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NEW-YORK, TUESDAY, OCTOBER 26, 1869.

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FOREIGN NEWS.

FRANCE.

FEARS OF A REVOLT SUBSIDING—INSTRUCTIONS TO MARSHAL BAZAINE.

LONDON, Monday, Oct. 25, 1869.

The fears of a revolt at Paris on the 26th are diminishing. The Government is taking every precaution to guard against any disturbance of the public peace. Marshal Bazaine has been authorized to use his cannon without mercy, if need be.

THE EMPEROR—PROCLAMATION BY THE PREFECT OF POLICE.

The Emperor arrived at the Tuileries to-day. M. Pietri, the Prefect of Police, has issued a proclamation, which has been widely circulated throughout the city. He says that in view of the proceedings expected on the 26th, and which are likely to disturb the public peace, the authorities inform the people of Paris that measures will be taken to insure the respect of the law, and the maintenance of tranquillity. Good citizens are requested to be on their guard against imprudent curiosity, and not to expose themselves to the consequences that may result by the enforcement of the law against mobs.

A PLOT DISCOVERED—CONCENTRATION OF TROOPS—THE MANIFESTO—EXCITEMENT.

It is reported in Paris that a plot, concocted by the Liberals, for a rising on Thursday next, has been discovered. The Emperor is concentrating troops in the city, and Gen. Bazaine has received orders to employ artillery, if necessary, to keep the streets clear. The Imperial manifesto has been prepared, and is ready for publication, but the Government awaits events before issuing it. The Liberals deny the existence of the reported plot, and to prevent disorder are disposed to postpone the attempt to open the session of the Corps Legislatif to-morrow. The people of Paris are much excited over the impending crisis.

SPAIN.

THE PORTO-RICO PETITION—THE THRONE—NEW OUTBREAK SUPPRESSED.

MADRID, Monday, Oct. 25, 1869—Evening.

The Deputies to the Cortes from Porto-Rico have petitioned the Government to refrain from special legislation for that colony for the present. The three principal parties in the Cortes have each appointed seven deputies to hold a conference, and to try to come to some agreement in regard to the selection of a king. There was a disturbance at Barbastro, Aragon, yesterday. Cries were given for the Republic, and other seditious demonstrations were made. But the outbreak was inconsiderable and was easily suppressed. The town is now tranquil.

THE CHOICE OF A KING NOT PROBABLE.

The conviction is growing that in the present state of parties the selection of a king is impossible. The Cortes is as much divided in opinion as the Cabinet; and unless a compromise is effected the establishment of the monarchy will be hopeless.

AUSTRIA.

MASSACRE OF A GARRISON BY INSURGENTS.

TRIESTE, Monday, Oct. 25, 1869.

During the insurrection at Cattaro the rebels gained possession of a fort through treason, and then massacred the garrison. Their attacks on other parts of the city were repulsed.

GREAT BRITAIN.

THE LIFE AND CHARACTER OF LORD DERBY.

LONDON, Monday, Oct. 25, 1869.

The Times, in its obituary article on the late Lord Derby, says: No one can be a statesman without a statesmanlike temperament. With this the Earl of Derby was never endowed. He was too impulsive to resist the temptation of making sallies on enemies both in and out of season. His sneer at the Italian struggle will ever be remembered as a proof of his recklessness in speaking on foreign affairs. The Duke of Wellington bequeathed to him his influence in the House of Lords, but the bequest could not be executed. The mantle of the Duke's soldierlike virtues had not descended on his successor. Great as was his ascendancy among the Conservative Peers, he never gained the confidence of his countrymen. *The Telegraph* points to the fact that Lord Derby employed his latest breath in public to declaim with all the solemnity of an old man fading from the world against a measure of justice and necessity like the Irish Church bill, and adds that this shows how much the age and the country had gone beyond him. *The Standard* predicts that while the present generation lives, Lord Derby will be remembered throughout his own province, not only as an orator, scholar, and statesman of whom Lancashire may well be proud, but as a magnate who, in the direst trial, took his place as leader in the work of relief and charity, as the rich man who cared for the sorrows of the poor, and as the great man who respected the pride of the lowly; not as the Premier of England, but as a kindly neighbor, generous friend, and Christian gentleman. *The News* speaks of him as follows: Lord Derby was not a great statesman, but he was a great political personality. He will hold a place in the history of England, not for what he did, still less for what he failed to do, but for what he was. He was the last of the Barons—the latest, not the least. He was a perfect example of the properly aristocratic politician, with the faults and the virtues, the dignity and the fidelity of his order. When he seemed to desert principle, he did so under the influence of strongly felt, if erroneously interpreted, obligations to his sovereign and his political comrades.

THE OXFORD CHANCELLORSHIP—SHEFFIELD TRADE.

The Marquis of Salisbury will succeed the late Earl of Derby as Chancellor of the University of Oxford. The partial settlement of the tariff question has improved the Sheffield trade with the United States.

PERSONAL NEWS.

John Conington, Professor of Latin in the University of Oxford, died yesterday, aged 45 years. Austin Henry Layard, the author, has been appointed Minister to Spain.

AMNESTY MEETINGS—GLADSTONE DENOUNCED.

DUBLIN, Monday, Oct. 25, 1869.

Amnesty meetings have been held in the city of Cork and the parish of Carrigaline. Mr. Gladstone was denounced for his refusal to pardon the Fenians, and resolutions were adopted declaring that the Irish people will accept no legislative measures for Ireland until the prisoners are released.

TURKEY.

CONSTANTINOPLE, Monday, Oct. 25, 1869.

The Sultan will embark on the 12th of November for the Isthmus of Suez.

CUBA.

THE DECREE OF LIBERTY OF RELIGION—CREED NO QUALIFICATION FOR OFFICE.

HAVANA, Oct. 25.—The decree of the Constitutional Cortes, establishing unrestricted liberty of religion in the colonies of Cuba and Porto Rico, was to-day promulgated in this island, and has gone into effect as the law of the land. The document is exceedingly liberal in its terms. It declares that Spain cannot remain removed from the general movement of Europe and the world, and adds that this consideration is the more powerful for the Antilles, because they lie near a continent where liberty of religion is recognized by law. One clause of the decree provides that no person shall be prevented from holding office under the Government by reason of his religious belief. The decree is received with general satisfaction. As there is now no obstacle, it is probable that a Protestant Church will soon be established in this city. Captain-General De Rodas is reducing the number of officials in the Government employ, and has by this means already effected a considerable saving for the public treasury. The city is very tranquil. American and European merchants are making contracts for the coming crops.

THE LILLIAN EXPEDITION.

