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Business Directory.

- WILLIAM H. BLAIR, ATTORNEY AT LAW... J. S. LINGER, SURGEON DENTIST...

Select Poetry.

THE SOLDIER'S TEAR. Upon the hill he turned To take a last fond look...

Miscellaneous.

THE HABEAS CORPUS CASE.

OPINION OF THE CHIEF JUSTICE OF THE UNITED STATES.

In the case of JOHN MERRYMAN, before the Chief Justice of the Supreme Court of the United States...

And in the debate which took place upon this subject, no one suggested that Mr. Jefferson might exercise the power himself...

This article is devoted to the legislative department of the United States and has not the slightest reference to the Executive Department.

The application in this case for a writ of habeas corpus is made to me under the 14th section of the Judiciary Act of 1789...

The power of legislation granted by this clause is by its words carefully confined to the specific objects here enumerated...

Indeed, the security against imprisonment by executive authority, provided for in the fifth article of the Amendments of the Constitution...

When the conspiracy of which Aaron Burr was the head became so formidable, and was so extensively ramified as to justify, in Mr. Jefferson's opinion, the suspension of the writ...

once which he exercised over timid, time-serving, and partisan judges often induced them, upon some pretext or other, to refuse to discharge the party...

With such provisions in the Constitution, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President in any emergency or any state of things, can authorize the suspension of the privilege of the writ...

Indeed, the security against imprisonment by executive authority, provided for in the fifth article of the Amendments of the Constitution...

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And if the President of the United States may suspend the writ, then the Constitution of the United States has conferred upon him more real and absolute power over the liberty of the citizen than the people of England have thought it safe to entrust to the Crown...

It is obvious that cases of a peculiar emergency may arise, which may justify, nay, even require, the temporary suspension of any right to the writ...

And Chief Justice Marshall, in delivering the opinion of the Supreme Court in the case of ex parte Bollman and Swartwout, uses this decisive language in 4 Cranch, 95:

It is worthy of remark, that this act (speaking of the writ of habeas corpus) was passed by the first Congress of the United States sitting under a Constitution which has declared that the privilege of the writ of habeas corpus should not be suspended, unless, when cases of rebellion or invasion, or the public safety may require it...

It can add nothing to these clear and emphatic words of my great predecessor. But the documents before me show that the military authority in this case has gone far beyond the mere suspension of the writ...

While the value set upon this writ in England has been so great that the removal of the abuses which embarrassed its enjoyment have been looked upon as almost a new grant of liberty to the subject, it is not to be wondered at that the continuance of the writ of habeas corpus should have been the object of the most jealous care...

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