OLUME XXV.

CAMDEN, S. C., FRIDAY MORNING, JANUARY 18, 1867

PUBLISHED WEEKLY BY THOMAS W. PEGUES.

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quent insertion, 50 conts. Semi-monthly, Monthly and Quarterly ad-rtisements, \$1:50 each insertion.

The space occupied by ten lines (solid, of this size type) constitutes a square.

Pature of the required in advance from this support of the work is

REMOVAL

THE subscriber would respectfully inform his friends, customers and the public generally, that he has removed his TIN ES-TABLISHMENT, to the stand two (2) doors below the store of Mr. R. M. Kennedy, where he keeps constantly on hand, of his own manufacture, a complete assortment of

TIN WARE.

at wholesale and retail, at prices which can-not fail to give satisfaction.

He will attend to all orders for Roofing

and Guttering.

Lard and oil cans, Stove-pipes, &c., made to order at short notice.

Repairing done at all times and on reasonable terms.

He hopes by strict attention to business, to merit the patronage so liberally bestowed on him heretofore. J: R. GOODALE. Dec. 7-tf.

For Sale.

THE subscriber offers for sale, his HOUSE and LOT on Lyttleton street, Kirkwood.
The House contains ten (10) upright rooms. The Lot measures on Lyttleton street four hundred and sixteen (416) feet, and two hun-

dred and sixty one (201) in depth.

For terms, apply to James Jones.

S. T. ROBINSON.

Notice.

LL persons indebted to the subscriber. either by note or account, are hereby notified that unless some satisfactory arrangement be made, previous to the 10th day of January next, they will be placed in the hands of an Attorney for collection. The Subscriber, on account of ill health, is

compelled to close his business.
P. H. MOGEE.

LABORERS WANTED

75 PRIME HANDS, to work on the McRac 1 Plantation adjoining the estate of Mr. Thomas Lang—one of the richest and most productive plantations on the Wateree River.
For information, or to make contracts, apply
to John Cantey, on his plantation, or to A.
M. Kennedy, Camden.

JOHN CANTEY J. D. KENNEDY.

Nov. 16.

NOTICE.

THE undersigned is prepared to full ish BAGGING and ROPE, and pay the Revenue Tax on all COTTON consigned to his correspondents in Charleston, and pay over pett preceds here free of commission.
C. BELL.

Special Notice.

A LL persons indebted to the late firm of MATHESON & CO., either by note or open account, ac requested to come forward and effect a settlement, or the papers will be placed in suit for immediate collection. C. MATHESON & CO. In liquidation.

Oct. 12-3m.

J. K. WITHERSPOON, AUCTIONEER,

RESPECTFULLY informs his friends and the public generally, that he continues the sale of all kinds of property at Auction. He will attend sales any where in Kershaw District, and his charges shall be as low as it is possible. His services shall be satisfactory or no charge will be made. Dec. 21

J. S. MERONEY.

Auctioneer. WLL attend in person to the selling of a Ispecies of property of public sale, eith er in Camden or surrounding country. Persons having property of any description to dispose of, and wish my services, will be waited on by giving me timely notice. My charges for services rendered will be in keeping with the times.

the times. Oct. 26,-tf.

MERCHANT'S HOTEL,

CORNER OF KING AND SOCIETY STS.

Charleston, So. Ca.,

SAVAGE & ENSIGN, Proprietors. EDWIN D. EESBEN. JESSS L. SAVAGE.

PAVILION MOTEL, CHARLESTON, S. C.

THE above POPULAR HOTEL is open for the accommodation of the Travelling Pub

lic. Board per day, 83. Mrs. II. L. BUTTERFIELD,

Proprietress. A. BUTTERPIELD, Superintendent. Nov. 9.

Estate Notice.

A LI, persons having demands against the estate of the late WM. McKAIN, will present the same, duly attested to JAS. M. DAVIS, my Attorney, and all persons in any way indebted to said estate will make immediate payment to him.

MARY E. SHAW, Oct. 19-tf.

FRESH GARDEN SEEDS and Onion Setts, of all kinds. For sale by HODGSON & DUNLAP.

port in full, of the Opinion of the Supreme dissenting Chief Justice and three Justices, (WAYNE, SWAYNE and MELERE,) who concurred with him. The two decupy in close print, rather more than six of the wide columns of that large paper. LAMBDEN P. MILLIGAN CHIizen of Indiana, never engaged in the naval or military service of the United State , was ar rested at his home in that State on October, 1864, by order of Gen. A. P. military commandant of that military ut and kept in close confinement ever since.-

and kept in close confinement ever sin a.—
On the Manual Line of the Line of t leged unlawful imprisonment, on the great that the Military Commission thad no jurisdiction to try him under any charge or hatover, as he was a citizen of the United States, and of the State of Indiana, and as such, entitled, under the Constitution of the United States to trial by jury, and praying that the might, under the act of Congress, approved March 3rd 1863, be brought before the Court and either turned over to the proper tribunal to be proceeded against according to the law of the land, or else released from che lous altogether. The judg's of the Circuit Court disagreed on three questions, which were certified to the Supreme Court: 3

"1st. On the facts stated in such petition and exhibits, ought the writ of habens corpus be issued?

