THE NEW ORLEANS DAILY BEE,
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TERMS TO THE BEE.
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Advertisements inserted at intervals, to be charged for as new ones.
Fixed or Editorial Place, Monthly Advertisements, each square, $20 per month.
Regular advertisers, who advertise largely, shall be allowed such discount from the above annual transient rates as may be agreed upon. In no case shall such discount exceed 33 per cent.
All business Notices of Advertisements to be charged Ten cents net per line, each insertion.
All Transient Advertisements must be paid for in advance.
All Advertisements not marked for any number of insertions will be published six times.
All bills with regular advertisers shall be rendered monthly.
NEW ORLEANS:
TUESDAY MORNING, MAY 28, 1867.

Registers! Registers!

Do not forget that the time for Registration expires at the end of the present month, and that all who do not avail themselves of the opportunity will be unable to cast a vote for the South. It is every man's duty to Register who can do so, and taken our citizens come forward and show their strength at the polls they can not hope to have anything to do with the government of their city. There are voters enough if all would Register, and if they fail to do so the blame must rest with them. We hope that all right-minded citizens will Register at once, when they can do so without trouble or annoyance.

Thanks to the steamship Harlan for Texas papers.

Since the war closed over $5,000,000 have been invested in the planting interests of Mississippi, Louisiana and Alabama by the firm represented by Gen. F. J. Herron, and it is to be presumed that he little has been realized on the amount invested. So writes a correspondent of the New York *Herald*.

ACADEMY OF MUSIC—The Bulsky's and Zanfretta's combined get up pantomimes in certainty a very lively and attractive style at the Academy. Go and see them to-night.

A mass meeting of the citizens of New Orleans is called for Thursday evening next, at the Orleans Ballroom, on Orleans street, under the auspices of the Fifth Ward Reconstruction Club. Gen. David Stuart, Judge Alexander Walker and Robert N. Ogden, Esq., will address the meeting.

A good book-keeper is wanted in an office up town. Apply at this office.

RETURN OF SENATOR WILSON.—Hon. Henry Wilson returned to the city yesterday, having completed his presidential tour in Southern States. He expresses gratification, as we understand, at the kindness and courtesy with which he was treated wherever he went among the ostracized people of the South. He testifies to the entire freedom of speech that is there allowed to the Northern Radical speakers, and stating that although, in all the cities he visited, before mixed audiences of white and blacks, and sometimes under circumstances tending to produce excitement, he enunciated his political opinions and advocated the doctrines of his party freely, boldly, and without reserve or modification, he never, at any time, was subjected to offensive interruption of any description. This testimony is a conclusive refutation of the assertions of rabid Radical organs, that freedom of speech is not tolerated by the white men of the once exiled and revolutionized seceding states.—*National Intelligencer.*

TERREBONNE PARISH.—The Houma *Civic Guard*, of the 25th, gives the following:

We have the pleasure of recording the continual and accelerated falling of the waters in this parish. We hope, inasmuch as it is yet quite early in the season, that our planters will not lose as much as was expected. Many persons believe that good corn and cotton can be made on the land that has been overflowed this season.

Times are dull in Houma. Merchants are sitting about wherever they can find a cool place, scarcely disturbed by the approach of a customer. law, yes, starting in vain for clients; physician—anxiously praying for patients; parish officials, playing euchre with idle mechanics, and deeriously inquiring of Ham lying about loose every where.

THE STORM.—On Sunday night last a severe storm of wind and rain passed over this parish. From such information as we have been able to obtain, we judge that the centre of the storm passed over the plantation of Messrs. Bush and Gesmo, about five miles southeast of Houma, as it is from that neighborhood that we hear of the greatest amount of damage. We learn that the saw mill and cane shed of Messrs. Bush and Gueno were blown down, the latter—a heavy structure, built upon posts weighing a ton each, and planted deep in the earth—was literally torn from the earth and carried away, killing two mules. A portion of the roof was torn from the dwelling house, and the house itself, for a time, rocked to be unsafe; whether it would go or stay. Much fencing was blown down and in some places carried away

CITY INTELLIGENCE.

Fatal Pistol Accident.—The Coroner held an inquest yesterday morning at the corner of Julia and Columbus streets, on the body of Mrs. Elizabeth Clementine Jacquet, aged 25 years, who came to her death by the accidental discharge of a revolver. It appears that on Saturday afternoon last her husband was in the kitchen, playing with his child, and the deceased was standing at the door talking with a neighbor. Her husband's coat was hanging up on a nail, when a sudden gust of wind blew the coat off and it fell upon the floor. There was a revolver in the pocket which was discharged when it fell, and the ball entered the unfortunate woman's abdomen. Notwithstanding the best medical skill was brought to her assistance, she died of the wound Sunday.

