking for boundary all south of the railroad track from the Manchester line, now a ward in Allegheny City, to Jack's run in McClure township.

Also, a bill for the better prosecution of disorderly persons in Sharpsburg.

By Mr. WARFEL: A bill to diminish public indebtedness, which authorizes the Sinking Fund Commissioners to lend out all money and receive interest from the highest bidder, secured by State or United States bonds, and the Commissioners may sell all State securities and buy up the public debt with the proceeds.

By Mr. HOWARD: Validating certain deeds to bar estates tail in Allegheny county.

BILLS PASSED.

The Senate bill authorizing railroad companies to lease or become lessees passed finally.

Mr. KERR called up his bill relative to the Petroleum Railroad Company. Passed finally.

Mr. WHITE called up his bill relative to attachments. Passed second reading.

Mr. WHITE called up the Senate supplement to act for the entry of lieu lands for collection of balances. Passed second reading.

HOUSE OF REPRESENTATIVES.

BILLS INTRODUCED.

By Mr. JOHNSON, of Crawford: Extending the charter of the Erie Canal Company, providing that whereas it might benefit Pennsylvania to have the Erie Canal enlarged to pass boats of five hundred tons burthen between Erie and Pittsburgh, therefore be it enacted, that the charter of the Erie Canal Company is hereby extended from the terminus of the canal at the mouth of Beaver river in Pittsburgh, with power to construct a canal on either bank of said river, and locks, dams and other works on said river, and maintain slack water navigation on the Ohio and such portions of the Allegheny and Monongahela rivers as may be necessary to form navigation within the limits of Pittsburgh of not exceeding eight feet on the lower outlet lock of the Monongahela Navigation Company; provided that the locks shall not exceed 350 feet in length and 75 feet in width; that no tolls shall be charged on boats not using locks; the amount for which mortgages may be issued on the canal is increased to six million dollars at seven per cent.

By Mr. BOWMAN: Urging Congress to accord belligerent rights to Cubans.

BILL PASSED.

The bill appropriating eight thousand five hundred dollars for the completion of the History of the Pennsylvania Volunteers passed finally, cut down to eight thousand.

NEW YORK CITY.

Effect of Legal Tender Decision—Kit Burns' Rat Pit—Immense Revenue Fraud, &c., &c.

(By Telegraph to the Pittsburgh Gazette.)
NEW YORK, Feb. 7, 1870.

THE LEGAL TENDER DECISION.

The Supreme Court decision on the legal tender question was the great subject of discussion in financial circles this afternoon. The decision, as understood in Wall street, is that the legal tender act was justified by the war, but that Congress had no power to issue any more legal tender notes, and that all contracts made before 1862 are to be paid in coin. In this shape the decision is certainly a very important one, but its influence on values was remarkably slight. The decision makes some hundreds of millions of railroad bonds and an immense aggregate of State and city bonds payable in coin, both principal and interest, the interest of which for eight years has been paid in greenbacks. Payments of interest on principal since 1862 having been accepted by the creditors, will not be affected by the decision, except in cases where money has been accepted under protest, or accompanied with a demand for gold, which cases are, of course, very exceptional. It is, perhaps, not improbable that some of the poorer States with heavy debts, as North Carolina and Tennessee, being unable to provide for their debts even on a currency basis, may be driven by this decision into open repudiation, placing the action of the Supreme Court as imposing on them obligations which they could not honor.

The price of gold advanced in the morning on private telegrams from Washington, to the effect that the decision would be in favor of all contracts made before 1862 being payable in coin, but when the other part of the decision came out, this afternoon, the price of gold declined, from the fact that Congress under the decision cannot issue any more legal tenders.

REPLACED ON CALL.

The officers of the Chicago, R. I. and Pacific Railroad have agreed to give a formal engagement to observe in future all rules of the Stock Exchange, relative registration of stock and notification of all new issues of shares, or of convertible bonds, and this being all that is required by the Governing Committee conditionally to the replacing of stock on again restored to its former position on the Stock Exchange.

IMMENSE FRAUDS.

The arrest of A. Stevens, an ex-United States Inspector and Gauger, appears to have been made in St. Louis by officers from this city. It is said the frauds perpetrated by Stevens and a number of business men here will aggregate to $2,000,000. In one case of 500 barrels of proof spirits, the Government is said to have received only $1,000, where it was entitled to $25,000. Stevens was brought to New York and has been committed to answer.

KIT BURNS' RAT PIT.

The inauguration of Kit Burns' rat pit at the Water street mission took place to-day. Bishop Jones, Rev. Mr. Tyng, Jr., and others, delivered addresses. Burns still runs the liquor saloon next door, through which the ministers were obliged to pass in order to reach the mission house.

COMPROMISE OF FELONIES.

