THE NEW YORK PRESS,

JOURNALS UPON CURRENT TOPICS.

Trials by Military Commissions-The Supreme Court Decision.

From the Times. The decision of the Supreme Court in the Indiana conspiracy case precludes argument so far as the points germane to Milligan and his fellows are concerned. The judges unanimously affirm that the Military Commission before which Milligan was tried had no lawful jurisdiction in the premises; that the writ of habeas corpus for which he petitioned ought to have been issued; and that he ought to be discharged from custody. To this extent there is no difform custody. To this extent there is no dif-ference of opinion. And though the crime for which the parties were arrested was a most serious one, and their guilt does not admit of doubt, the judgment of the Court will be re-spected as securing the supremacy of the law, even in cases which might seem to justify the widest possible construction of its provisions.

The Court is, however, divided upon an important constitutional point, affecting the authority of Congress in circumstances of national persis. Mr. Justice Davis, speaking for the majority of the Court, not only deales the jurisdiction of the Military Commission in Indiana on the ground that its proceedings were at variance with the act of Congress of March, 1863, but also disputes the right of Congress to authorize a Military Commission in local-ities which are not the theatre of actual hosities which are not the theatre of actual hos-tilities. On this point Chief Justice Chase and the minority take issue. Admitting the inestimable value of trial by jury and other safeguards of personal liberty, and admitting, moreover, the supreme authority of the Con-stitution, they nevertheless hold that, since Congress has the power to provide by law for carrying on war in times of public danger, it has also power. To provide for the organizait has also power "to provide for the organiza-tion of a Military Commission and for trial by that Commission of persons engaged" in conspiracies akin to that in Indiana. This proposition is urged on the general principle "that when the nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and public danger exists as justifies the authorization of military tribunals for the trial of crimes and offenses against the discipline or secority of the army or against the public safety."

In the conflict of principle thus evoked, the States which sustained the cause of the Union will recognize an old toe with a new face. the old dogma of rigid construction as applied to the National Government and liberal construction as applied to the States on the one band, and on the other the common sense doctrine that the Constitution provides for the per-manence of the Union, and for such an exercise of authority by Congress as may be necessary to preserve the national existence. It is the technical narrowness and harshness which dictated the Dred Scott decision, battling ane w against the broad rendering of right and duty which prompted the loyal population of the land to put down the Rebellion and to sustain the Government in measures adopted to that end. It is the latest phase of the question, whether the Union is dependent upon the caprice of individual States, or upon the profound stitutional convictions and the resistless patriotic impulses of the great body of the people

The Supreme Court, we regret to find, throws the great weight of its influence into the scale of those who assailed the Union, and step after step impugned the constitutionality of nearly everything that was done to uphold it. The decision, the World tells us, "convicts the Executive Administration of usurpation during war, and justifies the opposition made to it the Democratic party." The whole Copperby the Democratic party." The whole Copper-head press exult over the decision in the same strain. They shelter themselves behind Mr. Justice Davis and his associates, and indirectly renew their a-saults upon the policy that die tated and guided the war for national unity. The friends of the Union cannot misinterpre either the scope of Judge Davis' reasoning or the use that will be made of it, and in both they will discern evidence of the necessity that exists for standing firmly by the principles which

As a mere argument, perhaps, Judge Davis' denial of the power of Congress to provide for possible dangers in seasons of peril, may be plausible enough. So was that by which Chief Justice Taney decreed the status of Dred Scott, according to the ideas of Southern slaveholders. Taney's argument was a masterpiece in its way. Starting with a contain hypothesis, it demonstrated to the satisfaction of the South and of the Democratic party everywhere, that the doc-frine of human equality was an unconstitutional lie. But the decision, although accepted as obligatory and conclusive for the time, aroused the public mind to a just appreciation of the atrocity of the Taney theory of the Constitution and the Government, and hastened the overthrow of the Democratic party, by whom that theory had been practically sustained. A similar result, we apprehend, will follow the pro-mulgation of Judge Davis' argument. Legally from his decision there is no appeal. But from the principles which govern his decision there is an appeal to the moral sense and the parriotism of the country. The people will not believe that the hands of their representatives are tied in the presence of conspirators, or that the Government is constitutionally acipless in the pre-

sence of rebellion.