2nd. On the facts stated, ought the said LAMBDEN P. MILLIGAN, to be dischurged as in said petition prayed? .

3d. Whether upon the facts stated in said petition and exhibit, the said Military Commission montioned therein, had had jurisdiction legally, to try and sentence sull MILLIgax, in manner and form as in said petition and exhibits is stated?

The decision upon the third of these inies is of transcendent impor shall therefore make no apology for laying before our readers in extenso, the unanswera-

ble argument on which it is founded, "The controling question in the case is this: Upon the facts stated in Milligan's petition, and the exhibits visions, expressed in such plain Eng-fairs to leave Milligan unrestrained to the exception, had the military commission lish words that it would seem the of his liberty because he "conspired ishall persons" mentioned in it jurisdiction legally to try and sentence him? Milligan, not a resident of one of the rebellious States, or a prisoner of war, but a citizen of Indiana for twenty years past, and never in the military or uaval service, is, while at his home, arrested by the military power of the United States, imprisoned, and on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man? 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 birthright of every American citizen, 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 these are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country or endangered its safety. But by the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers or the clamor 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 preceedings. 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 to relieve those in civil life from military trials. The founders of our as the Congress may from time to Government were familiar with the history of that struggle, and secured in a written constitution every right which the people had wrested from power during a contest of ages. By that Constitution, 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 misconstruc-

We find in the National Intelligence, are tion or doubt of their true meaning. port in full, of the Opinion of the Supreme Court on Millian's case, and that of the found in that clause of the original dissenting Chief Justice and three Justices. Constitution which was, "that the trial of all crimes, except in case of impeachment, 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, unreasonable search and seizurg, and directs that a judicial warrant shall not issue without proof of probable causesup-

that he person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury, except in cases arising in the land or naval forces or in the milita, 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 manner and with such regulations that with district wherein the crime shall have have been previously ascertained by had declared penalties against the oflaw, and to be informed of the nature fences charged, provided for their and cause of the accusation, to be punishment, and directed that court him to have compulsory process for soon after this military tribunal was obtaining witnesses in his favor, and ended the Circuit Court met, peace-to have the assistance of counsel for fully, transacted its business, and personal liberty thus embodied, were such as wisdom and experience had aid to execute its judgment. It was demonstrated to be necessary for the held in a State eminently distinguishprotection of these accused of crime. And so strong was the sense of the country of their importance, and so realous were the people that these rights, highly prized, might be denied them by implication, that when the ernment had no right to conclude this po briginal Constitution was proposed that Milligan, if guilty, would not claim

been ratified. of our ancestors; for even these pro- ous in the distracted condition of af- tive, su ingenuity of man could not evade against the Government, afforded aid them, are now, after the lapse of more and comfort to rebels and incited the than seventy years, sought to be a- people to insurrection," the law said voided. Those great and good men arrest him, confine him closely, renforesaw that troublous times would der him powerless to do forther miserise, when rulers and people would chief, and then present his case to by law. M become restive under restraint, and the grand jury of the district, with juch a basis, seek, by sharp and decisive measures, proofs of his guilt, and, if indicted, by of the Const to accomplish ends deemed just and try him according to the course of renders the "milh-proper, and that the principles of the common law. If this had been and superior to the c constitutional liberty would be in done, the Constitution would have attempt to do which peril unless established by irrepeal- been vindicated, the law of 1863 en- Grat Britain was dec able law. The history of the world forced, and the securities for person- this such an offeng had taught them that what was done al liberty preserved and defended. in the past might be attempted in the United States is a law for rulers trial by jury. The great minds of and people; equally in war and in peace, and covers with its protection, all classes of men, at all times, rious provisions of the Federal Conand under all circumstances. No stitution; and judicial decision has doctrine involving more pernicious been often involved to settle their true consequences was ever invented by the wit of man that any of its provisions can be suspended during any of by jury was fortified in the organic the great exigences of Govern- law against the power of attack. It ment. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity of which it is any meaning, this right—one of the fil the place once occupied by Washbased is false; for the Government; most valuable in a free country-is within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has or navy, or militia in actual service. been happily proved by the result of the great effort to throw off its just authority.

