

Case No. 106.

THE AIGBURTH.

{Blatchf. Pr. Cas. 645.}¹

Circuit Court, S. D. New York.

July 17, 1863.²

PRIZE—VIOLATION OF BLOCKADE.

Decree of the district court, condemning the vessel and cargo as enemy property, and acquitting the vessel on the charge of breaking the blockade, affirmed.

In admiralty. [Appeal from decree of condemnation. The Sarah Starr Case No. 12, 352. Affirmed. For opinion on question of marshal's fees after bonding for appeal, see The Aigburth, Case No. 105.]

NELSON, Circuit Justice. The vessel in this case was captured at sea, off the coast of Florida, near Fernandina, on the 31st of August, 1861, by the Jamestown, a vessel-of-war. The Aigburth was on a voyage from Matanzas, Cuba, to St. John's, N. B., with a cargo of molasses. She left the port of Newbern in July, with a cargo of rice, for Matanzas. At the time of her egress, the port was not actually blockaded. The vessel and cargo belonged, at the time of capture, to C. Gravely, a British subject, but resident and doing business in Charleston, S. C. The court below condemned the vessel and cargo as enemy property, and acquitted the vessel on the charge of breaking the blockade. I concur in that decree.

¹ [Reported by Samuel Blatchford, Esq.]

² [Affirming The Sarah Starr, Case No. 12,352.]