Death from Hydrophobia.—An official report to the Board of Health, shows that two deaths by this frightful malady occurred last week, the parties, both children, having been bitten on the streets by mad dogs. We could almost wish that such things as dogs should not be allowed upon the streets. One of the children was a boy six years old named Martin Duguane, who was attended by Dr. Richardson, the other Mary Ryan, aged 4 years, residing at 468 Casaundra street, was attended by Dr. Peck.

Fire.—About a quarter after four o'clock yesterday morning, a fire broke out in the grocery brick house, No. 5 Front Levee street, corner of Crossman, owned by C. F. Laville, occupied and owned by Joseph Albo as the "Eldorado" coffee-house. The cause of the fire is unknown, but it appears to have started in the rear part of the lower floor, and became rapidly spread to the other portion of the building. The ground floor of the house was thoroughly burned out, and the second floor considerably injured by fire and water. Albo was insured for $2500 in the South western Insurance Company.

Fatal Accident.—A little boy named Frank Lopez, eight years, a son of Mr. Castlaern, who resides in Bienville between Moreau and Franklin streets, was crushed to death on the spot, Sunday, at Montegut street, about noon yesterday. The little boy had brought dinner for his father, who was engaged in discharging the British steamer Fire Queen, and was standing beside the "cargo" on the levee while a crate of crockery ware was being landed. The crate fell over the side of the stage upon the boy, killing him instantly. The Coroner held an inquest and a verdict was rendered in accordance with the above facts.

Charge of Perjury.—U. S. Commissioner Shannon yesterday rendered his decision in the case of Philip Engel, charged with perjury, sending the case before the U. S. Circuit Court and requiring the accused to give $1000 on depositing a recognizance. The perjury alleged consisted in Engel's swearing that he had been naturalized in a court of a presidying judge in Southern States. He expresses gratification, as we understand, at the kindness and courtesy with which he was treated wherever he went among the ostracized people of the South. He testifies to the entire freedom of speech that is there allowed to the Northern Radical speakers, and stating that although, in all the cities he visited, before mixed audiences of white and blacks, and sometimes under circumstances tending to produce excitement, he enunciated his political opinions and advocated the doctrines of his party freely, boldly, and without reserve or modification, he never, at any time, was subjected to offensive interruption of any description. This testimony is a conclusive refutation of the assertions of rabid Radical organs, that freedom of speech is not tolerated by the white men of the once exiled and revolutionized seceding states.—*National Intelligencer.*

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The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, TUESDAY MORNING, MAY 28, 1867. Vol. XXVII—New Series. Vol. XVII—Whole—14,141.

Opinion of the Attorney General

ON THE

CONGRESSIONAL MILITARY BILLS.

ATTORNEY GENERAL'S OFFICE,
Washington, May 24, 1867.

The President:

SIR—I have the honor to state my opinion upon questions arising under act of March 2, 1867, entitled "An act to provide for the more efficient government of the rebel States," and the act of March 23, 1867, entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' under which questions military commanders of districts in which these States are comprised have asked your instructions.

The first and most important of these questions may be thus stated: Who are entitled to vote and who are disqualified from voting at elections provided for or coming within view of these acts? The first provision upon this subject is to be found in the fifth section of the original act, and declares the qualifications and disqualifications of voters for the election to be held for delegates to the proposed constitutional convention in each State, and for an election to be held for the ratification of the constitution to be framed by such convention. That section provides that delegates to such convention shall be elected by male citizens of said State, twenty-one years old and upward, of whatever race, color or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion or for felony at common law, and that the same qualifications as required for election of delegates shall also be required upon the election for ratification. The proviso to this section also excludes from the full right to vote for delegates to the convention every person excluded from the privilege of holding office by an amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and known as article fourteenth.

The eighth section provides that until the people of said rebel States shall by law be admitted to representation in the Congress of the United States, any civil government therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control or supercede the same; and in all directions to any officer under such provisional governments all persons shall be entitled to vote with others who are entitled to vote under the provisions of the fifth section of this act. No person shall be eligible to any office under any such provisional government who would be disqualified from holding office under the provisions of the third article, section — of said constitutional amendment. It is to be observed here that the qualifications of a voter are by the fifth section limited to the election of delegates to the convention, and to the question whether such convention shall or shall not be held, and that no qualification is declared for a delegate so to be elected, but by sixth section same qualifications as to a voter are required in all elections to any office under these existing provisional governments during their continuance, and as to eligibility at such elections, certain classes are excluded.

