

Legal Juris.

The question as to what constitutes a legal jury, is giving trouble to the Courts in this State and South Carolina. The recent action of Judge BARNES at Tarboro', is not, we hope, to be taken as an authoritative precedent of the course to be pursued in this State until such time as the County Courts shall revise the jury lists of the several counties in conformity with the order of General SICKLES, or until the points as to its binding authority, in view of the opinion of Mr. STANLEY, are decided.

The position assumed by Judge MOSES in Charleston, a few days ago, comporting much more with what we regard as consistent with the duty, dignity and responsibility of a judicial officer. In Charleston, as in Edgecombe, the jury for the Court had been drawn at a previous term, held before the order of General SICKLES was issued, and of course according to old jury lists which contained the names of white men only. In the Charleston case the Post Commander sent for the Clerk of the Court and the Sheriff, and these officers fully and satisfactorily explained that the venire had been made out at a term previous to the issuing of the order. This fact having been referred to General SICKLES, he expressed himself as satisfied with the explanation, but advised a postponement of the Court, until the full list of all the tax paying citizens could be obtained from the Assessor. Subsequently Judge MOSES called upon the District Commander, who also received the same advice in regard to the postponement. The Judge, however, declined to adjourn the Court and proceeded with the business of the term as usual, and we have not yet learned that any positive military orders have been issued interfering with the ordinary course of the Court.

We can well appreciate the perplexities and difficulties our Judges labor under in holding their Courts. Between the Constitution and Laws of the State and the United States, which their oaths compel them to follow, and the orders of the Military Commander, which penalties and force make them observe, it is difficult to steer. In avoiding Scylla they are in danger of being lost in Charybdis.

Under existing circumstances, when the State statute requires that the lists shall be made up from "taxable freemen, only of persons well qualified," and General SICKLES commands that "all citizens, assessed for taxes, and who shall have paid taxes for the current year, are qualified to serve as jurors," our judges should at least not adjourn their courts when the County Courts have not revised the jury lists, but try the cases before the juries legally summoned, and reserve all doubts as to their duties, when juries are summoned in accordance with the military order by the proper authorities. In times like the present, we should not go forward to meet trouble and encounter difficulties, and our sworn officers should perform their duties, and leave to other authority to impede the course of justice.

Chief Justice CHASE paid no more attention to the order of General SICKLES in regard to juries than he did to a former one staying proceedings in certain cases, and in his address to the court, and in numerous private conversations, openly took a position similar to the one contained in the opinion of the Attorney General in regard to the illegality of military orders interfering in the ordinary administration of justice, and in enacting and repealing laws of States. He expressed himself as firmly of the opinion that the President should not permit District Commanders to pursue such a course as to make the people hostile to the plan of reconstruction, and, to a great measure, defeat the purposes of Congress. In reference to juries, petit and grand, he directed the Marshal to make no distinction, on account of color or race, among persons otherwise qualified to serve. In accordance with this direction the Marshal summoned only such colored persons as were "freemen" and "well qualified."

We hope these difficulties and perplexities will be properly and legally adjusted before our Fall courts commence. Society is too disorganized a condition, and vagrancy and crime—twin sisters—are too ripe in our midst to delay even for one term, the courts, the only legal and real protection the upright and honest citizen has against the indolent and lawless leeches who now infest our country.

Registration in Virginia.

Registration under orders from General SCROFIELD, has been progressing for several days in Virginia, and the blood-hounds of party, who seem determined to leave no stone unturned to control the State, have arranged two of the prominent citizens of Richmond before the United States Commissioner for perjury, upon the ground that the State Constitution, adopted at Alexandria during the war, disfranchised all persons who aided the "rebellion" after April 1864, and consequently coming under that clause of the Reconstruction Act which expressly disqualifies from voting "such as may be disfranchised for participation in the rebellion."