In the Court of Oyer and Terminer today, Judge Ingraham charged the Grand Jury that all agreements with persons who have committed felonies not to prosecute them if they return portions of stolen property, are illegal, and the offenders should be brought to trial.

PICTURE SALE.

The sale of the Thompson collection of pictures was opened to-day. The bidding was spirited, and the prices, although low, were fair for the poor pictures which were offered.

OFFER TO RETURN.

Col. Rockefeller, of the Seventy-first Regiment, has received from an official in Richmond, a tender of the return to his regiment of two howitzers captured from it at Bull Run in 1861.

—Five inches of snow fell at Louisville yesterday after two P. M., and the storm continued last night.

FORTY-FIRST CONGRESS.

(SECOND SESSION.)

(By Telegraph to the Pittsburgh Gazette.)
WASHINGTON, Feb. 7, 1870.

SENATE.

Mr. MORTON presented resolutions of the Georgia Legislature accepting the conditions recently imposed by Congress, by changing the State Constitution and also ratifying the 14th and 15th Amendments.

Mr. FERRY remarked that inquiry already had been directed to be made whether the present Legislature of Georgia was a legally organized body.

Mr. EDMUNDS said the present investigation of the Committee would embrace that question.

Mr. EDMUNDS, from the Committee on Pensions, made a report upon various petitions from soldiers of the war of 1812, for a change of the law by which they may be entitled to pensions. He stated that the weight of our taxation, caused by the payment of pensions to disabled soldiers, was so great that in the opinion of the Committee the Government would not be justified in enlarging the pension list for men who were not disabled.

BILLS INTRODUCED.

By Mr. TRUMBULL: More effectually to provide for the execution of the charge for the protection of owners of trade marks.

Resolutions were introduced by Mr. TRUMBULL requesting the Attorney General to furnish information concerning charges against the U. S. marshal for the Southern District of Illinois. Adopted.

By Mr. BAYARD, requesting the Postmaster General to report by whom the draft of the petition for the abolition of the franking privilege was prepared, by whose order and at whose expense, etc. Mr. CHANDLER objected and the resolution laid over.

Mr. McDONALD, from the Committee on Pensions and Post Roads, reported favorably without amendment, the bill to encourage the establishment of a line of steamships under the flag of the Union for the conveyance of United States mails to European and Asiatic Europe, and for reducing the rates of postage.

Mr. HOWARD, from Committee on Pacific Railroad, reported with amendment the bill to amend the act of July 21, 1866, granting lands to aid the construction of railroads from Missouri and Kansas to the Pacific coast by the southern route. It provides that if the Atlantic and Pacific Railroad Company shall complete the road to the western boundary of Missouri by June 10th, 1872, the same shall be held to be a compliance with the conditions of laid act, but the United States shall secure to the company the right of way over the lands granted thereby and occupied by Indians.

Mr. OSBORN, from the Committee on Public Lands, reported with amendments, a bill granting lands to aid in the construction of certain railroads in Florida.

Mr. CHANDLER, from the Committee on Commerce, reported a bill with an amendment, amendatory to the act fixing certain rules and regulations for preventing collisions on water.

Mr. COX introduced a bill to amend the act authorizing the establishment of ocean mail steamship service between the United States and Hawaiian Islands and to extend the same to Australia.

Mr. FENTON introduced a bill to provide additional commercial and postal facilities in the port of New York. Referred to Committee on Post-office and Post-roads. It incorporates Marshall O. Roberts and associates a company to construct a submerged tube or covered way from New York city to the New Jersey shore opposite, to be used for railway purposes. All railway companies are to have the use of said tunnel on equal terms.

Mr. STEWART introduced a bill extending the provisions of the civil rights act and for the enforcement of the XVth Amendment. Referred to Judiciary Committee.

Mr. SUMNER offered a resolution, which was agreed to, directing the Secretary of the Treasury to report the several dates of bonds issued to the Pacific Railroad Cos, aggregate amounts issued and dates payable, also the character of the bonds held in the Treasury on February first as belonging to the Sinking Fund, as also of the bonds purchased and held subject to action of Congress.

On motion of Mr. TRUMBULL, the Senate took up the bill to relieve from importunity and to preserve the independence of the several Departments of the Government. He explained that the bill originally prohibited recommendations to office by members of Congress, unless in writing, and at the request of the appointing power. The Judiciary Committee believing this restriction would be evaded by members throwing themselves in way of being asked to make recommendations, and further the abuses complained of would not be corrected, had attempted to make the bill more effective by prohibiting recommendations entirely.

Mr. POMEROY said the bill would prevent a member from stating his opinion, even when requested so to do by the Executive, in regard to the character and fitness of a member.

Mr. TRUMBULL replied that the bill did not propose to prohibit a member replying in whatever manner he chose to a communication from the appointing power. If asked in regard to an individual, a member might state his opinion.

