

Case No. 6,527.  
[2 Gall. 60.]<sup>1</sup>

THE HIRAM.

Circuit Court, D. Massachusetts.

May Term, 1814.<sup>2</sup>

PRIZE CAUSES—APPORTIONMENT OF COSTS.

Of the rule for apportionment of costs among the several claimants in prize causes.

Some inquiries were made at the bar respecting the apportionment of costs in these cases, which were prize causes, among the several claimants of the ship and cargo.

STORY, Circuit Justice. In taxing the costs in prize causes, where there are several claims, some of which are disposed of by a final decree of condemnation, while others stand suspended upon appeal, the practice has been to tax the costs and expenses, which have accrued specially upon each claim so finally disposed of, as a separate charge against the same, and to add thereto an average proportion of the general costs and expenses, which have accrued in reference to all the claims in the cause. In this manner all parties are made to bear a reasonable proportion of all charges, according to the final event of their particular claims.

[NOTE. The decree of condemnation in this case was affirmed by the supreme court in an opinion by Mr. Chief Justice Marshall, who said that sailing under an enemy's license is cause of confiscation. In such cases the knowledge of the agent will affect the principal, although he be ignorant of the fact. 1 Wheat. (14 U. S.) 440.]

<sup>1</sup> [Reported by John Gallison, Esq.]

<sup>2</sup> [Affirmed in 1 Wheat. (14 U. S.) 440.]