A report was in circulation yesterday to the effect that Gen. Goicouria had returned to New-York, having abandoned the expedition with which he was recently identified. This rumor was found to be unfounded. At the office of the Cuban Junta, it was vehemently asserted that the letter in yesterday's *Herald* relative to the failure of the Lillian expedition was written in New York, and that the information it contained was furnished by a refugee—perhaps Gen. Cristo. The Junta, who were unusually reticent, contented themselves with a simple denial of the statements made in that home-made letter regarding the seizure of the vessel and the abandonment of the expedition. While they admit the truth of the report published in THE TRIBUNE several days ago touching the quarrel between Goicouria and Cristo, they claim that the Lillian has departed from the Bahamas with a full supply of coal and provisions, with her full complement of men, and all her armament. From their statement, it appears that the authorities at Nassau allowed the vessel to remain in port for 24 hours, in compliance with international custom, and to depart unmolested.

THE CASE OF THE MAN-OF-WAR CUBA.

The only development in the Cuban case at Wilmington is the testimony of the spy Gordon, late one of the crew of the war-steamer in question. This witness was asked the question, "Do you charge the United States with working out its justice with the dirty tools of spies and informers?" which he refused to answer. Witness was then examined as to the locality of the steamer when the men, arms and supplies were taken on board; said it was on the 18th of September; said the steamer was about three miles from "No-man's Land." He boarded her in the steamer Petrel. After taking the men, arms and supplies from the Petrel the Hornet went nearer shore and anchored. It was about dark Saturday night when the unloading began. Arms, shot, and shell were first taken on board, and then guns, after which saw the smoke of a steamer, supposed to be a revenue cutter, and made for Fire Island. During all this time Mr. Esling was captain of the Hornet. The name of the steamer had been painted out. The steamer made Fire Island Monday morning, and the Martha Washington came along side that afternoon, when men and stores were taken off her. The steamer was then about two miles from shore according to the witness's impression.

WILMINGTON, N. C., Oct. 25.—The case of the officers of the Cuba was resumed to-day. After a five hours' session, the Court adjourned over till to-morrow. By order of the authorities at Washington, parties are engaged to-day in taking the stores from the steamer.

A GOOD STORY SPOILED.

A relative of the Oviedo family has written a letter from Guanabacoa in Cuba which quite contradicts the story of personal daring just related of the heroine of the "Diamond Wedding." The house of Señor Oviedo in that town was entered and searched generally without protest, other than a mild one addressed by Senora Oviedo to the soldiers who attempted to enter her own apartment: "You can look in here, but I would rather you would not enter." The soldiers thereupon retired, satisfied. We feel authorized to say that Senora Oviedo, though a good American, did not find occasion to declaim respecting the American flag.

THE NEW DOMINION.

MR. DUNKIN MADE SECRETARY OF STATE.

QUEBEC, Canada, Oct. 25.—The Hon. M. Dunkin has resigned the Treasurership of the Province of Quebec, and has been appointed Secretary of State in the Dominion Cabinet.

CHURCHES BURNED IN MONTREAL.

MONTREAL, Oct. 25.—A series of fires occurred here on Saturday night and Sunday morning. The most serious were the complete destruction of St. Andrew's Church and the partial destruction of the Unitarian Church, and the drug manufactory of Messrs. Kerry & Crathers. A Baptist Church was also considerably damaged. The fires are supposed to have been the work of an incendiary. The loss amounts to about $150,000.

TWO CANADIAN STATESMEN—DISTRESS OF LOWER CANADA—THE FENIAN PLOT.

MONTREAL, Oct. 22.—For some past Sir John A. McDonald and Sir George E. Cartier have not been on the best of terms. Up to last year there were no better friends—in fact they were generally known as the Siamese Twins. Neither spoke in public without reference to their respective merits and remarkable union. During fifteen years they fought side by side the same battle; they conquered and maintained their ground despite the efforts and talents of the Liberal party. Suddenly, about two years ago, difficulties divided their household, and now the political twins are striving against each other for the mastery of the situation. Sir George's position in the Cabinet is not proportionate to his ambition, and he aspires to the highest office. No stone will be left by him unturned to gain the confidence of the Parliamentary majority, and to form coalitions in case of rupture. Sir John is not to be outdone, and is busily plotting to retain power at the expense of his rival. Who will triumph? Sir John is full of tricks and foresight, and has plenty of capacity, but unfortunately a great portion of his time and talent is wasted upon the pleasures of the table, to the great chagrin of his best friends. Sir George, on the other hand, is remarkable for his sobriety and activity, and, notwithstanding his rude manners and his violent temper, he has friends on whom he can rely, for he is himself a devoted partisan and friend. Embarrassment and discouragement still make up the business situation in Lower Canada. One hears repeated in every direction that "business is dull" and "money scarce." The English population complain less, because they are richer and busier than the French Canadians, and English trade is backed by the rich manufacturers of Liverpool and London. But nine-tenths of our population, obliged to rely for their support on the produce of the country, are in a critical condition. A few harpies possess our trade as well as the liberal professions, by virtue of a monopoly of wealth, and the emigration of our laboring classes to the United States supplies its own sad comment. The numerous bankruptcies which have taken place during the last three years, and which are still on the increase owing to the state of the law which screens and favors them, destroy confidence and prevent enterprise. The losses, to the amount of nearly $500,000, sustained by those who attempted to establish here manufactories for the working of our iron and brass, have helped smaller business men to their ruin. Certain branches of trade, such as the manufacturing of tobacco and liquor, have decreased one half under the action of a tariff which is neither that of free trade nor protection, which imposes high duties on some of the articles indispensable for manufacturing, and allows at the same time the importation on easy terms into the country of foreign products. The trade in dry goods, generally the most lucrative and flourishing of all, is not in better circumstances. The importations have so far exceeded of late the requirements of the country that our market is supplied for several years yet, and this is the principal cause of the numerous insolvencies.

Several stories account for the new Fenian alarm. It is said by friends of the Government that the Fenians are about to attack the provinces in two directions at the same time. They propose placing a gunboat on the lakes in order to divert the attention of the Government from the principal point of attack, which is to be in some eastern section of the country. It is also believed that another Canadian expedition was resolved upon at the late Fenian Congress. Actual attempts have been made to bring about a Fenian rising in some of our cities. The result of all this will be the spending of several hundred thousand dollars by our Government.

THE GREAT BOSTON LOTTERY.

A NEAT SWINDLE—THE MAN WHO DREW THE COLISEUM PAYS ONLY SIXTEEN CENTS FOR HIS TICKET.

