UNITED STATES SUPREME COURT.

Decisions in the Missouri and Lawyers' Test Oath Cases.

BOTH ACTS DECLARED UNCONSTITUTIONAL

Dissenting Opinion of Chief Justice Chase and Associate Justices Miller, Swayne and Davis.

The Missouri Test Oath Case.

WASHINGTON, Jan. 14, 1867.

In the Supreme Court of the United States to-day, Associate Justice Field said he had been instructed to deliver the opinion in the case of John A. Cummins, plaintiff in error, against the State of Missouri, involving the constitutionality of the test oath of that State. The plaintiff was a Roman Catholic priest, and was convicted by the courts for advising and preaching without having first taken the required oath, and sentenced to pay a fine of $500, and committed to jail until paid. On appeal from the Circuit Court the Supreme Court of the State affirmed the judgment. The following is a mere outline of the opinion:—

The oath by the constitution of that State imposes more than thirty distinct affirmations and tests. Some of them constitute offences of the highest grade, to which the heaviest penalties are attached; some of them are not statute, while others are not blameworthy. They require him not only to swear that he was not in hostility to the United States, but that he never manifested adherence to the cause of the enemy; or desired a triumph over the arms of the United States, or that he ever expressed sympathy for the rebels, or ever sought to promote the ends of those engaged in war against the United States authorities, or ever left the State to escape enrollment or the performance of military duty, or ever expressed his dissatisfaction with the government. Every person unable to take this oath was declared incapable of holding office of trust, honor, or of acting as a trustee or manager of any corporation now or hereafter to be established; or of teaching in any educational institutions, or holding real estate for religious societies or congregations, &c.; and every person holding such office at the time the constitution went into effect, was required within sixty days to take the oath; and in default of taking the oath his office becomes vacant. No attorney at the bar, priest or preacher is permitted to teach or solemnize marriage without taking the oath. False swearing is made punishable by imprisonment in the Penitentiary. This oath is without any precedent in this country which the court could discover. It is first retroactive, and if taken years hence would cover the intervening period. In other countries test oaths were limited to the present and were not administered in particular instances of misconduct. Secondly, the oath is not only directed against individuals who opposed the acts of the government, but denounces their devices and sympathies. It makes no distinction between acts arising from malignity and acts springing from affection. If any one ever expressed sympathy for the rebellion, even if he were connected by the closest ties of blood, he is declared unable to subscribe to the oath, and is debarred from the employment specified. The Court admitted the proposition of the learned counsel of Missouri, that the State possessed all the attributes of sovereignty, and among the rights reserved to the State was the power to determine the qualifications for office and the conditions on which citizens may exercise their callings and pursuits within its jurisdiction; but it by no means follows that the State can inflict punishment for acts which were not punishable when committed. It was evident from the nature of the pursuits and professions of parties placed under disability by the constitution of Missouri that their acts had no possible relation to their fitness for their pursuits and professions, there was no connection between the allegation that Cummins left the State to avoid the draft and the administration of the sacraments of the Church; nor can a fact of that kind, or words of sympathy for those in rebellion, show the unfitness of lawyers, or professors, or teachers, or their want of ability in acting as managers or trustees of corporations. It was manifest on the simple statement of their acts that there was no such relation. The oath could not be applied as to whether the parties were qualified or not. The oath was intended to reach persons, not their calling, not because their acts unfitted them for their calling, but because it was thought their acts were deserving of punishment in no way but by depriving them of citizenship. The court did not agree that less than the deprivation of life, liberty and property was no punishment at all, a disqualification from holding office, as an impeachment may be a punishment, also the preventing attorneys practicing in the federal courts. By the statutes nine and ten of William III., any person speaking against the Christian religion, or speaking or writing against the Divine Spirit, was liable, for the first offence, to be rendered incapable of holding offices of trust or profit, and for the second, to prison. Statute two, George III., for contempt against the King's authority took away the right to receive any legacy, deed or gift, or vote at election for Parliament, with a penalty of £500. Blackstone says the loss of liberty consists in the loss of lands, or profits of lands for life, and disabilities from holding offices of honor or emolument. Among the Romans the loss of liberty was a disability of all privileges as members of the family or citizenship: in France deprivation of civil rights and the right to vote for offices, or to be guardian, or trustee, or to be an employé in schools or seminaries of learning. The theory on which our institutions rest is that all men have certain inalienable rights, among which were life, liberty and the pursuit of happiness. Thus all places of honor and position are open to every one, and all are protected equally under the law. Any deprivation of rights for past conduct is punishment, and cannot otherwise be defined. The court then proceeded to the consideration of the constitutional question. The constitution contains what may be deemed a bill of rights. It says:—No State shall pass a bill of attainder or *ex post facto* law. A bill of attainder is a legislative act which involves punishment without trial. If less than death, it is a bill of pains and penalties. A bill of attainder includes pains and penalties; it assumes the guilt of the parties without the safeguard of trial; and it fixes the degree of punishment in accordance with its own idea of the offence. Justice Story says bills of this kind were mostly passed in England, during the rebellion in England, or the gross substance of them, forgetting justice and trampling on the rights of others. Such bills are generally directed against the individuals by name. By Henry the Eighth it was declared that Earl Kildare and his abettors, confederates or adherents should stand, and be attainted and convicted of high treason, as though every one of them were properly named as engaged in the fact. So the declaration in the time of Charles the Second that Earl Carolan should suffer exile. If the third article of the constitution of Missouri had stated in terms that Cummins was guilty of being in armed hostility to the United States, and had said he left the State to avoid being drafted, and that he was therefore deprived of his right to teach in the institutions of the land, there is no question that this would be a bill of attainder in view of the constitution. If the clause, instead of mentioning his name, had declared all persons subject to like privations, the clause would be equally open to objection; and if it had declared that all such persons would be held guilty, provided that by a day specified they did not do certain acts, that would be within the constitutional inhibition in all these cases; it would be legislative judgment without the form of security of citizens established by our tribunals. The question presented is one of form and not of substance. The existing clause presumes parties guilty, from which they cannot release themselves without an expurgatory oath. It is certain the legal result is that which cannot be done directly, cannot be done indirectly. The constitution deals with substance, not with shadow. It aims at things, not names. Chief Justice Marshall says an *ex post facto* law imposes punishment for an act not punishable at the time it was committed, or imposes penalties additional to those then prescribed or different testimony. Thatcher versus Peek makes it an act of punishment for what was not punishable at the time the act was committed. The act to which Judge Marshall makes reference was passed by the Legislature of Georgia, repealing a previous act by which land had been granted. It was decided the repealing act had the effect of an ex post facto law. The clause of the Missouri constitution did not in terms define any crime or declare punishment inflicted, but presumed the same result as if the crime had been defined and the punishment prescribed. It aimed at some persons who directly or indirectly had aided the rebellion or escaped proper responsibility of citizens in time of war, and was intended to deprive certain persons of offices of trust and emolument. Such deprivation is punishment, nor is it a way which is opened by an expurgatory oath. Now some of these were not offences when the acts were committed. It was not then an offence to avoid the enrolment of the draft, how much soever it might be a matter of censure. Some of the acts at which the constitution was directed were offences at the time, but the clause which prescribes further penalties lie within the nature of an ex post facto law. The clause in question subverts the presumption of innocence and perverts the rules of evidence, which by the common law are fundamental. It presumes the party to be guilty and declares their innocence can be shown only in one way, and that by expurgation. Put this clause in the form of a legislative act and it would read, Be it enacted, &c., that all persons in armed hostility to the United States shall, on conviction, not only be punished as the law provided at the time of the offence, but also rendered incapable of holding offices of trust, honor or emolument, or exercise the office of a teacher or a priest, &c. No one could doubt that this third article if thus rendered would be *ex post facto*, because it would be adding a new punishment for an old offence. For an offence not punishable at the time of the enactment it would impose penalties without the form of judicial proceedings. The constitution of Missouri imposed an oath which it would be impossible for all to take. The constitution of the United States cannot be evaded in the form by which the power of the State is exerted. If this can be accomplished by indirect means the constitutional inhibition may be evaded at pleasure. Take the case of a man tried for treason, and if convicted and pardoned, nevertheless the Legislature might prescribe that unless he took an oath that he never did the act charged he should never hold office of honor or profit. Suppose the minority should get the control of the State government, nothing could prevent them from requiring that every person, as a condition of holding office of honor, profit or trust, should take an oath that he never advocated, advised or supported the imposition of the present expurgation oath. Under this provision the most flagrant violations of justice may be committed, and individuals deprived of their civil rights. A question rose in New York in 1783 upon a statute of the State which involved an expurgation oath as a means of punishment. The subject was regarded so important as to engage the attention of eminent lawyers and distinguished statesmen of the time. Alexander Hamilton demonstrated that it was in violation of the constitution, which secured the rights and liberties of the people as the result of the Revolution. It was a wise axiom that every man is believed to be innocent until he is proved guilty. The reversing of this was to hold out a bribe to perjury. It deprived the citizen of the advantage of leaving the burden of proof on his prosecutor. Let us not forget that trial by jury should remain inviolate forever, &c. The same view was embraced by the judiciary on analogous questions. The Court said in conclusion, the judgment of the Supreme Court of the State of Missouri must be reversed, with directions to enter judgment to reverse the judgment of the Circuit Court of Pike county, and also with directions to said Circuit Court to enter an order discharging the defendant from imprisonment and permitting him to go without delay.