Mr. SCHURZ believed reform in the civil service was desirable, but it should be upon a better basis than that proposed, for the effect of this bill would be merely to transfer the right to make a recommendation to office from the lighter to the lower class of politicians, to the greater injury of public interests.

Mr. HOWARD recognized the extent of existing abuses, but considered the bill of too sweeping a character. The President necessarily would have to rely upon somebody in making appointments. The members of Congress were perhaps least fitted to act as his advisers.

Mr. WILLIAMS proposed to prohibit judicial, military and naval officers, as well as members of Congress, from recommending applicants, and submitted an amendment to that effect.

The morning hour expiring, the bill was laid aside in order to proceed with the Census bill.

The House bill was read at length, and also the amendment of the Senate Committee, simply directing the Secretary of the Interior to so change schedules and blanks to be used in enumerating the inhabitants of the United States in 1870 as to make the same conform to the customs of the United States.

Mr. CONKLING advocated at length the proposed substitute reported by the Senate Committee, to take the census under the act of 1850.

Mr. SUMNER followed in support of the House bill, claiming that the difference in the expense between the two systems was very immaterial.

Mr. CORBETT, from the Committee on Commerce, reported without amendment the bill to encourage telegraphic communication between the Eastern and American and Asiatic Telegraph Company the exclusive right for fourteen years to conduct and maintain a submarine cable to Asia, commencing at a point south of Cape San Juan, in Washington Territory, and provides for detailing United States vessels to assist in the prosecution of the enterprise.

Mr. WILSON, from the Committee on Military Affairs, reported a joint resolution to give the National Soldiers' Asylum a certain fund arising from fines and forfeited bounties.

At 3:30 a message was received from the House announcing the death of representative Hoge, of Ohio.

After short addresses by Messrs. Sherman and Thurman, and the adoption of resolutions of respect for the memory of the deceased, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Bills were introduced and referred as follows:

By Mr. MORRILL, Maine: To aid the construction of sea-going vessels, steamboats and ships, by allowing a drawback of duties on materials, ninety per cent. on home industries and eighty-five per cent. on foreign productions.

By Mr. SCHOFIELD: To except from the law abolishing the franking privilege the circulation of weekly newspapers within counties where published.

By Mr. GETZ: To allow all newspapers and periodicals published within the United States to be transmitted through the mails free of postage when sent from the office of publication to actual and regular subscribers.

By Mr. KELLY, Pennsylvania: To promote the establishment of an international metrical system of coinage.

By Mr. RIDGWAY: For the repeal of the act prescribing an oath of office; also, relieving political disabilities from the people of Virginia.

By Mr. BUCKLEY: Requiring a uniform railroad gauge in the United States.

Also, removal of political disabilities in North Carolina.

By Mr. WALKER: To discontinue the Freedmen's Bureau.

Also, amendatory of the act establishing a department of education.

By Mr. STEVENSON: To amend bankruptcy act, so as to extend the time for suits by and against assignees and for proceedings to set aside the order of discharge.

By Mr. ARNELL: To give female employes of the Government the same compensation as men in like positions.

By Mr. JUDD: To incorporate the National Irish Emigrant Association.

By Mr. ASPER: To amend the act for a bridge across the Missouri river at Fort Leavenworth.

By Mr. STRICKLAND: For the acceptance by the Government of St. Mary's Falls ship canal.

By Mr. SMYTHE, of Iowa: To aid the construction of a railroad from St. Cloud, via Sauk Valley, to the Western boundary of the State.

By Mr. TAFFE: Granting land to aid the construction of a railroad from Sioux City, Iowa, to Columbus, Nebraska.

Also, to reimburse Nebraska for expenses incurred in Indian hostilities in 1867 and 1869.

By Mr. SPINK, Dakota: Granting lands for a railroad from Springfield on Yankton, Dakota, to Rock River, Iowa.

By Mr. HAWLEY: Authorizing the Secretary of War to have the Rock Island bridge constructed for a single track railroad only, and to place the wagon track upon the railroad track, the expenditure not to exceed $1,000. Passed.

The following resolutions, offered last Monday by Mr. McCLELLAN, came as the next business in order:

Resolved, That the power granted in the Federal Constitution to levy and collect taxes, duties on imports and excises, to pay the debts and provide common defense and general welfare of the United States, does not include or authorize any power to levy duties for any purpose other than the collection of revenues for such as thereby indicated; that a tariff levied for any purpose other than revenue, and especially one levied to foster and encourage one section of our country at the expense of another, or to foster and enrich one class of citizens at the expense of others, is unauthorized by the Constitution, unjust to the great body of the American people, and in its results must close eventually or nearly every individual industry of this country.