BOSTON, Oct. 25.—The man who drew the Coliseum has obtained a sudden notoriety which will probably be as brief as it is intense, though it may increase his trade by advertising his wares. All through Saturday afternoon and Sunday the people were in a feverish state of anxiety to know the name of the fortunate man; and now that it has been ascertained that his name is J. L. Maguire, and that he is a "lumber dealer," the matter has a suspicious look. An investigation showed and it is publicly announced that he with others entered into an arrangement with the Coliseum Association to purchase, on Saturday morning, all of the tickets which had not been sold at that time. It is said that he paid *sixteen cents apiece* for the tickets, purchasing for that sum about five thousand, while thousands of people had paid *one dollar* apiece for all that had been sold previous to that time. It is said that "other parties" who were in partnership with Mr. Maguire will have their share of the $15,000, for which the lumber will sell, if taken by the builders, but as Mr. G. is a lumber dealer, he will probably dispose of the component parts of the structure to much better advantage in his own lumber yard. Much indignation is expressed among the disappointed ticket-holders, who are conversant with the facts, and a management which would sell one ticket for one dollar and another for sixteen cents is denounced in unmeasured terms.

As it was drawn by a lumber dealer, or by a ring in which a lumber dealer is the central figure, the public mind is unanimous in considering the whole lottery a "put up job." Not many people will go for the lesser prizes, which consist of small pieces of decoration, settees, and chairs. Visitors during the Jubilee will remember the wooden chairs and wooden settees which had been improvised for the occasion, and which are worth just their weight in kindling wood, as no one wants a souvenir of a Jubilee whose last chapter has been an ignominious lottery. It is just as well that Mr. P. S. Gilmore is in Europe at this time, as the projector of what some of the Boston papers sloppingly called "The Eighth Wonder of the World," would not be such a tremendous hero as he was in June. If the Jubilee was the Eighth Wonder, the Great Lottery may probably be called "The *Ninth* Wonder of the World."

GOV. HOLDEN ARMING A COMPANY OF NEGROES.

RALEIGH, N. C., Oct. 25.—Gov. Holden is organizing and arming a company of negroes in this city, which is creating much excitement. It is supposed they are destined to be sent to Orange or Chatham Counties to suppress the Ku-Klux.

THE VIRGINIA STATE FAIR.

RICHMOND, Oct. 25.—The State Fair, which commences Tuesday, Nov. 2, is the first in the State since the war. The new grounds comprise 60 acres, and are nearly covered with the new buildings. The entries already excel those of any fair before the war, and those from the Northern States are five times as great.

THE YERGER CASE.

THE QUESTION OF JURISDICTION—OPINION OF CHIEF-JUSTICE CHASE.

