

INTRODUCTION

On the 19 rolls of this microfilm publication are reproduced the 18 volumes of admiralty final record books, 1829-1911, created in Key West by the U.S. District Court for the Southern District of Florida and its predecessors. These records are part of Record Group 21, Records of District Courts of the United States, and are housed in the Regional Archives Branch of the Federal Archives and Records Center, Atlanta, Georgia.

History

The southern district originated in 1828 (4 Stat. 292) as part of the Territorial court system in Florida. The district included all of the State south of Charlotte Harbor (between present-day Fort Myers and Sarasota); Key West, almost the only center of non-Indian population in the area, was designated the seat of the court. After Florida entered the Union in 1845, the entire State constituted one Federal judicial district. Court was to be held in Tallahassee, St. Augustine, and Key West (9 Stat. 132). When Florida was officially divided into the northern and southern districts in 1847, court was continued at Key West, and there it has remained (20 Stat. 280).

Admiralty Jurisdiction

The U.S. Constitution (art. III, sec. 2) provides that the judicial power of the United States extends "to all cases of admiralty and maritime jurisdiction." This authority extends over all public, navigable waters, including lakes, rivers, and canals as well as the high seas.

U.S. admiralty law is concerned with the following: prize, ransom, and salvage cases; suits to establish title to a ship independent of possession of the ship; possessory actions to recover ships; and a great variety of maritime contracts and torts. Typical maritime contracts relate to the following: charter parties; transportation of passengers and their baggage or goods; marine insurance; pilotage; towage; transferring goods to ships by smaller vessels; loading, unloading, and packing goods; purchase of supplies and repairs; salvage; efforts to make good losses incurred under dangerous conditions; using ships or goods as security on loans; seamen's wages; and maintenance and care of ill and injured seamen. Typical maritime

torts involve collisions, loss of or damage to cargo, and claims of personal injury or ill-usage arising between masters or officers on one hand and seamen or passengers on the other.

The Court in Key West

Because of the significant maritime commerce centering in the Caribbean and the Florida keys, the court in Key West developed special rules for admiralty matters. The court was open year-round for admiralty and maritime litigation, in contrast to the May and November sessions during which it handled other judicial processes. The judge, in addition to holding full Federal judicial powers similar to the courts in Kentucky, was also required to grant licenses to ships engaged in salvage operations in the area. He was ordered to make certain such vessels were seaworthy, properly equipped and fitted for salvage work, and innocent of any fraud concerning property that had been shipwrecked along the coast.

The Key West court was perhaps the major prize court during the Civil War, when it was the only Federal court in the South to remain in Union control throughout the war, and again during the Spanish-American War, where its proximity to Cuba and the Caribbean gave it prominence. The prize cases for the period 1861-65 appear in volumes 6, 7, 8 and 9, and those for the period 1899-1900 appear in volumes 16 and 17.

The Records

These admiralty final record books consist of copies of documents filed in each case, in chronological order from the beginning libel to the final judgment. The records include libels; answers; briefs; motions; declarations; transcripts of testimony and affidavits; bonds; orders; reports of special commissioners, juries, trustees, and others; and judgments. The cases are normally arranged chronologically by the date they were completed, that is, by the date the final record was entered. Each volume is indexed by the initial letter of the plaintiff and/or the name of the salvaged or captured vessel and/or the name of the defendant. The first three volumes cover the Territorial period; from the establishment of the Superior Court for the Southern District in Key West in 1828 to the early months of Statehood. Not until the first case in volume 4 do the records refer to the U.S. district court.

Volumes 1 and 2 carry the title "Cartas" (Spanish for "letters"), a tribute to Florida's Spanish period, though the records are in English. Volume 2 includes a few pages dated 1828-36 documenting Presidential appointments of U.S. attorneys and other minutes-type entries. The final record entries constitute

the majority of the volume and continue those entries from volume 1. Volume 8 contains final record entries with dates that overlap those in volume 7, but the vessels and cases involved are different and separate. The court stopped creating final records in 1911.

