

Case No. 16,701. UNITED STATES V. THE WILLIAM AND SAMUEL.
[1 Hall, Law J. 482.]

District Court, D. Pennsylvania.

Sept. 9, 1808.

VIOLATION OF EMBARGO LAWS—CONDEMNATION OF VESSEL AND CARGO.

Before PETERS, District Judge. This was a libel filed by Mr. Dallas, the district attorney, against the schooner William and Samuel [Joseph Lopes, master] and her cargo, captured by Lieutenant Biddle of the navy, for a breach of the laws relating to the embargo. The libel contained a variety of counts; and the vessel was claimed by Jacob Clarkson and Samuel Lowth, the owners; but no claim was filed for any part of the cargo. The claim alleged, that the vessel had been chartered to Joseph Burr; that she had received permission from the president, to proceed from Philadelphia to the Havanna for American property; and that the cargo was put on board, without the privity or approbation of the owners. The vessel, however, clandestinely took in goods, while in the port of Philadelphia, to a value exceeding 5,000 dollars. Samuel Lowth, one of the owners, sailed in her as a passenger, according to the entry in the manifest; and when she was seized by order of Lieutenant Biddle, after she had left the district of Pennsylvania, but still in the river Delaware, her hatches were battened down, &c.

Messrs. Ingersol, Hallowell and Milnor, were counsel for the claimants, and upon mature consideration, agreed to the condemnation of the vessel upon the last count of the information, which stated that goods exceeding the value of 400 dollars had been laden on board without a permit from the proper officers. The cargo was condemned; no claim being filed, nor any objection made; reserving for the opinion of the court, the question whether the goods shipped under a permit were liable also to forfeiture.