The first section of supplemental act provides that the Commanding General in each district shall cause a registration to be made of citizens of the United States twenty-one years of age and upwards, resident in each county or parish in State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by original act; that the person offering himself for registration is also required to take the oath which, for convenience, I now divide into paragraphs as follows: I, solemnly swear (or affirm) in the presence of Almighty God, that I am a citizen of the United States, and that I reside in the State of _____ (or the District of _____, if the District shall include more than one State) and that I have resided in said State for the year next preceding May ——, when he takes oath, and have resided in county —— or parish of —— in said State.

2 That he is 21 years old.

3 That he has not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State of the United States.

4. That he has never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterward engaged in insurrection or rebellion against the United States, or given aid and comfort to enemies thereof.

5 That he is not a member of Congress of the United States, or an officer of the United States, or a member of any State Legislature, or an executive or judicial officer of any State to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof. These clauses of oath in effect extend disfranchisement beyond the provisions of the original act, and the principle of the oath laid down in the important particulars that whether convicted, nor judgment of court, nor an express legislative enactment is required to establish the fact of disfranchisement in legal purposes. Disfranchisement, under the clauses of the oath, results from matters in pais. In one respect these clauses limit the generality of the original act as to disfranchisement; the original act withdrew disfranchisement arising from participation in a rebellion, without disfranchisement under these clauses does not arise from participation in rebellion alone, but other elements must concur; that is to say, holding certain offices or taking official oath by certain officers, and afterwards participating in rebellion against the United States. Consideration of the two clauses leads to two distinct subjects matter of inquiry. First, what offices or officers are comprehended. Second, what acts amount to attempting to insurrection or rebellion against the United States, or giving aid and comfort to the enemies thereof. I will first consider what offices or officers are comprehended. As to some of the offices, there is no room for doubt—members of State Legislatures and members of Congress are clearly enough designated. Question might, however, arise whether a Convention, not in a State for framing or amending its Constitution would answer to the description of a State Legislature within the meaning of the act. Such Conventions, although clothed with legislative power, cannot properly be denominated a State Legislature, and in the acts now under consideration a Convention and Legislature are expressly distinguished from each other, for they require the Constitution to be framed by a Convention; they require the Legislature of the same State to adopt the constitutional amendment. Where, then, in the same act they again use the phrase Legislature of the State, they must be understood to use it in the same sense, and as distinguished from a constitutional convention, but as to those legislative bodies which passed what are called ordinances of secession, or by whatever name they have done any overt act for the purpose of promoting rebellion, may well be said, in the meaning of this law, to have aided in the rebellion. All persons who during the rebellion acted in an official capacity where the duties of the office necessarily had a direct bearing on the support of the rebellion, such as members of rebel legislatures and rebel Congress and rebel conventions, diplomatic agents of rebel Confederacy, or such other officials whose duties more especially appertained to the support of the rebellion, must be held to come within terms of exclusion. Officers in these rebel States who, during rebellion, discharged official duties not incident of war, but in preservation of civil government administration of law, are not to be considered as merely engaging in rebellion. The interpretation of such clauses must be based on the performance of such official conduct in time of war or insurrection, as well as in time of peace, such as collecting taxes, which Congress may never be so adored criminal. I can't bring myself to the conclusion that Congress could have meant that no purely civil and ministerial officers in a State should be guilty of insurrection. Nothing but the most cogent language, such as is used in the test oath for lawyers, could manifest such intention. The Supreme Court, in construing that test oath, with reference to the clause to which there alluded, made it strictly penal. The clause applies to the seeking, accepting and exercise, not only of office created for the purpose of aiding the enemy 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 preservation of order. I find no such purpose in the use of any of the terms of the test oath under consideration. I am accordingly of opinion that the simply judicial office, or other executive office, or public employments, as are purely civil in character, such as ordinarily officers, ministerial offices, and all others of a like nature, which were not created for the purpose of aiding the enemy in carrying on hostilities, and which did not involve the performance of duties expressly in furtherance of rebellion, do not come within the meaning of the part of the oath, taking an oath to support and defending in the rebellion. So much for the participation of officials. We now recur to what constitutes such participation in the rebellion, in the attempt to arrest a class of persons or of acts intended to be established in the manner of engaging in rebellion. We must bear like regard to the phraseology undoubtedly; although every rebellion against the United States is comprehended, it is not every act of rebellion against the United States. The act of rebellion which extended over eleven States of the United States, and involved millions of their people, continuing for more than four years, maintained by a vast military authority, and in which all those people for a time, and as to most of them during the war, became excluded them from a protection under the laws of the Government, the obligation of allegiance, and the right of exemption from the corresponding right of protection and the breach of that allegiance, is necessarily modified and qualified by such circumstances. Insurrection is less stringent and a breach of obligation less reprehensible than cases of temporary and local insurrection, and we must bear in mind that throughout these rebel States there were large classes of their population more or less opposed to the rebellion or secession, and who are yet more or less necessarily involved in the support of the rebellion in territory, which was held by the rebel States, and which, by insurrection against the United States, was sought to be established and maintained as a new government of the rebel States, shall, during the continuance of said act, be by ballot, and conducting said elections shall, before entering upon the duties of their duties, take and subscribe the following oath or affirmation: If we read these words by themselves, without regard to other provisions of the act, the impression is made that two things must concur to authorize the registration of the applicant: First, that he actually possesses the qualifications required by the original act, and second, that he is willing to take the oath to swear to every one of these qualifications, and that no authority is anywhere given to enter upon any other inquiry as to his qualifications, and that to administer any other oath to him, or any oath to any other person touching his qualifications, and that his oath, and his oath alone is punished as perjury, it is impossible to resist the conclusion that the oath itself is the sole and test of the qualification of the applicant. When, therefore, a person applies to the board for registration the power of the board is confined to the administration of the prescribed oath, and if the applicant takes that his name must go upon the registry. The board cannot enter upon the inquiry whether he has sworn truly or falsely. That inquiry must be reserved to the court which may afterwards have jurisdiction to try him on his indictment for perjury. Next, as to the duties of the board after the registration is completed, they are to superintend the election and make a return of the names of voters and of the persons to the Commanding General. It is very clear from these provisions, that the duties imposed on the officers the duty of the board is to receive the votes of the persons whose names are upon the registration, and to reject all others. There is no provision anywhere to change or falsify or to add a single name to the registration, or to erade a single name which appears upon it.