The Lawyers' Test Oath Case.

Mr. Justice Field having delivered the opinion of the Court in the case of Cummins vs. The State of Missouri, proceeded to say:—I am also instructed by the Court to deliver its opinion in the matter of the petition of A. H. Garland. On the 2d of July, 1862, Congress passed an act prescribing an oath to be taken by every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military or naval departments of the public service, except the President of the United States, before entering upon the duties of his office, and before being entitled to its salary or other emoluments. On the 24th of January, 1865, Congress passed a supplementary act, extending its provisions so as to embrace attorneys and counsellors of the courts of the United States, which provides that after its passage no person shall be admitted as an attorney or counsellor to the bar of the Supreme Court, and after the 4th of March, 1865, to the bar of any Circuit or District Court of the United States or of the Court of Claims, or be allowed to appear and be heard by virtue of any previous admission or any special power of attorney, unless he shall have first taken and subscribed the oath prescribed in the act of July 2, 1862. The act also provides that the oath shall be preserved among the files of the court, and if any person take it falsely he shall be guilty of perjury, and upon conviction shall be subject to the pains and penalties of that offence. At the December term of 1860 the petitioner was admitted as an attorney and counsellor of this court, and took and subscribed the oath then required by the second rule, as it then existed. It was only requisite to the admission of attorneys and counsellors of this court that they should have been such officers for the three previous years in the highest courts of the States to which they respectively belonged; and that their private and professional character should appear to be fair. In March, 1865, this rule was changed by the addition of a clause requiring the administration of the oath in conformity with the act of Congress. In May, 1861, the State of Arkansas, of which the petitioner was a citizen, passed an ordinance of secession, which purported to withdraw the State from the Union, and afterward, in the same year, by another ordinance, attached herself to the so-called Confederate States, and by act of the Congress of that confederacy she was received as one of its members. The petitioner followed the State and was one of her representatives, first in the lower House and afterward in the Senate of the Congress of that confederacy, and was a member of the Senate at the time of the surrender of the Confederate forces to the armies of the United States. In July, 1865, he received from the President of the United States a full pardon for all offences committed by him by participation, direct or implied, in the rebellion. He now produces this pardon and asks permission to continue to practice as an attorney and counsellor of the court without taking the oath required by act of January 24, 1865, and the rule of this court, which he is unable to take by reason of the offices he held under the Confederate government. He rests his application principally upon two grounds—first, that the act of January 24, 1865, so far as it affects his status in the court, is unconstitutional and void; second, that if the act be constitutional, he is released from compliance with its provisions by the pardon of the President. The oath prescribed by the act is as follows:—First, that the deponent has never voluntarily borne arms against the United States since he has been a citizen thereof; second, that he has not voluntarily given aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; third, that he has never sought, accepted or attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; fourth, that he has not yielded a voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimical thereto; fifth, that he will support and defend the constitution of the United States against all enemies, foreign and domestic, and will bear true faith and allegiance to the same. This last clause is promissory only and requires no consideration. The questions presented for our determination arise from the other clauses. These all relate to past acts. Some of these acts constituted, when they were committed, offences against the criminal laws of the country, and some of them may or may not have been offences, according to circumstances under which they were committed and the motives of the parties. The first clause covers one form of the crime of treason, and the affiant must declare that he has not been guilty of this crime, not only during the war of rebellion, but during any period of his life since he has been a citizen. The second clause goes beyond the limits of treason and embraces not only the giving of aid and encouragement of a treasonable nature to a public enemy, but also the giving of assistance of any kind to persons engaged in armed hostility to the United States. The third clause applies to the seeking, acceptance or exercise, not only of offices created for the purpose of more effectually carrying on hostilities, but also of any of those offices which are required in every community, whether in peace or war, for the administration of justice and the preservation of order. The fourth clause not only includes those who gave a cordial and active support to the hostile government, but also those who yielded a reluctant obedience to the existing order established without their co-operation. The statute is directed against parties who have offended in any of the particulars embraced by these clauses, and its object is to exclude them from the profession of the law, or at least from its practice in the courts of the United States. As the oath prescribed cannot be taken by these parties, the act as against them operates as a legislative decree of perpetual exclusion. An exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as a punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening, increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included. In the exclusion which the statute adjudges, it imposes a punishment for some of the acts specified which were not punishable, or may not have been punishable at the time they were committed; and for all the acts it adds a new punishment to that then prescribed, and it is thus brought within the further inhibition of the constitution against the passage of an *ex post facto* law. In the case of Cummings vs. the State of Missouri, just decided, we had occasion to consider at length the meaning of a bill of attainder and an *ex post facto* law in the clause of the constitution forbidding their passage by the States, and it is unnecessary to repeat here what we then said. A like prohibition is contained in the constitution against enactments of this kind by Congress, and the argument presented in that case against certain clauses of the constitution of Missouri is equally applicable to the act of Congress under consideration in this case. The profession of an attorney and counsellor is not like an office created by an act of Congress, which depends for its continuance, its powers and its emoluments on the will of its creator, and the possession of which may be burdened with any conditions not prohibited by the constitution. Attorneys and counsellors are not officers of the United States. They are not elected or appointed in the manner prescribed by the constitution for the election or appointment