

Mathews Vs. Mcstea

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SooperKanoon Citation : sooperkanoon.com/82605

Court : US Supreme Court

Decided On : 1874

Appeal No. : 87 U.S. 646

Appellant : Mathews

Respondent : Mcstea

Judgement :

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Mathews v. McStea

87 U.S. (20 Wall.) 646

ERROR TO THE COURT OF

COMMON PLEAS OF NEW YORK

SYLLABUS

The decision of a state court passing upon the effect produced by the Act of the executive on a given contract in inaugurating the late civil war in the United States is reviewable here by writ of error under the second section of the Act of 5th

February, 1867, to amend the Judiciary Act, 709 of the Revised Statutes of the United States.

On the 15th of April and 19th of April, 1861, the President, by his proclamation, declared that insurrection existed in Louisiana and certain other Southern states, and that the ports of Louisiana, with those of the said states, were under blockade.

On the 23d of the same April, a firm composed of three persons, Mathews, Brander, and Chambliss -- of whom Mathews resided in New York and the other two in New Orleans -- accepted at New Orleans a draft drawn on them for \$8,050, payable twelve months after date.

On the 13th of July, 1861, an act of Congress was passed [[Footnote 1](#)] authorizing the President to issue a proclamation declaring the inhabitants of any state where insurrection existed in a state of insurrection against the United States, and the act declared that thereupon "all commercial intercourse by and between the same, and the citizens thereof, and the citizens of the rest of the United States, shall cease and be unlawful, so long as such condition of hostilities shall continue." And on the 16th of August, 1861, the President did issue his proclamation, [[Footnote 2](#)] declaring Louisiana, with other states, in a state of insurrection against the United States and forbidding all commercial intercourse with the inhabitants of such states.

On the 26th of February, 1862 (after this act and proclamation),

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other drafts were drawn and accepted in the same way.

All the drafts came before maturity into the hands of one McStea, and he brought suit in the court below on the whole of them. Mathews alone appeared. He set up the defense that at the time of the acceptances, war had been declared and existed between that part of the United States in which he resided and that in which his other partners resided, by virtue of which the partnership had been dissolved before these acceptances were made, and that the contracts as to him

were therefore void. The court decided against him as to the acceptance made on the 23d of April, and in his favor as to the others. He then took the case into the Court of Appeals, and there, upon the acceptance of the 23d of April, for \$8,050, raised the same question as before, and no other, contending that the proclamations of blockade of the 15th and 19th of April, by the President, had the effect to dissolve the partnership, and that by reason of them the Act of acceptance was void as to him.

The Court of Appeals in its opinion discussed the question at what stage of the civil war the rule against commercial intercourse with the enemy took effect so as to dissolve the contract of partnership. Conceding that under the decision in *The Prize Cases*, [[Footnote 3](#)] the war existed for some purposes prior to that act, the court still held that it did not become, until recognized by the Act of Congress of July 13, 1861, of such a character as to suspend commercial intercourse, and therefore that it had no effect upon the acceptance of the 23d of April, 1861. As to the other acceptances, it admitted that they had been rightly disposed of in the court below. Accordingly the question above-mentioned as raised by Mathews -- the only question in the case, as heard and decided in the Court of Appeals -- was decided against him.

The record having been remitted according to the practice of New York from the Court of Appeals to the court where the suit was brought in order that the judgment might be

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carried into effect, Mathews now brought the case here as within the second section of the Act of February 5, 1867, set forth *supra*, p. [87 U. S. 592](#) -593.

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MR. JUSTICE MILLER delivered the opinion of the Court.

We are of opinion that the only question made and decided in this case against plaintiff in error was the sufficiency of the acts of the President to inaugurate a war

which would render invalid this contract, and that this is one of the questions embraced by the Act of February 5, 1867.

The motion to dismiss is therefore

Overruled.

[[Footnote 1](#)]

12 Stat. at Large 257, 5.

[[Footnote 2](#)]

Ib., Appendix.

[[Footnote 3](#)]

[67 U. S. 2](#) Black 635.