now holds, he could be forced in any court of law to pay the honest holders of these bonds.

It is not of the smallest consequence whether you treat the United States as guarantors that the revenues shall be raised in a particular way to meet the bonds, or as directly responsible to the holders. If the United States are considered as guarantors of the revenues, it comes to the same thing; they agree that certain means under their absolute control shall be employed to raise the necessary revenue, and thus pledge that the revenues shall be raised; the force of the obligation is thereby increased.

I have the honor to remain, your very obedient servant,

EDWARDS PIERPONT.

DEPARTMENT OF JUSTICE,

October 26, 1875.

SIR: In reply to your inquiry as to the effect of the oath of allegiance upon subsistence claims presented under the act of July 4, 1864, chap. 240, § 3 (13 Stat., 381, 382), I would respectfully reply that that act relates to subsistence furnished in States not in rebellion, i.e., whose citizens are not assumed to be belligerents; hence the property is not enemy's property, nor taken as such. If there be a refusal to pay for it, it must be on account of the personal conduct of its owner toward the Government in rendering aid and comfort to those in arms against it; an offense which the President has power to pardon, by extending his clemency to each guilty individual, or by a general amnesty to a whole class.

The Commissary of Subsistence must be "convinced that the claim is just and of the loyalty of the claimant" before he can report the claim with a recommendation of settlement. How is he to be "convinced" of the facts first to be found be-
NAVAL OFFICER IN MERCHANT SERVICE.

A naval officer cannot lawfully serve as master of a private steam-vessel in the merchant service without having previously obtained the license required by section 4438 of the Revised Statutes, although he may be eligible, by virtue of his commission, to take command of a steam-vessel of the United States in the naval service.

DEPARTMENT OF JUSTICE,
October 26, 1875.

Sir: A commander in the United States Navy, in order to justify him in assuming the position of master of a merchant steam-vessel, should procure the license required by the Revised Statutes, sections 4438 and 4439.

The United States vessel which Commander Philip's com-