of such officers. They are officers of the court, admitted as such by its order upon evidence of their possessing sufficient legal learning and fair private character. Since the statute of Henry IV. it has been the practice in England, and it has always been the practice in this country, to obtain this evidence by an examination of the parties. In this court the fact of the admission of such officers in the highest court of the States to which they respectively belong for three years preceding their application, is regarded as sufficient evidence of the possession of the requisite legal learning, and the statement of counsel moving their admission is sufficient evidence that their private and professional character is fair. The order of admission is the judgment of the court that the parties possess the requisite qualifications as attorneys and counsellors, and are entitled to appear as such and conduct causes therein. From its entry the parties become officers of the court and are responsible to it for professional misconduct. They hold their office during good behavior, and can only be deprived of it for misconduct, ascertained and declared by the judgment of the court after opportunity to be heard has been afforded. Their admission and their exclusion are not the exercise of a mere ministerial power. The court is not in this respect the register of the edicts of any other body. It is the exercise of judicial power, and has been so held in numerous cases. It was so held by the Court of Appeals of New York in the matter of the application of Cooper for admission. Attorneys and counsellors, said that court, are not only officers of the court, but officers whose duties relate almost exclusively to proceedings of a judicial nature, and hence their appointment may with propriety be entrusted to the courts. And the latter, in performing this duty, may very justly be considered as engaged in the exercise of their appropriate judicial functions. In *ex parte* Secomb, a mandamus to the Supreme Court of the Territory of Minnesota to vacate an order removing an attorney and counsellor was denied by this court on the ground that the removal was a judicial act. We are not aware of any case, said the court, where a mandamus was issued to an inferior tribunal, commanding it to reverse or annul its decision where the decision was in its nature a judicial act, and within the scope of its jurisdiction and discretion. And in the same case the court observed that it has been well settled by the rules and practice of common law courts that it rests exclusively with the courts to determine who is qualified to become one of its officers as an attorney and counsellor, and for what causes he ought to be removed. The attorney and counsellor, being by the solemn judicial act of the court clothed with his office, does not hold it as a matter of grace and favor; the right which it confers upon him to appear for suitors and to argue causes is something more than a mere indulgence, revocable at the pleasure of the court or at the command of the Legislature. It is a right of which he can only be deprived by the judgment of the court for immoral or professional delinquency. The Legislature may undoubtedly prescribe qualifications for the office, with which he must conform; as it may, where it has exclusive jurisdiction, prescribe qualifications for the pursuit of any of the ordinary avocations of life. But to constitute a qualification, the condition or thing prescribed must be attainable, in theory at least, by every one. That which, from the nature of things, or the past condition or conduct of the party, cannot be attained by every citizen, does not fall within the definition of the term. To all those by whom it is unattainable it is a disqualification which operates as a perpetual bar to the office. The question in this case is not as to the power of Congress to prescribe qualifications, but whether that power has been exercised as a means for the infliction of punishment against the prohibition of the constitution. That this result cannot be effected indirectly by a State, under the form of creating qualifications, we have held in the case of Cummings vs. the State of Missouri, and the reasoning upon which that conclusion was reached applies equally to similar action on the part of Congress. These views are further strengthened by a consideration of the effect of the pardon produced by the petitioner and the nature of the pardoning power of the President. The constitution provides that the President shall have power to grant reprieves and pardons for offences against the United States except in cases of impeachment. The power thus conferred is unlimited. With the exception stated, it extends to every offence known to the law and may be exercised at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction and judgment. This power of the President is not subject to legislative control. Congress can neither limit the effect of his pardon, nor exclude from its exercise any class of offenders. The benign prerogative of mercy reposed in him cannot be fettered by any legislative restriction. Such being the case, the inquiry arises as to the effect and operation of a pardon. On this point all the authorities concur. A pardon reaches both the punishment prescribed for the offence and the guilt of the offender; and when the pardon is full it releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he never committed the offence. If granted before conviction, it prevents any of the penalties and disabilities consequent upon conviction from attaching. If granted after conviction, it removes the penalties and disabilities, and restores him to all his civil rights. It makes him, as it were, a new man, and gives him a new credit and capacity. There is only this limitation to its operation—it does not restore offices forfeited or property or interests vested in others in consequence of the conviction and judgment. The pardon produced by the petitioner is a full pardon for all offences by him committed arising from participation, direct or implied, in the rebellion, and is subject to certain conditions which have been complied with. The effect of this pardon is to relieve the petitioner from all penalties and disabilities attached to the offence committed by his participation in the rebellion, so far as that offence is concerned. He is thus placed beyond the reach of punishment of any kind. But to exclude him by reason of that offence from continuing in the enjoyment of a previously acquired right is to enforce a punishment for that offence, notwithstanding the pardon. If such exclusion can be effected by the execution of an expurgatory oath, covering the offence, the pardon may be avoided, and that accomplished indirectly which cannot be reached by direct legislation. It is not within the constitutional power of Congress thus to inflict punishment beyond the reach of Executive clemency. From the petitioner, therefore, the oath required by the act of January 24, 1865, cannot be exacted, even were that act not subject to any other objection than the one just stated. It follows, from the views expressed, that the prayer of the petitioner must be granted. The case of R. H. Marr is similar in its main features to that of the petitioner, and his petition must be granted, and the amendment to the second rule of the court, which requires the oath prescribed by the act of January 24, 1865, to be taken by attorneys and counsellors, having been unadvisedly adopted, must be rescinded, and it is so ordered.

