NOTE.—The four cases which now immediately follow, to wit, *Garnett* v. *United States*, *Mc Veigh* v. *Same*, *Miller* v. *Same*, *and Tyler* v. *Defrees*, arose under two certain acts of Congress passed in 1861 and 1862, during the late rebellion, and popularly known as the Confiscation Acts. Along with one or two others they were argued at the last term; but after being taken into advisement, were at the close of it ordered to be re-argued at this. They were now fully argued very much together. In the first of them nothing relating to confiscation was reached; the case going off on a point of jurisdiction. In the judgment in none of them did the Chief Justice or Mr. Justice Nelson participate; both being absent from the court from the causes mentioned in the memoranda of the Term.

GARNETT v. UNITED STATES.

Where a case has been tried in the District Court of the District of Columbia, the judgment or decree rendered therein must be reviewed by the Supreme Court of the District, before the case can be brought before this court for examination.

ERROR to the Supreme Court of the District of Columbia; the case being this:

By an act passed in 1801,* there was organized for the District the "Circuit Court of the District of Columbia, vested with all the powers of the Circuit Courts of the United States." It had "cognizance of all crimes and offences committed within said District, and of all cases in law and equity," &c.

By act of 1802,† it was provided that the chief judge of the District of Columbia should hold a District Court in and for the said District, "which court shall have and exercise within said District the same powers and jurisdiction which are by law vested in the District Courts of the United States."

On the 3d March, 1863,‡ by act of that date the courts of the District were reorganized.

The first section of that organic act established a court,

* 2 Stat. at Large, 105. † 2 Ib. 166. ‡ 12 Ib. 762.

to be called the Supreme Court of the District of Columbia, which shall have *general jurisdiction in law and equity*, and consist of four justices, one of which shall be chief justice.

The third section provided that the *Supreme* Court should possess the same powers and exercise the same jurisdiction as was then possessed and exercised by the *Circuit* Court of the District of Columbia.

The justices of the court (the act proceeds) shall severally possess and exercise the jurisdiction now possessed and exercised by the judges of the said Circuit Court. *Any one of them may hold the District Court of the United States* for the District of Columbia, in the manner, and with the same powers and jurisdiction possessed and exercised by other District Courts of the United States.

With this organization of the courts of the District of Columbia, the present suit was begun in the Supreme Court of the District of Columbia sitting for the District Court of the same, for the forfeiture of certain real property of one Garnett, under the act of Congress of July 17th, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes."

The District Court decreed a condemnation of the property, and it was sold. Garnett sued out a writ of error from the Supreme Court of the District. This writ having been returned, the District Attorney moved to dismiss it, on the ground, among others, that a writ of error from that court would not lie to the District Court; and the Supreme Court dismissed the writ on that ground. An exception was duly taken to this ruling; and from the judgment of dismissal the case was brought here on writ of error.

Messrs. B. R. Curtis, Cushing, and Brent, for the plaintiff in error; Mr. Bristow, Solicitor-General, contra, for the United States.

Mr. Justice SWAYNE delivered the opinion of the court.

This is a writ of error to the Supreme Court of the District of Columbia.

The original proceeding was instituted in the District Court of the United States for same territory. Its object was to procure the condemnation and sale of the property of the plaintiff in error, described in the libel of the United States, pursuant to the provisions of the act of Congress of July 17th, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes." The libel alleged that the property belonged to Garnett, and that he was within three of the categories defined in the 5th section, which rendered it liable to be proceeded against in the manner prescribed. His offences were specifically set forth. The property was condemned and sold. Garnett sued out a writ of error from the Supreme Court of the District of Columbia. The attorney of the United States filed a motion to dismiss the writ. The court dismissed it upon the ground that a writ of error would not lie from that court to the District Court. Garnett excepted. His bill of exceptions is found in the record.

This is the only point in the case which we have found it necessary to consider. In coming to this conclusion the learned court fell into an error.

The case was decided prior to the decision of this court in *Ex parte Bradley.** It was not seriously controverted by the counsel for the defendants in error, in the argument at the bar, that this authority is conclusive upon the subject. The proposition is too clear to require discussion. Error, and not appeal, was the proper revisory remedy.† The other objections taken to the writ are also without validity. The order dismissing it must therefore be reversed. This will restore the case to the place it occupied before the Supreme Court of the District of Columbia, when the order dismissing it was made. As that court did not pass upon the alleged errors of the District Court, we cannot consider them. Our province is to exercise appellate jurisdiction touching the proceedings of the Supreme Court of the District. We can

* 7 Wallace, 364. † Armstrong's Foundry, 6 Id. 766.

examine those of the District Court only after they have been the subject of review by the Supreme Court, and then only in connection with the action of that court in affirming or reversing them. We cannot regard them until they have received the impress of the judgment of the higher local court.

The order dismissing the writ of error is REVERSED, and the cause will be remanded to the Supreme Court of the District of Columbia, with directions to proceed in the cause

IN CONFORMITY TO LAW.

McVeigh v. United States.

1. In a libel of information for the forfeiture of property, under the act of Congress of July 17th, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," for certain offences charged against the owner, his alleged criminality lies at the foundation of the proceeding; and the questions of his guilt and ownership are fundamental in the case.
2. The owner of property, for the forfeiture of which a libel is filed under the act above mentioned, is entitled to appear and to contest the charges upon which the forfeiture is claimed, although he was at the time of filing the libel a resident within the Confederate lines, and a rebel; and he can sue out a writ of error from this court to review any final decree of the court below condemning his property.

ERROR to the Circuit Court for the District of Virginia.

On the 17th of July, 1862, Congress passed an act, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes." This act provided for the seizure and confiscation of the property of persons holding certain offices or agencies under "the Confederate States," and of persons engaged in the rebellion then existing, or aiding or abetting such rebellion, who should not cease to aid, countenance, and abet such rebellion within sixty days after public warn-