Resolved, That in the preparation of the bill for the modification of the existing tariff laws, Congress should confine its action strictly to the preparation of a tariff for revenue exclusively, and that duties on no articles should be greater than that which would give the maximum of revenue on such articles.

The question was on Mr. Kelsey's motion to lay on the table, which was carried. Yeas 89, nays 72, as follows:

Yeas—Messrs. Antieler, Ames, Asper, Banks, Beaman, Bennett, Benton, Bingham, Blair, Boles, Boyer, Brooks, Buckley, Buffington, Burdett, Cake, Churchill, Clarke, Cobb, (Wis.) Conger, Dawes, Dickson, Dubuc, Duval, Ela, Ferris, Ferry, Fisher, Gilfillan, Gove, Hamilton, (Fla.) Heaton, Hawley, Hoar, Hoge, (S. C.) Hotchkiss, Jenckes, Kelley, (Pa.) Kelsey, Kerr, Kitchen, Knapp, Lafin, Lash, Lisch, Lynch, Maynard, McCrary, McCue, Metcalfe, Moore, (O.) Moore, (N. Y.) Morris, (Pa.) Morrill, (Me.) Myers, Negley, O'Neill, Paine, Palmer, Phelps, Poland, Prosser, Roots, Sanford, Schenck, Scofield, Sheffield, Shellabarger, Sherwood, Smith, (Ill.) Smith, (Va.) Starkweather, Stevens, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Tillman, Trimble, Van Horn, Ward, Washburne, (Ill.) Washburn, (Mass.) Washburn, (Wis.) Wilkin, Whitemore, Willard, Williams, Wilson, (O.) and Witcher—89.

Nays—Messrs. Adams, Allison, Archer, Arnell, Axtell, Beatty, Beck, Boutwell, Boggs, Bird, Beaker, Brooks, (N. Y.) Burchard, Butler, (Tenn.) Callkin, Coburn, Cox, Cullom, Dawes, Deweese, Dickinson Dockery, Dox, Finkelnburg, Getz, Gilfillan, Galloway, Grinnell, Haight, Hamblin, (Maryland,) Hamill, Hawkins, Hay, Ingersoll, Johnson, Jones, (Kentucky,) Judd, Julian, Kerr, Knott, Lawrence, Marshall, Mayham, McCormick, McCrary, McKenzie, McNeely, Niblack, Orth, Packard, (Indiana,) Pomeroy, Reading, Robinson, Rice, Schumaker, Shanks, (Ind.) Sherrod, Slocum, Smythe, (Iowa,) Stevenson, Stiles, Stone, Strouse, Swann, Sweeney, Trumble, Tyner, Vanauken, Van Trump, Wells, Wilson, (Minn.) Winans, Winchester, Wood and Woodward—77.

A motion to reconsider was tabled—yeas 91, nays 39.

Mr. BINGHAM introduced a bill amendatory of the laws relating to the rates of postage, making letter postage uniform, and one cent for every additional half ounce or fraction thereof; making postagen newspapers or periodicals issued daily, weekly, monthly, or other periodicals, one cent, where not exceeding four ounces in weight, and one cent for every additional ounce or fraction; papers circulating in the State and Territory where published, or within one hundred miles of the place of publication, to be exempt from the payment of postage, and exchanges between publishers to be free; postage on letters and unsealed circulars to be one cent and one cent for each additional half ounce or fraction thereof; on manuscripts intended for publication, not exceeding two ounces in weight, to be three cents postage and one cent for every additional ounce. The second section makes it the duty of the Postmaster General to establish a uniform and moderate box rental.

Mr. BECK introduced a bill to authorize the Government to adopt all patents and copyrights for any purpose on such terms as may be agreed upon.

Mr. CULLOM offered a resolution calling on the President for the correspondence with the Spanish Government and American Minister at Madrid in relation to Cuban affairs, with such information as may be in his possession touching the present position of the struggle for independence in that island. Adopted.

Mr. SARGENT, from Committee on Appropriations, reported the Indian appropriation bill, and briefly explained it. It appropriates $3,063,930 against $2,327,781 last year, the amount estimated for the war, $5,048,334, being $1,950,404 more than amount applied. The bill was made the special order for Friday next.

Mr. DICKEY asked leave to report from the Committee on Appropriations, and have put upon its passage, the bill authorizing the indemnity fund received from the Governments of China and Japan to be conveyed into the Treasury.

Mr. BANKS objected, stating the question had been referred to the Committee on Foreign Affairs.

Mr. DICKEY moved to suspend the rules. Not agreed to—yeas 81, nays 84.

Mr. LAFLIN offered a resolution, declaring it a wasteful expenditure to continue the publication in the *Globe* of petitions against the franking privilege, as issued under the direction of the Postmaster General.

Mr. MAYNARD objected, protesting against an attempt to suppress public opinion.

