growth and manufacture, and subjected by law to the payment of duties on importation into the United States, and that said cables and lines were brought into said district of Portsmouth in said ship Eliza from foreign ports or places, and that the duties to which said cables and lines were subject on importation, have not been paid or secured to be paid, and that said cables and lines were unladen, delivered and landed from said ship Eliza at said district without a permit therefor from the collector and naval officer and contrary to law—and the said Joseph Whipple doth further aver that said cables and lines at the time of discovering, unlading and delivering, were found to be absolutely new, and ever since have been, and now are of the value of five hundred dollars and upwards, and that said cables were landed on land in said district of Portsmouth and are claimed in this honorable court. Wherefore, the said Joseph Whipple, collector as aforesaid in the name and behalf of the United States of America prays the adjudgment of this court in the premises, and that said ship Eliza, together with her tackle, apparel and furniture may be adjudged to be and remain forfeited and disposed of according to law. But notice having been given of the seizure aforesaid and of the intention of Joseph Whipple and Edward St. Loe Livermore, Esq. his proctor and attorney now comes into court and claims the said ship, her tackle, apparel and furniture, and shews to this honorable court that he is owner of said ship and appurtenances, and that at the time mentioned in said libel or at any other time, there was not unladen from said ship any goods, wares and merchandise of the value of four hundred dollars or of any other value, contrary to law, and that said ship, her tackle, apparel and furniture are not by law forfeited as mentioned in said libel, but ought to be restored to him—And on hearing the said parties, it is ordered and decreed by the court that the said ship Eliza, her tackle, apparel and furniture be restored to the said Elizabeth Ladd the claimant, from which decree an appeal to the next circuit court to be holden, is claimed and refused by the court.

A true copy of record with the seal of said court annexed.

Attest,

JONA. STEELE, Clerk.

New-Hampshire district, ss.

At a special district court of the United States for said district and district of Portsmouth within and for said district on the eleventh day of November, Anno Domini, 1802, by the honorable John Pickering, esq. judge of said court.

In the United States of America, by Joseph Whipple, collector of said district, libel prepared and given in to the court of said court to undertake and be informed, that George Wentworth foreman of said district of Portsmouth, on the twenty-third day of October, one thousand eight hundred and two, on land within said district and district of Portsmouth, goods and merchandise, viz. two cables which were imported into said United States contrary to law, and the said Joseph Whipple, collector as aforesaid, further prepounds, throws and informs that the said cables are of foreign growth and manufacture and subject by law to the payment of duties on importation into the United States, and that said duties have not been paid and secured to be paid—and that said cables were brought into said district in a certain ship called the Eliza whereof William Ladd was then master, and unladen and delivered thereupon between the twentieth day of September last and the twenty-fifth day of the same month by within said district without a permit from the collector and naval officer for such unlading and delivery. Wherefore the said Joseph Whipple prays the adjudgment of this court in the premises in the name of the United States and all persons interested in said seizure, and that said cables may be adjudged to be and remain forfeited and be disposed of according to law—But notice having been given of the seizure aforesaid and of this trial, Elizabeth Ladd, by Edward St. Loe Livermore, esq. his attorney and proctor, now comes into court and claims the said cables as part of the tackle and appurtenances of a certain ship called the Eliza, whereof he is the owner, and says that said cables, at the time of said seizure, as mentioned in said libel, were unmanufactured and belonging to said ship or her cables—And that before that time according to ships and craft law and for the security of said ship and for the purpose of again getting her fast, had been taken out of said ship and for no other purpose whatever, and that said cables were not illegally imported into the United States, neither were the same at any time subject to the payment of duties agreeably to the spirit and meaning of the laws of the United States, and that the same are not by law forfeited as said libellant has set forth, he thereupon prays that said cables may be decreed to be restored to him—On hearing the said parties it is ordered and decreed by the court, that the cables so alleged for forfeiture to the said Elizabeth Ladd, the claimant—from which decree an appeal to the next circuit court for said district is claimed and refused by the court.

A true copy of record with the seal of said court annexed.

