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NEW ORLEANS:
FRIDAY MORNING, JUNE 25, 1869.

TRY GEORGIE ALTEW CIGARS.
138.....Hampart Street.....138

MILITARY JUSTICE.

Gen. Grant has lately been called upon to review the proceedings of two military courts. One of these were had in the case of a citizen tried under the Reconstruction acts and convicted of murder, and the other in the case of a private of the United States army, tried under the Articles of War, and convicted of the same crime. The sentence in both instances was death. The result is thus announced from Washington:

The Military Commission which convened at Austin, Texas on the 19th of September, 1868, to try James Weaver, a civilian, for the murder of another civilian, named Anthony Knowles, have completed their labors by finding the accused guilty of murder in the first degree, and sentencing him to be hanged. He will be hanged on the 24th of September next.

The findings of the court martial which convened at Atlanta, Ga., July 13, 1868, when private Henry Moyat, of Co. B, 16th United States Infantry, was tried for the murder of a colored man named Henry Gillespie, and found guilty, have been submitted to the President, and by him disapproved, and the accused ordered to be discharged from custody and from the service of the United States.

The citizen is ordered to be executed and the soldier is ordered to be discharged from the service of the United States, and let loose upon the community. We know nothing of the facts touching the crime committed by either party, but it is quite fair to presume that the verdict of the court martial in the latter case was a just finding by the officers composing it, and that no evidence has since been laid before the President of a nature to exculpate the convicted man. This court martial was a lawful tribunal, duly organized according to the rules and regulations of the army, rules to which all officers and private of the army swear obedience and are subject, by virtue of a law of Congress well understood. If exceptionary evidence had come to the knowledge of the President since the papers in the case were submitted to him for review, he ought to have set forth the fact as the ground of his action in allowing the man to go off "scot-free." We are justified, in the absence of any evidence to the contrary, in believing that the President was simply not disposed to order a soldier of the army of the United States to be hanged for killing a negro. We do not, in making these comments, wish to appear as grudging this pardoned convict his life. Let him go, and in the future make a better use of that life than he has done in the past. But what we have a right to comment upon is this—that the President should be guided in the case of the citizen by a different rule and principle from that which influenced him in the case of the soldier. One would think that if a different rule should have been applied in the determination of the fate of these two men, the harsher sentence should have been ordered in the soldier's case. First, on account of the necessity that exists for a rigid enforcement of the articles of war in the army and to carry out the discipline of the service, and secondly, because the tribunal which tried him was undoubtedly a legal tribunal, whose sentence ought to be carried out except in rare case, and then the reasons should be given. Who doubts that political considerations indeed General Grant to approve the death sentence in the case of the citizen, and that the object is to terrorize the people of the Southern States? Who believes that General Grant would not save this man's life if he was free from the dictation of those who have him in charge? General Grant is probably a humane man—all we know of his personal disposition leads us to believe that he is not a man of cruel nature, and that he would be disposed to make all excuses for an act which is the legitimate fruit of the unnatural strife and lawlessness with which all civil wars terminate, if he were not under the malign influences of the Radical leaders. But whether this case is or not a fit one for the exercise of mercy, General Grant is not ignorant that the Supreme Court of the United States decided, in the case of Milligan, that Military Commissions in time of peace were unlawful, and that no citizen could be lawfully tried for crime before such a tribunal. He ought, therefore, to have ordered the District Commander in Texas to have turned over the accused to the civil tribunals of that State. We trust he will do it yet, and not suffer it to be recorded in history that while he could have saved the life of a fellow citizen and contributed to the purification of the country, by a well-timed exercise of the great powers of his office, he yet chose to familiarize the people with military rule and to lessen their respect for the administration of justice by the civil authorities. Is not it all impossible that when the American people have come to their sober senses they may imitate the example of the people of England in similar cases, and hold to a still accountability all their public officers who have taken advantage of the excitement of the times to set at naught the fundamental doctrines of their Government. This period may not be very far off. Already have able lawyers of the Republican party pronounced Mrs. Surratt "a murdered woman." It was only the other day that a judge, whose sympathies are believed to be with the Radical party expressed his opinion from the Bench, that there had been a legal conviction of the parties alleged to have been concerned in Mr. Lincoln's death—that the commission who tried them were little better than a mob and were themselves guilty of murder." Thus spoke Judge Olin, of the Superior Court of the District of Columbia, during the trial of a case before him wherein certain individuals claimed the reward offered by the Government, for the capture of the parties associated with Booth. These remarks are so important that we append them as published in one of our exchanges, and we would commend them to the attention of all in authority. Said Judge Olin:

"The guarantee of trial by jury contained in the Constitution was intended for a state of war as well as a state of peace, and is equally binding upon rulers and people at all times and under all circumstances.

The parties named, tried, and convicted were tried before a military commission appointed by the Executive Department of the Government. Those persons (Booth, &c.) were not in the military service of that Government, or in the military service of that sham Confederacy organized for the overthrow of the Government. The crime committed by these persons was committed in the district. Martial law was not proclaimed here. Courts of law had been established. There were daily ongoing efforts to punish crimes and redress wrongs. It does not upon the principles announced in ex parte Milligan, 4 Wallace, p 12, how an act done in this case can be maintained. It will not, I think, be contended, if none of the parties accused had been tried and convicted, or having been tried had been acquitted, that an action could be maintained to recover this reward. It would be an obnoxious doctrine, indeed, if *there was a legal question of any kind* [illegible] *before the military commission?* [illegible] THE COMMISSION WERE BUT LITTLE BETTER THAN A MOB, AND WERE THEMSELVES GUILTY OF MURDER."

Judge Campbell's Persecution.

The inhibility of the persecution with which Judge Campbell concluded his great argument on the other day in the Slaughter-house case, before the Sixth District Court, indicates to us to which it is. We only regret not being able to give our readers an idea of the thrilling effect of the weighty words and the judicial manner the venerable and profound jurist. Judge Campbell, on this occasion, proved himself to be a consummate orator as well as a great advocate.

I do not know that I am called upon to argue this further on the question of its being a grave and burdensome monopoly. Whatever is monopoly, by law is considered. It is the recognition, that a monopoly is a boneful thing—as opposed to common right and common justice, and in it the duty it was pronounced in against common right and common justice, the enlightened opinion of the world has been continually becoming more intense as to these evils.

The restraints and burdens, which, in the period of the Middle Ages, were put upon individual industries, are all ruined in this age, and in this country have been the cause even of revolution.

Before the adoption of the fourteenth amendment had created to remand to the city, these seventeen people got rid of the most audacious and oppressive monopolies that ever were made on the face of the earth, and they tell you monopoly is the sole source of improvement.

That these laws, which are so embalmed in common law and the common sense of the people of this and the mother country—that these laws, which have been proclaimed by courts and judges and statesmen—that these reasons, which are recorded by Smith and Tucker and which now are enumerated by Lieber as if he had not been trained