This is a shallow and transparent trick to frighten the citizens of that State and prevent them from registering. If it was true, that under the operation of the Alexandria Constitution, all persons who had participated or aided in the war were disfranchised, nine-tenths of the white citizens would fall under the objection. In the first place, the Alexandria Constitution has been legally amended and the clause disfranchising persons for engaging in the war, stricken out. In the next place, had it not been amended, the entire State Government has been declared illegal and provisional, and all its laws in conflict with the Congressional enactments are null and void. And finally, General SCROFIELD, who is made the judge of the highest jurisdiction, has declared in his registration order that "no one is disfranchised for participation in the rebellion, unless he previously held some one of the offices named." This is

the official announcement of the supreme authority in the State, and this arrangement can only be made in order to annoy peaceful citizens and endeavor to frighten timid and ignorant persons from exercising their privilege.

Fortunately no such troubles exist in this State. No one has been disfranchised, either by State or Federal enactments, simply for participating or aiding in the war. To work disfranchisement in North Carolina two elements must concur: First, the office and official oath to support the Constitution of the United States; Second, engaging afterward in the war. Both must exist to work disfranchisement, and must happen in the order of time mentioned. A person who has held an office and taken the oath to support the Federal Constitution, and has not afterward engaged in the war, is not disqualified. So, too, a person who has engaged in the war, but has not before held an office and taken that oath, is not disqualified.

Our people, therefore, when our District Commander issues a special order, defining by name which officers are excluded and which not, will have no trouble in deciding upon their own cases, and if registrars will only regard their oaths and duties, and not work in obedience to the orders of caucuses or league, there can possibly be no difficulty here. The duties of the Boards will be very simple and the rights of the citizen plain, and registration need not be protracted or delayed. The good order and admirable bearing of the people of this State need not be disturbed by unnecessary excitement, and the registration and the election should be conducted with that decorum and law-abiding character for which North Carolinians are noted.

All Voted Aye, Except the Secretary of War, Who Voted Nay.

We suppose no one can read the proceedings of the Cabinet meeting, telegraphed and published in our columns yesterday morning, upon the points raised by the Attorney General in construing the reconstruction acts of Congress, without being struck with the humiliating position into which party drill forced the Secretary of War. However plain the proposition, if its tendency was to enfranchise persons at the South, solitary and alone, this official voted in the negative, and only when confirming some point establishing a sure disqualification did Mr. STANTON concur with the other members of the Cabinet. No intelligent man can read over these proceedings, whatever may be his political feelings, without coming to the conclusion that the Secretary of War was wholly and entirely influenced in his action by what would benefit the Radical party, and not what was the interpretation of the act.—Its purpose, not its meaning, was probably better understood by this officer than by the others. However this may be, the spectacle is most humiliating to the country. When men in the highest positions under the Government make such an unworthy and disgraceful exhibition of party malice and bitterness, acting under the important responsibilities which they did, we have cause to fear for the ultimate peace and welfare of the country. When men who cannot rise above the petty plottings of party machinations in settling great questions of government, directly bearing upon the liberty, property, and future welfare of ten millions of people, are tolerated, nay, honored by a great party, it is the surest evidence of the decadence of that party and its loss of its noble and patriotic spirit and noble patriots who have shed lustre upon the American name and given grandeur to American institutions.

The President does not seem to be deterred in the performance of his duty by the disapproval of his Secretary of War, but concurs with the other members of his Cabinet, and will issue his orders in accordance therewith. There can really be but little benefit derived from one party or another under the construction given by Attorney General, as he disfranchises many citizens, such as former Sheriffs, Clerks, &c., who are permitted to register and vote under the orders of General SCROFIELD in Virginia. We can see, however, much good by having a uniform rule in all the military districts, as Congress certainly meant to apply the same rules to all—that reconstruction should be the same in Virginia and Louisiana, North Carolina and Mississippi; but so fearful was Mr. STANTON that the "rebels" might reap some advantage by an honest and uniform construction of the law, that he voted against every proposition conferring the right of suffrage.