Mr. LAFLIN moved to suspend the rules. Agreed to, and the resolution went over, as unfinished business.

After minutes before three, Mr. MORGAN arose to announce the death of his colleague, Truman H. Hoag, of Ohio, and offered the usual resolutions of condolence and respect.

After remarks in honor of the deceased member by Messrs. Morgan, Bingham and Woodward, the resolutions were adopted.

Messrs. Dickinson, Beatty and Arnoldy, of Ohio, Winchester, of Kentucky, and Williams, of Indiana, were appointed a committee to accompany the remains to Ohio, and the House at three o'clock adjourned.

Strike of Railroad Laborers.

(By Telegraph to the Pittsburgh Gazette.)
OIL CITY, February 7.—Owing to the reduction of wages from two dollars to one and three quarters per day, a large portion of the laborers on the Jamestown and Franklin Railroad struck last week. They are being paid off to-day. The strikers threaten to force every man to quit work, several hundred in number. At 4 o'clock this afternoon it looks as if they meant business. The foremen of those who remained at work have advised the men to quit work for their own safety.

SECOND EDITION.

FOUR O'CLOCK, A. M.

THE CAPITAL.

The Legal Tender Law Decided Unconstitutional — Dissenting Opinion.

(By Telegraph to the Pittsburgh Gazette.)
WASHINGTON, February 7, 1870.

LEGAL TENDER CASE.

In the case of Hepburn vs. Griswold, brought from the Court of Appeals of Kentucky, involving the legal tender law, was decided in the United States Supreme Court to-day. Chief Justice Chase delivered the opinion of the Court below, and held that a contract made before the legal tender law could not be discharged in United States notes. The opinion is very long, and discusses at great length the power of Congress. It holds that Congress had no right to make government notes a legal tender on pre-existing private debts. It does not touch the question of contracts made since the law was passed. The opinion was concurred in by Justice Wilson, Justice Clifford and Justice Field. Justice Miller delivered the minority opinion, which was concurred in by Justice Swayne and Justice Davis, holding it to be constitutional and treating it just as they saw fit, an incident to the war power.

The opinion delivered to-day by Chief Justice Chase on the legal tender question is very long. After an able review of the history of the one questions the general constitutionality, and not very many, perhaps, the general expediency of the legislation by which Currency notes have been made legal tender in recent years. The doubt is as to the power to decree a particular class of these notes to be legal tender in payment of pre-existing debts. The only ground upon which this power is asserted, is not that the issue of notes was an appropriate and plainly adapted means for carrying on the war, for that is admitted; but that the making of them a legal tender to the extent mentioned was such a means now. We have seen that of all the notes issued those not declared a legal tender do not constitute a very large proportion, and that they circulated freely and without discount. It can be said that their equality in circulation and credit was due to the provision made by law for the consumption of this paper in legal tender notes; but this provision, if at all useful in this respect, was of trifling importance, compared with that which made the receivable for Government dues. All modern history testifies that in time of war, especially when taxes are unpopular, large loans negotiated and heavy disbursements made, notes issued by the authority of the Government and made receivable for dues to the Government have been found at first a ready circulation, and even when not redeemable by coin on demand are as little and usually as long subject to depreciation as any other paper. The power for the redemption of which no provision has been made, and the history of the legislation under the Constitution is, that it was upon this quality of receivability and not upon the quality of legal tender that the existence of circulation was originally made to depend, the inconvertibility clause appears to have been in the original draft of the bill, while the legal tender clause seems to have been introduced at a later stage of its progress. These facts certainly are not without weight as evidence that all useful purposes of the notes would have been fully answered without making them a legal tender for pre existing debts. It is denied, indeed, by some writers, that the quality of legal tenders could add anything to the credit or usefulness of Government notes. They assert, on the contrary, that it impairs the credit they may be, it must be admitted that it was a means to an end, to be obtained by the action of the Government, and that implied power of making notes a legal tender in all payments is claimed under the Constitution. Now, how far is the Government helped by this means? Certainly it cannot obtain new supplies or services at a cheaper rate, for no one will take notes for more than they are worth at the time of their new contract. The price of labor, the rate of depreciation, and this is all that could happen if the notes were not made legal tenders. But it can be said that the depreciation will be less to him who receives them in payment, Government if the Government will pledge to him its power to compel his creditors to receive them at par in payments. This is, as we have said, by no means certain. If the quantity issued be excessive, and redemption uncertain and remote, great depreciation will take place. If on the other hand, the quantity is only adequate to the demands of business, and redemption in early redemption is strong, the notes will circulate freely, if it be admitted that some increase of availability is derived from making notes a legal tender under new contracts, it by no means follows that any appreciable advantage has been derived by compelling creditors to receive them in payment for pre-existing debts, and there is abundant evidence that whatever benefit is possible from that compulsion to some individuals, is outweighed by losses of property, derangement of business, fluctuations of values, stress for money and increase of prices to the Government, and a long train of evils which have followed the use of an irredeemable paper currency. It is urged that these evils are not to be attributed also to the quality of a legal tender, but this increases them, and prolongs their existence and protracts their continuance.

