

THE DAILY JOURNAL.

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THE DAILY JOURNAL.

WILMINGTON, N. C. SATURDAY, JUNE 22, 1867.

From the Raleigh Standard.

THE CONFISCATION AND SEQUESTRATION ACTS OF THE CONFEDERATE STATES.

OPINION OF CHIEF JUSTICE CHASE.

BHREIDENGE et al. vs. MAISON.

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...

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...

When the strife of arms is over, such governments, therefore, exercising still legislative discretion, address themselves mainly to the welfare of the people...

These principles, common to all civilized nations, and those which regulated the action of the Government of the United States during the war of the rebellion...

In some respects the forbearance and liberality of the nation exceeded all example. While hostilities were yet flagrant, one act of Congress practically abolished the death penalty for treason...

On no occasion, however, and by no act have the United States ever renounced the whole territory over the citizens of the Republic, or conceded to citizens in arms...

The National Government has steadily sought to facilitate restoration with adequate guarantees of union, order and equal rights.

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The National Constitution declares that "Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort."

It has been supposed, and by some strenuously maintained, that the North Carolina Ordinance of 1861, which purported to repeal the North Carolina Ordinance of 1789...

Had the recent rebellion proved successful, and had the validity of the confiscation and sequestration acts actually enforced by the insurgent authorities...

necessary. That question, as a practical one, is at least not likely to be revived. It is enough to say here, in our judgment, the answer which has been derived from events, is that the soundest construction of the Constitution warrants and requires...

Courts have no policy and can exercise no political power. They can only declare the law. On what sound principle, then, can we say judicially that the levying of war ceases to be treason when the war becomes a civil war...

But it is said that this is the doctrine of the Supreme Court. We think otherwise. In modern times it is the usual practice of civilized governments attacked by organized and armed rebellion...

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 removed from many.

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General SICKLES' ORDER.

HEADQUARTERS, SECOND MILITARY DISTRICT, CHARLESTON, S. C., April 11, 1867.

The general destitution prevailing among the population of this military district cannot be relieved without affording means for the development of their industrial resources.

Those who engage in rebellion must consider the consequences. If they succeed, rebellion becomes revolution; and the new government will justify its founders.

It is claimed, however, that whatever may be the right of the plaintiff to recover the principal debt from the defendant, they cannot recover interest for the time during which war prevented all communication between the States in which they respectively resided.

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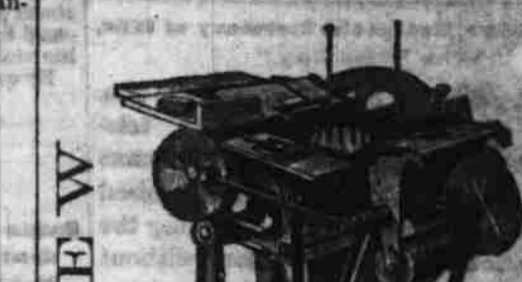
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