

TWO DOLLARS A-WEAR. Nó. 10.

Public Sale.

46th Year.

TTORNEY AT LAW, (office one door west of Buehler's drng and book store, Cham-A TTORNEY AT LAW, (office one door west of Buehler's drag and book store, Cham-beraharg street.) Arrouver and book store, Cham-PATENTS AND PENSIONS. Bounty Land War-rants, Back-pay suspended Chims, and all other claims against the Government at Wash-ington, D. C.; also American Claims in England. Land Warrants located and sold, or bought, and highest prices given. Agents angaged in lo-bating warrants in Iowa. Illinois and others, containing: 8 Acres, more or less, improved with a Two-story Loc HOISE.

as Terms.

are paid,

dispatch.

The Courters is published every Monday

morning, by HENRY J. STARLE, at \$1 75 per

annum if paid strictly iv ADVINCE-\$2 00

per annum if not paid in advance. No

aubsoription discontinued, unless at the option of the publisher, until all arrearges

ADVERTISEVENTS inserted at the usual rates

JOB PRINTING done with neatness and

OFFICE in South Baltimore street, nearly opposite Wampfers' Tinning Establishment

→"Configure Printing Office" on the sign

PROZESSIONAL CARDS.

J. C. Neely,

A TTORNEY AT LAW.-Particular atten-tion pill to collection of Pensions, Bounty, and Back-pay. Office in the S. E. corner of the Diamond. Gettysburg, April 6, 1868. tf

D. McConaughy,

A. J. Cover, TTORNEY AT LAW, will promptly attend home, to Collections and all other business en- Also used to him. Office between Fahnestocks' unter Gettysburg, Pa.

H. B. Woods, TFORNEY AT LAW, GETTY-BURG, PA., will attend to all professional business ornisted to his care. Ornicr :- On West Middle street, next door o the Court-house, in the room lately occupied a a faw Office by W. B. McClellan, Esq., dec'd. Sep 21, 1863. 61a

Ĭ, Edward B. Euchler, TTORNEY AT LAW, will faithfully and promptly attend to all husiness entrusted him. He speaks the Germin language.+ Office at the same place, in South Billimore street, near Fornes's drug store, and nearly Generation of the glor's store.

Wm. A. Duncan, TTORNEY AT LAW .-- Office in the Northwest corner of Centre Square, Gettysburg, [Oct. 3, 1859.] if

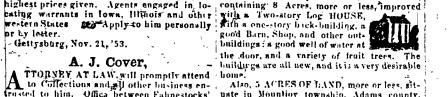
J. Lawrence Hill, M. D. AS his office one door west of the heran -church in Comberstury street, and opposite Picking's etc. e, wh re these wishing to have any Deat 1 Opers ion performed are respectfully invited to CO REPARENCES Drs. Horner, Rev. C. P.
 Kr ath. D. D., Rev. H. L. Bangher, D. D., Rev.
 Plot. M. Jacoby, Crot. M. L. Stayer,
 Ucitishner, A., and H. 53 Cettysburg, April 11, 53.

üstment.

\* Dr. Wm. Tayler fosing the inhabitary of Gettysburg and viprofession at the old sten3, next ocor to the Compiler Office, Gettysburg, Pa. Thanklul for past t vors, he bogs to receive a share of fuure patromoge. . [Sept. 28, 1853. If

## Dr. James Cress,

SCLECTIC PHYSICIAN thank tal for public patronage heretolore extended to him, orms his friends that he will continue the practice of his profession in Gettysburg, and volinity. "Eclectic" means to choose or scleet." Hence, we sele t the best, safest and most re-



The contentions unique other natiness end that in Mounijoy township, Adams county, and banner & Ziegler's Storei, Baltimore street adjoining lands of Jolia Buddy, John Miller, lettysburg, Pa. [Sept. 5, 1859. and Wm. Rider. About 2 acres are heavily timbered.

- find At the same time and place, will be • hear At the same time and pince; will or sold the following Personal Property viz: 1 Mare, Spring Wagon, good Buggy, set of Bug-gy Harness, Riding Saddle : 3,000 Shingles, a lot of Losts and Rails, Hay by the ion, and a variety of other articles, too numerous to men-tion.