The position of Mr. STANTON in this Cabinet meeting is not very unlike that of a redoubtable foreman of a petit jury some years since in one of our upper counties.—The jury could not agree, and time and again his Honor sent them back for further consultation, until the patience of both Judge and jury was worn out. At the close of the second day's consideration, the jury for the fifth time came in and asked to be discharged. The Judge, as a matter of great precaution, asked the foreman if there was no possibility of an agreement. "No sir," promptly and pompously replied the person addressed, "Judge, there are eleven of the most obstinate men on this jury I ever knew." "All voted aye, except the Secretary of War, who voted nay."

The following explanatory Circular from General SICKLES, in regard to so much of General Order No. 32 as refers to the retailing of spirituous liquors in this Military District, will be read with interest by parties concerned. So far as this Circular goes, we think it is conceived in a spirit of fairness and equity; the incurable fault, however, lies in the original order.—Having been licensed by proper authority, their abatement by military power cannot be justified, even though those who may register retail liquor shops as social and moral nuisances.

The Circular is important for instructions contained to govern Post Commanders and municipal authorities, and its explanations contain a sharp rebuke to such as have licensed quadruple the ordinary number of inn-keepers. Under the un-

swerving opinion of the Attorney General, we do not know how long the odious of Gen. SICKLES will remain the law of the State; but until they are revoked by him or some higher authority, we can safely give assurance on the part of Post Commander and City authorities, that here they will be equitably and promptly enforced and conscientiously obeyed by our citizens.

REMARKS SECOND MILITARY DISTRICT, CHARLESTON, S. C., JUNE 17, 1867. In the execution of Paragraphs VI and VII of General Order No. 32, current series, Post Commanders will be governed by the following instructions: 1. Inn is a place where food and lodging are provided and furnished for pay to travelers and sojourners.

Municipal and town authorities may grant to Inn Keepers licenses to sell liquors in quantities less than one gallon to be drunk on the premises. In determining the number of such licenses it is expected that due regard will be observed to the actual occasion for tavern accommodations, so that there shall be no unnecessary increase of the present number of Inns. In any town where this occurs the authority to issue such licenses will be revoked and the license granted annulled.

The order does not admit of any construction extending the privilege to saloons, ice cream saloons, eating houses, or other places. The civil authorities to whom license money has been paid will determine for themselves whether they will extend to license the whole or any part of the money received for licenses.

The order is operative on and after the date of its publication. Post Commanders in the exercise of their discretion may extend the time until the first day of July next.

Military tribunals constituted by Circular dated May 15th, 1867, from these Headquarters, will have cognizance of all violations of paragraphs VI and VII of the said Circular. The proceedings will be forwarded by the Post Commander to these Headquarters for review and final order.

Where by law or municipal regulation the proceeds of licenses are devoted to the maintenance of public schools or other public purposes, the license law authorized may be applied either to such schools or to the poor, in the discretion of the civil authorities.

All laws or parts of laws or municipal regulations inconsistent with the provisions of paragraphs VI and VII of the said Circular are suspended and will be deemed and held inoperative.

The authority to revoke licenses is permitted in or about premises where liquor is sold may be exercised by Post Commanders or by any magistrate of the same rank or grade.

By command of Major General D. A. SICKLES. J. W. CLOES, Capt. 38th Inf., A. D., and A. G. G.

Rollings of the Commissioner of Internal Revenue.

Commissioner Rollins has very recently made the following decisions: 1. Section 29 of the act of March 2, 1867, relating to naphtha and illuminating oils, although contained in a statute relating to internal revenue, bears no such relation to the public revenue as to require any interpretation by the officers of internal revenue.

2. The non-liability to special tax of persons as manufacturers, whose manufactures do not exceed one thousand dollars per annum, does not extend to those described in the last part of the paragraph of the act of June 30, 1867, but each and every person who is engaged in the manufacture or preparation for sale of any article or compounds, or who puts up for sale in packages, with his own name or trademark thereon, any articles or compounds, should be required to pay a special tax as a manufacturer.