Dissenting Opinion.

Associate Justice Miller delivered the dissenting opinion in the above cases. It was hoped the effect of the circumstances under which the law was passed would soon cease, in order that the statute might be repealed or modified. All good men looked for the return of better feelings between all sections, when the reason for the law would not exist; but the question now presented involved the exclusion from offices of public trust of those who engaged to destroy the government by force. This could never fail to be one of profound interest. It is always delicate to say Congress exercises power not confided to it. In their action members of Congress are as much bound by oath to support the constitution as the Judges of the Court. The constitution makes ample provision for courts of justice to administer the laws and protect the rights of the citizens. Article three, section one, of the constitution says the judicial power of the United States shall be vested in one Supreme Court, &c. Power is vested in the Congress to fix the number of judges of the Supreme Court, fix their salaries, provide for all necessary officers, such as marshals, and prosecuting attorneys, commissioners, jurors, and bailiffs. By the act of 1789, commonly called the judiciary act, it is enacted that parties may appear and manage their causes personally or according to the rules. It is believed there is no civilized society in the world where there are not attorneys or practitioners at law. The enactment which has just been cited recognizes the utility of this class of men. They are as essential to the working of the court as are marshals, sheriffs and other officers. As there is no instance of a court without a bar, the practice is a privilege on such conditions as the law-making power may prescribe. It is a privilege, and not an exclusive right. Every State in the Union, and every civilized government on earth, have laws by which the right to practice depends upon professional skill and good moral character. The continuance of the right is made by law the continuance of these qualities. Attorneys are often deprived of the privilege when it is discovered they are of bad moral character. This is done by law, statutory or common, which is equally the expression of public will. Attorneys are subject to legislation the same as judges. Congress has the power to prescribe the qualifications of attorneys and prescribe oaths. The act just declared unconstitutional is nothing more than a law that attorneys shall take the same oath as other officers in civil or military life. This looks at their past and future conduct, and all has reference to their overthrow of the government. They are required to answer that they are not guilty of treason in the past and will give their allegiance to the government in the future. That true and loyal attachment to the government is made the qualification of attorneys seems to be plain. History shows members of the legal profession are powerful in the government, as they are the moulders of public sentiment, and they aid in the construction and enforcement of the law, and from among them judges are selected. To suffer treasonable sentiments unchecked is to let the stream be poisoned at the source. If all the attorneys in the past had rendered faithful allegiance to the government we should have been spared the horrors of the rebellion. If this qualification is so essential to a lawyer it cannot be denied that the law was intended to secure that position. The majority of the court, however, do not base their decision on a mere absence of authority to enact laws on the subject under consideration, but insist that the constitution prohibits the enactment of such laws, both by Congress and the States; that the present law is in the nature of an *ex post facto* law, and that the provisions of the Missouri constitution are in conflict with the constitution for the same reason, and are therefore void. First, in regard to bills of attainder, we must recur to bills of attainder passed by the British Parliament, to enable us to arrive at a conclusion as to what was intended to be prohibited by the constitution. The word "attainder" is defined to be the corruption of the blood of the criminal capitally condemned, which takes place by the common law on sentence of death. The party attainted lost all power to receive or give by inheritance. This attaint or corruption of blood continued to be the law of England at the time our constitution was formed, and may be the law on condemnation of treason this day. Bills or acts of attainder declared persons attainted or blood corrupted so as to lose heritable qualities. Section second of the constitution declares the Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted. He then explained at some length his views on this section, showing that the framers of our constitution struck boldly at despotic machinery by prohibiting the passage of *ex post facto* laws and bills of attainder with the exception which the constitution provided. It remained to be seen whether the law of Congress and the Missouri constitution were brought within this class of bills. It is not claimed that the act works corruption of blood. Therefore it is not a bill of attainder; nor did he see that it contains conviction of any designated persons. It is true that acts were passed in Great Britain against persons whose names were unknown, but the laws leave nothing but the names of the persons to be made out, and to prove their association with the crime committed. If not so it would be a mere *brutem fulmen*, and punishment could be visited only by proof of the guilt. No person was pointed out by the act of Congress either by name or description. It is said that the law was made to apply to those engaged in the rebellion, but this is a mistake. It is applicable to all. The act does not declare confiscation, nor does it pronounce sentence or inflict any punishment. It leaves the party himself to determine the act of guilt, or announce and pronounce his own sentence or innocence. It designates no name or guilt, and pronounces no sentence and inflicts no punishment; therefore it can in no sense be called a bill of attainder. As to its being an *ex post facto* law and a penal statute, it will be agreed it applies to criminal causes alone, and not to civil proceedings which affect private rights respectively. Cases were cited in support of the argument, and the argument was continued to show that the law imposed a mere oath of office. There was nothing on its face to show it imposed an additional punishment for any other act. He maintained that the purpose of Congress was to require loyalty as a condition to practice in the courts, and not, as the majority maintain, a punishment for past offences. The President cannot, by pardon or otherwise, dispense with the law. The man guilty of counterfeiting may be saved by the President from the gallows; but a lawyer cannot by him be readmitted to this bar. It remains for the legislative power to say to what extent relief shall be extended.

As to the opinion in the case of Cummins pronounced to-day, Judge Miller quoted Justice Story, who said the whole power as to religion is left to the States to be acted on in their own judgment; and in opposition to the views of the majority of the Court quoted an ordinance of the First municipality of New Orleans which imposed a penalty on the priest of the Obituary chapel for performing service in the Church of St. Augustine. The priest relied on the constitution of the United States to protect him; but the Court replied the constitution makes no provision to protect citizens of a State in their religious liberties. That was left to the State laws, and the case of Pomali was dismissed for the want of jurisdiction. The constitution of Missouri says certain classes shall not exercise their functions unless they show their loyalty. This the majority holds to be unconstitutional because the constitution forbids it. In this discussion he (Justice Miller) had said nothing of the great evils inflicted on the country by the rebellion, nor of the consequent hardships, much more severe than any law. He had merely endeavored to show what the law is, and Chief Justice Chase and Associate Justices Swayne and Davis concurred in this opinion.

NEW YORK LEGISLATURE.

Senate.

ALBANY, Jan. 14, 1867.

BILLS NOTICED.

By Mr. LA BAU—To amend proceedings of Richmond County Supervisors relative to the lighting of the streets of Castleton with gas.