WASHINGTON, Oct. 25.—Supreme Court of the United States, December Term, 1868—No. 17 (Original.)—In the matter of Edward M. Yerger, petition for habeas corpus and certiorari, opinion of the Court by Chief-Justice Chase.—Upon the prayer of the petitioner, addressed to the Circuit Court of the United States for the Southern District of Mississippi, a writ of habeas corpus was directed to certain military officers holding the petitioner in custody, commanding them to produce his body and abide the order of the Court. In obedience to this writ the petitioner was brought into Court by Major-Gen. R. S. Granger, who made his return in due form, certifying the cause of detention to be that the petitioner had been arrested and was held for trial upon a charge of murder by a military commission, under the act of Congress of the 2d of March, 1867, to provide for the more efficient government of the Rebel States. Upon this return the petitioner was ordered into the custody of the Marshal, and the Court proceeded to hear argument. It was admitted that that the petitioner was a private citizen of the State of Mississippi, that he was being tried by the military commission without a jury; and without presentment or indictment by a Grand Jury, and that he was not and never had been connected with the army or navy of the United States, or with the militia in active service in time of war or invasion. Upon this case the Circuit Court adjudged that the imprisonment of the petitioner was lawful, and passed an order that the writ of habeas corpus be dismissed, and that the prisoner be remanded to the custody of the military officer by whom he had been brought into court, to be held and detained for the purpose and to answer the charge set forth in the return. To obtain the reversal of this order and relief from imprisonment, the petitioner now asks for a writ of certiorari to bring here for review the proceedings of the Circuit Court, and for a writ of habeas corpus to be issued under the authority of the court to the officer to whose custody he was remanded. Upon the suggestion of the Attorney-General, made in view of the importance of the questions which will probably arise if the case is brought to a hearing, we have heard the preliminary argument upon the jurisdiction of the court to issue the writ prayed for, and have carefully considered the reasonings which have been addressed to us. This argument, by the direction of the court, was confined to the single point of jurisdiction, and I am now to state the conclusions to which we have come. The general question of jurisdiction in this case resolves itself necessarily in two narrow questions: *First:* Has the Court jurisdiction, in a case like the present, to inquire into the cause of detention alleged to be unlawful, and to give relief if the detention be found to be in fact unlawful by the writ of habeas corpus under the Judiciary Act of 1789? *Second:* If under that Act the Court possessed this jurisdiction, has it been taken away by the second section of the Act of March 27, 1868 (15 U. S. Statutes 44), repealing so much of the Act of February 5, 1867 (U. S. Statutes 85) as authorizes appeals from Circuit Courts to the Supreme Court? Neither of these questions is new here. The first has on several occasions received very full consideration and very deliberate judgment. A cause so important as that which now invokes the action of the Court seems, however, to justify a reconsideration of the grounds upon which its jurisdiction has been hitherto maintained. The great writ of habeas corpus has been for centuries esteemed the best and only sufficient defence of personal freedom. In England after a long struggle, it was firmly guaranteed by the famous Habeas Corpus Act of May 29, 1679 (3 British Statutes at Large, 3. Hallam Constitutional History 19), for the better securing of the liberty of the subject, which, as Blackstone says, "is frequently considered as another Magna Charta." (3 Blackstone's Commentaries, 135.) It was brought to America by the colonists and claimed as among the immemorial rights descended to them from their ancestors. Naturally, therefore, when the Confederated Colonies became the United States, and the formation of a common government engaged their deliberations in conventions, this great writ found permanent sanction in the Constitution. That sanction is in these words: "The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion the the public safety may require it." The terms of this provision necessarily imply judicial action. In England, all the higher courts were open to applicants for the writ, and it is hardly supposable that under the new government, founded on more liberal ideas and principles, any court would be intentionally closed to them. We find, accordingly, that the first Congress under the Constitution, after defining by various sections of the act of September 24, 1789, the jurisdiction of the District Courts, the Circuit Courts, and the Supreme Court in other cases, proceeded in the 14th section to enact "that all the before mentioned Courts of the United States shall have power to issue writs *scire facias*, habeas corpus, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions and agreeable to the principles and usages of law. (1 U.S. Statutes, 81.) In the same section it was further provided that "either of the Justices of the Supreme Court, as well as the Judges of the District Courts, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment; provided that writs of habeas corpus shall in no case extend to prisoners in jail, unless they are in custody under or by color of the authority of the United States, or are committed for trial before some Court of the same, or are necessary to be brought into Court to testify." That this Court is one of the Courts to which the power to issue writs of habeas corpus is expressly given by the terms of this section has never been questioned. It would have been indeed a remarkable anomaly if this Court, ordained by the Constitution for the exercise, in the United States, of the most important powers in civil cases, of all the highest Courts of England, had been denied, under a Constitution which absolutely prohibits the suspension of the writ, except under ordinary exigencies, that power in cases of alleged unlawful restraint, which the habeas corpus act of Charles II. expressly declared those Courts to possess. But the power vested in this Court is, in an important particular, unlike that possessed by the English Courts. The jurisdiction of this Court is conferred by the Constitution, and is appellate; whereas, that of the English Courts, though declared and defined by statutes, is derived from the Common law, and is original. The judicial power of the United States extends to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority, and to large classes of cases determined by the character of the parties or the nature of the controversy. If the question were a new one, it would perhaps deserve inquiry whether Congress might not, under the power to make exceptions from this appellate jurisdiction, extend the original jurisdiction to other cases than those expressly enumerated in the Constitution, and especially in view of the constitutional guarantee of the writ of habeas corpus to cases arising upon petition for that writ. But in the case of Marbury agt. Madison (1 Cr., 137) it was determined upon full consideration that the power to issue writs of mandamus, given this Court by the 13th section of the Judiciary act is, under the Constitution, an appellate jurisdiction, to be exercised only in the revision of judicial decisions. And this judgment has ever since been accepted as fixing the construction of this part of the Constitution. It was pronounced in 1803. In 1807 the same construction was given to the provision of the 14th section relating to the writ of habeas corpus in the case of Bollman and Swartwout. (4 Cr., 100.) The power to issue the writ had been previously exercised in Hamilton's case, 1795 (3 Cr., 448), and in Burford's case (4 —, 1806), in neither of which cases does the distinction between appellate and original jurisdiction appear to have been made. In the case of Bollman and Swartwout, however, the point was brought distinctly before the Court. The nature of the jurisdiction was carefully examined, and it was declared to be appellate. The question then determined has not since been drawn into controversy. The doctrine of the Constitution and of the cases thus far may be summed up in these propositions: *First:* The original jurisdiction of this Court cannot be extended by Congress to any other cases than those expressly defined by the Constitution. *Second:* The appellate jurisdiction of this Court conferred by the Constitution extends to all other cases within the judicial power of the United States. *Third:* This appellate jurisdiction is subject to such exceptions, and must be exercised under such regulations as Congress, in the exercise of its discretion, has made or may see fit to make. *Fourth:* Congress not only has not excepted writs of habeas corpus and mandamus from this appellate jurisdiction, but has expressly provided for the exercise of this jurisdiction by means of these writs. We come then to consider the first great question made in the case now before us. We shall assume upon the authority of the decisions referred to what we should hold were the question now for the first time presented to us, that in a proper case this Court, under the act of 1789, and under all the subsequent acts giving jurisdiction in cases of habeas corpus, may in the exercise of its appellate power revise the decisions of the inferior Courts of the United States, and relieve from unlawful imprisonment authorized by them, except in cases within some limitation of the jurisdiction by Congress. It remains to inquire whether the case before us is a proper one for such interpretation; is it within any such limitation? In other words, can this Court inquire into the lawfulness of the detention, and relieve from it, if found unlawful when the detention complained of is not by civil authority under a commitment made by an inferior Court for trial in a civil Court, but by military officers for trial before a military tribunal? After an examination into the cause of detention by the inferior Court, resulting in an order remanding the prisoner to custody, it was insisted in argument that to bring a case within the appellate jurisdiction of this Court, in the sense requisite to enable it to award the writ of habeas corpus under the Judiciary act, it is necessary that the commitment should appear to have been by a tribunal whose decisions are subject to revision by this Court. This proposition seems to assert not only that the decision to be revised upon habeas corpus must have been made by a Court of the United States, subject to the ordinary appellate jurisdiction of this Court, but that, having been so made, it must have resulted in an order of commitment to civil authority, subject to the control of the Court making it. The first branch of this proposition has certainly some support in Metzger's case—15 How., 176—in which it was held that an order of commitment made by a District Judge at Chambers cannot be revised here by habeas corpus. This case, as was observed by Mr. Justice Nelson in Kaines's case, 14, How. 103, stands alone, and it may admit of question, whether it can be entirely reconciled with the proposition, which we regard as established upon principle and authority, that the appellate jurisdiction by habeas corpus extends to all cases of commitment by the judicial authority of the United States, not excepted from it by Congress. But it is unnecessary to enter upon this inquiry here. The action which we are asked to revise was that of a tribunal, whose decisions are subject to revision by this Court in ordinary modes. We need consider, therefore, only the second branch of the proposition, namely, that the action of the inferior court must have resulted in a commitment for trial in a civil court, and the inference drawn from it, that no relief can be had here by habeas corpus from imprisonment under military authority, to which the petitioner may have been remanded by such a court. This proposition certainly is not supported by authority. In Kaines's case all the Judges, except one, assented, directly, or indirectly, the jurisdiction of this Court to give relief in a case where the detention was by order of a United States Commissioner. The lawfulness of the detention had been examined by the Circuit Court for the Southern District of New-York, upon a writ of habeas corpus, and the Court has dismissed the writ, and recommended the person to custody. In this Court relief was denied on the merits, but the jurisdiction was questioned by one Judge only, and it is difficult to find any substantial ground upon which jurisdiction in that case can be affirmed, and denied in this. In Wells's case, 18 How. 308, the petitioner was