

The Ariadne

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Court : US Supreme Court

Decided On : 1817

Appeal No. : 15 U.S. 143

Appellant : The Ariadne

Judgement :

The Ariadne - 15 U.S. 143 (1817)

U.S. Supreme Court The Ariadne, 15 U.S. 2 Wheat. 143 143 (1817)

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15 U.S. (2 Wheat.) 143

APPEAL FROM THE CIRCUIT COURT

FOR THE DISTRICT OF PENNSYLVANIA

SYLLABUS

The sailing under the enemy's license constitutes, of itself, an act of illegality which "subjects the property to confiscation without regard to the object of the voyage of the port of destination."

This vessel, belonging to citizens of the United States and laden with a cargo of flour also belonging to citizens of the same, was captured on 15 October, 1812, on a voyage from Alexandria to Cadiz with a license or passport of protection from the British admiral Sawyer. The vessel and cargo were restored in the district court,

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but on appeal, sentence of condemnation was pronounced by the circuit court, from which sentence an appeal was entered to this Court.

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MR. JUSTICE WASHINGTON delivered the opinion of the Court.

The view of the Court is that this case cannot be distinguished from those already decided. It is alleged that the flour was not actually destined to the use of the enemy, but whether any part of it went to his use or not is immaterial. It is indeed possible that Cadiz might have fallen without the aid of these supplies, and therefore, in fact, Great Britain and her ally may have been relieved by these supplies from the pressure of the war in that quarter. The court, however, in the cases alluded to, proceeded on a broader ground: all the judges who concurred in those decisions were of opinion that the mere sailing under an enemy's license, without regard to the object of the voyage or the port of destination, constituted of itself an act of illegality which subjected the property to confiscation. It was an attempt by one individual of a belligerent country to clothe himself with a neutral character

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by the license of the other belligerent and thus to separate himself from the common character of his own country.

Sentence affirmed.

