

Armstrong Vs. United States

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Court : US Supreme Court

Decided On : 1871

Appeal No. : 80 U.S. 154

Appellant : Armstrong

Respondent : United States

Judgement :

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Armstrong v. United States

80 U.S. (13 Wall.) 154

APPEAL FROM THE

COURT OF CLAIMS

SYLLABUS

1. The President's proclamation of the 25th December, 1868, granting

"unconditionally and without reservation to all and every person who directly or indirectly participated in the late insurrection or rebellion a full pardon and amnesty for the offense of treason against the United States &c.;, with restoration of all rights, privileges, and immunities under the Constitution, and the laws which have been made in pursuance thereof,"

granted pardon unconditionally and without reserve, and enables persons otherwise entitled to recover from the United States the proceeds of captured and abandoned property, under the Abandoned and Captured Property Act, to recover it though no proof be made, as was required by that act, that the claimant never gave any aid or comfort to the rebellion.

2. The proclamation referred to is a public act of which all courts of the United States are bound to take notice and to which all courts are bound to give effect.

Mrs. Armstrong filed a claim in the court below for the proceeds of certain cotton under the "Abandoned and Captured Property Act," the provisions of which are quoted in the preceding case, page [80 U. S. 151](#) . The Court of Claims found that the cotton was raised by the claimant; that in the latter part of 1863 or early in 1864, there were on her plantation one hundred and twenty bales of cotton, which were taken possession of by the United States military forces and removed to Little Rock, Arkansas; that prior to July, 1864, one hundred and two bales of this cotton were in the hands of the Treasury agents and were taken and used by the military forces in the works of defense around the City of Little Rock; that sixty bales, when taken out of the defenses, were identified as belonging to the claimant, and with other cotton identified as belonging to other parties, and one hundred and seventeen sacks of loose cotton which came out of the fortifications and not identified, were shipped to the Treasury agent at Cincinnati, sold, and the proceeds paid into the Treasury. The claimant was proved to have given no active aid to the rebellion except that on the approach of the Union army she fled south with thirty or forty of her slaves to avoid emancipation. This was in September,

1863. Judgment was rendered against her on the 4th of April, 1870, and an appeal taken to this Court.

THE CHIEF JUSTICE delivered the opinion of the Court.

The "Abandoned and Captured Property Act" provides for the restoration of the proceeds of property on proof that the claimant has never given any aid or comfort to the present rebellion. The Court of Claims seem to have thought that going south with her slaves was evidence that she did give aid or comfort to the rebellion. On this point it is not now necessary that we express an opinion, for the President of the United States, on the 25th of December, 1868, issued a proclamation reciting that

"a universal amnesty and pardon for participation in said rebellion, extended to all who have borne any part therein, will tend to secure permanent peace, order, and prosperity throughout the land and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for, and attachment to, the National government, designed by its patriotic founders for the general good,"

and granting,

"unconditionally, and without reservation, to all and every person who directly or indirectly participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution, and the laws which have been made in pursuance thereof. [[Footnote 1](#)]"

We have recently held, in the case of the *United States v. Klein*, [[Footnote 2](#)] that pardon granted upon conditions blots out the offense if proof is made of compliance with the conditions,

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and that the person so pardoned is entitled to the restoration of the proceeds of captured and abandoned property if suit be brought within "two years after the

suppression of the rebellion." The proclamation of the 25th of December granted pardon unconditionally and without reservation. This was a public act of which all courts of the United States are bound to take notice and to which all courts are bound to give effect. The claim of the petitioner was preferred within two years. The Court of Claims therefore erred in not giving the petitioner the benefit of the proclamation.

Its judgment must be reversed with directions to proceed in conformity with this opinion.

[See the [80 U. S.](#)]

[[Footnote 1](#)]

15 Stat. at Large 711.

[[Footnote 2](#)]

Supra, p. [80 U. S. 142](#) .