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The Battle

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Court : US Supreme Court

Decided On : 1867

Appeal No. : 73 U.S. 498

Appellant : The Battle

Judgement :

The Battle - 73 U.S. 498 (1867)
U.S. Supreme Court The Battle, 73 U.S. 6 Wall. 498 498 (1867)

The Battle

73 U.S. (6 Wall.) 498

APPEAL FROM THE DISTRICT COURT OF THE UNITED

STATES FOR THE SOUTHERN DISTRICT OF FLORIDA

SYLLABUS

Capture as prize of war *jure belli* overrides all previous liens.

The libel set forth a seizure of the steamer *Battle* and cargo on the 18th July, 1863, on the high seas as prize of war, which were brought into the port and harbor of Key West. She was captured about fifty miles southsoutheast from

Mobile Point by the United States steamer *De Soto,* Walker commanding. No claim of ownership for vessel or cargo was presented to the court. The vessel had just run, or was in the act of running, the blockade of Mobile when she was captured. The vessel and cargo were sold pending the suit. The proceeds of the sale of the vessel were $23,000, and of the cargo, $240,895.62. The vessel and cargo were condemned for breach of blockade, and also as enemy property.

There were two claims set up against the steamer in the court below, one by James Brooks, of New Albany, State of Indiana, for supplies furnished at that port in May, 1860, to the amount of $3,408.32, and another by Daniel Hipple and others for materials furnished and for work and labor in building a cabin on said boat, in January, 1860, to the amount of $7,230.92, at the port of New Albany aforesaid; that after deducting all payments, a balance remains due of $3,615.45. These claims were dismissed by the court below.

MR. JUSTICE NELSON delivered the opinion of the Court.

The principle is too well settled that capture as prize of war, *jure belli,* overrides all previous liens, to require examination. *

Decree affirmed.

* *The Hampton,* 5 Wall. 372; *The Frances,* 8 Cranch 418.

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