3. Cut nails and spikes, unless manufactured from iron upon which the tax of three dollars per ton has not been levied and paid, are subject to a tax of five dollars per cent, if manufactured from iron upon which such tax has been levied and paid, but subject to a tax of two dollars per ton only.

4. A check drawn by an individual upon himself, or drawn upon a bank by its cashier, in his official capacity and in the discharge of his official duty, is in its legal effect a written or printed receipt for an amount of money to be held on demand or at a time designated, and should be stamped like a promissory note at the rate of five cents for each hundred dollars or fractional part thereof.

5. A foreign bill of exchange or letter of credit drawn in, but payable in, the United States, if drawn singly or otherwise in sets of three or more, according to the custom of merchants and bankers, is liable to the same stamp tax as an inland bill of exchange—that is, if drawn at sight or on demand, it is liable to a tax of two cents per hundred dollars; if drawn on demand, it should be stamped at the rate of five cents for each hundred dollars or fractional part thereof. Duplicates require the same amount of stamps as their originals.

6. Receipt by endorsement upon a stamped obligation in acknowledgment of its fulfillment is exempt from stamp tax. Fulfillment, as used in this connection in schedule B, is understood to mean completion, accomplishment, entire fulfillment.—No receipt is subject to a stamp tax unless it is a receipt for money when a receipt for a less held by the tenant, and is issued to him, a two cent stamp should be affixed to it, if the amount received exceeds twenty dollars.

7. A policy fee paid to an insurance agent for his services in making a survey of the premises to be insured is not to be included as part of the taxable gross receipts of premium by the company; it is, however, a part of the receipts of the agent, and should be taken into consideration in determining the extent of his liability to special tax.

8. A pedler who sells gloves or any other articles in packages as they come from the manufacturer or wholesale dealer should pay the special tax of fifty dollars imposed by the first proviso to paragraph 32, of section 79.

9. The act of June 30, 1864, exempted from taxation the value of bullion used in the manufacture of silverware and silver bullion rolled or prepared for plates used exclusively. The act of July 13, 1866, extends the exemption to the value of bullion used in the manufacture of watches, watches, and watch-cases. Manufacturers of silverware, wares, watches, and watch-cases, in making their returns, are entitled to a deduction of the cost of the bullion used by them from the gross amount of their actual sales.

From the Augusta Chronicle and Sentinel. NOTES ON THE SITUATION.

BY HON. B. H. HILL.

"Never despair of the Republic" was a much lauded Roman maxim. But maximize save Rome. She was very great. The combined world was too weak to harm her. But she fell—fell by her own hands—and for centuries has remained fallen!

If good liberty-loving Americans almost despised their country, the events of the last thirteen years would seem to be sufficient to save them from reproach. From the repeal of the Missouri Compromise until now, no period in human annals of thrice the duration exhibits such deception among leaders, such credulity among the people, such treachery by rulers and such energetic self-destruction by the nation.

The United States have done more in these years to weaken confidence in free institutions, and have inflicted more injury upon their own people, and created heavier burdens for their children and children's children, than the united armies and navies of the earth could have accomplished in fifty years. Before these notes close I may undertake to show the real causes of these evils. It is sufficient now to say that from 1854 a spirit which is inimical to the life of the Constitution has been keeping of its enemies. We read of a great man who, while an infant, was nursed by a wolf.

This may have been and may again be possible, but it never has been and never will be possible for men of the Union. The Northern people, less provoked but equally misguided, made war to preserve the Union, by placing themselves under the lead of men who were the bitter, implacable enemies of the Constitution, and who were fore-determined to destroy or reform it.

After four years of heroic struggle the Southern people laid down their arms because they were assured by their enemies and taught by long-trusted but faithless counselors and office-holders among themselves, that, by so doing they would be protected from the future. While they believed this and withdrew their support and deserted their colors. The few who did not believe were overpowered. But more than two years have passed—more than half the period of the actual conflict—and the Southern people, now three decades, have been engaged in a struggle for the Union.

