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PROCEEDINGS OF COURT MARTIAL.—At a General Court Martial which convened at Jefferson City, Missouri, by Special Orders, No. 22, Headquarters, District of Central Missouri, Brig. Gen. E. B. Brown, Commanding, was arraigned and tried :

Sylvester Deeds, Q. M. Serg't, M. S M. Battery. Charge—Murder. He was found guilty of murder in the second degree, and sentenced to be dishonorably discharged from the service, and to be confined at hard labor for the term of ten years.

The proceedings in this case are disapproved. Upon the part of the defense, one Lucy Jack was introduced as a witness, and upon a member objecting to her competency, upon the ground that she was a negro of African descent, her evidence was ruled out by the Court.—The ruling of the Court was wrong. It is a general rule of evidence, that all persons are competent witnesses, who are capable of understanding, and may be presumed to feel the obligations of an oath. Heretofore the extreme sensitive-

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ness of the American mind, has been so far biased as to forestall a judicial decision on this point and precluded the opportunity for full action upon the part of courts. In the case of Dr. Fellows, Assistant Surgeon in the army, tried at Fort Niagara, the question arose, the witness was admitted, and the action of the court approved. It may be argued, that the local Statutes of Missouri excluded the witness. That is true so far as her local courts are concerned. The reviewing authority is not aware of any Federal Statute which renders a negro incompetent as a witness; but on the contrary, the practice of the Federal Courts recognize them as competent. A Court Martial and Military Commission are Federal Courts, and whenever the local statutes conflict with the General or Federal Laws, the rules must bend or give way to the latter. The excluding of the testimony of this witness throws a doubt over the whole proceedings in this case, and the prisoner is entitled to the benefit of that doubt. It is impossible to approve proceedings unless it clearly appears from the record that the prisoner had a fair trial and every opportunity allowed him to make a legitimate and full defense.—The prisoner will be released from confinement and arrest and returned to duty.

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