Attest,

JONA. STEELE, Clerk.

New-Hampshire district, ss.

At a special district court of the United States for said district and district of Portsmouth within and for said district on the eleventh day of November, Anno Domini, 1802, by the honorable John Pickering, esq. judge of said court.

In the United States of America, by Joseph Whipple, collector of said district, libel prepared and given in to the court of said court to undertake and be informed, that George Wentworth foreman of said district of Portsmouth, on the twenty-day of October, one thousand eight hundred and two, on land within said district and district of Portsmouth, goods and merchandise, viz. two cables which were imported into said United States contrary to law, and the said Joseph Whipple, collector as aforesaid, further prepounds, throws and informs that the said cables are of foreign growth and manufacture and subject by law to the payment of duties on importation into the United States, and that said duties have not been paid and secured to be paid—and that said cables were brought into said district in a certain ship called the Eliza whereof William Ladd was then master, and unladen and delivered thereupon between the twentieth day of September last and the twenty-fifth day of the same month by within said district without a permit from the collector and naval officer for such unlading and delivery. Wherefore the said Joseph Whipple prays the adjudgment of this court in the premises in the name of the United States and all persons interested in said seizure, and that said cables may be adjudged to be and remain forfeited and be disposed of according to law—But notice having been given of the seizure aforesaid and of this trial, Elizabeth Ladd, by Edward St. Loe Livermore, esq. his attorney and proctor, now comes into court and claims the said cables as part of the tackle and appurtenances of a certain ship called the Eliza, whereof he is the owner, and says that said cables, at the time of said seizure, as mentioned in said libel, were unmanufactured and belonging to said ship or her cables—And that before that time according to ships and craft law and for the security of said ship and for the purpose of again getting her fast, had been taken out of said ship and for no other purpose whatever, and that said cables were not illegally imported into the United States, neither were the same at any time subject to the payment of duties agreeably to the spirit and meaning of the laws of the United States, and that the same are not by law forfeited as said libellant has set forth, he thereupon prays that said cables may be decreed to be restored to him—On hearing the said parties it is ordered and decreed by the court, that the cables so alleged for forfeiture to the said Elizabeth Ladd, the claimant—from which decree an appeal to the next circuit court for said district is claimed and refused by the court.

A true copy of record with the seal of said court annexed.

Attest,

JONA. STEELE, Clerk.

New-Hampshire district, ss.

At a special district court of the United States for said district and district of Portsmouth within and for said district on the eleventh day of November, Anno Domini, 1802, by the honorable John Pickering, esq. judge of said court.

In the United States of America, by Joseph Whipple, collector of said district, libel prepared and given in to the court of said court to undertake and be informed, that George Wentworth foreman of said district of Portsmouth, on the twenty-day of October, one thousand eight hundred and two, on land within said district and district of Portsmouth, goods and merchandise, viz. two cables which were imported into said United States contrary to law, and the said Joseph Whipple, collector as aforesaid, further prepounds, throws and informs that the said cables are of foreign growth and manufacture and subject by law to the payment of duties on importation into the United States, and that said duties have not been paid and secured to be paid—and that said cables were brought into said district in a certain ship called the Eliza whereof William Ladd was then master, and unladen and delivered thereupon between the twentieth day of September last and the twenty-fifth day of the same month by within said district without a permit from the collector and naval officer for such unlading and delivery. Wherefore the said Joseph Whipple prays the adjudgment of this court in the premises in the name of the United States and all persons interested in said seizure, and that said cables may be adjudged to be and remain forfeited and be disposed of according to law—But notice having been given of the seizure aforesaid and of this trial, Elizabeth Ladd, by Edward St. Loe Livermore, esq. his attorney and proctor, now comes into court and claims the said cables as part of the tackle and appurtenances of a certain ship called the Eliza, whereof he is the owner, and says that said cables, at the time of said seizure, as mentioned in said libel, were unmanufactured and belonging to said ship or her cables—And that before that time according to ships and craft law and for the security of said ship and for the purpose of again getting her fast, had been taken out of said ship and for no other purpose whatever, and that said cables were not illegally imported into the United States, neither were the same at any time subject to the payment of duties agreeably to the spirit and meaning of the laws of the United States, and that the same are not by law forfeited as said libellant has set forth, he thereupon prays that said cables may be decreed to be restored to him—On hearing the said parties it is ordered and decreed by the court, that the cables so alleged for forfeiture to the said Elizabeth Ladd, the claimant—from which decree an appeal to the next circuit court for said district is claimed and refused by the court.