confined in a penitentiary under a sentence of death, commuted by the President into a sentence of imprisonment for life. He obtained a writ of habeas corpus from the Circuit Court of the District of Columbia, was brought before that court, and was remanded to custody. He then sued out a writ of habeas corpus from this court, and his case was fully considered here. No objection seems to have been taken in argument to the jurisdiction, though there, as here, it was evident that the actual imprisonment at the time of the petition for the writ was not under the direction of the court by whose order the prisoner was remanded, but by a different and distinct authority. In the case of Wells, however, Mr. Justice Curtis again dissented, and on the point of jurisdiction Mr. Justice Campbell concurred with him. The other Judges, though they, except one, were of opinion that the relief asked must be denied, agreed in maintaining the jurisdiction of the court. Judge Curtis, who regarded the question as left undetermined in Kaines's case, admitted that the jurisdiction was asserted in this, and stated the ground of judgment affirming jurisdiction to be that, as the Circuit Court has had the prisoner before it and has remanded him, this court by a writ of habeas corpus may examine that decision and see whether it be erroneous or not. Since this judgment was pronounced the jurisdiction in cases similar to that now before the Court has not hitherto been questioned. We have carefully considered the argument against it made in this case and are satisfied that the doctrine heretofore maintained is sound. The great and leading intent of the Constitution and the law must be kept constantly in view upon the examination of every question of construction that intent in respect to the writ of habeas corpus is manifest. It is that every citizen may be protected by judicial action from unlawful imprisonment. To this end, as has been shown, the act of 1789 provided that every Court of the United States should have power to issue the writ. The jurisdiction thus given by law to the Circuit and District Courts is original; that given by the Constitution and the law to this Court is appellate; given in general terms, it must necessarily extend to all cases to which the judicial power of the United States extends other than those expressly excepted. As limited by the act of 1789, it did not extend to cases of imprisonment after conviction, under sentences of competent tribunals, nor to any prisoners in jail unless in custody under or by color of the authority of the United States, or committed for trial before some court of the United States, or required to be brought into court to testify. But this limitation has been gradually narrowed, and the benefits of the writ have been extended: First, in 1833 (4 U. S. Statutes, 643), to prisoners confined under any authority, whether State or National, for any act done or omitted in pursuance of a law of the United States, or of any order, process, or decree of any judge or court of the United States. Then, in 1842 (5 U. S. Statutes, 539), to prisoners being subjects or citizens of foreign states in custody under National or State authority for acts done or omitted by or under color of foreign authority and alleged to be valid under the law of nations. And, finally, in 1867 (14 U. S. Statutes, 385), to all cases where any person may be restrained of liberty in violation of the Constitution, or of any treaty or law of the United States. This brief statement shows how the general spirit and genius of our institutions has tended to the widening and enlarging of the habeas corpus jurisdiction of the courts and judges of the United States; and this tendency, except in one recent instance, has been constant and uniform, and it is in the light of it that we must determine the true meaning of the Constitution and the law in respect to the appellate jurisdiction of this Court. We are not at liberty to except from it any cases not plainly excepted by law, and we think it sufficiently appears from what has been said that no exception to this jurisdiction embraces such a case as that now before the Court. On the contrary, the case is one of those expressly declared not to be excepted from the general grant of jurisdiction. For it is a case of imprisonment alleged to be unlawful, and to be under color of authority of the United States. It seems to be a necessary consequence that if the appellate jurisdiction by habeas corpus extends to any case, it extends to this. It is unimportant in what custody the prisoner may be, if it is a custody to which he has been remanded by the order from an inferior court of the United States. It is proper to add that we are not aware of anything in any act of Congress, except the act of 1868, which indicates any intention to withhold appellate jurisdiction in habeas corpus cases from this Court, or to abridge the jurisdiction derived from the Constitution, and defined by the act of 1789. We agree that Congress may withhold or abridge it; for it is given subject to exception and regulation by Congress. But it is too plain for argument, that the denial to this Court of appellate jurisdiction in this class of cases must greatly weaken the efficacy of the writ, deprive the citizens in many cases of its benefits, and seriously hinder the establishment of that uniformity in decisions upon questions of personal rights which can only be attained through appellate jurisdiction exercised upon the decisions of courts of original jurisdiction. In the particular class of which that before the court is an example, where the custody to which the prisoner is that of some authority other than that of the remanding court, it is evident that the imprisoned citizen, however unlawful his imprisonment, may be—in fact is—wholly without remedy, unless it be found in the appellate jurisdiction of this court. These considerations forbid any constructions giving to doubtful words the effect of withholding or abridging this jurisdiction. They would strongly persuade against the denial of the jurisdiction, even were the reasons for affirming it less cogent than they are. We are obliged to hold, therefore, that in all cases where a Circuit Court of the United States has in the exercise of its original jurisdiction caused a prisoner to be brought before it, and has, after inquiring into the cause of detention, remanded him to the custody from which he was taken, this Court, in the exercise of its appellate jurisdiction, may by the writ of habeas corpus, aided by the writ of certiorari, revise the decisions of the Circuit Court, and, if it be found unwarranted by law, relieve the prisoner from the unlawful restraint to which he has been remanded. This conclusion brings us to the inquiry whether the 2d section of the act of March 27, 1868, takes away or affects the appellate jurisdiction of this Court under the Constitution and the acts of Congress prior to 1867. We have already expressed in McArdle's case our opinion that it was. But the point was not very carefully considered, and we have reëxamined it (7 Wall, 515). The circumstances under which the act of 1868 was passed were peculiar. On the 15th of February, 1867, Congress passed an act, to which reference has already been made, extending the original jurisdiction, by habeas corpus, of the district and circuit courts and of the several judges of these courts, to all cases of restraint of liberty in violation of the Constitution, treaties, or laws of the United States. This act authorized appeals to this Court from judgments of the Circuit Court, but did not repeal any previous act conferring jurisdiction by habeas corpus unless by implication. Under this act one McArdle, alleging unlawful restraint of military force, petitioned the Circuit Court for the Southern District of Mississippi for the writ of habeas corpus. The writ was issued and a return was made, and upon hearing the Court decided that the restraint was lawful, and remanded him to custody. McArdle prayed an appeal under the act to this Court, which was allowed and perfected. A motion to dismiss the appeal was made here, and denied. The case was then argued at the bar, and the argument having been concluded on the 9th of March, 1869, was taken under advisement by the Court. While the cause was thus held, and before the Court had time to consider the decision proper to be made, the repealing act under consideration was introduced into Congress. The act was carried through both Houses, sent to the President, returned with his objections, repassed by the constitutional majority in each House, and became a law on the 27th of March, within eighteen days after the conclusion of the argument. The effect of the act was to oust the Court of its jurisdiction of the particular case then before it on appeal; and it is not to be doubted that such was the effect intended. Nor will it be questioned that legislation of this character is unusual and hardly to be justified except upon some imperious public exigency. It was doubtless within the constitutional discretion of Congress to determine whether such an exigency existed, but it is not to be presumed that an act passed under such circumstances was intended to have any further effect than that plainly apparent from its terms. The words of the repealing section are, "that so much of the act approved Feb. 5, 1867, as authorizes an appeal from the judgment of the Circuit Court to the Supreme Court of the United States or the exercise of any such jurisdiction by said Supreme Court on appeals which have been or may be hereafter taken, be and the same is hereby repealed." These words are not of doubtful interpretation. They repeal only so much of the act of 1867, as authorizes appeals, or the exercise of appellate jurisdiction by the Court. They affected only appeals and appellate jurisdiction authorized by that act. They do not purport to touch the appellate jurisdiction conferred by the Constitution, or by excepting from it any cases not excepted by the act of 1789. They reach no act except the act of 1867. It has been suggested, however, the act of 1789, so far as it provided for the issuing of writs of habeas corpus of this Court, was already repealed by the act of 1867. We have already observed that there are no repealing words in that act. If it repealed the act of 1789 it did so by implication, and any implication which would give to it this effect upon the act of 1789 would give it the same effect upon the acts of 1833 and 1842. If one was repealed all were repealed. Repeals by implication are not favored. They are seldom admitted except on the ground of repugnancy, and never, we think, when the former act can stand together with the new act. No doubt the exercise of appellate jurisdiction under the act of 1789 was less convenient than under the act of 1867. But the provision of a new and more convenient mode of its exercise does not necessarily take away the old, and that this effect was not intended is indicated by the fact that the authority conferred by the new act is expressly declared to be "in addition" to the authority conferred by the former acts. Addition is not substitution. The appeal given by this act of 1867 extended, indeed, the cases within the former act, and the acts by its grant of additional authority, so enlarged the jurisdiction by habeas corpus, that it secured, as was observed in the McArdle case, "impossible to widen it." But this effect does not take from the act its character of an additional grant of jurisdiction, and make it operate as a repeal of jurisdiction heretofore allowed. One conclusion is that none of the acts prior to 1867 authorizing this Court to exercise appellate jurisdiction by means of the writ of habeas corpus were repealed by the act of that year, and that the repealing section of the act of 1868 is limited in terms, and must be limited in effect to the appellate jurisdiction authorized by the act of 1867. We could come to no other conclusion without holding that the whole appellate jurisdiction of this Court in cases of habeas corpus, conferred by the Constitution, recognized by law, and exercised from the foundation of the Government heretofore has been taken away without the expression of such intent, and by mere implication, through the operation of the acts of 1867 and 1868. The suggestion made at the bar that the provision of the act of 1789, relating to the jurisdiction of the Court by habeas corpus, if repealed by the effect of the act of 1867, was revised by the repeal of the repealing act, has not escaped our consideration. We are inclined to think that such would be the effect of the act of 1868; but having come to the conclusion that the act of 1789 was not repealed by the act of 1867, it is not necessary to express an opinion on that point. The argument having been confined, by direction of the Court, to the question of jurisdiction, this opinion is limited to that question. The jurisdiction of the Court to issue the writ prayed for is affirmed.

