

to an enemy's country, as in the English case cited, and as in the case of *The Rapid*. The danger there was, that on account of the cover and pretence of going for one's own, a countenance of such things would lead to an extended commerce with the enemy. There is no such danger here.

But it may be said that the plaintiff, Allen, went personally into the land of rebellion, and obtained this deed that purports to be for his protection in three thousand dollars, and therefore it is like the merchant going to an enemy's country for his own goods, and as to him the deed must be void. I cannot see that this is so. I do not know that he violated any law in going to Tennessee; and if he brought the deed of assignment with him to this state, it was not an article of commerce within the Act of Congress, or the proclamation of the President.

By the laws of war, the partnership between the grantors and the defendant, Russell, was dissolved. But he was not a surviving partner. They were not civilly dead. Their title had not been touched by the law. If the war had ceased then, and no conviction had ensued, their right of property would have been as if they had remained in Kentucky, and been supporters of the Constitution and laws. Their interest, then, in the property and means conveyed had not been forfeited, but was subject to the payment of their debts. And to enforce the trust for the benefit of creditors according to the prayer of the plaintiff, is but to do substantially what the Court of Chancery would have done on proper application, independent of this deed, though not in the same order in every respect.

The demurrer is sustained.

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#### LEGAL MISCELLANY.

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