A true copy of record with the seal of said court annexed.

Attest,

JONA. STEELE, Clerk.

Joseph Whipple, collector of Portsmouth, was then sworn.

He testified that no duties had been secured on the two cables libeled; that, when they were made down and ready to be landed, they were seized, and as they exceeded four hundred dollars in value, the libellant was obliged to seize them—he understood that one of the cables was taken from the wreck of a vessel cast ashore, and was brought to shore for the purpose of evading the duty. On entering the cell of the two cables was found to be of the value of 500 dollars. One appeared not to have been used. On being asked if the wreck of that cable, he had he could not recollect what it was.

[Mr. BARLY here read the record of the court in the case of the libel against the cables, as above.]

Mr. BARLY. Having thus made general facts and allegations contained in the libel article, I will proceed to the second, which represents:

Second article. Fifth. That whereas at a special district court of the United States, begun and held at Portsmouth on the 11th day of November, in the year 1802, by John Pickering, judge of said court, for said District, Joseph Whipple their collector of said district, having libelled, prepounded and given the said judge, in writing, a certain libel informed, that the ship Eliza with her furniture, tackle and apparel had been unladen therefrom, contrary to law, two cables and one hundred and twenty-five yards of rope, of the value of hundred dollars and upwards, and having prayed in their said libel, that the said ship Eliza, with her tackle, apparel, furniture and the said cables, tackle and rope, might be the said court, be adjudged and decreed to be forfeited to the United States and be disposed of according to law, and a certain Elizabeth Ladd, by his proctor, appeared in said court, claimed the said court, and having claimed the said ship Eliza, with her tackle, furniture and apparel, and having claimed the said two cables and the said one hundred pieces of check, had been unladen from the said ship, contrary to law, and having prayed the said court, that the said ship with her furniture, tackle and apparel, might be the said court, be adjudged and decreed to be to the United States and be disposed of according to law, and a certain Elizabeth Ladd, by his proctor, appeared in said court, claimed the said court, and having claimed the said ship Eliza, with her tackle, furniture and apparel as forfeited to the said United States, and prayed the said court, that the said ship Eliza, with her tackle, furniture and apparel, might be the said court, be adjudged and decreed to be to the said Elizabeth Ladd, the said John Pickering, judge of said court, on hearing the said parties, and on hearing and reading the said libel, thus pending between the said parties, on the one part, claiming the said ship Eliza, with her furniture, tackle and apparel as forfeited to the said United States, and on the other part claiming the said ship Eliza, with her furniture, tackle and apparel as forfeited to the said Elizabeth Ladd, and on the other part claiming the said ship Eliza, with her furniture, tackle and apparel as forfeited to the said Elizabeth Ladd, and on the other part claiming the said ship Eliza, with her furniture, tackle and apparel as forfeited to the said United States, and on the other part claiming the said two cables and one hundred pieces of check, had been unladen from the said ship, contrary to law, and having prayed the said court, that the said ship with her furniture, tackle and apparel, might be the said court, be adjudged and decreed to be to the United States and be disposed of according to law, and a certain Elizabeth Ladd, by his proctor, appeared in said court, claimed the said court, and having claimed the said ship Eliza, with her tackle, furniture and apparel as forfeited to the said United States, and prayed the said court, that the said ship Eliza, with her tackle, furniture and apparel, might be the said court, be adjudged and decreed to be to the said Elizabeth Ladd, the said John Pickering, judge of said court, on hearing the said parties, and on hearing and reading the said libel, thus pending between the said parties, on the one part, claiming the said ship Eliza, with her furniture, tackle and apparel as forfeited to the said United States