

in whole or in part by a citizen or citizens of the United States, shall be permitted to clear out or depart from any port or place within the limits of the United States or territories thereof, to any foreign port or place, till the owner or owners, agent, factor, freighter, master or commander, shall have given bond, with sufficient security, in the amount of such ship or vessel and cargo, not to proceed to or trade with the enemies of the United States. And if any ship or vessel owned as aforesaid, shall depart from any port or place within the limits of the United States or territories thereof, for any foreign port or place without giving bond with security aforesaid, such ship or vessel, and cargo, shall be forfeited to the use of the United States; and the owner or owners, freighter, factor or agent, master or commander, shall severally forfeit and pay a sum equal to the value of such ship or vessel and cargo; and the said master or commander, if privy thereto, and being thereof convicted, shall be liable to a fine not exceeding one thousand dollars, and imprisoned for a term not exceeding twelve months, in the discretion of the court.

Owners of vessels to give bonds, upon clearing out, not to trade with the enemy.

Penalty for so doing.

SEC. 2. *And be it further enacted, That if any citizen or citizens of the United States, or person inhabiting the same, shall transport or attempt to transport, over land or otherwise, in any wagon, cart, sleigh, boat, 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 wagon, cart, sleigh, boat, or the thing by which the said naval or military stores, arms, or munitions of war or articles of provision are transported or attempted to be transported, together with such naval or*

Trade with the enemy by land interdicted.

Every voyage from an enemy port, especially with a cargo on board, and without the license of the government, carries with it a presumption of illegal traffic and hostile interests, from which nothing but the most explicit proofs by the claimants can relieve the cause. The presumption of illegal traffic arises, notwithstanding any papers or any explanation of the persons found on board: the captors have a right to bring the property in, and subject the whole to the adjudication of a competent tribunal. In such case, damages and costs are never to be adjudged as against the captors. *Ibid.*

If, after a knowledge of the war, an American vessel go to an enemy port, and take in a cargo there, the vessel and cargo are liable to confiscation for trading with the enemy. *The Alexander*, 1 Gallis. C. C. R. 532.

If an American vessel, after knowledge of the war, proceed from a neutral to a hostile port on freight, it is a trading with the enemy, which subjects the vessel to forfeiture; and she is liable therefore on her return voyage to the United States. *The Joseph*, 1 Gallis. C. C. R. 545.

In cases of trading with the enemy, the property is deemed quasi enemy's property, and it is condemned to the captors and not to the United States. *Ibid.*

No principle of national or municipal law is better settled than that all contracts with an enemy, made during war, are utterly void. *The Emulous*, 1 Gallis. C. C. R. 563.

A shipment made from the enemy's country, after a knowledge of the war, by an American citizen, subjects the property to condemnation as prize of war. *The Mary*, 1 Gallis. C. C. R. 620.

A shipment made, after a known war, by an American citizen, subjects the property to condemnation as prize of war. *The Diana*, 2 Gallis. C. C. R. 93.

If an American vessel take on board a cargo from an enemy's ship, under the pretence that it is ransomed, it is an illegal traffic, for which, by the law of war, she is liable to condemnation as prize of war; and may be seized on the return voyage. *The Lord Wellington*, 2 Gallis. C. C. R. 103.

A citizen of the United States may lawfully draw a bill on a subject of a foreign power, with whom we are at war; such an act not leading to any injurious intercourse, nor amounting to a trading with the enemy. *United States v. Barker*, Paine's C. C. R. 156.

An American vessel, after the commencement of hostilities with Great Britain, sailed, having on board a messenger from the British minister in the United States, with despatches for his government, and a letter of protection from British capture; this is a sufficient cause of condemnation. *The Tulip*, 3 Wash. C. C. R. 181.

All contracts with an enemy are not necessarily void. Cases of extreme necessity, form exceptions to the rule. Contracts made under license of the government, whether they arise directly or collaterally, out of the licensed trade; or if the enemy, with whom the contract is made, be in the hostile country, by license of that government, (cases of ransom bonds,) so contracts made by prisoners of war, for their subsistence, are also exceptions. *The William Penn*, 3 Wash. C. C. R. 484.

A voyage from an enemy port with a cargo on board, without the license of the government, is of itself a probable cause for capture. *The Liverpool Packet*, 1 Gallis. C. C. R. 513.

A trade to a neutral port is not illegal, although the public enemy derive benefit thereby, unless such trade be considered in connexion with, or subservient to, hostile interests and policy. *Ibid.*

The United States may proceed against property found engaged in trade with the enemy, as prize of war. *The Eliza*, 2 Gallis. C. C. R. 4.

At common law, any individual might seize for the king; and upon this ground it has been held, that public or private armed ships may seize for violation of a statute. But, in such case, it is at the peril of the party making the seizure. *The Rover*, 2 Gallis. C. C. R. 240.