Additional information about the Federal court system is available from the following sources: the multivolume Federal Cases, an annotated reprint of the decisions of the U.S. district and circuit courts from 1789 to 1880; Erwin C. Surrency, Federal District Court Judges and the History of Their Courts, History of Federal Courts Pamphlet No. 1 (privately printed, 1966); Surrency, "History of Federal Courts," Missouri Law Review 28 (1963):214; Charles Warren, The Supreme Court in United States History, 2 vols. (Boston, 1935); and John J. Parker, "The Federal Judiciary System," Federal Rules Decisions 14(1954):361.

Gayle P. Peters prepared these records for filming and wrote the introduction.

The Schooner "Charm" and Cargo 1863.

United States of America,
District Court of the United States
Southern District of Florida
In Admiralty.

14th 121.

The United States
vs
The Schooner "Charm" and Cargo }
Henry J. Walgren Claimant of }
Four Bales of Cotton }
Prize

Be it Remembered that on the Twenty fourth day of March in the year of our Lord One thousand eight hundred and sixty three, Thomas J. Boynton Esquire Attorney of the United States for the Southern District of Florida filed in the Office of the Clerk of said Court his Libel of information against the Ship or Vessel called the "Charm" her tackle apparel and furniture and her Cargo in a cause of Prize in the words and figures following, to wit:

District Court of the United States
Southern District of Florida
In Admiralty

The United States
vs
The Schooner "Charm" and Cargo }
Prize
vs
The Honorable William
Maurice Judge of said Court

The Libel of Thomas J. Boynton Attorney of the United States for the Southern District of Florida, who libels for the United States and for all parties in interest against the Ship or vessel called the "Charm" her tackle apparel furniture and cargo, in a cause of prize, alleges:

That pursuant to instructions for that purpose from the President of the United States Carl English of the United States Navy, in and with the United States Commissioned Ship of War the Sagamore did on the Twenty third day of February in the year one thousand eight hundred and sixty three, subdue seize and capture on the high seas prize of war, the said Ship or Vessel called the Charm of about the burden of Ten tons together with a valuable cargo and that said vessel and cargo have been brought into the port and harbor of Key West in the State of Florida where the same now are within the jurisdiction of this Honorable Court, and that the same are lawful prize of war and subject to condemnation and profit as such. Wherefore the said Attorney prays

that the ~~final process of attachment~~ in these cases may issue against said vessel, her tackle, apparel furniture and cargo, that Writition may issue citing all parties having any or claiming interest or property in said vessel or cargo to appear and claim the same, that the nature amount and value of said cargo may be determined, that due and proper proofs may be taken and heard and that on all due proceedings being had the said said vessel the Charrm together with her tackle apparel furniture and cargo may on the final hearing of this cause, by the definitive sentence and decree of this Court, be condemned forfeited and sold, and the proceeds distributed according to law.

(sig^d) Tho^s. J. Boynton
U. S. Atty^y. S. D. of Fla.

Whereupon the following order was made in this cause as follows, to wit: —

Ordered that Attachment and Writition be issued, returnable April 14th 1863.

Entered April 25. 1863.

(sig^d) George D. Allen
Clerk.

Whereupon Attachment was issued to the Marshal of said District commanding him forthwith to attach and take into his custody the said Ship or vessel called the Charrm her tackle apparel furniture and the goods wares and merchandise now or lately comprising her cargo in the Port of Key West or whenever the same may be found in his precincts, and the same to keep until the further order of this Court. —

Which Attachment was afterwards by him returned duly executed and with the return thereon enclosed is on file in the Clerk's Office. —

Also Writition was issued to the said Marshal, commanding him forthwith to cite and admonish all persons whomsoever having or pretending to have any right title claim or interest in or to the said vessel the Charrm her tackle apparel furniture or cargo to appear at an Admiralty Session of said Court to be held at the Court Rooms of said Court at Key West in said District on Tuesday the Fourteenth day of April A. D. 1863. at Ten o'clock in the forenoon of that day to show cause if any they have why condemnation and forfeiture should not be decreed according to the prayer of said Libellant.

Which Writition was afterwards by him returned duly executed and with the return thereon enclosed is on file in the Clerk's Office. —

Afterwards to wit. on the Fourteenth day of April in said year, this cause came on to be heard before this

Present the Honorable William Marvin Judge
 Thomas S. Boynton Esq. Attorney of the United States appearing in behalf
 of the United States and captors moves the hearing of this cause.