We are unable to persuade ourselves that an expedient of this sort is an appropriate and plainly adapted means for the execution of a power to declare and carry on war. If it not tend to the utility of notes, it cannot be upheld as a means to an end in furtherance of which notes are issued. Nor can it, in our judgment, be upheld as such, if while facilitating in some degree circulation of notes it detracts from the currency in its proper use to a much greater degree. And these considerations seem to us applicable to the power to regulate commerce and to borrow money. Both powers necessarily involve the use of money by the people and by the Government, but neither, as we think, can be fairly construed to be such appropriate and plainly adapted means to exercise the power of making circulating notes legal tender in payment of pre existing debts.

But there is another view, which seems to us decisive. To whatever express power the implied power in question may be referred, in the rule stated by Chief Justice Marshall the words "appropriate," "plainly adapted," "really calculated," are qualified by a limitation, that the means must not be prohibited but consistent with the letter and spirit of the Constitution. Nothing so prohibited or inconsistent can be regarded as "appropriate" or "plainly adapted" or "really calculated" means to any end. Let us inquire, then, first whether making bills of credit a legal tender to the extent indicated is consistent with the spirit of the Constitution. Among the great cardinal purposes of that instrument no one is more conspicuous or more venerable than establishment of justice, and what was intended by the establishment of justice in the minds of the people who ordained it, is happily not a matter of disputation. It is not left to inference or conjecture, especially in its relations to contracts. When the Constitution was undergoing discussion in Convention, the Congress of the Confederation was engaged in the consideration of an ordinance for the Government of the territory northwest of Ohio, the only Territory subject at that time to its legislation and control. By this ordinance certain fundamental articles of compact were established between the original States and the people and States of the territory, "for the purpose," to use the memorial principles of civil and religious liberty, whereon these republics as the States united under the Confederation and their law and Constitution are erected." Among these fundamental principles was this: "And in just preservation of rights and property, it is understood and declared that no law ought ever to be made or have force in the said Territory that shall—in any manner whatever interfere with or affect private contracts or engagements, *bona fide* and without fraud, previously formed." The same principle found a more condensed expression in that most valuable provision of the Constitution of the United States, ever recognized as an efficient safeguard against intrigue, "that no State shall pass any law impairing contract." It is true that this prohibition is not applied in terms to the Government of the United States. Congress has express power to enact bankrupt laws, and we do not say that a law, made in execution of any other express power, which incidentally impairs the obligation of a contract, can be held to be unconstitutional for that reason. But we think it clear that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation of an opposite tendency. In other words, we cannot doubt that a law not made in pursuance of an express power, which necessarily and in its direct operation impairs the obligation of contracts, is inconsistent with the spirit of the Constitution.

Another provision, found in the 5th amendment, must be considered in this connection. We refer to that which ordains that "private property shall not be taken for public use without compensation." This provision is kindred in spirit to that which forbids legislation impairing obligations of contracts. But unlike that, it is addressed directly to and solely to the National Government. It does not in terms prohibit legislation which appropriates private property of one class, but of citizens to the use of another class. But if such property cannot be taken for the benefit of all without compensation, it is difficult to understand how it can be so taken for the benefit of a part, without violating the spirit of the prohibition.

We think there is another provision, in the same amendment, which bears very pertinent cannot have its full and intended effect unless construed as a direct prohibition of legislation which we have described. It is that which declares that no person shall be deprived of life, liberty or property without due process of law." It is not doubted that all the provisions of the amendment operate directly in limitation and restraint of the legislative power conferred by the Constitution. The only question is whether an act which compels all those who hold contracts for payment of gold or silver money to accept in payment currency of inferior value, deprives such persons of property without "due process of law." It is quite clear that whatever may be the operation of such an act, it does not take property from anybody. Does it deprive any person of property? A very large proportion of the property of civilized men exists in the form of contracts. These contracts almost invariably stipulate for the payment of money, and we have already seen that contracts in the United States then receivable for Government dues. The sums specified in such contracts are not in gold and silver coin. And it is beyond doubt that the holders of these contracts were and are entitled to the protection of constitutional provision as to this class of other description of property. But it can be said that holders of no description of property are protected by it from legislation which incidentally only impairs its value, and it may be urged, in turnpike, a bridge, or banking or other corporation, or an insurance company, works or corporations reduce its price in the market. But all this does not appear to us to be a sufficient reply. In the cases mentioned the injury is contingent and incidental. In the case we are considering it is direct and inevitable. If in the case mentioned the holder of stock was requested to convey it to the order of any one who should think fit to offer half value for it, the analogy would be more obvious. No one would hesitate to be found to contend that an act enforcing the acceptance of 50 or 75 acres of land in satisfaction of a contract to convey 100 would not come within the prohibition against the arbitrary deprivation of property. We confess our inability to perceive any solid distinction between such an act and an act compelling creditors to accept in satisfaction of all contracts for money one half, or three-fourths, or any other proportion less than the value of the value actually due, according to their terms.