The newly declared reliance of the President and the Southern States upon the interposition of the Supreme Court has a certain apparent justification in this decision. The reasoning which assails the right of Congress to provide military tribunals his district, not actually the scene of hamilities, may not improbably deny the right to dictate terms to the empladed finers where ponce has been restored. Builty, now over, there is no analogy between the case of Indiana and the case of Grappia or Mississippi, There was no rebuilled in Indiana. The even Government remained intent; let Courte worked regularly, and like administration or posters was for a day storrorted. It was because a streamed to the contraction of Rich igus to Military Commission, sur illered; the and of Congress where provided his interpretation as protracted their authority as in loose the conthe first projection of the same or rived the

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which has undergone a reduction, as the other has increased, is \$19,248.460, or a million and more less than the debt of 1805. The Control-EDITORIAL OPINIONS OF THE LEADING | let reckons that the bounty debt, which appears to have increased nearly four millions since 805, will require, to pay its interest and principal in the ten years which it has to run, an CCMPILED EVERY DAY FOR EVENING TELEGRAPS.

On those of 1865, a tax of 24 miles produced \$3,295,619, but this sum was incorrectly conceived, on the supposition that the debt was to be paid in twelve years from its issue, instead of after the passage of the legislative act for its

This period will expire in 1877; and the Con-troller calculates that to real ze the amount of demands, it will be uecessary to impose tax of three mills for the next fiscal year. This increased estimate is made, too, on the assump-tion that the sinking fund money can be inrested so as to yield six per cent, semi annually, It is to be remembered that all the other com-ponent amounts of the general debt have been ensibly reduced. The gain of canal receipts over 1865 is \$732,280. The receipts on account of the general fund revenue for the fiscal year commencing October 1, 1866, are estimated at \$10,821,522, and the payments at a little more. Under this head it is interesting to know that printing for the State costs us \$103,221 a year. something more than the Legislature itself.

The subject of the Trust Fund is treated in an important passage in Mr. Hulhouse's report. It will be seen that under an act of the Legisla-ture authorizing the Controller to sell the land scrip given to this State by Congress to Trustees of Cornell University, 5087 certificates of 160 acres each have been sold to the Hon. Ezra Cornell. The net profits from the location and sale of the scrip will form a distinct fund, to be called the Cornell endowment, the income of which will go to maintain the Cornell Univerity, while the principal will remain inviolate. The Controller's general estimate of taxation year commencing next October is remarkable, but we cannot say surprising It will amount in all to 51 mills. Having carefully considered what means are necessary to make assessments more accurate and efficient. Mr. Hillhouse is of opinion that while real estate is not assessed at more than one-half of its value, and while the larger portion of personal property escapes altogether, sworn returns should be required, more stringent provisions adopted for the assessment of property at its value, and that the State Board of Equalization should be granted further powers. As the general Government continues to raise money ov indirect taxation, the Controller does not, o course, favor that means, but he recommends an auxiliary measure, that an income tax of I per cent, be laid on all incomes over \$1900, and to be applied to the payment of the war debt. The report is an elaborate and well systematized document, and will repay attention.

African Anniversary of Emencipation.

From the Herald. The lamented Abraham Lincoln is canonized in the hearts of the African race. His memorable proclamation of January 1, 1863, is their charter of emancipation. His name among them henceforward for generations to come will be revived as their great liberator, and his memory will be the leading inspiration in their New Year rejoicings. He has given to New Year day an enduring blaze of glory to them, in making it the day and the anniversary of their emancipation—the day on which the backbone of the Rebellion was broken by his thunderbolt against slavery. The first or January in this country has thus become the Airican Fourth of July; and from Maine to Texas it has been cele-brated by the race this year, in various places, with remarkable enthusiasm. Fred Douglass was one of the lions of the day at their Boston eclebration, and the venerable English aboli tionist, George Thempson, somewhat softened time, was another.

Turning southward, at Richmond, Va.. "the celebration of the emancipation preclamation by the rejoicing negroes occupied the attention of everybody." The freedmen turned out in a grand procession, sabres shining, drums beating, and colors flying, and marched to the Capitol Square, where they were harangued in a violent speech by a white fanatic of the name of Hunnicutt; but all passed off quietly. What a revolu-tion for Richmond! We have reports of simi-lar celebrations at Norfolk, Va., Wilmington, N. C., Charlesion, S. C., Nashville, Tenn., Augusta, ., and elsewhere, and in no case reported does there appear to have been any disturbance with "the poor whites." This is a good sign. It indicates that the two races South have reached at least the first essential step to a friendly un-derstanding—"you let us alone and we'll let you alone;" from which we hope there will be a stendy progress to fixed relations of harmony.

