

Case No. 6,378.

THE HENRY MIDDLETON.

{Blatchf. Pr. Cas. 121.}¹

District Court, S. D. New York.

March, 1862.

PRIZE-VIOLATION OF BLOCKADE-CONDEMNATION.

1. Vessel and cargo condemned as enemy property, and for a violation of the blockade.
2. None of the officers or crew of the vessel were sent into this port with her, or produced with her to be examined as witnesses, but the master subsequently appeared and was examined in preparatorio.

In admiralty.

BETTS, District Judge. The prize in this instance was captured off the coast of South Carolina, August 21, 1861. by the United States ship *Vandalia*, and sent into this port, and here libelled September 5, 1861. No answer or claim has been interposed or prosecuted by any person. The vessel and cargo were owned in Charleston, and sailed thence for Liverpool between the 6th and 21st of August, 1861. The master of the vessel knew that the port was blockaded, and the fact was also published in the Charleston papers. The ship's documents were furnished her by the rebel government at Charleston, and she sailed under the rebel flag. When she was chased by the *Vandalia*, the master of the prize threw overboard the private letters of the shippers of the cargo he was carrying, and also his deck load, to avoid capture. Judgment of condemnation of the vessel and cargo is rendered, because the prize was at the time of capture enemy property (*Jecker v. Montgomery*, 18 How. [59 U. S.] 110), and also because she designedly evaded the blockade of Charleston harbor. In this case none of the officers or crew of the captured vessel were sent into this port with the prize, nor were they produced with her to be examined as witnesses. This irregularity is substantially cured by the subsequent appearance and examination in preparatorio of the master of the vessel; and moreover, no one appears to contest the validity and regularity of the capture.

¹ [Reported by Samuel Blatchford, Esq.]