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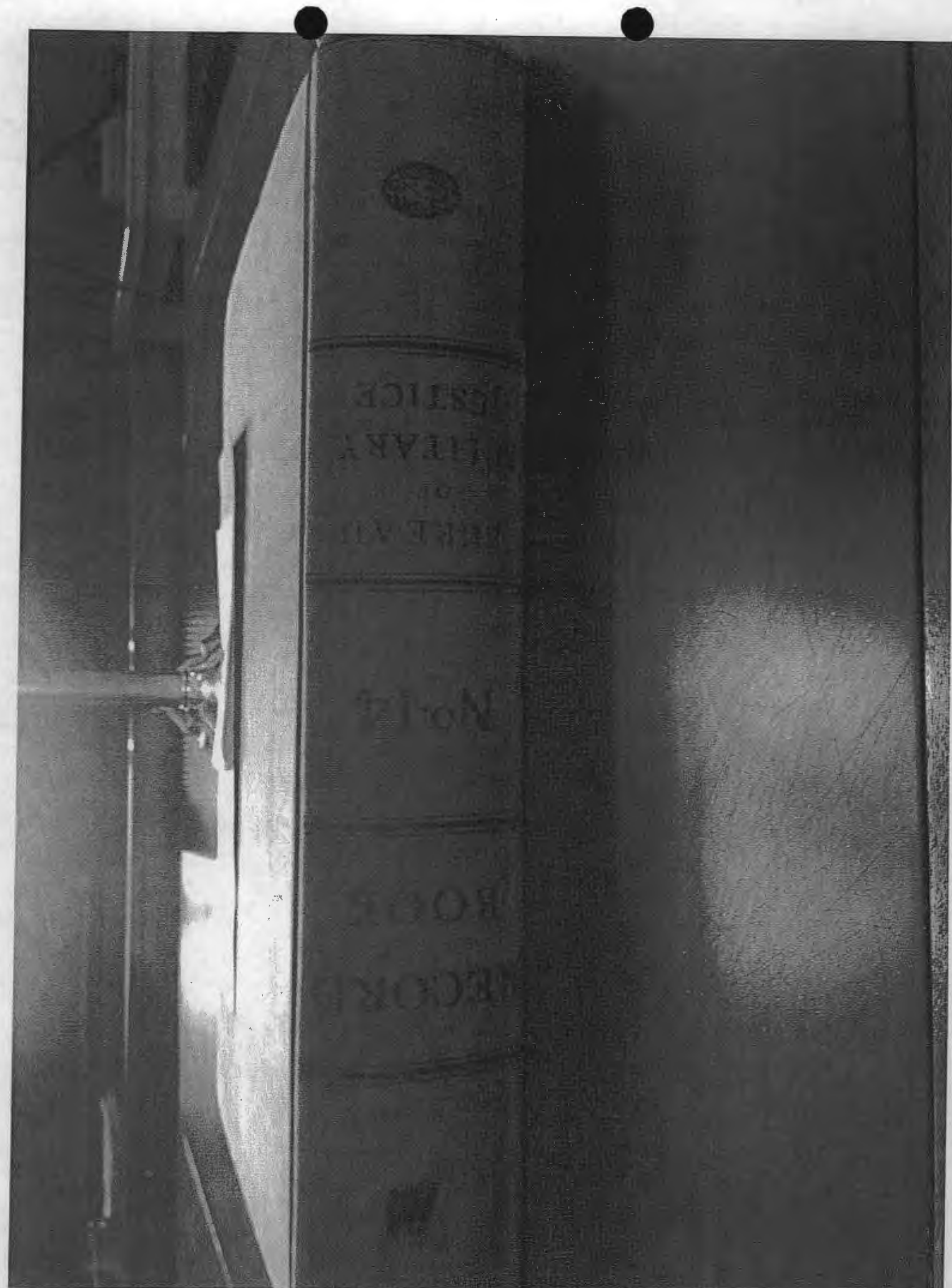
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RG 153

RECORDS OF THE OFFICE  
OF THE JUDGE ADVOCATE  
GENERAL (ARMY)

Correspondence

LETTERS SENT ("RECORD BOOKS")  
(1842 - 1889)

Volume 14 of 57

Entry 1



[illegible]









documents adopted by the Court. These were the last of the documents of the kind which were published in the "Southern States" and it is probable that a telegraph office could not have received them without having a good deal of time and labor expended in copying them. It is therefore necessary to consider in this case the introduction of private writings as documentary evidence that it did not appear to call for illustration. But in view of the consequences which have attended the disregard of it in this case it may be instructive to briefly refer to the facts and the principles of law sustaining the rule under which these papers should have been excluded.