It is difficult to conceive what act would take private property without compensation, if such act would not, we are obliged to conclude that an act making mere promises to pay dollars a rule of payment of debts previously contracted is not a means "appropriate," "plainly adapted," "really calculated" to carry into effect any express power vested in Congress; that such an act is inconsistent with the spirit of the Constitution, and that it is prohibited by the Constitution.

It is not surprising that amid the tumult of the late civil war, and under the influence of the tremendous exigencies of the Republic, almost universally the current views, never before entertained by American statesmen or jurists, were adopted by many, who at a time was not favorable to considerate reflection upon constitutional limits of legislation or executive authority. If power was assumed from patriotic motives, the assumption found ready justification in patriotic hearts. Many who doubted, yielded their doubts. Many who did not doubt, were silent. Some who were strongly averse to making Government notes a legal tender, for an object to be constrained to acquiesce in the views of the advocates of the measure. Not a few who then hesitated, finally came to acquiesced in views, have, since then, in turn of peace and under the influence of calmer times, reconsidered their conclusions, and now occur in the views we have just announced.

These conclusions seem to us to be fully sanctioned by the letter and spirit of the Constitution. We are obliged, therefore, to hold that the defendant in error was not entitled to receive from the plaintiff the currency tendered him in payment of a note made before the passage of the act of February 25, 1862. It follows that the judgment of the Court of Appeals of Kentucky must be affirmed.

THE DISSENTING OPINION.

The dissenting opinion by Justice Miller, after arguing the case at much length, says: The legal tender clause of the statutes under consideration were placed emphatically by those who enacted them upon their necessity to the prosecution of the war, by borrowing of money and maintaining the army and navy. It was done reluctantly and with hesitation, and only after the necessity had been demonstrated and had become imperative. Our statesmen had been trained in schools which looked upon such legislation with grave and more than distrust. The debates of the two Houses of Congress show that on this ground alone could this clause of the bill have been carried, and they also prove, as I think very clearly, the existence of that necessity. The history of that gloomy time is not to be readily forgotten by the lover of his country, and will forever remain a full, clear and simple vindication of the exercise of this power by Congress. As its results have demonstrated the sagacity of those who originated and carried through the measure, certainly it seems, to the best judgment that I can bring to bear upon the subject, that this law was a necessity in the most stringent sense in which that word can be used. But it is said that the law is in conflict with the spirit if not the letter of several provisions of the Constituion. Undoubtedly it is a law impairing the obligation of contracts made before its passage. But while the Constitution forbids States to pass such laws, it does not forbid Congress. On the contrary, Congress is expressly authorized to establish a uniform system of bankruptcy, the essence of which is to discharge debtors from the obligation of their contracts, and in pursuance of this power Congress has three times passed such laws, which in every instance operated on contracts made before it was passed. So it is said that the provisions that private property shall not be taken for public use without just compensation, and that no person shall be deprived of life, liberty or property without due course of law, forbid the action. The argument is too fine for my perception, by which the indirect effect of a great public measure in depreciating the value of lands, stocks, bonds and other contracts, renders such a law invalid, as taking private property for public use, or as depriving the owner of it without due course of law. A declaration of war with a maritime power would thus be unconstitutional, because the value of every ship abroad is lessened twenty-five or thirty per cent., and those at home almost as much. The abolition of the tariff on iron, or sugar, would in like manner destroy furnaces and sink capital employed in the manufacture of these articles. Yet no statesmen, however warm an advocate of high tariffs, has claimed that to abolish such duties would be unconstitutional, as taking private property. If the principle be sound, every successive issue of Government bonds during the war was void, because by increasing the public debt it made those already in private hands less valuable. This whole argument on the injustice of the law, and the injustice which, if it ever existed, will be repeated by now holding it void, and of its opposition to the spirit of the Constitution, is too abstract, intangible, for application to courts of justice, and is, above all, dangerous ground on which to declare the legislation of Congress void by the decision of a court. It would authorize this court to enforce theatrical views of the genius of our Government, or vague notions of the spirit of the Constitution and of abstract justice, by declaring void laws which did not square with them. It substitutes our ideas of policy for judicial construction, an indefinite code of ethics for a Constitution and courts of law for a national legislature.

