

## EX PARTE NEEDHAM ET AL.

[1 Pet. C. C. 487.]<sup>1</sup>

Circuit Court, D. Pennsylvania. Oct. Term, 1817.

INTERNATIONAL LAW—EXPEDITION AGAINST  
POWER AT PEACE WITH UNITED  
STATES—ARREST OF PARTICIPANTS—ACT OF  
1794.

1. It is an offence against the act of congress, passed 1794 [1 Stat. 381], to concert an expedition from the United States to commit hostilities against a power at peace with the United States; and it is unimportant that such association originated beyond seas, if the expedition was carried on from hence.
2. It is unimportant, whether the persons engaged in such a purpose engage the whole vessel to themselves, or departed from the United States as passengers.

Habeas corpus. The case appeared shortly to be as follows: The petitioners, ten in number, being foreigners, enlisted or otherwise engaged in Holland to join the revolutionists in South America, and accordingly embarked for the United States with their military equipments, intending to obtain a passage from this country to South America. They arrived here under the command of Needham, who claimed or had in reality the title of colonel, and who exercised in Philadelphia, during the short stay they made here, the authority of commander, ordering them to appear at a certain place of rendezvous where they were drilled and exercised. A passage was taken for them on board the *Ellen* for the island of St. Thomas, and their baggage was put on board. The *Ellen* fell down to Gloucester Point to take in the balance of her cargo, consisting of arms and munitions of war, and destined from St. Thomas to some port in the Spanish American provinces, but before she left Gloucester-

Point she was stopped by admiralty process, and the prisoners were arrested and committed.

THE COURT was of opinion, that upon the ground of an expedition carried on from 1275 the United States, with intent to commit hostilities against a power at peace with the United States, enough appeared to the court to justify the remanding of the prisoners. That it is unimportant, whether the association to join the revolutionists originated in the United States or beyond seas. The expedition or enterprise was still carried on from the United States, and it was immaterial whether a company of armed men, proceeding from this with such intentions, took the whole vessel to themselves, or merely departed hence as passengers. If a regiment of foreign soldiers, armed and equipped, should land in the United States and hire a vessel to transport them to South America, with intent to make war upon the Spanish king or his subjects, could it be contended, that this was not an expedition fitted out from the United States, within the dear expressions and meaning of the third section of the act of 1794? If such a case would come within the provisions of that law, it would seem difficult to distinguish it from the present Prisoners remanded.

<sup>1</sup> [Reported by Richard Peters, Jr., Esq.]

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