

Case No. 16,064. UNITED STATES v. THE POLLY AND NANCY.  
[1 Hall, Law ]. 483.]

District Court, D. Pennsylvania.

Sept. 9, 1808.

EMBARGO—CARRYING PROHIBITED GOODS.

[Sea stores and provisions are not to be considered as a part of the cargo, so as to be forfeitable under the act of January 9, 1808 (2 Stat. 507), along with goods which the ship was prohibited from taking by the statute.]

This libel was filed by Mr. Dallas, the district attorney, against the schooner Polly and Nancy, John Russel, master, a British owned vessel, and her cargo, seized by the collector for a breach of the laws relating to the embargo, by taking on board prohibited goods.

Mr. Hopkinson appeared for the master, who was also the owner of the vessel; alleged that the illegal act was committed without the knowledge or approbation of his client; but submitted to the condemnation of the vessel and cargo, excepting the sea stores and provisions.

After hearing Mr. Dallas, on the one side, and Mr. Hopkinson, on the other, THE COURT decided that upon general principles, as well as upon the particular words of the fifth section of the act of the 9th of January, 1808 [2 Stat. 507], the sea stores and provisions could not be considered as a part of the cargo, liable to forfeiture.