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Tucker vs. Horner, Adm'r.

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TUCKER VS. HORNER, Adm'r.

CONFEDERATE WAR BONDS: *Not a valid consideration.*

Bonds issued by this state, during the civil war, in aid of the rebellion, commonly known as *war bonds*, were not a valid consideration for a promissory note.

APPEAL from *Monroe* Circuit Court.

Hon. JOHN E. BENNETT, Circuit Judge.

*Hughes & Smith* and *Garland & Nash*, for appellant.

ENGLISH, Sp. J. S. H. Tucker sued Oliver H. Oates, in the Monroe circuit court, on a bill of exchange drawn by Oates 1st February, 1862, in Little Rock, in favor of Tucker, on Bradley, Wilson & Co., New Orleans. Oates pleaded that the "consideration for which said bill of exchange was given was confederate currency, known as war

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bonds, issued by the rebellious government of the state of Arkansas, during the late war, in aid thereof." To this plea a general demurrer was interposed by the plaintiff below, which was overruled by the court. The plaintiff rested; final judgment was rendered for the defendant, and the plaintiff appealed; after which, Oates died and Horner, his administrator, was made a party in this court.

It was finally settled by the supreme court of the United States, in *Hanauer v. Woodruff*, 15 Wall., 439, that bonds issued by the state of Arkansas during the civil war, in aid of the rebellion, commonly known as war bonds, were not a valid consideration for a promissory note, etc.

The judgment of the court below must be affirmed.

BENNETT, J., being disqualified, did not sit in this case.

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