

**The Hart**

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**Court :** US Supreme Court

**Decided On :** 1865

**Appeal No. :** 70 U.S. 559

**Appellant :** The Hart

**Judgement :**

The Hart - 70 U.S. 559 (1865)

U.S. Supreme Court The Hart, 70 U.S. 3 Wall. 559 559 (1865)

**The Hart**

**70 U.S. (3 Wall.) 559**

*APPEAL FROM A DECREE OF THE DISTRICT COURT OF THE*

*UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK*

## **SYLLABUS**

Neutrals who place their vessels under belligerent control and engage them in belligerent trade or permit them to be sent with contraband cargoes, under cover of false destination, to neutral ports while the real destination is to belligerent ports impress upon them the character of the belligerent in whose service they are employed, and the vessels may be seized and condemned as enemy property.

The present case came here by appeal from a decree of the District Court of the United States for the Southern District of New York, a decree condemning the schooner *Hart* and her cargo as lawful prize of war. The vessel was claimed below by one Harris, the cargo by Samuel Isaacs.

The whole cargo consisted of arms and munitions of war, taken on board, principally at London, under the direction of agents of the rebel government, with consent by the owner or owners of the schooner, to the intended fraud on belligerent rights. The nominal destination of the vessel and cargo was Cardenas, but the preparatory proofs clearly established that this pretended destination was false and that the entire lading was to be there transshipped, to be conveyed by a swifter vessel, or was to be carried on without transshipment to its belligerent destination, at the discretion of the rebel agent, whose instructions the master was directed to receive and obey on arrival at Cardenas.

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THE CHIEF JUSTICE:

The case in its principal features resembles that of the *Bermuda* and her cargo; they are perhaps even more irreconcilable with neutral good faith.

It is enough to say that neutrals who place their vessels under belligerent control and engage them in belligerent trade or permit them to be sent with contraband cargoes under cover of false destination to neutral ports, while the real destination is to belligerent ports, impress upon them the character of the belligerent in whose service they are employed, and cannot complain if they are seized and condemned as enemy property.

The principles recognized in the preceding case require the affirmance of the decree of the district court. and it is

*Affirmed accordingly.*