Why? Because these leaders of the North—true to their original hatred, and perfectly logical in that hatred—declare the Union shall not be restored except upon terms which practically destroy the Constitution, and which certainly leave no Union except a name in form. As thus: "The Northern people either have failed to comprehend, or have consented to sustain their treachery, and to give the last development of their most remarkable history, we see some of our Southern counselors, who urged us into secession as the only peaceful method of securing our rights; they were arrested in just and honest only method of escaping military despotism; now boasting of the great confidence heretofore reposed in their counsel, advising us to accept the proposed terms for a new Union!"

With such experience fresh and still in our minds, shall we wonder if true men, doubt, if brave men fear and if good men despair? For thirteen years the actual revolution has been right onward; and is still onward. He is stupidly blind who does not see that the evils before us are far greater than the evils which we have had. Our people have drunk bitter cups, but they are as honey when compared with the cups they must drink if the child is not taken from the wolf; if the Constitution is not taken from the nursing care of those who are its enemies. The man who continues to be administered by its enemies. If anything I may say shall tend, however slightly, to avert the evils which threaten the country, I shall not only be satisfied but happy. I have no party to serve and no personal ends to accomplish.

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A North Carolinian Brutally Murdered, and His Body Burned.

On Friday night last, a most horrible murder was committed in Pierce county, by which a storekeeper was murdered, and his body burned to ashes.

The particulars of this case are as follows: A gentleman named W. S. Tylm, from Washington, North Carolina, had emigrated to Station No. 71, on the Albany & Gulf Railroad about one year ago, and established himself in a small grocery business. His conduct up to a small time was commendable, as he had rendered himself very popular by his generous conduct.

On Friday night last, while sitting in his store, two negroes entered about 9 o'clock, informing him that they wished to purchase. He immediately rose to attend to their wants, but was confronted by one of the negroes, named Joe Williams, who seemed to enter into a deep conversation with him. While so engaged the other negro, named George Jackson, approached from behind and struck him three times on the back of the head with a hatchet. The man was killed almost instantly, and while the body lay in its blood upon the floor, the negroes proceeded to rob the store of its valuables. Being satisfied with their plunder the body was placed in an upright position in the chair, and the house immediately set on fire, after which the assassins made good their escape to their quarters. A short time afterwards several negroes came to the store for the purpose of purchasing, and seeing the blood on the floor and the body lying in the chair they became somewhat alarmed and ran to the house of the overseer, informing him of the fact. Hastily gathering a few of his trusty men, he repaired to the scene; but just as he reached it, the roof and walls fell in, burying the body of the unfortunate man.

In the morning after the fire had somewhat subsided, the hatchet was found covered with blood. Several of the negroes immediately recognized it as the property of the negro, Jackson, and a signal being sent for him, he, in connection with Williams, were arrested. The negroes in the place became so enraged at the affair that they unanimously decided their intention to lynch the party, when Williams, intimidated at their threats, confessed the whole crime, implicating Jackson as the murderer. To this accusation Jackson remained silent, but when the negroes made any attempt to read the story from him.

The negroes on the place, highly indignant at such conduct, procured a large iron chain, and placing it around Jackson's neck, tied him to a green sapling, which they bent down for the purpose, and after hoisting a stock of firewood into the place, he became fired out and finally confessed his implication in the murder, alleging as the cause the prospect of obtaining money. At the request of Williams a neighboring branch was searched, and the apron of Jackson, spotted with blood, was found. Several dollars in greenbacks were found, which one of the party had lost in falling over a stump.

Notwithstanding the desire of the negroes to execute summary vengeance upon the assassins, they were brought to Blackshear and placed in jail.

The Crops.