The Latest French Canacd-Maximilian's From the Heraid, Abdication,

The French Government appear to be singularly anxious that the world should believe that they earnestly desire the abdication of Maximilian, and consequently instruct their organ, the Moniteur, to get up little canards from time to time. The latest one has the merit of being very straight to the point, and appears not only in the Moniteur but in Le Temps, by way of giving it additional strength. It is to the effect that Maximilian's act of abdication has arrived in Paris and been placed in the hands of the Emperor Napoleon. But this canard has not been ingeniously managed or contrived, for it must be apparent that the proper parties to an act of the kind are the Mexican people, and no one else. Max must abdicate to those whom he pretends have invested him with imperial authority by a majority of voices, and not to the French Emperor, who simply named him for the prestion. When Maximilian Joes abdicate he will do it, no coubt, in the usual way, and conforceably to long-established usage. Napole est and he now have nothing to do with each other. The former plainly told his profesthat he must rely on himself alone and paddle his awn cance, and from the moment the determination was expressed to withdraw the French expeditionary army, all French interven-

ten must be considered to have ended.

But it Max is senirous of making a secret not abdication, lest an open announcement to the Mexicans should currence the pettle of his elegation, he went not be afraid to inform use that. We will help, with pleasure, to relieve Mile of Min Boarden.

The Emperor's New Year's Speech-France in Cores.

Photo Mr. Warrid.

The parties smooth with which as the Atlan-10 rider horses on the Emproof Expelves. channel the New York at the Bellevice, that be bline or help, as a repeted building to all THE WORLD SET MAKE THE PROPERTY AND

Chief bill March Took # both

the world should understand whether Napolean any of these questions, or whether he prefers that they should all of them be adjourned for me. The attitude of French diplomacy in in Greece, and at Vienna agrees on this nt precisely with the reassuring tone of the

sported imperial speech at the Tutleries. Napoleon means the "Great Exhibition" to keep Europe pleased and occupied for a twelve-month to come. Neither Russia, nor Austria, nor Prussia, nor Italy can well afford to shoulder the consequences of interlexing actively with this proclaimed purpose of the French

with this proclaimed purpose of the French sovereign. And it is more than probable that we shall see the seething elements at Rome, in Candia, in Hungary, one after another, composed or compressed into a state of quiescence for the greater part of the year now begun.

But in the far East things look quite differently, "Out of Paris," said an old proverb of the fashionable world, "out of Paris there is no salvation." This precious bit of Gallic cockneyism has just now a serious political meaning. Nations not represented in the Paris Exhibition Nations not represented in the Paris Exhibition are out of the pale of dirlomatic salvation. They may be cannonaded ad thilum without interfering with the general welfare. And we may expect very shortly to hear of a formidable French invasion upon the extreme western out-posts of the great Chinese Empire. The people of Cores, who are tributaries without being ex-nctly subjects of the Celestial Emperor, are a fierce and inhospitable folk, and they have recently perpetrated a most afrocious massacre of the French missionary priests established within their borders. Prince Kong, the astute Foreign Minister of the Chinese Emperor, has washed his hands of all complicity in a responsibility for them and their deeds, and has substantially invited the French Envoy to take the execution justice upon these barbarians into his own hands. In this tack, it seems, the French Admiral in the Chinese waters has been ordered to assist the Envoy; and Corea will therefore speedily pass, we presume, under the flaz which now floats over so much of Cochin-China and

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Fine Eskimo Beaver Overcoats, only \$36; fine Beaver Overcoats, any desirable color, \$22; frosted Beaver Overcoats, any desirable color, \$22; frosted Beaver Sults, containing coat, pants, and rest, \$30; fine short Beaver Sacks, from \$10 to \$31; lark grey Burns Cassimere Suits, coat, pants, and rest, \$23; do slik mixed, only \$24; black Sack Coats, from \$16 to \$25; Business Coat, from \$7 to \$14; Boys' Coats, from \$6 to \$14; Fants from \$7 to \$14; Boys' Coats, from \$6 to \$14; Fants from \$1 to \$9.

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64 DELAWARE FLOORING.
64 DELAWARE FLOORING.
WHITE FIRE FLOORING.
WHITE FIRE FLOORING.
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LONG CEDAR SHINGLES
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FINE ASSORTMENT FOR SALE IN
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