Bor Sale to commence at 10 ofclock, A. M., so sold day, when attend...cc will be given sud terms mide known by SA MUEL B. MILLER, Assignce.

Nov. 23, 1863. 18

Orphan's Court Sale OF REAL ESTATE .- The subscribers, Ad-ministrators of the estate of Thomps A. Marshall, deceased, in -pursuance of number A. Marshall, deceased, in -pursuance of an order of the Orphan's Court of Adams county, sill offer at Public Sale, on the premises, ou THURSDAY, the 10th day of DECEMBER, 1863, the following Real E-tite of said decedent, situate in Hamiltonban township,"

Adapts county : Adapts county : 4 OF TRACT NO, 5, (the Minsion Tract) a portion, containing 35 acres, more or lessifying south of the Cold Springs road, bounded on the least it y lands of Jomes Marshall, and on the south by lands of Peter Musselman. About 15 acres of it are in mendow, and the whole is superior la id, and in an excellent state of cultivation.

Also, 6 Acres, more or less, of Tract No. 2, adjoining the Manson Tract, covered with chairs Rock Osk and other Timber choice Rock Oak and other Timber. Also, TRACT No.3, adjoining links of John severe fight Mi kley, John Rhez, and Tract No. 2, contain-took place. Mi kley, John Rhez, and Tract No. 2, contain-took place. Ing Gu acres, more or bas, having took place. Thereiny di solved by mutual consent, on fing HOUSE and Log Stable. There is spleaning a nevertailing spring of wates near the house and water in all the fields. About 40 acres are clear hand under fence, the residue is cov-trad with this in grange heaving the fields. erol with thriving young chesnut, bickory, &c.

sold day, when a tendance will be given and "Jamins made known by JAMES H. MARSHALL, . JAMES MARSHALL

Administrators. By the Court-John Eicholtz, Clerk. Nov. 16, 1869. - ta

Orphan's Court Sale. 🤌

N pursuance of an order of the Orphan's Court of Adams county, will be offered at Court of Adams county, will be offered at Public Sile, upon the premises, on MONDAY, the 7th day of DECEMBER next, the real estate of Adam Marshall, deceased, consisting

ONAL SOLDIERS' CEMETERY, CETTYSBURG, PA. NEW YORK 300 FT VERMT UNKNO 15 FT

GETTYSEURG, PA., MONDAY, DEC. 7, 1863

The National Cemetery is situated on the size to the number of bodies to be interred. - | field, each holy occupying a space of two feet. | and carriage ways around the outside, and west side of the Baltimore turrpike, adjuining New York having the greatest number has the fettysburg Cemetery, and commands a fine largest, as will be seen by the sat. view of the town, battle field and surrounding The number of whom no clue could be ob-

The lot was purchased by the State of Penn-1 known." sylvania, each State 'represented in the battle' The bodies are placed in rows, with heads baving a lot presented to it proportionate in | towards the centre and feet towards the battle-

Miscellaneous. SUPREME COURT OF PENN'A.

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

The State militin; always highly esteemed as one of the bulwarks of our liberties, are recognized in the federal constitution, and it is not in the power of Congress to obliter-

It is a total misnemer when applied to the substance sufficient for their subsistance," ate them or to merge them in "national

Unless there is more magic in a name than has ever been supposed, the con-HENRY S. KNEEDLER ) Three hills in scription law was intended to act upon the

DAVID M. LANE, et al. Smotion on such fore, whether Congress has power to impress FRANCIS D SATTURE, Same and the fore special or draft the militia of the State. I cannot WH. F, NICKLES vs. Same. 1) injunction. perceive what objection can be taken to this statement of the question, for surely it will not be argued that calling the militia

was plained. Assuredly the framers of our Constitution did not intend to subject the

people of the States to a system of conscrip-tion, which was applied in the mother country only to paupers and vagabonds. Out the contrary I infer, that the power conferred on Congress was the power to raise armies by the ordinary English mode of voluntary englishmode of voluntary enlistments. The people were justly jealous of stand-ing armies. Hence they took away most of the war power from the Executive where, under monarchical forms it general

bodied citizen but of it to the end augering. f not utter unfloing, of all its domestic interests.

