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NEW SERIES.

BEDFORD, PA., FRIDAY MORNING, NOVEMBER 27, 1863.

VOL. 7, NO 17.

SUPREME COURT OF PENNSA.

Act of Congress of 3d March, 1863, commonly called the "Conscription Law," Declared Unconstitutional.

HENRY S. KNEEDER, vs. DAVID M. LANE, et al. Three bills in equity.

Opinion of Justice Thompson.

The act of Congress under which the complainant in this case is required to enter the army of the United States as a soldier, for a period of three years or during the war, provides for the enrollment, by officers of the United States, of all persons liable to do military duty, between the ages of 20 and 45 years, and classifies them.

whole case in all its aspects, the less imperative. Is the Act of Congress approved March 3d, 1863, entitled "An Act for enrolling and calling out the national forces, and for other purposes," now familiarly known as the Conscription Act, unconstitutional?

gress, but by the Constitution. So, too, it was supposed to exist in a time when no more voluntary enlistments could reasonably be procured, or when they might not be procured rapidly enough.

gress of 1792 and 1795. By its provisions the militia are to be enrolled, as part of the National forces, another term, as will be seen for National armies, and it requires each individual so enrolled, to answer and report himself, when drawn, to the military officers of the Federal Government, under the pains and penalties prescribed for desertion.

Table with 3 columns: Rates of Advertising, One Square, three weeks or less, One Square, each additional insertion less than three months.

NEW JERSEY LANDS FOR SALE.—Also GARDEN OR FRUIT FARMS.

Professional Cards. U. H. AKERS, ATTORNEY AT LAW, Bedford, Pa.

New Banking House. Rupp, Shannon & Co., have opened a Bank of Discount and Deposit, in Bedford, Pa.

JOHN PALMER, ATTORNEY AT LAW, Bedford, Pa.

A. U. COFFROTH, ATTORNEY AT LAW, Somerset, Pa.

SAMUEL KETTERMAN, BEDFORD, PA.

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war with Great Britain, and in every instance a requisition made by the President upon the Governors of the States. It is true that in 1814, the question was much agitated in Congress whether or not, under the power to "raise armies," the militia might not be conscripted by the Federal authority.

But the precedent would go for nothing in this inquiry, even if the practice had been common in England. The difference between the construction of the British and Federal Constitutions is radical. In the former, all governmental powers not expressly prohibited to the government, may be lawfully exercised.

Why have not the militia been called out in the present emergency? They are composed of the men the draft proposes to furnish. They are to be governed while in the service, as Congress shall prescribe. They may be reclaimed for one, two or three years, or while the insurrection lasts, and will become just as good soldiers in the one character as the other.

Believing that I have shown that the power "to raise and support armies" is limited to voluntary enlistments, and necessarily so limited that the militia of the States may remain in full force, I am impelled by no choice of alternatives, to the conclusion that as the Act of Congress transcends these limits, and by force of law attempts to abolish the militia, instead of calling on them to suppress the insurrection now so wide spread, I am of opinion that the act of Congress is violative of the Constitution of the United States, and void.