By Mr. FOLGER—To confirm the title of James J. Bozzoni and Daniel D. Lord trustees to certain real estate. Also to authorize Edward Cunard to take and hold real estate. Also to amend the charter of the Eclectic Association of New York.

By Mr. LOW—To amend the charter of the Germania Life Insurance Company.

THE STATE INEBRIATE ASYLUM.

On motion of Mr. LOW the following resolution was adopted:—

Resolved, That the trustees and managers of the State Inebriate Asylum, at Binghamton, be requested to report to the Senate the number of persons now supported or under treatment at said asylum; the number supported there the last two years, the amount of money received from all sources the last two years, and the number of persons said asylum can accommodate.

The PRESIDENT announced that Senator Collins would be chairman of the Canal Committee, and that Senator Weeks would act on all committees to which ex-Senator Hayt was attached. Adjourned.

Assembly.

ALBANY, Jan. 14, 1867.

THE ELECTION OF UNITED STATES SENATOR.

A concurrent resolution was received from the Senate, providing for the election of United States Senator on Wednesday, at twelve o'clock. Agreed to.

Mr. ROBERTS, by unanimous consent, offered the following:—

Resolved, That on Tuesday, January 15, at twelve o'clock noon, this House will proceed to name a Senator for the Congress of the United States, in place of Hon. Ira Harris, whose term of office will expire on the 4th day of March next, and that each member as his name is called shall rise in his place and nominate the person of his choice.

Adopted.

NOTICES OF BILLS.

By Mr. JULIAND—Changing the time of the annual meeting of the Commissioners of Excise.

By Mr. BRIGGS—For the improvement of the Hudson river between Hudson and Athens.

By Mr. CREAMER—For the better protection of the drovers and butchers in New York.

By Mr. MILLSPAUGH—To repeal the acts establishing the State Inebriate Asylum.

By Mr. SKILLMAN—To extend the time for the collection of taxes in Queens county.

By Mr. WEED—To prevent fraudulent voting and bribery at elections.

By Mr. BRIGGS—To amend the charter of Athens village.

BILLS INTRODUCED.

By Mr. CRANDELL—Relative to clerks of the police courts of New York; reducing their number and salaries, and giving their appointment to the Police Commissioners.

By Mr. LOCKWOOD—To amend the charter of Auburn. Also to amend the charter of the Auburn Water Works Company.

By Mr. COVEL—To authorize the town of Johnstown to loan its bonds to the Fonda, Johnstown and Gloversville Railroad, and to regulate the fare thereon.

By Mr. FREAR—Relative to certain privilges issued by the Mayor of New York to Thomas McClellan.

By Mr. O. MURPHY—To abolish the Board of Supervisors of New York city and confer their powers upon the Board of Aldermen.

By Mr. CANDEE—To authorize the Syracuse and Fayetteville Plank Road Company to construct a railroad on their present route.

By Mr. HINSDALE—To amend the charter of the Security Life Insurance and Annuity Company. Also in relation to public holidays and the maturity of commercial paper.

MOTIONS AND RESOLUTIONS.

By Mr. WEED—Directing the Committee on Public Printing to inquire into the propriety of having the debates of the Legislature reported in full daily, and to report what measures are necessary to accomplish such a result. Referred.

By Mr. RICE—Directing the State Engineer and Surveyor to make a survey of the Oneida Lake canal from South Bay to some point on the Erie canal, and to make an estimate of the expense of constructing said canal and the necessary locks of the size and dimensions of the Erie canal; also estimates of the cost of rebuilding and rendering available upon the enlarged plan of the present Oneida Lake canal. Laid on the table.

Mr. HOYT presented the following resolution, which was appropriately referred:—

Resolved, if the Senate concur, That we heartily approve of the action of the responsible majority in Congress for their promptness in passing the District of Columbia Suffrage bill over the President's veto.

Mr. BRUCE offered the following resolution, which was appropriately referred:—

Resolved, if the Senate concur, That the present financial condition of the country and the heavy national debt incurred in the preservation of the Union render it indispensable that a large revenue be derived from duties on imports, and that in the collection of such revenue the duties should be so adjusted as to secure the greatest possible protection to the producer of raw material and to all classes of our merchants and manufacturers.

Mr. W. S. CLARK presented the following resolution, which was adopted:—

Resolved, That the Judiciary Committee be instructed to inquire whether, under the provisions of section 2 article 13 of the constitution, a sufficient number of affirmative votes were cast at the last general election to order a convention to revise the constitution, and ordered to report thereon at an early day.

BILLS PASSED.

To extend the time for the collection of taxes in the town of York, Livingston county.

To amend the charter of the Rome Hydraulic Company.

RELIEF FOR THE WIDOWS OF REBELS.

SPECIAL TELEGRAM TO THE HERALD.

Generals Wise and Rosser on the Rampage—They Declare the Cause of the Rebellion Not Lost—Wise Anxious to Be Buried in a Gray Overcoat—The South "Sublimely Unconquered," &c.

RICHMOND, Va., Jan. 14, 1867.

A large assemblage of citizens at one of the leading churches here was addressed this evening by Generals Rosser and Henry A. Wise on the subject of relief of the widows of Confederate soldiers. The addresses of both were warmly received and frequently applauded.

General Rosser said he was here as the champion of the cause of liberty and freedom, to awake the echoes of the country from North to South in behalf of the honored dead; to lay before you the claims of the widows and orphans of the numberless dead. Our duties to them are to do something for these helpless sufferers. He would decorate and erect monuments to our glorious dead; but we must not forget the living. We are entirely at the mercy of the conquerors, in whose hands is our fate, and who, instead of being magnanimous, are bitterly oppressive. I would have preferred to have died on the battle field, at the post of duty, as my worthy comrade and statesman, General Wise has said; but if we could ask the brave men who died for us what they would require, they would say, "Give our wives and our children bread." We must buy the charity of the world; we must go into the lottery business and offer a certain number of prizes, the first being the mansion once occupied by our honored President, Davis; the second the birth-place of our chieftain, R. E. Lee, Virginia's great son. Virginians, look at your own State, destroyed and made a slaughter pen by the very government whose institutions you once admired. She is now dishonored, made desolate and left helpless. Your soldiers have fought for glory and renown. They left home, wives and children. They had seen the black horrors of war; but they went, inspired by God, truth and liberty, to fight for their country. What are our duties to them? Have they not a right to expect that we would cherish their memories? We should die as they have died before us, unblemished. The death knell of liberty was sounded at Appomattox. I have not been pardoned; have not asked for it; would not get it if I did. The cause lives, if not in the men in the women. The women carried on the war. The noble women and children who have lost husbands and fathers are entitled to our respect. We have no country, but we have some means to divide with them. There must be a comfortable and honorable provision made for the wife and child of every Confederate soldier. Virginia is my native State, thank God. I am proud of it. I have never seen the man that was ashamed of it. Maryland was trammelled and could not assist us during the war; but now she is ready to pour out her treasure to help the suffering widows and orphans of Virginia. There are only six thousand widows in the South, and our eight millions of people must at once provide for them. The children must be educated. We know your influence and your power, and we expect you to do it. I have stopped the men bearing the wounded soldier off the battle field and have made them lay him down to die and go back to the fight. I have realized the bitter anguish of the wives and children for this duty. They call upon you now to-night to give food and raiment to their wives and children. The day of retribution is coming, and every man will receive his reward.