Upon the enactment of these legal tender laws they were received with almost universal acquiescence, as valid payments were made in legal tender notes for debts in existence when the law was passed to the amount of thousands of millions of dollars, though gold was the only lawful tender when the debts were contracted. An equal if not large amount per comment. The general impression is, that while the Administration is so overwhelmingly strong, the Opposition will be hopeless. The only hope of the latter will be to create a division in the Liberal ranks.

Mr. Austin, the representative of a large American shipping company, has concluded the purchase of the Department and Government Dock Yards, and it is specially intended for iron ship building.

The Indo-European Telegraph Company have just completed their line from London direct to India. This line is composed of land wire and cables, and runs *via* Berlin, Warsaw, Odessa, Teheran, Persia, through the Persian Gulf and Indian Ocean to Bombay, Madras, Calcutta, &c. Messages will be taken after the 15th instant at the following rates in gold: To Kurrachee, for ten words, $8.10; twenty words, $12.36; to stations west of Chittagong, ten words, $9.25; twenty words $14.25; to stations east of Chittagong, ten words $10.25; twenty words $15.25; every additional ten words, or a fraction beyond twenty words, will be charged one-half of the twenty word rate. Chittagong is about ninety-two degrees east longitude.

The *Times* this morning reprints a great portion of the editorial article from the New York *Times* of January 24, and comments approvingly on the latter's assertion that American credit is dying in Europe because ruffians slay it at home.

ITALY.

ROME, February 7.—The Ecumenical Council will soon deliberate on the opportuneness of a discussion of the dogma of papal infallibility.

SPAIN.

MADRID, February 7.—Disturbances have occurred at Alora near Malaga, but have been suppressed.

FINANCIAL AND COMMERCIAL.

LONDON, Feb. 7.—*Afternoon.*—Consols 92¾ for money; 92¾ on account. American securities quiet: '658, 86¾; '67s, 80; Illinois Central, 105¾; Great Western, 27.

FRANKFORT, February 7.—Bonds active and firm.

PARIS, February 7.—Bourse flat at 73f 27c.

LIVERPOOL, Feb. 7.—Cotton quiet and steady; uplands 11¾; Orleans 11¾; sales 10,000 bales. Flour 19s 6d. Other breadstuffs unchanged. Provisions unchanged. Linseed Cakes £6 5s@£9 15s. Sugar 28s 3d@28s 6d for actual. Lard 56@57s. Linseed oil dull at £30 15s@£31. Common rosin 5s 6d@5s 9d. Tallow 46s@46s 3d.

HAVRE, Feb. 7.—Cotton quiet at 137f afloat.

ANTWERP, February 7.—Petroleum flat at 59½f.

BRIEF TELEGRAMS.

The Virginia Legislature meets today.

—Commissioner Delano resumed his official duties yesterday.

—George M. Wharton, a distinguished lawyer, died Monday evening, at Philadelphia.

—Peter T. Washburn, Ex-Governor of Vermont, died at Woodstock, Monday morning.

—Ed. Wiso, a Nashville barkeeper, committed suicide yesterday by taking laudnum.

—The trial of McFarland for the murder of A. D. Richardson, will commence in April 7th, in New York city, in the Court of Oyer and Terminer.

—The residence of Colonel Walton Drought, formerly occupied by Hon. Daniel S. Dickinson, at Binghamton, N. Y., was burned early in the morning. Loss $70,000; insured for $64,000.

—N. C. Meeker, of the New York *Tribune*, Gen. Cameron and W. C. Fisk have gone west to select a site for a location for the Union Colony formed in New York city a few weeks since.

—During a fracas at a house of ill fame at Canandaigua, N. Y., Monday evening last, a young man named Albert Dyer received serious injuries from which he died Sunday. Several arrests have been made.

—In the Kentucky Senate yesterday a resolution was introduced for the ratification of the fifteenth amendment. A motion to lay on the table was made and carried, on the suggestion of a member that such disposition was looked upon in the light of an insult, and that it would be better to settle the matter as far as Kentucky was concerned by a square, unmistakable vote. The resolution was referred to the Committee on Federal Relations.

—At a recent meeting of the members of the Plymouth Church (Brooklyn) it was determined that a committee should be appointed with the purpose of revising the articles of Faith, many of the members demanding that they should rest on a broader basis. Mr. Beecher said that he was not the proper person to revise the creed of the Church, but that he was much as the committee for that purpose if was to be appointed by himself, he would ask that a little time be given to him to make the proper selections. This was granted.

—The Morning mission in the vicinity of New York city is being pushed forward with all the vigor and energy possessed by its leaders, in the vicinity of Greenport, Peconic, Southville, Centre, Hempstead, Long Island. During the week earlier part of the week the most favorable accounts from Southville work were given out. Me