

THE STEPHEN HART.

{Blatchf. Pr. Cas. 379.}¹

District Court, S. D. New York. July 30, 1863.

PRIZE—ATTEMPT TO VIOLATE
BLOCKADE—CONTRABAND GOODS.

1. Vessel and cargo condemned because, at the time of her seizure, the vessel was laden with and transporting articles contraband of war, with intent to furnish and supply them to the use and the aid of the enemy.

{Cited in The Springbok, Case No. 13,264.}

2. She was, when seized, navigated with the attempt and design to violate the blockade of ports of the enemy held in lawful blockade by the naval forces of the United States.

{Cited in The Peterhoff, Case No. 11,024.}

In admiralty.

BETTS, District Judge. The allegations and proofs of the respective parties in this suit, and the arguments of counsel on both sides there in, being fully heard and considered, and due deliberation had in the premises, and it satisfactorily appearing to the court there upon: First, that the course of procedure in the suit, in its institution and subsequent prosecution, is regular and valid at law; second, that at the time of her seizure, the vessel was laden with and transporting articles contraband of war, with intent to furnish and supply them to the use and aid of the enemy; third, that the vessel, when seized, was navigated with the attempt and design to violate the blockade of the port of Charleston and other ports of the enemy held in lawful blockade by the naval forces of the United States, there fore, it is ordered and adjudged that the said schooner Stephen Hart and her cargo be condemned and forfeited as lawful prize of war. Decree accordingly.

{For a subsequent opinion, see Case No. 13,364.}

{An appeal was taken to the supreme court from this decree. That court, at the December term, 1865, affirmed the decree of the district court. See The Stephen Hart v. U. S., 3 Wall. (70 U. S.) 559.}

¹ {Reported by Samuel Blatchford, Esq.}

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