

Statement of the case.

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 next case.]

PARGOUD *v.* UNITED STATES.

The President's proclamation of December 25th, 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.

APPEAL from the Court of Claims.

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 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 participa-

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tion 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 12th, 1870 (sometimes called the “Drake Amendment”), quoted *supra*, 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 25th, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated, directly

* *Supra*, the case immediately preceding.

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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.

SEMMES v. HARTFORD INSURANCE COMPANY.

1. A condition in a contract of insurance that no suit or action shall be sustainable unless commenced within the *time of twelve months next after the loss shall occur*, and in case such action shall be commenced after the expiration of twelve months *next after such loss*, that the lapse of time shall be taken and deemed as conclusive evidence against the validity of the claim, does not operate in case of a war between the countries of the contracting parties, as does a *statute of limitations* in like case. And under such a contract the term of twelve months, which it allowed the plaintiff for bringing his suit, does not, as it does in the case of a *statute of limitation*, open and expand itself so as to receive within it the term of legal disability created by the war and then close together at each end of that period so as to complete itself, as though the war had never occurred.
2. However, in the case of such a contract followed by a war, the disability to sue imposed on a plaintiff by the war relieves him from the consequences of failing to bring suit within twelve months after the loss.

IN error to the Circuit Court for the District of Connecticut.

Semmes sued the City Fire Insurance Company, of Hartford, in the court below, on the 31st of October, 1866, upon a policy of insurance, for a loss which occurred on the 5th day of January, 1860. The policy as declared on showed as a condition of the contract, that payment of losses should be made in sixty days after the loss should have been ascertained and proved.

The company pleaded that by the policy itself it was expressly provided that no suit for the recovery of any claim