

Figure 1: What appears to be a simple Confederate stampless cover from Anderson C. H., S.C. is actually a coveted prize court cover. It bears the magenta manuscript court docketing and initials HHE of Henry H. Elliot, the New York Prize Court commissioner.

Civil War Prize Court Evidence

By Patricia A. Kaufmann

Civil War blockade-running could be a highly profitable enterprise. The outbound ships carried compact, high-value cargo while inbound vessels brought rifles, medicine, brandy, lingerie and coffee. It is estimated that two round trips a month, which incurred \$80,000 in wages and expenses, generated \$250,000 in revenue. If captured, the officers and crew of the capturing ship divided the spoils after adjudication by a prize court.

Under international maritime law as it existed before, during and exists since the Civil War, a blockade was lawful and recognized in law only if (among other criteria) it was imposed by one sovereign nation against another sovereign nation as part of an officially declared war. Since the United States refused to recognize the sovereignty of the CSA, declaring the confederacy to be in a state of rebellion, not war, the blockade was unlawful. Therefore, every ship captured by the Union Navy and taken as a prize of war should have been found by the court to have been unlawfully taken as a result of an act of piracy by one nation (United States) against the commerce of

another sovereign nation, e.g., Spain or Britain. The vessels should all have been returned to their owners with payments for damages incurred as a result of the official piracy.¹

Prize courts were common in the 17th through 19th centuries during times of American or European naval warfare. A prize court had jurisdiction over all captures made in war on the high seas. A prize court could order the sale or destruction of the seized vessel and the distribution of any proceeds to the captain and crew of the seizing ship.

Today, pursuant to Title 10 of the United States Code, the United States district courts have exclusive jurisdiction in prize cases, but due to changes in the nature of naval warfare, no prize cases have been heard since the statutes were adopted in 1956.²

The cover shown in Figure 1 appears to be a simple stampless cover from Anderson C. H., S.C. dated Aug 26 [1861]. The date is easily determined by the 5-cent Confederate postage rate that appears in manuscript next to a straightline PAID marking to the left of the postmark. The only month of August with