In the first place these dispatches can not by any possibility be taken as official records. Uncertified and without identification further than that they were found in the telegraph office at Woodville after its occupation by the insurgent forces they bear upon their face no sort of authentication. But if they had been presented engrossed or engraved on parchment and attested, as not only genuine but true in every statement by the seal of the so-called Confederate States of America and the signature of Jefferson Davis calling himself President and Stephen B. Benjamin styling himself Secretary of State, or Govt. clerk or military, in the United States would have been justified in recognizing them, to prove the verities of the matters they contain, as records or communications of the war (See Greenleaf part 3 chap. 2).

x These are obviously private writings offered as hearsay evidence.

They are offered to prove facts susceptible of being shown by competent testimony. The evidence of the authorship of the letters is wholly inadmissible for the most serious reasons. In the first place, the disbelievers in the truth of the statements contained in the dispatches could not be expected to be satisfied by the property given character to the contents of the alleged documents. In the second place, the general reputation

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the Court has  
unanimously affirmed the same in its doctrine  
of the law of states that in a state, "the  
nation's laws reach all those citizens and subjects  
X are even to the most other" (12 U.S.C. 121) The  
same Court has declared that the present conflict  
is a civil war to which the laws are applicable  
and has said:

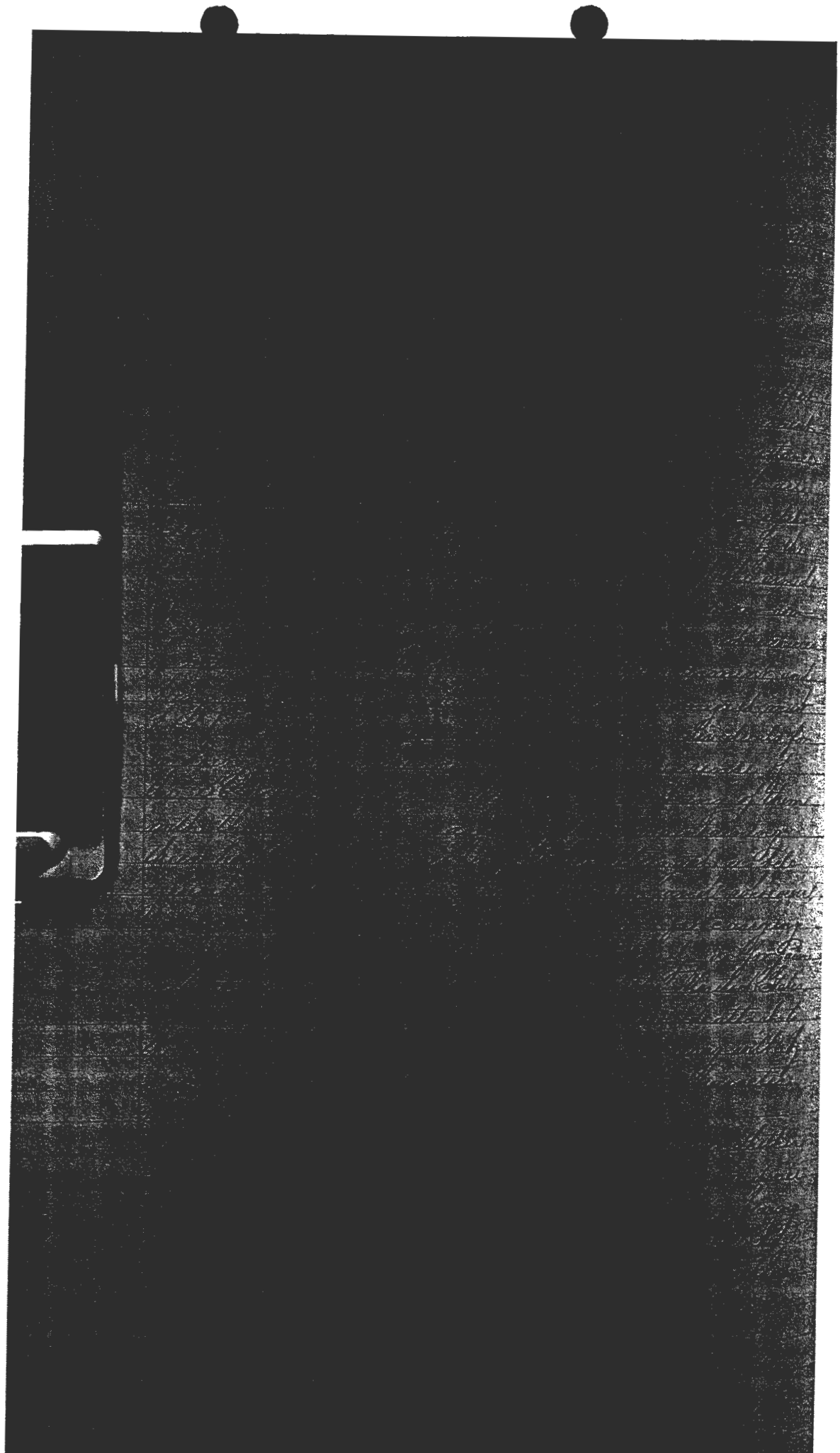
"Under the original constitution of this Government although the citizens owe undivided allegiance to the Federal Government they owe also a qualified allegiance to the state in which they are domiciled. These persons and property are subject to its laws."