Associate-Justice Swayne was understood to remark that he had been requested to say for Associate-Justice Miller, who was absent, that the latter dissented from the opinion.

ELECTION INTELLIGENCE.

OHIO ELECTION.

Counties.	—Governor—1869.— Rep. Hayes.	Dem. Pendleton.	—Governor—1867.— Rep. Hayes.	Dem. Thurman.
Adams	1662	2223	1982	2300
Ashland	2006	2395	2161	2464
Athens	2578	1644	2528	1701
Auglaize	914	2430	925	2713
Belmont	3248	3764	3412	3971
Brown	2015	3197	2407	3266
Butler	2769	4879	2800	4886
Carroll	1622	1210	1634	1298
Champaign	2524	2001	2623	2159
Clarke	3459	2159	3290	2113
Clermont	2950	3784	3246	3737
Clinton	2556	1474	2634	1628
Coshocton	1987	2437	2102	2612
Crawford	1631	3183	1864	3497
Cuyahoga	9402	6727	9673	7436
Darke	2528	3377	2661	3246
Defiance	962	1665	1009	1855
Delaware	2685	2043	2727	2311
Fairfield	2144	3831	2056	3940
Fayette	1770	1288	1733	1543
Franklin	4289	6552	4600	7255
Gallia	2172	1560	2001	1902
Geauga	2489	573	2654	630
Greene	3191	1717	3615	1857
Guernsey	2380	1836	2549	2052
Hamilton	17939	19248	19961	18437
Hancock	1946	2483	2172	2509
Hardin	1773	1882	1770	1770
Harrison	2043	1635	2112	1660
Henry	913	1394	955	1544
Highland	2805	2903	2881	2885
Hocking	1180	1873	1179	2129
Holmes	861	2356	957	2988
Huron	3393	2112	3683	2272
Jackson	2022	1768	1857	1821
Jefferson	2921	2115	2969	2202
Knox	2761	2798	2814	2811
Lake	2381	861	2392	830
Lawrence	2281	1637	2009	2259
Licking	3107	4406	3133	4441
Logan	2414	1753	2516	1837
Lorain	3771	1830	4095	1807
Lucas	4106	2703	3844	2655
Madison	1598	1579	1515	1533
Mahoning	3093	2552	2898	2602
Marion	1393	1877	1377	1963
Medina	2498	1586	2626	1686
Meigs	2789	1871	2773	2185
Mercer	695	2104	698	2323
Miami	3290	2649	3382	2810
Monroe	903	2792	1111	3477
Morgan	2107	1699	2403	1953
Morrow	2168	1737	2240	1801
Muskingum	4087	4411	4315	4671
Noble	1920	1189	2009	1873
Ottawa	743	1168	808	1260
Paulding	723	647	761	666
Perry	1601	1915	1599	2090
Pickaway	1960	2730	1882	2870
Pike	1027	1550	973	1770
Portage	3212	2241	3342	2317
Preble	2427	1854	2422	1867
Putnam	982	1985	972	2020
Richland	2964	3595	3068	3691
Ross	2651	3546	2889	3837
Sandusky	2175	2630	2261	2834
Scioto	2448	2206	2327	2535
Seneca	2581	3242	2739	3584
Shelby	1360	2227	1350	2398
Trumbull	4621	2144	4525	2189
Tuscarawas	2741	3352	2746	3483
Union	2053	1462	2128	1537
Van Wert	1445	1474	1408	1468
Vinton	1316	1571	1302	1634
Warren	3351	1875	3638	1905
Wayne	3202	3655	3313	3704
Williams	1933	1580	2599	1801
Wood	2352	1596	2420	1800
Wyandot	1561	2069	1609	2183
Total	202,429	202,463	210,653	213,482

Majority for Pendleton, so far, 34; majority for Thurman in 1867, 2,829.

The counties not included in the above table are Allen, Ashtabula, Columbiana, Erie, Fulton, Montgomery, Stark, Summit, and Washington, which are reported unofficially (and no doubt with substantial accuracy) as giving 7,625 majority for Gov. Hayes. Deducting the 34 majority for Pendleton as above, leaves a Republican majority on the State ticket of 7,591, against 2,983 Republican majority two years ago.

FATAL BOILER EXPLOSION.

LA CROSSE, Wis., Oct. 25.—The boiler of a steam saw mill at Grand Crossing, opposite this city exploded at noon to-day, mortally injuring three men, and badly scalding several others. The cause of the explosion is unknown.