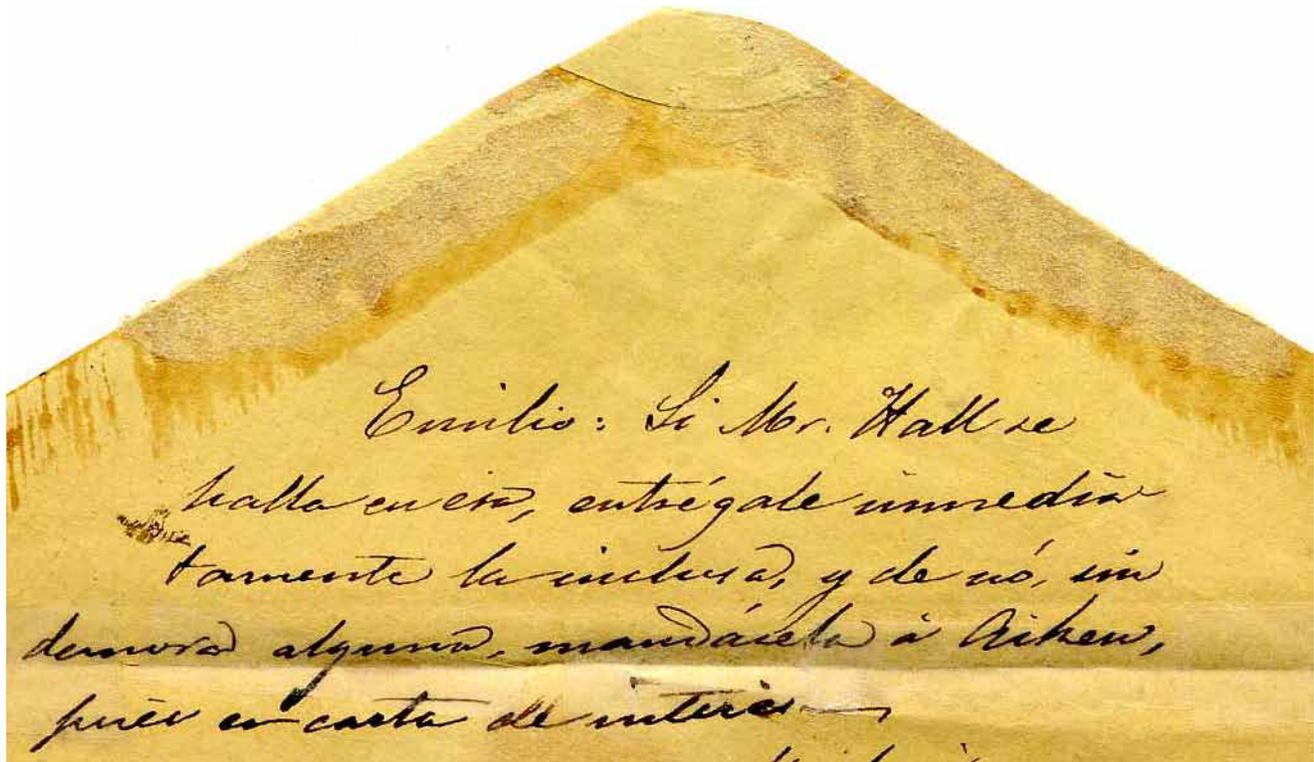


Figure 2: Under the backflap of the cover is a note in Spanish to addressee Puig signed Malga. Victor Malga was a cousin of Puig and in the import/export business in Havana, Cuba.

this rate was the first year of the war, 1861. The cover is addressed to “Emilio Puig, Esqr., Care of Spanish Consul, Charleston S.C.” What makes this cover out of the ordinary is the magenta manuscript court docket of “A No 7 HHE.” Henry H. Elliot was the New York prize court commissioner who initialed the envelope as evidence in the case. This was one of the early prize court cases of the Civil War.

There was also a prize court in Philadelphia and evidence there was similarly docketed by Philadelphia Prize Court Commissioner Henry Flanders, a prominent maritime lawyer married to a South Carolina lady.³

It was not until 1997 in the “Prize Court Covers” article by Joseph T. Holleman in *The Confederate Philatelist* that Confederate students came to a better understanding of the telltale magenta markings. Holleman’s tenacity and research skills finally explained the unusual docketing on these covers.

Under the back flap is a note in Spanish (Figure 2) to Puig signed “Malga” which translates, “Emilio, If Mr. Hall is in Charleston, deliver the enclosed letter to him immediately and if he is not, send it without any delay to Aiken, as it is an important letter.” Addressee Emilio Puig was a Spanish citizen and a prominent Catalán businessman who lived in Charleston and was involved in prize court cases both in 1861 and 1863.

Undoubtedly more often than just these two instances, he smuggled mail and important dispatches from Charleston to Cuba aboard blockade vessels. Victor Malga was also captured twice.⁴

Emilio Puig was a cousin of Malga. V. Malga & Co. of Havana, Cuba, was in the import/export business and was connected with the W.P. Hall Co. Malga was a brother-in-law of Hall.

Their respective companies were involved in shipping, maritime trade and blockade running in and out of Charleston during the Civil War. William Peroy Hall is shown in the 1880 census as born in Cuba in 1835.

The magenta markings on prize court covers convert them from simple stampless covers to captured blockade-run rarities.

One should be cautious about buying documents with these same magenta court markings. While collector-cherished prize court covers were discarded by the courts more than a century ago and are legitimately on the market, the letters and documents were retained and are now in the National Archives. Unfortunately, some were stolen and have made their way into the open market. Such documents should be vetted through the National Archives before purchase.

Endnotes

- ¹ Patricia A. Kaufmann, personal communication with Steven M. Roth.
- ² Patricia A. Kaufmann, “The Lost Plate,” *The Confederate Philatelist*, July-September 2012, pp 16-22.
- ³ Patricia A. Kaufmann, Frank J. Crown, and Jerry P. Palazolo, *Confederate States of America Catalog and Handbook of Stamps and Postal History*, 2012, p. 205.
- ⁴ Joseph T. Holleman, “Prize Court Covers,” *The Confederate Philatelist*, July-August 1997, pp. 161-66.

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