

Case No. 5,528. THE GONDAR. THE ALLIANCE.
[Blatchf. Pr. Cas. 669.]¹

Circuit Court, S. D. New York.

Jan. 8, 1864.²

PRIZE—RESTORATION TO CLAIMANTS.

On further proof, the vessels and cargoes were held to be neutral property, and ordered to be restored to the claimants. Decree of the district court, condemning them, reversed.

{These vessels and their cargoes were seized by the United States in the harbor of Beaufort, N. C, and libeled for alleged violations of the blockade. Decrees of condemnation and forfeiture of both vessels and their cargoes were entered in the district court (Cases Nos. 5,526 and 245), from which decrees the claimants appealed. When the cases came up for hearing in the circuit, court (Cases Nos. 5,527 and 246), the vessel and her cargo in each case was acquitted of the alleged violation, and an order made for further proofs as to the ownership of the property.]

NELSON, Circuit Justice. The further proofs in the above cases having been submitted to me for their final disposition, I have looked into them, and they appear to be full in supplying the deficiency upon the question whether Armstrong and Gerard, British subjects, were the owners of the Gondar at the time of her seizure; and also upon the question whether Armstrong was, at the time, the owner of her cargo. They are also full to show that the same persons were the owners of the Alliance at the time of her seizure, and that Armstrong was, at the time, the owner of her cargo. These being the only questions in the cases upon which any doubt existed, in the judgment of the court, at the former hearing, and which led to the commission for further proofs upon them, let a decree be entered, in each case, in favor of the claimants.

¹ [Reported by Samuel Blatchford, Esq.]

² [Reversing Cases Nos. 5,526 and 245.]