

bring proof that the port of Copenhagen was not then blockaded, that the cargo had not been brought from thence, and of the reality of the transfer of the vessel, and ownership of the cargo. This farther proof has not yet been brought in, and the case is therefore undecided.

*Secondly.* With respect to the other complaint of delay, the vessel was brought in on the 20th of October. The monition was served upon the 22d of October. The 20 days expired on the 11th of November, and the vessel was brought to trial on the 13th of December. This delay of a month was occasioned by the difficulty of finding an interpreter to translate the Swedish papers, which were very numerous, and were solicited as much by the agents for the claimants as those of the captors, as being absolutely necessary. Upon the order for farther proof, the claimants were at liberty to have taken the ship and cargo upon bail, which they did not choose to do.

*Thirdly.* As to the complaint of misconduct in the captors after the vessel was brought into port.—In the first place, no protest was made by the master of it, nor was any complaint made to the Court of Vice-Admiralty which would have redressed such grievances; but, in the second place, it is perfectly disproved by the affidavits hereunto annexed. By which it appears that the vessel was not unrigged, but that the sails and running rigging were unreeved as usual, and put away for safety with the greatest care. That the master was left in possession of his cabin, and the crew continued on board the vessel in perfect liberty, being maintained by the master from the ship's stores, and treated in every respect as neutrals, not as enemies.

It is a conclusive proof of the consciousness of the badness of the claimant's case, that an offer was made to compromise with the captors for the sum of £3000. as appears by the affidavit of Mr. Grassie hereunto annexed. This offer could not have been made to prevent the loss arising from the detention of the vessel, because the claimant was entitled to receive it upon bail, pending the litigation.

8. The last case mentioned is that of the Denewitze, which having been carried into Leith in Scotland, of course was not proceeded against in this court.