

**The Friendschaft**

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**SooperKanoon Citation :** [sooperkanoon.com/78824](http://sooperkanoon.com/78824)

**Court :** US Supreme Court

**Decided On :** 1819

**Appeal No. :** 17 U.S. 105

**Appellant :** The Friendschaft

**Judgement :**

The Friendschaft - 17 U.S. 105 (1819)

U.S. Supreme Court The Friendschaft, 17 U.S. 4 Wheat. 105 105 (1819)

**The Friendschaft**

**17 U.S. (4 Wheat.) 105**

*APPEAL FROM THE CIRCUIT*

*COURT OF NORTH CAROLINA*

## **SYLLABUS**

The property of a house of trade established in the enemy's country is condemnable as prize whatever may be the personal domicile of the partners.

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The shipment in this case was made on 31 March, 1814, at London by the house of trade of Moreira, Vieira & Machado of that city on account and risk of the house, to Mr. Moreira, one of the partners, who was a native of and domiciled at Lisbon in the kingdom of Portugal. The shares of the two partners, Messrs. Vieira and Machado, who were domiciled in London, were condemned as prize of war in the court below, without appeal. The share of Mr. Moreira, the partner domiciled at Lisbon, was condemned in the court below, but the claimant was allowed to make further proof to be offered to this Court, and to be admitted or rejected in the discretion of the court, as to his proprietary interest and connection with the house of trade in the enemy's country. On the production of the further proof, the proprietary interest of Mr. Moreira in one-third part of the goods was clearly proved, and also the fact of his personal domicile at Lisbon.

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STORY, JUSTICE, delivered the opinion of the Court.

The shipment in this case was made by Moreira, Vieira & Machado, a house of trade established in London, on the account of the house, to Moreira, one of the partners in the house, who was a native of, and domiciled in, Lisbon in the kingdom of Portugal, and the only question is whether the share of Moreira in the shipment is exempted from condemnation by reason of his neutral domicile? It has been long since decided in the courts of admiralty that the property of a house of trade established in the enemy's country is condemnable as prize, whatever may be the domicile of the partners. The trade of such a house is deemed essentially a hostile trade, and the property engaged in it is therefore treated as enemy's property notwithstanding the neutral domicile of any of the company. The rule, then, being inflexibly settled, we do not now feel at liberty to depart from it, whatever doubt might have been entertained, if the case were entirely new.

*Decree affirmed with costs.*