Whereupon Proclamation being Ordered and duly made and no
 person appearing to claim any portion of said vessel or cargo in Motion of
 said Attorney It is Ordered; that the default of all persons claiming the
 same be entered, and that the Libel filed in this cause be taken "Pro-
 confesso" On further Motion of said Attorney It is Ordered; that
 the testimony in this cause taken "in preparatorio" before the Wise Com-
 missioner and the papers retained as found on board said Schooner
 Charron be opened and published for the benefit of all parties concerned.

When the Court proceeded to hear this cause "ex parte" upon the al-
 legations and proofs and the depositions taken "in preparatorio" and
 the cause being fully heard the premises were thereupon submitted
 to the Court.

Afterwards upon consideration thereof on the same
 day last aforesaid it was Ordered adjudged and Decreed as follows, to-
 wit:

District Court of the United States
 Southern District of Florida

April 14. 1863.

In Admiralty

The United States

vs

The Sch. Charron & Cargo

Prize

This day this cause came on to be heard
 and all due proceedings having been had and proclamation being
 made in open Court, and no claimant appearing to claim any portion
 of said vessel or cargo, and the Court being fully advised in the premises
 on Motion of the District Attorney it is now Ordered that the libel filed
 in this cause be taken "Pro confesso" and that the default of claimants
 be entered, and it appearing to the Court that the said vessel and cargo
 were at the time of the capture employed in violating the blockade
 established by the United States and are enemy property it is ad-
 judged and decreed that the said vessel the Charron together
 with her tackle apparel furniture and cargo be condemned and
 forfeited to the United States as good prize of war.

It is further Ordered that the said vessel and cargo be
 appraised by Edward C. Howe Esq. and that on report of afe-
 praisement being made and approved by the Court the Mar-
 shall proceed to advertise and sell the said vessel her tackle ap-
 parcel furniture and cargo at Public Auction and make re-
 turn of sale and expenses and pay in proceeds according to
 law.

Entered April 17. 1863.

(sig'd) Wm Marvin
 Judge

Whereupon on the Twentieth day of said

month the said Appraiser having been duly summoned appears before the Clerk of this Court and is duly sworn to faithfully and impartially appraise the said vessel and cargo.

Afterwards, to wit: on the Twenty first day of said month the said appraiser returned his report to this Court showing the value of said Schooner Charron to be the sum of Nine hundred and fifty dollars, and twenty one bales Sea Island Cotton Eight thousand four hundred and fifty dollars \$8450.—

Whereupon on the Eighth day of May in said year a writ of Venditioni Exponas was issued to the Marshal for this District commanding him to cause the said Schooner Charron her Tackle apparel furniture and cargo to be sold at Public Auction upon due notice and make return of sale as required by law in cases of Prizes.

Afterwards, to wit: on the Sixteenth day of June in said year this Court being Open at Extra Session - Present the Honorable William Morwin Judge - Henry J. Waltjen appears by W. C. Maloney Esq^r his Proctor and presents his claim to Four Bales of Cotton in this case, in the words and figures following to wit:—

United States District Court
for the Southern District of Florida

The United States

The Sch^{rs} "Charron" & Cargo.

And now comes Henry J. Waltjen and says that he is the true and bona fide owner of four bales of cotton included in the cargo of cotton named in the above entitled cause, and as such owner he claims the same.

And for further information, he says that he is a subject of Bremen in Germany has never been naturalized in the United States, or taken the Oath of Allegiance to the so called Confederate States of America - has resided four years in Jacksonville but has never borne arms against the United States - That in consequence of the conscript Act passed in the so called Confederate Government compelling foreigners to take up arms, and which has latterly been enforced he left Jacksonville and took up his abode at Indian River where he purchased said Cotton about four months ago, one bale of which is marked Williams, the marks of the other three he does not remember - that the said four bales of Cotton were deposited on the St. Lucia river near the Bank -

He further says that said four bales of cotton were taken from said Bank by Boat parties belonging to the U. S. Gun boat Sagamore as he is informed, that the same was lying some sixty yards from or above high water mark.

Wherefore he prays that upon a hearing of the

cause, your Honor will be pleased to decree restitution to him, the said four bales of cotton, and otherwise justice administered in the premises, and he will ever pray &c.