ly allude. The 12th section provides that the drafted person shall receive ten days, notice of the readezvous at which he is to report for And besides, if we concede this danger And besides, if we concede this using the readeryous at which he is to report for ous power to the language of the 13th duly, and the 13th section enacts "that if clause; we destroy the force and effect of the fails to report himself in pursuance of the words of the 16th and 17th clauses, such notice, without furnishing a substithe words of the 16th and 17th clauses, such notice, without furnishing a substi-We make the instrument self destructive, "fute or paying the required sum therefor, which is violative of all canons of construe-tion. Congress shall have no power to provide for calling forth the militia in the manner and subject to the limitations prescribed in clauses 16 and 17, and therefore, I argue Congress lins not the power to draft them. Is an express rule of the Constitution to give way to an im-plied one?'. If the 13th clause confers nower to draft the militia, the words of the

military to make the civil silministration effectual. Now, if the principle he admitted that Congress may take away the State nilitia, who does not see that the ultimate and final security of every man's domestic and personal rights is endangered. To the extent delegated in the Constitution no-body questions the right of Congress to control the State militia, but if to the extent to which this cnactment goes, the States will be reduced to the condition of mere counties of a great commonwealth, and the citizen of the State must look to the Federal Government for the enforce-ment of all his domestic rights as well as for the regulation of his external relations. The citizens of the States need protection

from foreign foes and Indian tribesall the world-a standard of values and of weights and measures that shall be common to all the States, and a postal system that shall be co extensive with interest, trade and commerce. To adjust and maintain these external relations of the citizen, are high duties which the Constitution has committed to the Federal Government, and committee to the rederat tovernment, and has furnished it with all necessary civit functionaries, and with power to levy and collect taxes from the people of the States, to raise and support affinies, to provide a navy, and to call forth the militia to execute the laws.

Thus is the American citizen amply provided by means of Constitutions that are written, with protection for all his rights, natural and artificial, domestic and foreign but, as the war power of the general gov-ernment is his utimate security for his ex-ternal, so is the militia his ultimate security for his internal or domestic righta.

Could the State Government strike at the war power of the Federal Government with out endangering every man's rights ? In view of the existing rebellion; no man would hesitate how to answer this question, and yet is it not equally apparent that when the Federal Government usurps a power over the State militia which was nover delegated, every man's domestic rights (and they are those which touch him most closely) are equally endangered. The great vice of the Consoript law is.

that it is founded on an assumption that longress may take sway, not the State Congress may take away, not the security and rights of the citizen, but the security and foundation of his State rights. And how long is civil liberty expected to last, after the securities of civil-liberty are destroyed. The Constitution of the United States committed the liberties of the citizen in part to the federal Government, but expressly re-States, all it did not delegate. It gave the General Government astanding army, but left to the States their militin. Its purposes in this balancing of powers were wise and good, but this legislation disregards these distinctions, and upturns the whole system of government when it converts the State militia into "national forces" and claims to use and govern them as such.

Times of rebellion, shows all others, are the times when we should stick to our fundamontal law, lest we drift into anarchy on

The preat sin of the present rebellion con-sists in violating the Constitution, whereby every man's civil rights are exposed to sac-rifices: Unless the Government be kept out the foundation of the Constitution, we imi-tate the sin of the rabels and the share or surface of the ground. In this wall it is pro-pused to place a kigh curb-stone capped with white marble, and on this have each mang name, company, and regiment to which he be longed, placed copposite bis grave. making a continuous curb along the heads of the graves. Walks are laid out through the Cemetery, substance sufficient for their subsistance," bodied citizen but of it to the end augering. It albude substance sufficient for their subsistance,"

col schools, which have been reccommended from the experience and sorctionad, by the pr cli e of the ablest Eclectic Practitioners, and discard those more injurious, such as anarsenic, mercury, blue pill, blood let-

Office in the cast end of York street, in the dwelling owned by Henry Welty. Gettysburg, Sept. 18, 1863. 3m

Adams County NUTUAL FIRE INSURANCE COMPANY .--

OFFICERS. President-George Swope. Vice President-S. R. Russell. Secretary-D. A. Buchler. Preasurer-David M'Creary Receive Coundles-Robert McCurdy, Jupob