BY TELEGRAPH.

[To the New Orleans Bee.]

Important from Texas.

Collection of Confederate Taxes Forbidden.

Negroes as Witnesses.

FROM EUROPE.

Miscellaneous Matters.

Galveston, May 27.—An attempt to collect taxes here, levied during the war in Confederate money, will be resisted, and sacrifice property of Union men, sells forth an order from Gen. Griffin.

Circular No. 17.—The collection of all taxes in this State levied during the rebellion authorized forbidden.

Circular No. 18, current series, refers article study to commanders.

Judge Reeves, of the Ninth District, decides negroes are not competent witnesses in trials of white men.

The Sheriff of Victoria county refuses to receive greenbacks as legal tender.

New York, May 27.—The Sheriff of Geo. H. Sandy, a constable of Amherst College, was found in the street in Malden, Mass., with a pistol shot through the head and heart.

New York, May 27.—Cotton market firm sales of 800 bales. Middling Uplands for Mobile and Texas 31c. Corn steady and in good demand. Provisions quiet and unchanged. Western lard, sugar steady and in good demand. Rosin firm. Rates. Coffee steady. Naval Stores quiet. Spirits of turpentine 43 to 44c. Money 5 to 6. Sterling 109 to 109½. Gold closed at 134½ to 137. Government securities steady and unchanged. Stocks closed firm at a slight advance.

Providence, R. I., May 27.—The will of Rhode Island Statesman, a leading merchant of this city, who died a few days since, bequeaths $10,000 for education and improvement of the negroes in the South.

Charleston, May 26.—Cotton quiet—sales of 85 bales Middlings 24 to 25c; receipts 200 bales.

Savannah, May 27.—Cotton firm. Middlings 24½c; sales 200 bales; receipts 250.

Mobile, May 27.—Cotton market quiet but firm, sales 192 bales; receipts 59 bales. Strict Middling 24c.

Louisville, May 27.—Sales of 110 bids To-bacco, quiet and unchanged. Sales of jute, $5. Medium Leaf $11 10 to $15. Lugs $7 70 to $9. 25 to $10. Extra and Fancy $16 50 to $17 50. Wheat nominally unchanged. Corn 70 delivered, ear, bulk 65c. Oats in bulk 55c. Mess Pork $22 25. Bacon—Shoulders 9½c. Clear Ribs 12½c. Clear Sides 12½c. Lard, tierces, 12½c. Raw Whisky, free $2 30, in bond 29 to 30. River rising fast—3 feet 2 inches in the canal by high water.