General WISE was then introduced. He said this was a touching appeal made by General Rosser, whom he seconded, who was only yesterday the champion of the cause that fell. No arm now can strike for it. We can only now repair our loss. The appeal for aid for our widows and orphans comes from one of Virginia's sons. Have I been spared to see the cause die out before we die? What evidence have we that that cause has died out? But when we see widows wail or hear an orphan cry, I feel then the cause has indeed died out. If you let one of them wail, you may well say the cause is dead. It shall be to your cost. Should every man and woman in the South give it up, I never will—never, never. I care not how much more of misery may be piled upon me, it will only be a moment reaching to heaven to reach heaven's ear. You never were worthy the cause if you let it die out. We are wailing and in want. My God! what a widow Virginia herself is! That is an aching agony that God knows how I endured it. But I have endured it. The men whom I commanded were all my children. I looked at them not as a Martinet would, but as citizens who were defending a noble commonwealth, and we cared not so the victory was won. Never has there been such unexampled heroism. When they followed me through disaster and defeat, the glory that was in my heart was that they knew I loved them. I would have loved them for that devotion and self sacrifice in any cause half as good. I have wept over many of them whom I saw fall by the enemy's bullet as I would over my own son. When I die let me lie where I fall, wrapped in my grey overcoat. Leave the noble memorials you have begun, which are only vanity. The Confederate dead all, all sleep well, thank God. But the women—the wife that never knew want—who could not work—who, above all that suffer now, are the ones who need your charity. This is what the children and widow of the Confederate soldier now need. The mother will feel proud if you educate her noble child to emulate the heroism of his father, to strike for the same cause. That enemy who undertook to conquer the Southern people, three millions would not cover the number who were laid *hors du combat*. Eight hundred thousand will cover the Confederate loss. We must provide an asylum for both widows and orphans. We can raise the means by the plan proposed, and let the proceeds be invested in profitable account. Let no widow wail, no orphan want. I have never had the heart to see a man want when I have had a crumb for myself. Don't wait; look out for those that want, and you shall be blessed by Heaven. If you do not you are an infidel people, and your substance will be eaten up. Find out, give and relieve. Virginia shall revive and be stronger than ever. Only prove if you are not fighting, yet you are still sublimely unconquered.

THE CARNIVAL SEASON.

SPECIAL TELEGRAM TO THE HERALD.

Grand Bal Masque at the Academy of Music, Philadelphia—The City of Brotherly Love in Gay Attire—The Queen of the Adriatic Transferred to the Banks of the Delaware—Gorgeous Scenery, Fantastic Costumes, Splendid Music, &c.—A Night of Jollity and Pleasure.

PHILADELPHIA, January 14, 1867.

The worthy burghers of this staid city are in a state of excitement to-day. The even tenor of their way is disturbed by the *pronunciamento* of Prince Carnival, who through every newspaper, from every dead wall, in every window, announced that he would hold a grand reception to-night at the American Academy of Music under the auspices of his faithful representatives, Messrs. H. C. and J. C. Risley and P. E. Abel. Those three gentlemen, constituting a society called La Coterie Carnival, originated those masquerade balls in this city in 1863. The society was first called *La Coterie Blanche*, and consisted of a board of directors; but the three directors above mentioned withdrew from the association and established a new one called *La Coterie Carnival*. This is the fifth ball which has been got up under their auspices, and it entirely eclipses all their previous efforts. The Academy of Music is indeed an ornament to the city, and presents none of the objectionable features of that dreary mausoleum of so many opera troupes which New York calls by the same name. The immense stage represented the interior of a Venetian palace, painted by Revere & Smith, looking out from which were discerned, plying to and fro upon the Grand Canal, a number of illuminated and gayly decorated gondolas, St. Mark's and the palace of the Doge in the distance: the whole scene was beautifully aided by numerous optical effects, the handiwork of Mr. Charles Higbee, master machinist of the Academy. The dancing floor was papered in the form of a tasselated pavement, which, together with its additional decorations, displayed superior taste and mechanical skill. The scene was magnificent, and recalled to mind many descriptions of the grand *fêtes* of the palmy days of the Venetian republic. The front of the balcony circle was decorated with large cartoons of the most unique and grotesque designs. The parquet circle was hung around with cages containing hundreds of canary birds, whose constant warbling lent an air of enchantment to the scene.

During the entire day a large force of workmen were engaged making preparations for the grand festival. Messrs. Conley, Hunter and Hauck fitted up the supper rooms in splendid style, and the plethoric, good humored Bingfeld wielded the baton over one hundred performers in the orchestra. The Satterlee military band, under Mr. Herman, furnished the promenade music, and Mr. Charles Heaton superintended the ushers, doorkeepers and police. The Pollywogs, an association after the merry prince's own heart, appeared in the most ludicrous and humorous costumes, and went through a series of evolutions intelligible only to the followers of the mad prince. Looking from the balcony the *coup d'œil* was magnificent. The massive towers of St. Mark's were brilliantly lighted up, sombre looking gondolas stole under the Bridge of Sighs, myriads of lights twinkled along the grand canal, calcium lights shone on the bronzed faces of the historical lions, and the tesselated pavement stretched away to a seemingly limitless perspective, while laughing groups of dancers flitted across it beneath the gorgeous chandeliers that hung from every part of the Academy.