King, Andrew Heintzehnen. King Andrew Heintzelman. Winngers-George Swope, D. A. Bachler, R. Mignay, Jacob King, A. Heintzelman, D. Me-Ordary, S. R. Bussell, J. R. dersh, Somuel Distorty, E. G. Fitnestock Wm. B. Wilson, H. A. Pieçing, Wm. B. McCleffan, John Wol-Yord, R. G. McCreary, John Picking, AbelT. Wright, John Quaningham, Alaliel F. Gitt, James H. Murshull, M. Eichelberger. Fuis Companysis limited in its opera-

tions to the county of Adams. It has been in operation for more than 'ix years, auccesstul and in that period has jetil all losses and ex-penses, without any assessment, having also a large purplus capital in the Treasury. The Com-pany employs no Agents-all business being done by the Managers, who are annually elected by the Stockholders. Any person desiring an Insurance can apply to any of the above named Managers for further information. The Executive Committee needs at the officient the Company on the last Wednesday interery month, at 2, P. M. Sept. 27, 1858.

## Something New

N GETTTSBURG .-- The undersigned informs the citizens of the town and county, that he has commenced the BAKING Dusiness, on a large scale, in York street. Gettysburg, nearly opposite Wattles's Hotel, where he will try to deserve, and hopes to receive, a liberal patrob-age. BREAD, ROLLS, CAKES, CRACKERS, age. BREAD, ROLLS, UARNO, OMACHINE, PRETZELS, &c., &c., baked every day, (Sun-days excepted,) all of the best quality, and sold Gracker-baking in at the lowest living profits. Cracker-baking in all its branches is largely carried on, and orders to any amount, from this and adjoining coun-ties, supplied at the shortest notice. Having grected a large and commodious bake-house and proved machinery, he is prepared to do a heavy; business.

VALENTINE SAUPEE. July 25, 1859.

. A. Mathiot & Son's

2

COFA AND FURNITURE WAREROOMS, Nos. -25 and 27 N. Gny street, Baltimore, (near Fayette st.,) extending from Gay to Frederick -the largest establishment of the kind in the Union. Always on hand a large assortment of HOUSEHOLD AND OFFICE FURNITURE, em-bracing Bureaus, Bedsteads, Washstands, Wardrobes, Mattresses of Hush, Cotton and Hair-Spring Beds, Sofas, Tete-e-Tetes, Arm Chairs, Bocking Chairs, Etageres, Marhfe Tables, Set-tees, Reception and Upholstered Chairs, AS-SORTED COLORS OF COTTAGE FURNITURE, Wood Chairs, Office Chairs, Barber Chairs, Uribs and Cradles, Hat Racks, Hall Furniture, Gilt and Walnut Frame Looking Glasses, Side boards, Extension Tables, of every length. Persons disposed to purchase are invited to

call and give our stock an examination, which for variety and quality of workmanship is not equalled by any establishment in the country. A. MATHIOT & SON,

Nos. 25 and 27 N. Gay street. Aug. 6, 1860.

DURE BRANDY, WINE AND WHISKEY, for licinal purposes only athe New Drug Dr. R. HORNER.

Hence, we sale t the best, safe-t and most of softwo Tracts of Land, situate in Mountpleasant hable remedies from all other softwinn modi--township, in said county, viz : c shoul-, which have been recommended (No. 1: THE WANSION TRACT, containing)

good fear e, chiefly post and rail. The tract is near North Rock and within 11 miles of Conchiefly post and rail. The tract is

will be divided into two parts, or sold entire, as may best suit purchasers. Sub to commence at 1 o'clock, P. M., on

terms made known by JOHN GINTER, Adm'r.

By the Court-John Eicholtz, Clerk. Nov. 16, 1863. 15

## Come with a Rush

THE undersigned would most respectfully inform his many friends and the public erally, that he has gone into the Clothing business, at Samson's old stand, in the Diamond Certysburg, Pa. His stock, already full, will be much enlarged, to embrace every style of CLOTHING, BOOTS, SHOES, HATS,

CAPS, Tranks, Valices, Clocks, Watches, Jew-erry, Guns, Pistols, and, in short, everything which ought tobe found at a first close (lett

invites everybody to give him a call. He in-than the maintainance of the Constitution tends to keep so perfect a stock as to accou-modute all-end, with the hope of large sales, he hopes to make a living at small profits. No traile to the united states, and persons to satisfy buyers. JACOB BRINKERHOFF. -----

## Good Things from the City!

other articles in this line-all received in the encoding boards, and regulates the details the United States, reserving to the States best order, and sold at the lowest profits. Give of such drafts as the President shall order respectively, the appointment of the offius a call, in Bultimore street, hearly opposite

shocked. Restaurants and families supplied. STRICKHOUSER & WISOTZKEY.