Cincinnati, May 27.—Flour and Wheat unchanged. Corn dull at 67 to 68c, in bulk. Oats in bulk 75c; market here. Rye $1 74 to $1 75. Whisky nominally unchanged. Pork dull, previous quiet and unchanged. Groceries firm.

Mobile, May 27.—Cotton closed quiet. Sales 800 bales. Middlings 23 to 23½c. Receipts 99 bales.

Vicksburg, May 27.—Passed down: Henry Auten 1, Pauline Carroll 4, and Indiana at 9 a. M. Passed up: Pauline Carroll at 5, and the Louisville at 5 P. M. River falling.

London, May 27, evening.—Consols 93¼. Bonds 73¾.

Liverpool, May 27, evening.—Cotton closed quiet; Middling Uplands 11d; do Orleans 11¼d, sales 12,000 bales.

London, May 27.—Sugar firm, 24s 3d.

London, May 27.—The quest is whether the death sentence of Fenian prisoners will be carried out or not engrosses public attention. The press of England and Ireland, generally, urge that the prerogative of mercy be exercised in commutation of the sentence. Mr. Gladstone will interpose to save McClure from the scaffold.

[Previous Dispatches.]

Washington, May 27.—A telegram has been received from New Orleans, dated 25th inst., stating that the Supreme Court of the United States has affirmed the constitutionality of the test oath, which requires the person to state that he was not engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof. I have not seen the entire year, he cannot vote at such election, for the supplemental act does not, as to residence, change the provisions of the original act, as it is expressly provided by it, as to registration, that it shall include only those who are qualified to vote by original act, to carry out purposes of the act, in this respect, as to residence and as to citizenship. The qualifications stated in the original act is citizenship of State; but by first clause, first section, in the supplemental act, registration is to be made of male citizens of the United States; and as to oath, the application is only required to swear that he is a citizen of the State. It is clear of opinion that the phrase citizen of the State, as used in oath, is intended to include such persons as are citizens of the United States and citizens of State, and that an alien who has declared his intent to be a citizen of the United States cannot safely take the oath, but as the board of registration have only authority to administer the prescribed oath, they cannot require any further proof or oath as to citizenship; and if an alien, not a citizen of the United States, takes the oath, he takes it at his peril, and is subject to prosecution for perjury.

[illegible] Attorney, Treasurer, Secretary of State, and State officers proper Governments. I am not prepared to say that only those proper State officials come within this term of description, nor am I prepared to say that the term of description in the second clause, I think the controlling term of description, if there is any ambiguity in the terms, must be taken to be the last, for that is used in the most comprehensive clause as to the very officers named in the first clause, and to others besides. It is the same term of description used in the act of Congress of 1789, declaring that State officers are required to take oath to support the Constitution of the United States, and in the third section of the Constitutional Amendment; both use the same term of description—executive and judicial officers of a State. The terms are so general and indefinite that they fail to express, with sufficient certainty, the description of persons which are intended to be reached.

It is to be regretted, in a matter of so much importance, that the rule of designation adopted as to members of State and rebel Legislatures had not been followed up, or, if adopted, were found impracticable, some more definite general rule had not been declared. The uncertainty becomes more manifest in the application of law, and this uncertainty necessitates construction. The necessity for constructions, which arises from the uncertainty of the law, could not be better stated than in the language of Plowden. Though the words be general they are to be restrained to particularity by a position made according to the intent of the act. Those statutes which comprehend all things in the letter, the usages of law have expounded to extend but to some things; those which generally prohibit all people from doing such an act, they have interpreted to permit some persons to do it, and those which include every person in the letter, they have adjudged to reach some persons only—all being founded on the intent, more or less considering the cause and necessity [illegible] and comparing one part of the act with another. Such construction is necessary, [illegible] proper place to [illegible] some clear idea of the general intent of these acts, and by what rule of construction—strict or liberal—that intent may best be carried out. The intent, as expressed, is to enable the people of each of the States to frame a constitution for the State, by the exercise of the right of suffrage. There are classes of the act giving the right by general terms of description to the people generally, and especially to those who have never enjoyed the latter vote, and other classes of the act which, by general terms, take away this right of suffrage from those who have enjoyed it. The rule of construction as to classes which give right must be liberal, and in general which must not be restricted; but clauses which deprive from existing rights, and I am satisfied that the rule of construction must be strict, that none should be excluded from the right who are within the letter and intent of the act. There is the inquiry whether officers during the operation of such act, be by ballot, and all officers conducting such registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take an oath prescribed by the act of July 2, 1862, entitled an act to prescribe an oath of office. The first consideration which requires attention upon the question as to the right of voters upon the registration of voters is Question of qualification or disqualification is fixed by registration. No power is given to any other board, or any other authority, after registration is completed to change registry. Persons whose names are admitted to registration are entitled to vote, subject to the limitation here mentioned, and none others. This registration must be completed before the 1st day of September, 1867. The functions of the board as a board of registration will not be extended beyond that fixed time, but after that time the duties of the board are to be performed by the officers composing this board are limited to holding and superintending elections, and making proper returns to commanding generals of the rebel States. The third question: Who are entitled to registration?