ANOTHER SHOOTING AFFRAY IN TENNESSEE.

LOUISVILLE, Oct. 25.—A bloody tragedy occurred yesterday at Mitchellsville, Tenn. Two citizens and a man named Moses Grave became involved in dispute, during which pistols were drawn and the three parties were mortally wounded.

GENERAL TELEGRAPHIC NEWS.

....Jefferson Davis arrived at New-Orleans yesterday.

....Gov. Hayes of Ohio has set apart the 18th of November as a day of Thanksgiving.

....David Kendall, Past Grand Master of Odd-Fellows in California, died on Monday in Sacramento.

....The Rev. Father Sambriaso, Secretary of the Jesuits of New-Orleans, died on Sunday, aged 60 years.

....Dr. White of Aurora, Ill., was found dead in his room at the Everett House, St. Louis, on Sunday. He committed suicide by taking morphine.

....The great American Basin Mining Company of Philadelphia has purchased several other White Pine mines for $120,000.

....The United Ancient Order of Druids laid the corner stone of their new hall at San Francisco on Sunday with imposing ceremonies.

....Judge Isaac Davis of Sacramento is dead. He was a pioneer Californian and a prominent Mason and Odd-Fellow.

....The Attorney-General of Louisiana has obtained judgment against the State Treasurer for $16,000 for alleged services in collecting the special tax of 1868. He claimed $125,000.

....President Grant has pardoned Anderson, Patterson, and Elsom, who were convicted at Richmond in 1868 of conspiring to defraud the revenue, and sent to the Albany Penitentiary.

....The waves receded on the Fort Point (Cal.) tidal gauge at 5 p. m., Oct. 22. This leads to the belief that a heavy earthquake has taken place at some point on the Pacific coast.

....The Susquehanna Railroad at Duanesburg, where the road-bed, nearly 100 feet in hight and 200 in length, was washed away by the flood, has been repaired and trains now run regularly.

....A barge belonging to the Mississippi Valley Transportation Company, laden with 3,000 barrels of flour, sunk at the levee at St. Louis, yesterday. The cargo was insured.

....Frederick Carroll Brewster has been tendered by Gov. Geary the position of Attorney-General of Pennsylvania, now occupied by Benjamin Harris Brewster.

....Mrs. Bryant, wife of Otis Bryant of Providence, R. I., aged 27 years, either threw herself or fell from the fourth story window of the Merrimac Factory into the river at Lowell yesterday, and was drowned.

....John Foelkins, a member of battery "A," 9th Brigade, while firing the last gun of a general's salute at the parade of the brigade at Albany yesterday, had one of his arms shattered, which was subsequently amputated.

....Charles A. Guilmette and Gotlich R. Richards were bound over in $1,000 each, in Boston yesterday, for carrying on business of rectifying of spirits in compounding a preparation known as extract of juniper, without paying a special tax.

YELLOW FEVER AT QUARANTINE.

The bark Linda, of Philadelphia, Capt. Phelan, arrived yesterday morning at Quarantine, from Mill River, Jam. The Captain reports that four of his crew, David Preicks, (colored), Chas. Fleming, John Johnson, and James Waterford, died in port of Milk River; that Thomas Gorman, and A. Butler, died on the passage; Jas. Mann was sick on arrival. The Linda will be detained at Quarantine, and the sick man transferred to the Quarantine Hospital at West Bank.

ATTEMPTED WIFE MURDER.

For a considerable time past Frank Myers and his wife, residing in the tenement No. 240 West Thirtieth-st., have lived unhappily. Quarrels were frequent, and the husband has on many occasions beaten the wife. Early last evening they quarreled again, and the husband stabbed her in the left breast with a dirk knife, causing a very dangerous wound. He was taken into custody and locked up in the West Thirty-fifth-st. Police Station. The wounded woman was attended by Police Surgeons Otis and Ranney, who consider her in a critical condition.

TRIAL FOR MANSLAUGHTER.

The trial of James Stokes on a charge of manslaughter was begun yesterday morning at Newark in the Essex County Court of Oyer and Terminer. The brief facts of the case are that Stokes struck a man named McGuirk, during a quarrel three months ago, so violently on the head that the man died two or three days subsequently.

WASHINGTON.

GEN. SPINNER IN FAVOR OF INCREASED COMPENSATION FOR THE DEPARTMENT CLERKS—HOW THE YERGER DECISION IS RECEIVED—THE TOBACCO FRAUDS—MAJ.-GEN. BELKNAP DECLINES A PUBLIC DINNER—ILLNESS OF EX-GOV. PRATT OF MARYLAND.

WASHINGTON, Monday, Oct. 25, 1869.

Gen. Spinner in his forthcoming report will strongly recommend an increase of compensation for Department clerks. He also takes strong grounds in favor of the classification of female clerks, a large number of whom he has employed in his Bureau. He says that there is a certain class of work in his office in which the women clerks far excel the men; for instance, counting coupons, calculating interest, and copying and preparing mutilated currency for destruction. He thinks that where a female clerk does twice the work of a man, she should receive at least an equal compensation. He thinks that all clerks should be paid according to the work they accomplish. This would give the women an equal opportunity with the men, and he thinks if such a rule were established, the women would make the most money. The women he says are especially expert in detecting counterfeits, and during the past week two female clerks in his office detected several counterfeit coupons, after the engravers and men clerks had passed them as genuine. These counterfeit coupons were sent to the Department from Germany.

The decision of the Supreme Court to-day on the question of jurisdiction in the Yerger case is freely commented on here, and it is generally considered that it materially interferes with the most vital features of the reconstruction laws of Congress. Every one anticipates that the final decision will result in the release of the man Yerger, who murdered Col. Crane.

From Reports in the Revenue Bureau it appears that at the present time the frauds in tobacco alone far exceed those in whisky and spirits, which has never before occurred. The frauds are mostly confined to Virginia and North Carolina, and dealers in Northern cities interested in tobacco in those States. A recently detected counterfeit stamp has been used with great success in those States, and a circular will be issued by Commissioner Delano in reference to it. Large invoices were recently captured in Chicago, and numbers with the counterfeit stamp, which were shipped from Cincinnati.

A telegram received from Gen. Belknap to-day, by a personal friend in this city, announces that he will not be able to meet his previous engagements with his friends in Washington, as his private business will not allow him to leave Keokuk in time to arrive here before the 29th inst. He also declines the tendered complimentary public dinner on the occasion of his arrival. He will receive those citizens of Iowa who choose to call upon him in a quiet way, but positively declines to signalize his appointment in any other way.