While disinterested politicians are dolously bewailing the state of financial affairs, the broad acres of the Union are silently working out the wealth of the nation. Our country is now in the midst of a harvest, nobility-of-war, lofty capitals, and the bloom of beautiful political opinions, nor in the first enumeration of dollars, after the close of an expensive war; but in the state of the country's soil, in the fecundity of meadow valleys and sun-lighted hillsides, in the abundance of the fields, in the fishing banks and waving forests. There the resounding tramp of war desolated the fields, peace waves her sceptre, woven of wheat and corn. Our nation's glory is not revealed in the flash of her diamonds, in the glitter of her gold, in the strings of pearls and rubies, in the pink flowers of the apple and the white boll of the cotton; in the blue blossom of the flax and the golden glow of the corn.

From all sections of the Union come the grand tidings that God's earth has not forgotten the cry of the millions. The red soil of the South is smiling, and the nation fears bankruptcy; the fields are impoverished. The fruitful fields refuse the imputation. The fall will bring a glorious thanksgiving. The God who gave us peace will also not forget us in our distress. The reports shall be thrown open to foreign buyers. The old world, leaning on its crutches, will send forth her millions again to supplicate the prodigious soil. The Secretary of War may lay down his pen and forsake his proclamations. Howell Cobb may continue in his cotton field. Lee may govern his college. Grant may lay aside his sword, and, in 1867, the United States shall be clothed in peace and clothed with our cotton. Over all, God shall reign.—Savannah Republican.

Cliques of money and stock jobbers and speculators exist in New York, whose constant care it is to misrepresent the condition of the finances and vitiate the action of the Treasury. They have lately chafed over the prospect that the Treasury would not be able, without resorting to loans, to meet the appropriations of Congress, the interest of the public debt, &c. They predicted and hoped that the maturing debt would not be paid, nor even funded. They were disappointed in the latter hope, and will be in the former.

The Treasury will be able to meet all the demands upon it for the current year, with such resources as it has in the present surplus, and in the current revenue from the sale of external duties, without a resort to loans or any increase of the public debt.

The internal revenue cannot be expected to improve while business is so much depressed as it is at present. The products of manufactures are much reduced, and the large amounts of excise collected from them will fall off, and will not be increased until the present supply of many descriptions of goods shall be taken up.

The means of consumption must be possessed by the public before the rate of production can be increased. There must be a large and abundant supply of raw materials, a crop of wheat, corn and cotton, the present season in order to give a fresh impetus to commerce and manufactures, and consequently increase the revenue.

Death of an Old Printer.

On Saturday last Robert McKnight, one of the oldest printers in the South, and the oldest, died in the arms house of Dallas county, in this State. The Selma Messenger says that Mr. McKnight was born in South Carolina in 1783, and commenced learning the art preservative of all arts in Georgetown, S. C., in 1798, and until within a year or two he was at work at the case. He was an honest, and industrious good man, and notwithstanding the poverty in which he died, was much respected by all who knew him. He was the father of Major McKnight, better known as "Ass Hartz,"—Mobile Tribune.

From the Raleigh Standard. THE CONFISCATION AND SEQUESTRATION ACTS OF THE CONFEDERATE STATES.

OPINION OF CHIEF JUSTICE CHASE.

SHORTIDGE et al. vs. MASON.

This is an action for the recovery of the amount of a promissory note for interest. There is no question of the liability of the defendant to the demand of the plaintiff, unless he is excused by covered payments of the note sued upon under an act of the self-styled Confederate Congress, passed August 30th, 1861, entitled "an act for the sequestration of the estate of alien enemies," and an amendatory act passed February 15th, 1862.

It is admitted that the plaintiffs were citizens of Pennsylvania; that the defendant was a citizen of North Carolina; that the note sued upon was made by the defendant to the plaintiffs; and that the defendant was compelled, by proceedings instituted in the Courts of the so-called Confederate States, to pay the amount due upon it to the receiver appointed under the Sequestration Acts. Upon these facts it is insisted that the defendant is discharged from his liability to the plaintiffs. It is claimed that, while it existed, the Confederate government was a de facto government; that the citizens of the States which did not recognize its authority were aliens, and in time of war, alien enemies; that, consequently, the acts of sequestration were valid acts; and, therefore, that payment to a Confederate agent of the amount of such claims, completed by proceedings under those acts, relieved the debtor from all obligations to the original creditors.