At nine o'clock the auditorium was crowded with the wealth and fashion of Philadelphia, and amid the crash of one hundred instruments the curtain went up slowly, disclosing a scene such as the proudest days or the haughtiest grandee of the palmy doge of Venice would have witnessed with pride. Stretching away in a seemingly limitless perspective were the halls, palaces, canals and other picturesque characteristics of the Queen of the Adriatic, while at the back the stern turrets of St. Mark's gleamed with a thousand lights, as if some gay festival were being held there also. Above mammoth chandeliers threw a cheerful light on the miscellaneous assemblage that descended the steps of the painted palace to the broad tesselated floor beneath; a hundred Canary birds in cages mingled their warblings with the strains of the orchestra; strange, grotesque cartoons grinned from the dress circle, and graceful pillars, wreathed with flowers, formed a fitting frame to this beautiful picture. At the first outbreak of the orchestra and the two military bands in the "Carnival March" an imposing line of masks moved on the platform. The "Pollywags," an eccentric group of outlandish costumes, in which every national and domestic institution was burlesqued, led the brilliant throng. Then came Uncle Sam's boys, Prussian riflemen, with preposterous hats, noses and swords; Poor Marshal Benedek, relating his misfortunes to a Pottawattamie Indian, whose only consolation was the traditional "Ugh;" Fanchon, with her hen prattling away to a solemn looking Benedictine; Queen Elizabeth and Philip II., in close confab together, as if they never were enemies; Uncle Sam and Francis I. together; Rochester flirting with an Ashantee belle, and perambulating advertisements; Russians, Fenians, sailors, men-at-arms, hussars, shepherdesses, queens of the night, gipsies, squaws, brigands, Mary Stuarts, fairies, Hamlets and hundreds of others. The charming Mabel waltz set this human throng whirling around the immense circle beneath the balconies, and in the pulse quickening galop the gay couples dashed across the floor, mingling uniforms, colors of every hue and masks of every shape in the most admirable confusion. Now Beck's and Satterlee's bands give the operatic selections of the promenade, and again Bergfield's baton gives warning to choose partners. Thus the gay scene progressed until suddenly the indomitable leader of the orchestra astonished all with a dashing galop of his own, called "The Needle Gun Galop." The merry dancers flitted past like visions of a dream amid the noise of the battle and the sharp crack of the needle gun, closely imitated by the orchestra; and the exhausted couples sank into their seats as the cries of victory announced the end of the fray and galop.

The utmost praise is due to all connected with the management of the coterie carnival, and the arrangements both for the ball and supper were admirable. The *elite* of the Quaker City were there, and as the stars commenced to fade in the breath of Aurora, and the warning hands of each watch announced the approach of the morn, the brilliant assemblage silently melted away, not, however, without many a sigh of regret that the hours had flown so rapidly *Vive le* Prince Carnival.

FINE ARTS.

Sale of Oil Paintings at the Fine Art Gallery.

An auction sale of about thirty-five pieces of American and European landscape scenery, by the favorite American artist, Alexander Wust, took place last evening at the Fine Art Gallery, Fifth avenue. A majority of the paintings were views of some of the wildest and most romantic scenery of the Norwegian coast and mountains, with some Swiss landscapes and a few American mountain and lake scenes, principally in New England. The collection formed the result of the artist's past four years' labors in Europe, and comprised among others his *chefs d'œuvre*, two large landscapes, "A Mountain Torrent in Norway," which was awarded the gold medal at the exhibition at the Hague, and "A Norwegian Waterfall by Moonlight," which received the gold medal last year at Brussels. The first named painting sold last night for $3,000, and the latter brought $2,500. "The Coast of Norway, the Luffoden Islands," was "knocked down" at $750. "Desolation" and "A North American Landscape" found purchasers at $600 each, and "Moonlight in the Forest—Hague" at $575. "A Norwegian Lanscape, with foliage, Glaciers in the Distance," was purchased for $335, and "A Fishing Station on the Coast of Norway—Sunrise" was sold for $300. A very large painting, the "White Mountains," realized $500, this being the highest price obtained for any of the American landscapes. The remaining pictures were disposed of at prices ranging from $22 to $270. The sale was conducted by Messrs. Miner & Somerville, and the attendance was decidedly numerous. Considerable competition ensued for the ownership of the masterpieces, they being companions, but they were purchased by different parties.

COLORADO LEGISLATURE.

DENVER, Jan. 14, 1867.

The Legislature have adjourned to Friday. The resolution against making Colorado a State was passed by the House in the absence of several State men who were sick, after having previously been voted down.

The Council passed a resolution asking the President to remove Governor Cummings, charged with malfeasance. The negroes are rejoicing over the action of Congress granting impartial suffrage. Two hundred signed a petition favoring admission under Edmunds' amendment.

FIRE IN ALBANY.

ALBANY, N. Y., Jan. 14, 1867.

A fire occurred in Green street this morning which seriously damaged stores Nos. 10 and 12 and the goods they contained. The total damage was $25,000, which was covered by insurance in the following offices:—The Mutual, Howard, Capital City, Home, Fulton, Republic, Springfield; Liverpool and London Globe, and the Baltic Insurance Companies.

THE FREEDMEN'S BUREAU AND THE MILITARY IN TEXAS.

GALVESTON, Jan. 14, 1867.

The military commandant at Victoria having refused to assist bureau officers, General Griffin published a circular explaining that all military officers must assist the bureau in these contingencies, as provided for in the Bureau act and the Civil Rights bill.

SOUTH AMERICA.

Slow Progress of the War in Paraguay—The Mendoza Revolution—Decree Opening the Amazon and Other Rivers—Opening of Navigation in Venezuela and Peru.

The latest advices from Brazil describe dulness, owing to the delays of the Paraguayan war, as it was not expected that the new arrangements for a decisive blow could be completed under two months. The new commander of the fleet, Señor Joaquim José Ignacio, had departed on the 5th of December to supersede the Viscount de Tamandaré. The Rio Grande de Sul telegraph was in operation from Rio to Santos, and the San Paulo Railway, on the report of Senor Sobragy, the government engineer, was expected to be formally opened on the 1st of January, a period of twelve months before the contract time.

In Amazonas a boundary exploring expedition up the Javary had not been heard of for seventy days, and fears were entertained that it had been cut off by the Indians.

In Marantiao some Indians had made a descent upon a little interior settlement and killed nine men. Measures had been taken to capture and punish them.

It was reported that General Paunero and Minister Rawlinson were despatched by the Argentine government to settle the revolution in Mendoza.

THE PARAGUAYAN WAR.

The rivers Parana and Paraguay had so risen, owing to the constant rains, that the allied encampment was partly submerged, and if the Marquis of Caxias wished to carry out his promise and determination to insist on Admiral Tamandaré forcing a pass up the river Paraguay he could have availed himself of the very high flood in that river; but the report of experienced engineers and foreign officers from Corrientes dispelled the hope that the powerful Brazilian squadron could ever attempt such an enterprise, and their impartial testimony totally exculpates Admiral Tamandaré from all blame, as the river Paraguay, from Curupaiti up for a distance of seven miles, is sown with "torpedoes," besides being commanded by batteries, the strongest known in South America. To force a passage while the enemy holds undisturbed possession of the river banks would be a sterile effort, and probably result in the total annihilation of the Brazilian squadron, the great sheet anchor of the allies in the present struggle. The arrival of so distinguished a man at headquarters as the Marquis of Caxias will instil new life into the allied councils, and precipitate the conclusion of this prolonged campaign. There cannot, however, be any hope of victory on the part of the allies until the army be reinforced by at least 30,000 men.

