

ANSWER.—This case has not been finally decided upon in this court. Farther proof has been ordered, which has not yet been brought in. It is not, therefore, a subject for complaint, but it may be proper to state the particulars.

The Complaints may be referred to three heads.

1. That the seizure was a depredation upon Swedish commerce.

2. That there was great delay in bringing her to trial.

3. That there was misconduct in the captors after she was brought into port.

*First.* It is evident that there were sufficient reasons for bringing this vessel in. She was seized and proceeded against upon two grounds:

1st. That she had broken the blockade of Copenhagen.

2d. That the property was not proved.

1st. The first ground of prosecution was an alleged breach of the blockade of Copenhagen. This port was declared to be in a state of rigorous blockade by the British Government on the 4th of May 1808, which order had not been publicly revoked, and there was a presumption, therefore, that it was still in force, and which threw upon the claimant the *onus probandi* that the blockade was not in existence when the vessel sailed.

As to the fact of breaking the blockade, there was sufficient ground to believe that the present cargo was taken in at Copenhagen, was merely landed at Lanscrona, and put on board again. Philips, the ship's steward, who helped to load the vessel at Copenhagen, swore to this fact; and another seaman deposed to the same thing, and that he derived his information from the people at the quay of Lanscrona who had assisted in unloading and loading again. It appears besides that Law afterwards brought 1000 Demi Johns in a boat from Copenhagen. If the evidence of these persons was to be believed, the master was guilty of prevarication. Although he took possession of the vessel immediately upon the purchase, and was with her the whole time, yet he swears that he does not know the nature and quality of the goods she brought from Copenhagen and landed at Lanscrona, and that the former cargo was discharged at Lanscrona, and the present taken on board, implying that they were different cargoes.