Gettysburg, May 18, 1863. 3m

Jacobs's Saloon Revived. HE undersigned have lessed Jacobs's Saloon, in Chambersburg street, and intend to keep it in the best style, hoping that the public will appreciate their efforts, to please by giving them a large patronage. They will re-ceive OYSTERS regularly and do them up in all styles: YOUNG CHICKENS, BEEF TONGUE. HAM AND EGGS, and almost everything that may be called for, will be served. They will also keep \$LE, LAGER, PORTER, WINES, \$c. They are determined to do things up in the most desirable manner, and feel certain of

Judge Woodward's Opinion. South a pump in it, narthe docr.
Well of water with a pump in it, narthe docr.
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Well of water w but that the same is unconstitutional and warg within the great road leading from owarge the pel, on the great road leading from lianover to Gettysburg. No. 2: 'A KOT OF TIMBER LAND, adjoin-near line to invade the per-or line to be benefit and the per-or line to be benefit, and there ing lands of Samuel Shorb, containing 5 Acres, sonal liberties of the plaintiffs, and there-nore or less, of excellent timber. This lot upon they invoke the equitable interposition of this Court to enjoin the defendants

to decide. o decide. I, therefore, repeat the question with against a farther execution of the said Act. great confidence in its accuracy, has Con-For the jurisdiction of this Court to set asid day, when attandance will be given and terms made known by JOHN GINTER, Adm'r. By the Construction of the grant the relief prayed for, I re-for myself to the views of the Chief Justice In the construction of the grant the relief prayed for, I re-for myself to the views of the Chief Justice In the construction of the c or draft into the military service of the United States, the militia men of Pennsyl-

in the opinion he has just delivered in these cases, and I come at once to the conred in vania? that instrument, framed by deputies of the rooter the existing insurrection and rebel-

lion against the authority of the United States, the duty of the Government to suppress insurrection and rebellion, to guaran-

powers.

Constitution of the United States that can be appealed to in support of this legislation. In our ordinary editions, they stand pure and Variety House. Particulars hereafter. In the meantime he service is more praiseworthy and honorable ought willingly to contribute," and that no bered as clauses 13, 16 and 17 of the VIII section of Act b of the Constitution. "13. Congress shall have power to raise trouble to show goods, and every effort made of foreign birth, who have declared their of foreign birth, who have declared their and support armies, but no appropriations intention to become citizens, between the of money to that use shall be for a longer

ages of twenty-one and forty-five years, and term than two years. "16. Congress shall have power to prothese able bodied citizens and foreigners, vide for the calling forth the militia to exwith certain exceptions afterward enumer wants of this compunity, viz: Fresh and Salt FISH, Hams, Shoulders and Sides, Hominy, Beans. Salt, Apples, Potatoes, Oranges, Lemont ecute the laws of the Union, to suppress insurrections and repel invasions. <u>417</u>. Congress shall have power to provide for organizing, arming and disciplining tricts, provides for provost marshals and them as may be employed in the service of

to be made from the national forces so en-rolled. The payment of \$300 excuses any Fahnestocks' store. [rolled. The payment of \$300 excuses any WANTED.-Butter, Eggs. Lard, and all drafted person, so that it is, in effect, a law

by Congress. WANTED.—Butter, Eggs. Lard, and all other country produce—for which the highest cash price will be paid. SWEET POTATORS—hest quality, at low<sup>2</sup> or unable to purchase exemption at the est living profits—always on hand. Also OYSTERS, fine and fresh—in the shell or shocked. Restaurants and families supplied. STRICKHOUSSRE & WISOTZKEY. own debts, is in striking contrast with this who adopted it, derived their ideas of gov-conscription law, which devolves upon such ernment principally from the ercent of the rest of the strike and the states of gov-

men the burthen which belongs to the whole "national forces," and to which "all persons ought willingly to contribute."----This, however, is an objection to the spirit of the enactment rather than to its constitutionality. The description of persons to be enroll-

ed, able bodied citizens between twenty

- in

.

