

her tackle, apparel, boats, cargo and furniture, and has given due notice to all persons claiming the same to appear before this court on this 4th day of October, 1886, at 10 o'clock, a.m., at the District of Alaska, United States of America, then and there to interpose their claims and make their allegations in that behalf; and Hans Guttormsen, the captain of said vessel, having heretofore filed a claim to all of said property on behalf of J. D. Warren, of Victoria, B. C., the owner thereof, and no other persons having appeared and no claims or allegations having been made or filed herein by any other person or persons, and the usual proclamation having been made, and said cause having been heard upon the pleadings and proofs, M. D. Ball, Esq., and W. H. Payson, Esq., appearing as advocates for said libellant, and W. Clark as advocate for said claimant; and said cause having been submitted to the court for decision, and due deliberation being had in the premises, it is now ordered, sentenced and decreed, as follows:—

1st. That all persons whatsoever, other than said claimant, be and they are hereby declared in contumacy and default.

2nd. That the said schooner "Thornton," her tackle, apparel, boats and furniture and her cargo of 403 fur seal skins, and all other property found upon and appurtenant to said schooner, be and the same are hereby condemned as forfeited to the use of the United States.

3rd. That unless an appeal be taken to this decree within the time limited and prescribed by law and the rules of this court, the usual writ of *venditioni exponas* be issued to the marshal commanding him to sell all of the said property and bring the proceeds into this court to be distributed according to law. Costs to be taxed are awarded against said claimant.

Dated 4th October, 1886.

LAFAYETTE DAWSON, *District Judge.*

Done in open court this 4th day of October, 1886, at Sitka, District of Alaska, United States of America.

Clerk.

On the same day was filed the following motion to set aside decree:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
ALASKA.

UNITED STATES

vs.

J. D. WARREN AND SHOONER "THORNTON."

Motion to set aside Decree.

Now come W. Clark and D. A. Dingley, proctors intervening for and in behalf of the claimant herein, and moves the court to set aside the decree rendered herein for the reason that the evidence produced on behalf of the United States is wholly insufficient upon which to base said decree.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

Which motion was overruled by the court, and on the same day was filed the following notice of appeal:

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
ALASKA.

UNITED STATES

vs.

J. D. WARREN AND SHOONER "THORNTON."

Notice of Appeal.

And now come W. Clark and D. A. Dingley, proctors for and in behalf of the claimant herein and notifies this honorable court that they hereby appeal from the