When, in organizing this rebellion, they acted as states claiming to be sovereign over all persons now passing within their respective limits, and asserting a right to exclude their citizens from their allegiance to the Federal Government. Several of these states have gone so far as to form a new confederacy, claiming to be a nation of the world as a sovereign state, and to be in no wise bound by the decisions of Congress, or the Supreme Court of the United States. They also claim the territory of the United States to be subject to the jurisdiction of their respective legislatures, and to be in no wise bound by the decisions of Congress, or the Supreme Court of the United States. They also claim the territory of the United States to be subject to the jurisdiction of their respective legislatures, and to be in no wise bound by the decisions of Congress, or the Supreme Court of the United States.



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The following is a copy of the  
proclamation of the President of the United States  
relating to the blockade of the ports of the Confederate States  
of America, issued on the 13th day of May, 1864.

Whereas the President of the United States is authorized by the  
act of Congress, approved March 3, 1862, to declare a blockade  
of the ports of the Confederate States of America, and to enforce  
the same by the use of the armed forces of the United States;  
and whereas the President has deemed it necessary to declare a  
blockade of the ports of the Confederate States of America, and to  
enforce the same by the use of the armed forces of the United States;  
and whereas the President has deemed it necessary to declare a  
blockade of the ports of the Confederate States of America, and to  
enforce the same by the use of the armed forces of the United States;  
and whereas the President has deemed it necessary to declare a  
blockade of the ports of the Confederate States of America, and to  
enforce the same by the use of the armed forces of the United States;

Therefore, the President of the United States, by virtue of the  
authority vested in him by the Constitution and the laws of the  
United States, do hereby declare a blockade of the ports of the  
Confederate States of America, and to enforce the same by the use  
of the armed forces of the United States.



which charge was proved. They were in the hands  
being in possession of the accused. The charge was  
proved as to the fact that the cotton bolls  
found in the hands of the accused were the property  
of the government.

### Reconsideration

If the government is going to proceed on the  
grounding of the finding of the jury on the first  
charge, it must be satisfied.

1<sup>st</sup> That the Court is not in a position  
to reconsider the case.

2<sup>nd</sup> That the Court is not in a position to  
deny the motion for a discharge on the ground that  
the accused has been used as a witness against  
his alleged associates in guilt. But in not suspen-  
ding the trial to allow time for an application to  
the President for a pardon, to which according to the  
precedents of law before cited, he has acquired an  
equitable claim.

3<sup>rd</sup> That the Court is not admitting  
the telegraphic dispatches, which were wholly with-  
out authentication or proof of genuineness.

4<sup>th</sup> That the Court is not finding the accu-  
sed guilty of the specification of the first charge, for the  
reason that the allegations therein that the cotton bolls  
belonged to the United States and that it was purchased  
from agents thereof was not established by legal evi-  
dence. It being shown that although under the  
view taken of the facts he might have been convict-  
ed under the evidence, that he was not convicted  
by the jury, and the arguments of which he  
affirms were not established as he was from the pur-  
pose of the Government to exclude  
him from the trial, that the cotton was the  
property of the United States.

5<sup>th</sup> That the finding of the jury on the 1<sup>st</sup> charge  
was correct and final.

6<sup>th</sup> That the finding of the jury on the second charge  
was correct and final.