by the limitation of biennial appropriations that the conscript law was not intended to ular approbation, and it was rightly considoperate on these? I think it will not.-Then if it does touch, and was framed and never be wanting to recruit the ranks of such an army. The war power, existing only for the protection of the people, and left as far as it was possible to leave it in their own hands, was incapable of being used without their consent, and, therefore, could never languish for elements. They would be ready enough to rocruit the ranks of any army they deemed necessary to designed to draft this very class of citizens, no possible objection can be taken to the above statement of the question we have This question has to be answered by the

The theory itself was founded on free not so read the Constitution, when in and fair elections—which are the funda suppressing the whiskey insurrection in into effect by the States themselves in their respective corporate canacities, delegates to Congress all the powers that body can exshall ever be employed to control popular State. Under pressure of a foreign war elections, the nominal representatives of a Conscription Bill was reported in Congress ercise. These delegations are either express or such implications as are essential the people may cease to be their real repre- in 1814, but it did not pass, and if it had, o the execution of expressly delegated There are but three provisions, in ' the will be subversion of the constitution, and not to be implied, since another mode of no constitutional argument can assume such a possibility.

Supposing then that the people are always to be fairly represented in the halls of Congress, I maintain that it is-grievous injustice to them to legislate on the as sumption that any war honestly waged for "constitutional objects will not always have such sympathy and support from the the militia, and for governing such part of people as will secure all the necessary enlistments. Equally unjust to their in telligence is it to suppose that they mean to confer on their servants the power to impress them into awar which they could not ers, and the authority of training the miapprove. When to these considerations we add the

litis according to the discipline prescribed "To raise armies"—these are large words, shility of a great country, like ours, to what do they mean? There could be no stimulate and reward enlistments, both at home and abroad, by bounties, pensions, and homesteads, as well as by political patronage in countless forms, we see how wielded, in connection with a paternal and the scope of this exception ? builto burthen on the poor. Our State iton has not reference to numbers or size legislation which exempts men who are not but to the mode of raising armies. The plying a grant of the imperial power of

framers of the Constitution, and the States content in the when the dual are in-who adopted it, derived their ideas of gov-ernment principally from the example of constitution nar in those excellent contern-great Britain—certainly not from any of poraneous papers, called the Federalist, to do by the Constitution, is not adapted to their own consent, subject to the military the more imperial and despotic govern-iustify the opinion that this wast power the exigencies of the times, nor likely to ments of the earth. What they meant to lies wrapped up in s few plain words of the have success as a war measure.

ments of the earth. What they meant to lites wrapped up in a few plain words of the have success as a war measure. make was a more free Constitution than 13th clause, whilst the subsequent clauses. In its political bearings, even more than the common law. In like manner the mi-that of Great Britain-taking that, as a concerning the militia, absolutely forbid in its aspects, it is subversive of the Con-: it is when duly called out and placed "in

model of some things—but enlarging the it. model of some things—but enlarging the it. basis of popular rights in all respects that if the very improbable case be supposa-would be consistent with order and stabilible, that enlistments into the tederal ar-ty. They knew that the British army had miss might become so numerous in a par-basis of popular rights in all respects that is imposed in a consistent with order and stabilible, that enlistments into the tederal ar-ty. They knew that the British army had miss might become so numerous in a par-sible to study our State and federal Con-But when are militiansen in actual service? and forty-five years of age, is substantially ty. They knew that the British army had mies might become so numerous in a par-the description of the militia as defined in generally been recruited by voluntary en-

