

Case No. 92.

THE A. D. VANCE.

{Blatchf. Prize Cas. 608.}¹

District Court, S. D. New York.

Sept. 29, 1864.

PRIZE—VIOLATION OF BLOCKADE—CONDEMNATION.

Vessel and cargo condemned for a violation of the blockade.

In admiralty.

BETTS, District Judge. The above vessel, and the cargo and lading on board of her, were captured at sea. September 10, 1864, by the United States war vessel Santiago de

The A. D. VANCE.

Cuba, Captain O. S. Glisson, of the navy, commanding, and were sent into this port for adjudication September 16, 1864. On the same day a libel was filed in court against the said prize by United States attorney, and process of attachment and monition, returnable on the 27th of September following, was issued from the court to the marshal, and was, by the marshal, returned in court on the aforesaid return day, duly served; whereupon public proclamation was made, in open court, of such service and return, in due form and order of law, and no appearance or claim being interposed or offered thereupon in behalf of the aforesaid prize, or any person interested therein, judgment of condemnation and forfeiture thereof to the United States was, on motion of the United States attorney, then and there made and ordered, in open court, in due course of law.

The vessel, when seized, had on board a certificate of British registry, issued at the customhouse in Dublin, September 26, 1862, to Joseph Royce and others, of the county and city of Dublin, merchants, as joint owners, under the name of the Lord Clyde, British-built, at Greenock, Renfrew County, Scotland. A certificate was indorsed on the registry by the register, at the custom-house, Greenock, May 21, 1864, that Joannes Wylie had that day been appointed master of the ship, in place of John Stephen Byrne. No shipping papers, crew list, charter-party, manifest, log-book, instructions, or other papers relating to the course or destination of the ship, on the voyage upon which she was seized, were found on board of her when she was arrested, or were put in evidence with the proofs in preparatorio.

Joannes Wylie, master, Thomas Carter, purser, and Charles Harris, second engineer, were examined by the prize commissioners in preparatorio, on the 17th and 19th of September, 1864.

The witnesses all concur in stating that they were present on the ship at the time of her capture at about 7 o'clock in the evening of September 10, 1864, at sea, outside of Wilmington, North Carolina, for running the blockade of that port. The witnesses were all subjects of the Queen of Great Britain. The master testifies that the vessel was owned by Pour, Low & Co. of Wilmington, North Carolina, who appointed him to the command of her and delivered her to him in Wilmington; that the vessel's name, when built, was the Lord Clyde, but was afterwards changed to the A. D. Vance: that, when arrested, she had on board a cargo of cotton and turpentine; that it was taken on board in August, 1864; that the vessel sailed last from Bermuda to Wilmington, and thence back from Wilmington, September 9, 1864, for Bermuda; that she had been running between Nassau, Bermuda, and Wilmington, Ever since he had been connected with her, for fully twelve months, and had carried the same kind of cargoes; that he believes some papers were thrown overboard from the ship while she was being chased and attempting to escape capture; that all the ship's company knew, while they were following the trade spoken of, that Wilmington was under blockade by the vessels of the United States; that

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the vessel had repeatedly entered and departed from Wilmington while that port was under blockade, while he was on board of her; that the cargo captured was of the growth and manufacture of the Confederate States, but he does not know that it was of North Carolina; and that, when this vessel was chased by the United States war ship she put on all the steam she could carry, and endeavored to escape capture. There is no contradiction made by the other witnesses of the material facts stated in the testimony of the master. Upon the facts proved, the evidence is clear and satisfactory that the vessel seized and the cargo laden on board of her were guilty of a wilful violation of the blockade of the port of Wilmington, North Carolina, as charged in the libel; that the condemnation and forfeiture of the vessel, tackle, and cargo is adjudged accordingly.

¹ [Reported by Samuel Blatchford, Esq.]