

Pargoud Vs. United States

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Court : US Supreme Court

Decided On : 1871

Appeal No. : 80 U.S. 156

Appellant : Pargoud

Respondent : United States

Judgement :

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Pargoud v. United States

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APPEAL FROM THE

COURT OF CLAIMS

SYLLABUS

Tue President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated, directly or indirectly, in the late rebellion relieves claimants of captured and abandoned

property from proof of adhesion to the United States during the late civil war. It is unnecessary, therefore, in a claim in the Court of Claims, under that act, to prove such adhesion or personal pardon for taking part in the rebellion against the United States.

Pargoud filed a claim in the court below to recover under the Abandoned and Captured Property Act the proceeds of certain cotton. This act, as by reference to its provisions, on page [80 U. S. 151](#) , *supra*, will be seen, makes "proof that the claimant had never given aid or comfort to the late rebellion" a prerequisite to recovery. Pargoud's petition, however, averred no loyalty at all. On the contrary, it set forth in the first sentence of it "that he was guilty of participating in the rebellion against the United States," adding, however,

"that he had been duly and legally pardoned for such participation

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by the President of the United States, and that he had received a pardon under the great seal dated on the 11th day of January, 1866, which had been duly accepted by him, and that his acceptance, duly notified to the Secretary of state, was now on file in the office of that department, and that he had complied with all the legal formalities in such case made and provided, and under the proclamations of amnesty and pardon issued by the President of the United States, now stands and is entitled to be considered in law as if he never had in point of fact participated in the late rebellion against the United States, and consequently he now avers that in legal intendment and under the allegations already made, he has at all times borne true allegiance to the government of the United States, and that he has not in any way aided, abetted, or given encouragement to the rebellion against the United States."

The Court of Claims decided against the claimant on the ground that the petition did not aver that he had given no aid or comfort to the rebellion nor sufficiently aver a pardon by the President.

Pargoud now brought the case here, where, on a motion made by the Attorney General, Mr. Akerman, and supported by Mr. Bristow, the Solicitor General, to dismiss it for want of jurisdiction -- they relying on the proviso to Act of July 12, 1870 (sometimes called the "Drake Amendment"), quoted *supra*, [80 U. S. 133](#) , in *Klein v. United States* (the said amendment not having been then as yet declared, by the judgment in that case, to be void), to show that the pardon ought not to be regarded -- and Mr. P. Phillips opposing the motion -- the whole matter was elaborately and ably argued.

THE CHIEF JUSTICE now gave the judgment of the court.

We have recently decided in the case of *Armstrong v. United States*, [*](#) that the President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated, directly

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or indirectly, in the late rebellion, relieves claimants of captured and abandoned property from proof of adhesion to the United States during the late civil war. It was unnecessary, therefore, to prove such adhesion or personal pardon for taking part in the rebellion against the United States.

The judgment of the Court of Claims dismissing the petition is

Reversed.

* *Supra*, the [80 U. S.](#)

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