The second

Also keep ALE, LAGER, PORTER, WINES; &c. They knew view of the militia as defined in proper military power, is in to find the state as denoting of the militia as defined in proper military power, is in to much more the one was designed to guard and maintain for the state as denoting of the militia as defined in proper military power, is in to much more the one was designed to guard and maintain for the state as denoting of the militia as defined in proper military power, is in to much more the one was designed to guard and maintain for the state as designed to guard and maintain for the state as denoting of the militia as defined in proper military power, is in to much more the state as designed to guard and maintain for the state as designed to guard and maintain for the state of the state of the state as denoting of the attemption of congress. The nation and that the few instances of impression of land upon the General Government the power of the militia, as defined in proper military power, is in ot much more the state as designed to guard and maintain and more the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to the different state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and maintain and the state as designed to guard and mainthe the state as designed to guard and maintain and the state

where, under monatche it in the legislative legartment, in one branch of which the States have equal representation, and in. the other branch of which the people of the States are directly represented accor-ical only the power to enlist volunteers, and only the power to enlist volunteers, and by which he according to enlist volunteers. sentatives of the States and the people, this intelligible stand well with the 13th and but even in their hands it was restrained the Federal Government, Look at those for the support of the arthies they might be taised insurrectious and repel invasions, to be called forth a court-martial may chose to be called forth a cou

Can a citizen be made a deserter before he has become a soldier? Alas Congress organized, armed and disciplined by the State, but according to the laws of Congress the constitutional power to authorize pro-and such part of the United States are to vost murshals, after drawing the name of a ered that voluntary enlistments would never be wanting to recruit the ranks of be governed by the President, but officered by the transmission of the transmission of the transmission of the begoverned by the transmission of tr freeman from a wheel and serving him with a ten days' notice, to seize and drag him before a court-martial for trial under military law 2 This question touches the founds.

In June, 1215, the Barons of England and their retainers, "a numerous host encamp-ed upon the grassy plain of Runnymede," wrung from King John that Great Charter would be ready enough to recruit the ranks of any army they deemed necessary to their safety. Thus the theory of the con-stitution placed this great power, like all other governmental powers, directly upon the consent of the governed. Washington and the men of his day, did which declared, among other securities of the rights and liberties of Englishmen, that "no freemen should be arrested, or imprisoned, or deprived of his freehold, or and fair elections—which are the funda-mental postulate of the constitution. If this State, they paid the most scrupulous for will we (the King) proceed against him, mental postulate of the constitution. If this State, they paid the movies of the nor will we take the provide any one against him by force of arms, shall ever be employed to control popular State. Under pressure of a foreign war, unless according to the sometime. of his peers (which includes trial by jury) or the common law of England," Here was laid sentatives, and then the armies which may be raised may not so command public con-law, because we are dealing with an insur-race to which we belong. And yet not be raised may not so command public con-fidence as to attract the necessary recruits, and then conscript laws and other extra constitutional expedients may become mecessary to fill the ranks. But govern-the militin, which I do. not admit, the power of draft to suppress insurrections, is ry of the principal grounds of the funda-mental laws of England. Far lack Magna suppressing insurrections is expressly pro-

Charta, in the customs and maxims of our Saxon ancestry, those principles of liberty Tided. When a State is called on for its quota of militia, it may determine, by lot, lay scattered which were gathered together in that immortal document, which four who of the whole number of its enrolled militia, shall- answer the call, and thus hundred years afterwards were again reas-State drafts are quite regular, but a Con-gressional draft to suppress insurrection, State drafts are quite regular, but a Con-gressional draft to suppress insurrection, is an innovation that has no warrant in the bit of Rights," which were transplanted history or text of the Constitution. Either such a law, or the Constitution, must be set aside. They cannot stand together. the Amendments to our State Constitution and the Amendments to our, Federal Constituset aside. They cannot stand together. And happily, no ill consequences can tion, and which have thus become the hor-flow from adhering to the Constitution, for the standing army of the federal government cle of these Amendments: "No person recruited by enlistments in the ordinary shall be held to answer for a capital or oth-way with the State militia, called for the armine information and the way, with the State militia, called forth | erwise infamous crime unless on a presentway, which the State mining, cannot forth erwise infinitions crime unless of a present-according to the Constitution, are a force in cases arising in the land or naval forces that is capable of being subdued by force, wisely of arins. Such a formidable force, wisely time of war or public danges." What is indicate in connection with a network and or the work of this averation? The land or The land of patriotic administration of all other consti- naval forces mean the regular military orrefactory malcontents, and preserve peaco army ard navy-into which citizens are in-