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RICHMOND, CLOTHING MANU. FACTORY.

: Weekly Sentinel one year,

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ESTABLISHED 1839

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Has just received a Fins Assortment of Pall and CLOTHS.

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Ready Made Clothing. of his own manufacture made in this City under his own supervision. Shifts made to order and a good fit

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of the best brands. Bagging and Rope, Kormone Oil, Shot No. 1 best rifle and gun powder and caps, Mason's Challenge

We respectfully invite the public to call and examino our stock. Oct 95-Box

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NEW GOODS!!

OUR RECENT PURCHASES, together wi cline in Goods north, have placed as in possessi a superb stock of goods of all kinds, which we can sell lower than Goods have been sold in the Ralsigh, Market sinch the close of the war.

Our numerous customers both in town county and itate, have long since been convinced of the fact that ve have been, and are now selling better goods, at ower prices than any other House; we can afford to do this, as we keep one of our firm constantly in the Northern Markets buying goods for each. W. H. & R. S. TUCKER & CO.

JUST BECEIVED. A LARGE Assertment of Cheese, Butter, Coffee, Sugar, Tea, Pepper, Alspice, Ginger, Soda &c., Also, a Loi of Superior Brandy, Whiskey, Wine, &c. Spun Cotton, brown domestic Bleaching, Calicos and a general assertment of Bry Goods.

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The Twenty third session of this school begins 18th.
Jan. 1895.
For Circulare Address.
Dos 15-50

Oxford, N. C.

SCHOOL BOTICE. MISS THANCES A HATWOOD WAY re-open her THUBSDAY:

he 10th day of Jilloudy 1507, at the residence of Mrs. E. Haywood, mat at the State Bank.

MALE TEACHER WANTED. foll man thereoughly competent to ten-tin and Region Languages, and who or infactory testimonials as to character, as m, can get a school in a good metable stly—symmetry to the undersigned, and control of the undersigned, and control of the control of the provided he can furnish the requir-

"I-WOULD RATHER BE BIGHT THAN HE PRESIDENT." BELTY Clay.

VOL. IL.

RALEIGH, SATURDAY EVENING, JANUARY 5, 1867.

NO. 127.

RALEIGH AND GASTON BAIL ROAD, 187

Through Freight Tariff.

NORTH AND SOUTH, BY THE AIR LINE ROUTE!

WE are your prepared to ship all kinds of Freight through to New York, Palladalphia, Boston and Baltimore, on through bills of cading, giving prough receipts, at the lowest rate.

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Consign year goods to E. R. Ages, Portonouth Va., and City Point. Georie coming by the way of City Point and Petersburg must be an warkow.

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Dec. 5-11 LOUISBURG FEMALE COLLEGE. FRANKLIN COUNTY, N. C.

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ment.

Mass Mollin E. Southall, and Mass Williamsa Lal, Assistants in Music.

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The Spring Session of 1897, will begin on the 2nd. Wednesday in January and continue 20 weeks.

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THE SENTINEL.

Saturday, January 5, 1867.

The Illegality of Military Commissions-Opinion of the Supreme Court

The opinions pronounced by the judges of the Supreme Court of the United States, on the 17th of December, in the case at parte of Lambdin P. Milligan, declaring the illegality of his trial for slieged conspiracy, before a military commission in Indiana, and in effect, ordering his discharge from prison, he having been convicted and condemned to death, having been printed and published. The case, it will be remem-

in its defense of the construction and the rights of the citizens, and their protection in person and property. As has been stated, all the members of the Supreme Court agree upon that point—relating to habeas corpus, and to the question "Ought the court to issue a writ of habeas corpus and order his release?" On these two questions there was no difference of opinion. The third question, "Had the military commission the right to try Milligan?" produced the dissenting opinion, which was read by Chief Justice for himself, and Associate Wayne, Swayne and Miller, a minority of the court. In addition to the points already given of Mr. Swape and Miller, a minority of the court. In a military tribunal; and at these coupling addition to the points already given of Mr.

Justice Davis' opinion, the following extracts are made touching the controlling question in the case, of the jurisdiction of the military enditors tribunal composed of gentlemen not truined to the procession of the law.

he being a citizen of Indiana and never a soldler or a sailor. Judge Davis says: On a sailor. Judge Davis says:

No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birth right of American citizens, when charged with crime, to be tried and punished according to law. The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffecting, there is an immunity from punishment, no matter how great an affender the individual may be, or how much his crimes have shocked the sense of justice of the country, as an analysis of the close of a session of the grand jury without indictment or other proceedings against him. e, or how much his crimes have shocked him, use of justice of the country, or endanthe sense of justice of the country, or endan-gered its safety. By the protection of the law human rights are secured; withdraw that pro-tection, and they are at the mercy of wicked, to authorize the utilitary commission which was held in Judiana, but we do not put our opinion. the sense of justice of the country, or endangered its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rules, or the chamer of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not; it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and relieve those in civil life from military trials. The founders of our government were familiar with the history of that struggle; and secured, in a written constitution, every right, which the people had wested from power familiary and the laws authorized by it, this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning. Those applicable to thus case are found in that clause of the original constitution, which says "that the trial of all crimes, except in cases of impresciment, shall be by jury?" and in the fourth, fifth and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against the deals, and blotting insurrection.