To maintain these propositions the counsel for the defendant rely upon the decisions of the Supreme Court of the United States, in the case of the *Ex parte* rebellion, a de facto government; that the citizens of the States which did not recognize its authority were aliens, and in time of war, alien enemies; that, consequently, the acts of sequestration were valid acts; and, therefore, that payment to a Confederate agent of the amount of such claims, completed by proceedings under those acts, relieved the debtor from all obligations to the original creditors.

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civil conflicts, and prevent the frightful evils of mutual reprisals and retaliations.—They establish no rights except during the war.

And it is true that when war ceases and the authority of the regular government is fully re-established the penalties of violated law are seldom inflicted upon many. Wise governments never forget that the criminality of individuals is not always or often equal to that of the acts committed by the organization with which they are connected. Many are carried into conviction by sincere though mistaken convictions; or hurried along by excitement due to social and State sympathies, and even by the compulsion of a public opinion not their own.

When the strife of arms is over, such governments, therefore, exercising still their political discretion, address themselves mainly to the work of conciliation and restoration, and exert the prerogative of mercy, rather than that of justice. Complete remission is usually extended to large classes, by amnesty or the exercise of legislative or executive authority, and individuals included in these classes, with some exceptions of the greatest offenders, are absolved by pardon, either absolutely or upon conditions prescribed by the government.

These principles, common to all civilized nations, are those which regulate the action of the Government of the United States during the war of the rebellion and have regulated its action since rebellion laid down its arms. In some respects the forbearance and liberality of the nation exceed all example, while the hostilities were yet rampant, one act of Congress practically abolished the death penalty for treason subsequently committed and another provided a mode in which citizens of rebel States maintaining a loyal adherence to the Union, could recover after war, the property of their captured or abandoned property.

The National Government has steadily sought to facilitate restoration with adequate guarantees of union, order and equal rights. On no occasion, however, and by no act have the territorial States ever renounced their constitutional rights, or ceded over a whole territory over the citizens of the Republic, or conceded to citizens in arms against their country the character of alien enemies, or admitted the existence of any government de facto, within the boundaries of the Union, hostile to itself.

In the *Prigg* case the Supreme Court simply asserted the right of the United States to treat the insurgents as belligerents, and to claim from foreign nations the performance of neutral duties under the penalties known to international law. The decision recognized the right of the United States to exercise and concession of belligerent rights, and affirmed, as a necessary consequence, the proposition that during the war, all the inhabitants of the country controlled by the rebellion, and all the inhabitants of the country loyal to the Union were enemies reciprocally each of the other. But there is nothing in this decision which requires or countenance to the doctrine which our endeavor to deduce from it; that the insurgent States by the act of rebellion and by leaving war against the nation became foreign States, and their inhabitants alien enemies.

This proposition being denied, it must result that in compelling debtors to pay to receivers, for the support of the rebellion, debts due to any citizen of the United States, the insurgent authorities committed illegal violence, by which no obligation of debtors to creditors could be cancelled, or, in any manner, be affected. Nor can the defence in this case derive more support from the decisions affirming the validity of confiscations during the war for American Independence.

That war began, doubtless, like the recent civil war, in rebellion. Had it terminated unsuccessfully, and had English tribunals subsequently affirmed the validity of colonial confiscation and sequestration of British property and debts due to British subjects, those decisions would be in point. No student of international law or of history needs to be informed how impossible it is that such decisions could have been made.

Had the recent rebellion proved successful, and had the validity of the confiscations and sequestrations actually enforced by the insurgent authorities been afterwards questioned in Confederate Courts, it is not improbable that the decisions of the State Courts, made during and after the rebellion, might have been cited with approval.