

United States Vs. Barber

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Court : US Supreme Court

Decided On : 1815

Appeal No. : 13 U.S. 243

Appellant : United States

Respondent : Barber

Judgement :

United States v. Barber - 13 U.S. 243 (1815)

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United States v. Barber

13 U.S. (9 Cranch) 243

ON CERTIFICATE OF DIVISION OF OPINION AMONG THE JUDGES

OF THE CIRCUIT COURT FOR THE DISTRICT OF VERMONT

SYLLABUS

Decided that fat cattle are provisions or munitions of war within the meaning of the Act of Congress of 6 July, 1812, to prohibit American vessels from proceeding to or trading with the enemies of the United States, and for other purposes.

Barber was indicted

"for that he being a citizen of the United States, and inhabiting the same, with force and arms, at . . . did attempt to transport over land thirty head of fat cattle which were then and there articles of provision and munitions of war, and were all of the value of \$300 from a place in the United States, to-wit, from Berkshire in the said District of Vermont, to a place in the Province of Lower Canada, to-wit: to St. Armons, in the province aforesaid, contrary to the form, force and effect of the statute of the United States, in such case made and provided,"

&c.; There was another count in which he was charged with the actual transportation of them. After a verdict against him, he obtained a rule to show cause why judgment

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should not be arrested, because fat cattle were neither provisions nor munitions of war within the meaning of the act of Congress entitled "an act to prohibit American vessels from proceeding to or trading with the enemies of the United States, and for other purposes," or any other act of Congress.

By the second section of the act referred to, which was approved on 6 July, 1812, vol. 11, p. 300, it is enacted

"That if any citizen of the United States or person inhabiting the same, shall transport or attempt to transport, over land, or otherwise . . . naval or military stores, arms or the munitions of war, or any article of provision, from any place of the United States to any place in Upper or Lower Canada, Nova Scotia, or New Brunswick, . . . the person or persons aiding or privy to the same shall . . . be considered as guilty of a misdemeanor, and be liable to be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding six months, in the discretion of the court."

This Court ordered it to be certified to the circuit court that it is the opinion of this Court that fat cattle are provisions or munitions of war within the true intent and meaning of the act entitled "An act to prohibit American vessels from proceeding to or trading with the enemies of the United States and for other purposes."

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