Dispatches received here to-night by friends announce the alarming illness of ex-Gov. Pratt of Maryland. Gov. Pratt was elected Governor of Maryland on the ticket with Henry Clay in 1844, and in 1848 succeeded Reverdy Johnson to the Senate for two years of his unexpired term, when the latter entered Taylor's Cabinet; and was also elected for the full term of six years succeeding. He had great influence in Southern Maryland, and has always exerted a strong influence upon the legislative matters of his State.

The Hon. Thomas Ewing is rapidly recovering from the effects of his illness, which occasioned so much anxiety in the Supreme Court on Friday. His physicians say that with proper care, in a short time he will have entirely recovered his usual health.

Mr. George Butler, nephew of Gen. Butler, and a well known New-York journalist, was to-day appointed Consul-General of British India at Calcutta. His appointment is credited to California, and he was recommended by most of the Senators from the Pacific coast, by the New-York Senators, and other influential gentlemen.

EVADING THE DUTY ON IRON AND STEEL—THE NOVEMBER INTEREST TO BE PAID AT ONCE—YELLOW FEVER IN HONDURAS.

[GENERAL PRESS DISPATCH.]

Hon. S. M. Felton and Major Henry McAllister, jr., of Philadelphia, Secretary of the American Iron and Steel Association, had an interview with Secretary Boutwell this morning in relation to the undervaluation of foreign steel and the partial evasion of the duty on iron and steel rails. Mr. Boutwell stated that he was engaged in a thorough investigation of the subject, to which his attention had previously been called, and it was his intention to carry out the law in letter and spirit.

The Secretary of the Treasury has authorized the payment at once, and without rebates, the interest due November 1, both on registered and coupon bonds.

The Vice-Commercial Agent at Belize, British Honduras, under date of Sept. 16, reports symptoms of yellow fever there prevailing. The disease so far is not epidemic. The deaths are few, and are confined to the non-acclimated.

The President and Mrs. Grant will leave here at noon to-morrow for Philadelphia to attend the wedding of the daughter of Bishop Simpson who is to be married in that city on Wednesday. They will return on Thursday evening or Friday morning.

Ex-Senator Wade of Ohio was among the visitors at the Executive mansion to-day.

Among those who had interviews with the President to-day were Gen. Harney, Senator Cole, Oliver Ames, President of the Union Pacific Railroad, E. H. Rollins, E. L. Perkins, Secretary of New-Mexico, and others.

In the case of Capt. Frank Munroe of the United States Marine Corps, who was recently tried by a general court-martial at Pensacola, on the charge of "conduct unbecoming an officer and a gentleman," the court found a verdict of guilty, and sentenced him to be dismissed from the service. Secretary Robeson approves the findings of the court; but, in consideration of the previous good character of Capt. Munroe, mitigates the sentence to suspension from command, rank, and duty for three years.

The following officers are assigned to duty in connection with the registration and election in Mississippi: Capt. Francis W. Weir; First Lieutenants, John Pulfard, John P. Walker, Ephraim Williams and A. E. Niles.

Judge Fisher to-day sentenced a colored youth, 17 or 20 years old, to 20 years' imprisonment in the Albany Penitentiary for an outrage committed on a small child, also colored.

A Committee from Baltimore, representing the Maryland Agricultural Society, and the Maryland Institute called on President Grant to-day and tendered him an invitation to attend the inaugural exercises of the revival of their State Agricultural Society on Tuesday and Wednesday next. The President stated he would be unable to avail himself of the invitation.

UNITED STATES SUPREME COURT.

WASHINGTON, Oct. 25.—No. 128—*Moses Waring* agt. the *Mayor, &c.*, of Mobile, error to the Supreme Court of Alabama. The plaintiff in error is a merchant of Mobile, and claims to be an importer of salt into that port. He claims that the city, under authority of the State law, seeks to impose upon him a tax and a penalty for its non-payment on sales, which he alleges is illegal, because in conflict with that clause of the Constitution of the United States which prohibits a State from levying any duties on imports and exports. It appears that the salt is brought from Liverpool by merchant-ships as ballast, and is laden on account of the ship-owners. These ships being unable to come up to the wharves of Mobile, discharge their salt by means of lighters down the bay, alleged to be beyond the limits of the port; and the plaintiff in error owns boats of this character, and receives the cargoes of salt in the original packages, which he brings up to the city, formally paying the duties thereon, and proceeds to sell to the trade as imports. It was shown, however, that before the cargoes were discharged upon the plaintiff in error's lighter the ship-owners made the necessary deposit in gold to secure the federal imports in accordance with the laws of the United States. The action was brought to restrain the collection of the tax complained of, and to enjoin the exaction of the penalty claimed for non payment. The Chancellor granted the injunction, but the Supreme Court of the State reversed that decree and dismissed the complaint. A writ of error was then taken to this Court. The cause was recently argued, and now decided, Mr. Justice Clifford delivering the opinion of the Court. It is held that under the laws of the United States regulating imports, and under the circumstances of the case as stated above; the plaintiff in error was not the importer of the salt, but the mere purchaser from the importer; and the fact that he sold in unbroken packages did not exempt him from State taxation. He had not partaken of any of the risks of the voyage, but was a mere purchaser of goods to arrive. The owners of the ship on whose account the salt was laden, and who had complied with the laws in the matter of discharging by lighters were to be deemed the importers. The judgment below was affirmed.

No. 14.—Lockwood, complainant, agt. Morey et al.—Appeal from the Circuit Court for the District of Massachusetts.—The complainant in this case was the assignee of a patent upon reissue for a syringe, denominated the "*Enema Syringe*," which, it is alleged, has been infringed by the appellants. The answer was that the original patentees were not the first inventors, as the principle claimed had been long in use prior to the patent, and the question of priority was the chief matter for determination, to be ascertained from volumes of evidence and a large number of exhibits in the case, the latter being syringes of earlier make than the one covered by the complainant's patent. The judgment below was for the complainant, and the cause thence came here. Mr. Justice Nelson now delivered the opinion of the Court, affirming the decree entered below, holding that it sufficiently appears that the patentees were the original inventors, and that the appellants had been guilty of the infringement alleged.

No. 10.—Maguire agt. Tyler et al. This is the motion to reform the judgment in the cause commenced on Friday last and concluded to-day. Gen. Ewing appeared and read the brief which had been prepared by his father, Thomas Ewing, sr., and which he was elaborating at the time of his paralytic attack. Judge Curtis concluded the argument.

No. 135.—Patterson agt. De la Ronse. The argument of this cause, before stated, was continued.

THE BIBLE IN THE COMMON SCHOOLS.

CINCINNATI, Ohio, Oct. 25.—It is thought the Board of Education, at their session to-night, will exclude the Bible from public schools.