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TERMS—PER YEAR $5

NEW ORLEANS,
WEDNESDAY MORNING, OCT. 27, 1869.

TRY GEORGE ALTEN'S CIGARS,
183 ..... Hospital Street 183

Amusements This Evening.

VARIETIES THEATRE — Lucille, or The Spy of Paris. W. R. Floyd and Mr. Brougham.
ACADEMY OF DESIGN — Corner Street of New Levee.
St. CHARLES THEATRE — Ida Dorville in the Ready and the Rapid.
NATIONAL THEATRE—Prof. Zahn and his Tyrolean Troupe.

THE DECISION IN THE MILLIGAN CASE.

Some doubt being entertained as to whether the Supreme Court at Washington will take Mr. Yerger from the hands of the military and trust him for trial to the civil tribunals of Mississippi, we have concluded that a publication of such portions of the opinion of the Supreme Court in the Milligan Case, as indicate the views of the Court, on the subject of the trial of citizens by military commissions, will be appropriate and acceptable.

The point as to which doubt is expressed is this: In the Milligan case the court was called upon to decide whether a military commission could legally try a citizen of the State of Indiana. The commission sitting in that State, and Indiana being a State of the Union, not in rebellion. In the Yerger case the prisoner and the military tribunal are in the State of Mississippi, a State not restored to its status in the Union, but governed under the reconstruction laws of Congress, of March 2, 1867, and the laws supplementary and additional thereto.

Mr. Justice Davis delivered the opinion of the court, and the facts of the case, as stated by him, are these:

On the 10th day of May, 1865, Lambdin P. Milligan presented a petition to the Circuit Court of the United States for the District of Indiana to be discharged from an alleged illegal imprisonment. The cause made by the petition is this: Milligan is a citizen of the United States, has been for twenty-five years, and at the time of the grievances complained of, was not, and never had been, in the military or naval service of the United States. On the 5th day of October, 1864, and at a time he was arrested by order of Brevet Maj. P. Hovey, commanding the Military District of Indiana, and have ever since been kept in close confinement. On the 21st day of October, 1864, he was brought before a military commission convened at Indianapolis, by order of General Hovey, tried on certain charges set upon specifications duly made, and sentenced to be hanged. The sentence was ordered by the commander to be carried into execution on the 19th day of May, 1865. On the 17th day of January, 1865, after the proceedings of the military commission were at an end, the Circuit Court of the United States for the District of Indiana, adjourned, and empaneled a grand jury, who were charged to inquire whether the laws of the United States were being violated, and if so to make presentments. The Court adjourned on the 27th day of January, having continued in session ten days, during which no grand jury had been empaneled or any business done