First as to citizenship and residence. No person is entitled to vote who shall not be a resident in the State one year previous to the day of election.

It is necessary that this previous *residence for a year should apply for registration.* A person in all respects entitled to vote is entitled to registration, although he has not been at that time a resident of the State for the full year, for we find in the supplemental act that the oath as to residence does not require the applicant to swear that he has been a resident for a year, but only requires him to state the number of months of his residence, commencing at some period more than the term of twelve months. Therefore, as to citizenship, as mentioned, if it happen at any election subsequently to be held, that time of his residence, counting from the day of election, does not cover an entire year, he cannot vote at such election, for the supplemental act does not, as to residence, change the provisions of the original act, as it is expressly provided by it, as to registration, that it shall include only those who are qualified to vote by original act, to carry out purposes of the act, in this respect, as to residence and as to citizenship. The qualifications stated in the original act is citizenship of State; but by first clause, first section, in the supplemental act, registration is to be made of male citizens of the United States; and as to oath, the application is only required to swear that he is a citizen of the State. It is clear of opinion that the phrase citizen of the State, as used in oath, is intended to include such persons as are citizens of the United States and citizens of State, and that an alien who has declared his intent to be a United States cannot safely take the oath, but as the board of registration have only authority to administer the prescribed oath, they cannot require any further proof or oath as to citizenship; and if an alien, not a citizen of the United States, takes the oath, he takes it at his peril, and is subject to prosecution for perjury.

[illegible] Attorney, Treasurer, Secretary of State, and State officers proper Governments. I am not prepared to say that only those proper State officials come within this term of description, nor am I prepared to say that the term of description in the second clause, I think the controlling term of description, if there is any ambiguity in the terms, must be taken to be the last, for that is used in the most comprehensive clause as to the very officers named in the first clause, and to others besides. It is the same term of description used in the act of Congress of 1789, declaring that State officers are required to take oath to support the Constitution of the United States, and in the third section of the Constitutional Amendment; both use the same term of description—executive and judicial officers of a State. The terms are so general and indefinite that they fail to express, with sufficient certainty, the description of persons which are intended to be reached.

It is to be regretted, in a matter of so much importance, that the rule of designation adopted as to members of State and rebel Legislatures had not been followed up, or, if adopted, were found impracticable, some more definite general rule had not been declared. The uncertainty becomes more manifest in the application of law, and this uncertainty necessitates construction. The necessity for constructions, which arises from the uncertainty of the law, could not be better stated than in the language of Plowden. Though the words be general they are to be restrained to particularity by a position made according to the intent of the act. Those statutes which comprehend all things in the letter, the usages of law have expounded to extend but to some things; those which generally prohibit all people from doing such an act, they have interpreted to permit some persons to do it, and those which include every person in the letter, they have adjudged to reach some persons only—all being founded on the intent, more or less considering the cause and necessity [illegible] and comparing one part of the act with another. Such construction is necessary [illegible] some proper place to find some clear idea of the general intent of these acts, and by what rule of construction—strict or liberal—that intent may best be carried out. The intent, as expressed, is to enable the people of each of the States to frame a constitution for the State, by the exercise of the right of suffrage. There are classes of the act giving the right by general terms of description to the people generally, and especially to those who have never enjoyed the latter vote, and other clauses of the act which, by general terms, take away this right of suffrage from those who have enjoyed it. The rule of construction as to clauses which give right must be liberal, and in general which must not be restricted; but clauses which deprive from existing rights, and I am satisfied that the rule of construction must be strict, that none should be excluded from the right who are clearly