of the amendments. The fourth processins the right to be secure in person and effects against unreasonable search and seizure; and direct that a judicial warrant shall not issue "without proof or probable cause, supported by oath or affirmation. The fifth declares "that no person shall be held to answer for a capital or othershall be hold to answer for a capital or otherwise infamous crime unless on preasantment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war, or public danger, nor be deprived of life, liberty, or property without due process of law." And the sixth guarantees the right of trial by jury in such a manner and with such regulations that, with upright judges, impartial juries, and an able bar, the innocent will be saved and the guilty punished. It is in these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been proviously ascertained by law, and, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compalsory process for obtaining witr sess in his lavor, and to have the assistance of counsel for his defence."

The Constitution of the United States is a law for rulers and people, equally in war and in word war against the national government, when in advanced daubt that, in such a time of public danger, Congress had power, under the constitution, to provide for the organization of a military commission and for trial by that commission and for trial by the commission and for trial by the commission and for trial by the termines are adjusted by Congress as a addicion treason for not exercise it.

Those courts neglect in this conspirator.

The constitution of the nature and control with the witnesses against him, to have compalsory process for obtaining witr sess in his lavor, and to have the assistance of counsel for his defence."

The Constitution of the United States is a law for rulers and people, equally in war and in

haw for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctring, involving more persistions consequences, was ever inventmore persistences. No doctring, involving more persistences, was ever invented by the wit of man, than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity, on which it is based, is false; for the government, within the constitution, has all the powers granted to it, which are necessary to preserve its existence, as has been happily proved by the result of the great effort be throw off its just authority.

A guarantee of freedom was broken when Milligan was denied a trial by jury. The great minds of the country have differed on the correct interpretation to be given to various provisions of the Pederal Constitution, and judicial decisions have been often invoked to settle their true meaning; but until recently no one has ever doubted that the right of trial by jury was fortified in the organic law against the security and authority to provide for government is which all official authority is decised under direct responsibility.

We have no approchaption that this power, under our Americals, system of government is which all official authority in decision the regard from the constitution.

of his lawful authority cannot be restrained, except by his superior officer or the President of the United States. If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for more convenience, the commander of one of them can, it he choose es, within his limits, on the plen of necessity,

military furce for and to the exclusion of the laws, and punish all persons as he thinks right and proper, without fixed or certain rules. The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regu and condemned to death, having been printed and published. The case, it will be remembered, was brought before the United States Supreme Court on a certificate of division of opinion of the two judges of the United States Circuit Court of Indians.

There are two opinions of the court. The case two opinions of the court. The Britain was steamed by but fathers such an of buce, that they assigned it to the world as one in its defense of the construction and the rights of the citizens, and their protection in person their independence. Clivit liberty and this kind

Chief Justice Chase, in delivering the dissent

question the power of Congress to protect free procession the members of military comms sons who acted in obscience to their super officers, and whose action, whether warrant by law or not, was approved by that uprig and patriotic President under whose admini

no one has ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is now assailed; but if them the power of attack. It is now assailed; but if them the capressed in worth, and sleeguage has any meaning, this right one of the meet valuable in a frue country—is preserved to every one second of crime who is not attacked to any army of nary or militia in actual service.

It is claimed that martial law covers with its broad martle the proceedings of this military commission. The proposition is this: That in a time of war the commander of an armod force—if in its opinion the exigencies of the country demand it, and of which he is to jurige, has the power, within the lines of his military district, to suspend all tivil eights and their remedies, and subject citizens as well as soilders to the rule of Ms will; and in the exercise.

Holdring a deberity to derived two points the power to burrow modes. It is claimed that martial law covers with its broad martle the proposition is this: That in a time of war the commander of an armod the government, as opinion which seems to us calculated, to cripple the constitutional power of the government, and the power to burrow modes. And we are unwilling that the power to burrow modes. And we are unwilling only as more than the power to burrow modes. And we are unwilling of the government, as more than the power to burrow modes. And we are unwilling that the power to burrow modes. And we are unwilling that the power to burrow modes. And we are unwilling that the power to burrow modes. And we are unwilling to the power to burrow modes. And we are unwilling that the power to burrow modes? And we are unwilling that the power to burrow modes? And we are unwilling to the power to burrow modes? And we are unwilling that the power to burrow modes? And we are unwilling to the modes of the power to burrow modes. And we are unwilling that the power to burrow modes. And we are unwilling that the power to burrow modes. And we are unwilling

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THE SENTINEL.

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