· Have any of the rights guaranteed by the Constitution been violated in the case of Milligan? and if so, what are they? Every trial involves the exercise of judicial power; and from what source did the military commission that tried him derive their authority? Certainly no part of the judical power of the country was conferred on them, because the Constitution expressly vests it "in one Supreme Court and such inferior courts time ordain and establish," and it is not pretended that the commission was a court ordained and established by Congress. They cannot justify on the mandate of the President, because he is controlled by law, and has his appropriate sphere of duty, which is to execute, not to make the laws; and there is "no unwritten criminal code to which resort can be had as a

that the jurisdiction is complete un mitted while the payder the "laws and usuages of war," or naval service it can serve no useful purpose to inschange connected with these and usages are public service is amenable whence they originated, where found, restriction which Congress to and on whom they operate; they can for their government, and we never be applied to citizens in charge serving, surrenders his rightigh have replaced the authority of tried by the civil court which have upheld the authority of tried by the civil cour the Government, and where the courts are open and the process unolstructed. This court has judicial knowledge that in Indiana the Federal and ileas of the process underlying the inestimable process.

nal accusitions and redress grievances; and no usage of war could sanction a military trial there for any offence whatever of a citizen in civil life, in no wise connected with the military service. Congress could grant no such power; and, to the honor of our national legislature be it said, it has never been provoked by the state of and no one with the country even to attempt its exer- if society is discise. One of the plainest constitutional provisions was therefore, inupright judges, impartial juries, and fringed when Milligan was tried by weakened in an able bar, the innocent will be savcd and the guilty punished. It is by Congress, and not composed of the watchful in these words: In all criminal prose-cutions the accused shall enjoy the vior. Why was he not delivered to tution and laws. right to a speedy and public trial by the Circuit Court of Indiana, to be an impartial jury of the State and proceeded against according to law? No reason of necessity could be crated by the

been committed, which district shall urged against it, because Congress. confronted with the witnesses against to hear and determine them. And his defence." These securities for adjourned. It needed no bayonets to protect it, and required no military ed for patriotism by judges commis-sioned during the rebellion, who were provided with juries, upright, intelligent, and selected by a marshal ap-pointed by the President. The Govor adjustion it encountered severa receive in that court morited panish-opposition, and, but for the beast ment for its records disclose that it that it would be so amended as to was constantly engaged in the trial for me embrace them, it would never have of similar offences, and was never in- of one terrupted in its administration of within-Time has proven the discernment criminal justice. If it was danger- sity, wi

> · Another guaranty of freedom was cases which impe The Constitution of the broken when Milligan was denied a thir independe the country have differed on the correct interpretation to be given to vameaning; but until recently no one ever doubted that the right of trial by jury was fortified in the organic les, sincerely attached to the princiis now assailed, but, if ideas can be expressed in words, and language has preserved to every one accused of crime who is mot attached to the army The sixth amendment affirms that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," language broad enough to embrace all persons and cases; but the fifth, recognizing the necessity of an indictment, or presentment, before any one can be held to answer for high crime, "excepts cases arising in the not tell-and that land or naval forces, or in the militia, wherever lodges when in actual service, in time of war

or presentment in the fifth. The discipline necessary to the efficiency of the army and navy required other and swifter modes of trial than are furnished by the common habeas corpus. law courts; and, in pursuance of the power conferred by the Constitution, Congress has declared the kinds of the one we have just they should be power trial, and the manner in which they there should be po source of jurisdiction." But it is said shall be conducted, for offences com- suspending the write

principle, underlying the to su

of State or politica the Government is no difficulty guards of liber modes of trial aroused and the can we transmi

ings of thi The propos armed fo and or power, with district, to their reme as well as will; and

proper without The state

shows its in publican ge sined it to the v ad this kind edure togethe ireconcileable, othe other mus

This nation, at poved, cannot alwa ad has no right to expect to wl always have wise and humane pls of the Constitution. Wicked ma, ambitious of power, with hatred | cou ofliberty, and contempt of law, may ington and Lincoln; and if this right is led, and the calamities of n befall us, the dangers to t human moerty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew -the history of the world told them -the nation they were founding, be its existence short or long, wouldsh involved in war-ho long continued, hun especially haz or public danger;" and the framers For this and of the Constitution doubtless meant reasons, they s to limit the right of trial by jury, in | they had fought the sixth amendment, to those per- corporating in a sons who were subject to indictment the safeguards which essential to its presery of these safeguards

> It is essential government that, in

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except the one cone