Subscribed & sworn to before
me the 14th day of March A.D. 1863

(sig^d) George D. Allen
Clerk

(sig^d) Henry J. Waltham

W. C. Maloney
Proctor for Claimant

Thomas J. Popinton Esq^r Attorney aforesaid appearing on behalf of the United States, the parties being ready for trial. — When the Court proceeded to hear the pleadings of the said Claimant. — The cause having been argued by the respective counsel the premises were continued for a further hearing. —

Afterwards, to wit: on the Twenty second day of January in the year A. D. 1864, this cause came on to be further heard before this Court, on the claim of said Waltham. —

Present the Honorable Philip Fraser Judge of the District Court of the United States for the Northern District of Florida Homer S. Vane Esq^r Attorney aforesaid appearing on behalf of the United States and W. C. Maloney Esq^r Proctor on behalf of the said claimant. — When the Court proceeded to hear this cause upon pleadings of the said claimant. — The cause having been fully argued by the respective counsel the premises were thereupon submitted to the Court.

Afterwards, upon consideration thereof on the same day, the parties aforesaid being present, It was Ordered That the said claim be dismissed and rejected. —

Afterwards, to wit: on the Thirtieth day of January 1864, the Marshal returns his account sales in this case showing the proceeds of sale of said Vessel to be the sum of Six hundred and seventy three dollars \$673. — and 21 Bales sea Island Cotton the sum of Six thousand six hundred and twenty nine ⁷⁵/₁₀₀ dollars \$6629 ⁷⁵/₁₀₀. — and Four bales sea Island cotton marked "Indian River" one thousand two hundred and thirty six ⁷⁵/₁₀₀ dollars — and Four bales sea Island cotton marked "S. I." (St. Lucie) one thousand two hundred and eighteen ⁷⁵/₁₀₀ Dollars. —

Afterwards, to wit: on the Twenty sixth day of February 1864, the following Order and Decree was made in this cause, to wit: —

District Court of the United States
In the Southern District of Florida
Friday February 26th 1864.

The United States

versus
The Sht. "Cherone" & Cargo
and 2 Lots of Cotton

Prise
Captured February 23rd 1863.

A final Decree of condemnation of Vessel and Cargo and Two lots of Cotton having been previous-

and in this case and in appeal taken, and it appearing to the Court that the gross proceeds of the sales are as follows, to wit:—

Vessel	\$ 673. 00
Cargo and bottom	9083. 25
Total	\$9756. 25

And that the costs expenses and charges as taxed and allowed, are as follows, to wit:—

Marshals fees and charges, including Freight and Marine Insurance on the Goods sent for sale from Key West to New Wharfage, Storage, Labor bills at Key West, expenses of Sale advertising & and Auctioneers Commissions	\$ 855. 72
District Attorneys fees	68. 78
Prize Commissioners fees and expenses	63. 69
Clerk's fees	29. 35
Total	\$1017. 54

Leaving a Net residue of Eight thousand seven hundred and thirty eight dollars and seventy one cents (\$8738⁷¹/₁₀₀) for distribution.

And it appears to the Court, upon the report of the Prize Commissioner, that the U. S. Gun Boat "Sagamore" English Commanding is entitled to share the sum of Seven thousand six hundred forty nine dollars thirty six cents (\$7649³⁶/₁₀₀), and the U. S. Brig "Stern of the Sea" Bayler Commanding the sum of One thousand and eighty nine dollars and thirty five cents (\$1089³⁵/₁₀₀) of the said residue being the capturing vessels and that said vessels are entitled to share in the Prize and that no other vessels are so entitled, and that the Prize was of inferior force to the capturing vessel. It is hereby adjudged and Decreed that the said Ships are so entitled to share in the said prize. — And it is Ordered that the costs fees and expenses herein taxed and allowed, amounting to the sum of One thousand seventeen Dollars and fifty four cents be paid to the persons severally entitled thereto, from the money on deposit with the Assistant Treasurer of the United States subject to the Order of the Court in this case. — And it is further Ordered that the said residue of the gross proceeds deposited with the Assistant Treasurer, in this case, be paid into the Treasury of the United States for distribution.

(sig^d) Philip H. Parker
U. S. D. Judge

Attest to these proceedings
George D. Allen Clerk