

Patton Vs. Nicholson

Patton Vs. Nicholson

SooperKanoon Citation : sooperkanoon.com/78790

Court : US Supreme Court

Decided On : 1818

Appeal No. : 16 U.S. 204

Appellant : Patton

Respondent : Nicholson

Judgement :

Patton v. Nicholson - 16 U.S. 204 (1818)

U.S. Supreme Court Patton v. Nicholson, 16 U.S. 204 (1818)

Patton v. Nicholson

16 U.S. 204

SYLLABUS

One citizen of the United States has no right to purchase of or sell to another a license or pass from the public enemy to be used on board an American vessel.

The plaintiff in error declared in assumpsit for that the defendant, &c., was indebted to the plaintiff in the sum of \$750 for a certain document or paper

Page 16 U. S. 205

called a Sawyer's License by the plaintiff, &c.;, sold and delivered to the defendant, &c.;, and being so indebted, the defendant, &c.;, afterwards, &c.;, promised, &c.; Plea non-assumpsit. Evidence was offered to the jury to show that both parties were citizens of the United States, and that the license in question was sold by the plaintiff to the defendant in Alexandria, to be used for the protection of the schooner *Brothers*, an American vessel, during the late war, against enemy's vessels, on a voyage from Alexandria to St. Bartholomews, to be cleared out for Porto Rico. The license was as follows:

"Copy of a letter from his Excellency H. Sawyer his Britannic Majesty's Vice-Admiral on the Halifax station, to his Excellency the Chevalier de Onis, his Catholic Majesty's envoy extraordinary, and minister plenipotentiary near the United States of America."

"His Majesty's Ship *Centurion* at Halifax, the 10 August, 1812"

"Excellent Sir,"

"I have the honor to acknowledge the receipt of your Excellency's letter of the 26th ultimo, and have fully considered the subject of it as being of the greatest importance to the best interests of Great Britain and those of his Catholic Majesty, Ferdinand VII, and his faithful subjects, and in reply, I have great satisfaction in informing your Excellency that I will give directions to the commanders of his Majesty's squadron on this station not to molest American vessels

Page 16 U. S. 206

or others under neutral flags, unarmed and laden with flour and other dry provisions *bona fide* bound to Portuguese and Spanish ports, whose papers shall be accompanied with a certified copy of this letter from your Excellency, with your seal affixed or imprinted thereon, which I doubt not will be respected by all."

"I beg leave to assure your Excellency of the high consideration with which I have the honor to be your Excellency's most obedient humble servant,"

"H. SAWYER"

"Vice-Admiral His Excellency Don Luis de Onis Gonzalez Lopez y Vara, his Catholic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, &c.;, Philadelphia."

The court below upon this evidence, charged the jury that on the evidence so offered, if believed by the jury, they ought to find a verdict for the defendant. To which charge the plaintiff excepted. A verdict was taken and judgment rendered for the defendant, whereupon the cause was brought to this Court by writ of error.

Page 16 U. S. 207

MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court that the use of a license or pass from the enemy by a citizen being unlawful, one citizen had no right to purchase of or sell to another such a license or pass to be used on board an American vessel.

Judgment affirmed.