During the long interval which had succeeded since the affair of Curupaiti, the Paraguayans were constantly at work constructing abattis all along their lines. To storm these now would, according to the opinion of an experienced English officer, require more than fifty thousand men, a force considerably larger than that which the allies can at present boast of.

The new British admiral had arrived at last in the river Plate. His presence will conduce towards the re-establishment of signal lights on the Maldonado coast and Lobos Island, and also tend to suppress a rather illicit trade of hiring runaway British sailors while in a state of intoxication in Montevideo, and sending them up to Buenos Ayres to be enlisted as soldiers for the war. The attention of the Argentine government had been called to this matter by the new British Minister, Mr. George Buckley Mathew.

Subjoined is the text of the important decree of the Emperor of Brazil opening up the Amazon and other rivers:—

OPENING OF THE RIVERS AMAZON, TOCANTINS AND ST. FRANCISCO TO THE VESSELS OF FOREIGN NATIONS.

With the wish to promote the welfare of the empire and to draw closer international relations by opening the navigation and commerce of the river Amazon and its tributaries, the river Tocantins and the river St. Francisco, and having consulted with my Ministers of State, I have resolved and do hereby decree as follows:—

ARTICLE 1. From the 7th of September, 1867, shall be open to the commerce of all nations, the navigation of the river Amazon as far as the frontiers of Brazil, of the river Tocantins to Cametá, of the river Tapajoz to Santarem, and of the river Madeira to Manãos.

ART. 2. At the date fixed in article 1 shall be also opened to foreign navigation, the river St. Francisco as far as the city of Penedo.

ART. 3. The navigation of the tributaries of the Amazon, in places where only one bank belongs to Brazil, shall depend on treaties yet to be made with the States holding title to the other bank, as to the respective limits of each State as well as to fiscal and police regulations.

ART. 4. The present act shall in no way alter or interfere with existing treaties of navigation and commerce with the republics of Peru and Venezuela, according to the regulations already published.

ART. 5. My Ministers and Secretaries of State, through their respective departments, shall attend to the arrangement of the treaties spoken of in article three, and shall issue the necessary orders and regulations for the due execution of the present decree.

Signed by the Emperor and by the Minister of Foreign Affairs, Antonio Coelho de Sa e Albuquerque.

PALACE OF RIO DE JANEIRO, Dec. 7, 1866.

VENEZUELA.

The Legislative Assembly of the State of Guayana, has under consideration a bill to open up the Orinoco river to the free navigation of all the States comprising the Colombian and Venezuelan republics traversed by said river or any of its affluents.

PERU.

In this go-ahead republic surveying parties are actively engaged, in exploring the head waters of the Ucayali, Pachitea and Chanchamayo with the object of opening up steam and eventually telegraphic communication with the valley of the Amazon.

RAILROAD ACCIDENT.

A Train on the Lynchburg and Tennessee Road Thrown Down an Embankment—Eleven Persons Injured.

LYNCHBURG, Va., Jan. 14, 1867.

The Lynchburg *Virginian* has intelligence of an accident of a serious character on the Virginia and Tennessee Railroad, which occurred to the up train on Sunday night, a mile and a half east of Central depot.

The train was running along the river bluff, at which point the engine snapped a rail in passing over. All the coaches of the train passed safely over the break until the sleeping car came, when the train was thrown down the embankment, thirty-feet high. The accident occurred at eleven o'clock at night. Eleven of the passengers were wounded; among them Colonel J. S. Sidney, Galveston, Texas, shoulder dislocated; Major Gouldman, Galveston, head, right arm and hand injured; S. W. Bullock, New York, face severely cut; George T. Gregory, New York, hand cut and hurt in the neck and shoulder; Mr. Lyttle, Fort Wayne, Ind., back injured; Mr. Parkman, Tennessee, shoulder and eye bruised; Mr. Watson, Philadelphia, hurt in the head, slightly; Mr. Miller, conductor on sleeping car, badly hurt internally.

The wounded were conveyed to Dublin, eight miles distant, where they were properly cared for. This is the only accident of the kind that has occurred on the road for many years.

THE SENATORIAL CONTEST IN ILLINOIS.

SPRINGFIELD, Jan. 14, 1867.

The Hon. Lyman Trumbull was renominated for senator to-night in full republican caucus. The test vote was taken to ascertain whether the nomination should be by ballot or *viva voce*, and it showed forty-eight for Trumbull and twenty-eight for Palmer. Trumbull was then nominated by acclamation.

CIVIL RIGHTS CASE IN NORTH CAROLINA.

WILMINGTON, N. C., Jan. 14, 1867.

Letters of administration were granted on Saturday by proper authority to Richard Reid, a colored man, who made application to administer on the estate of John Nixon, colored, probably the first instance of the kind on record in the South.

BURNED TO DEATH.

BOSTON, Jan. 14, 1867.

In Waltham, on Saturday night, Mrs. Forbes, wife of Dr. C. F. Forbes, fell as she was going down the cellar stairs, breaking a kerosene lamp which she was carrying in her hand, which set her dress on fire, and she was so badly burned as to cause her death.

THE RHODE ISLAND GENERAL ASSEMBLY.

PROVIDENCE, Jan. 14, 1867.

The Rhode Island General Assembly commenced its January session in this city this morning.

DESERTION OF SOLDIERS IN COLORADO.

DENVER, Jan. 14, 1867.

Forty armed mounted men deserted last night from Fort Morgan and are reported on the way to Denver to rob the city banks and Wells & Fargo's Express.

MISCELLANEOUS.

A.—PERRY'S FAMILY OINTMENT IS CURING HUNDREDS daily of burns, scalds, gathered breasts, sore nipples, piles sores, rheumatism, chilblains, corns, &c. Price 25 cents. Sold by all druggists. Depot 157 Chatham street. Try it.

ABSOLUTE DIVORCES OBTAINED IN ANY STATE without publicity or exposure; good everywhere; no fee charged until divorce is granted; consultations free. GEORGE LINCOLN, Lawyer, 80 Nassau street.

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TOO LATE FOR CLASSIFICATION.

A WEALTHY FAMILY, WITHOUT CHILDREN, wishes to adopt a child from six months up to eighteen months old. Address, stating where the child can be seen, Mrs. Willard, station A, Spring st.