

Lieut. Kilkelly, 98th regt. deposes, that he did board the *Legal Tender* on the evening of the 29th March. She was about a musket shot without Fort Paget; he did see an officer of the *Julia* on board. When this respondent went along-side, the officer came a-midship of the vessel, and told him she was boarded by him, and in his possession, and that he had taken her a league or two off the land.

*From all this Testimony* then, it appears that the vessel was seized at sea, and brought into port forcibly and against the declarations of the owners and master. I cannot therefore pronounce that she has incurred any forfeiture under the Stat. of the 28. G. III. C. 6, or any other Statute pointed out by the Seizor's Counsel and must therefore restore.

Costs have been demanded on the part of the Claimants, but when I see a paper like that which is called a licence on board, a paper irregular in its form, and illegal in its purport, which shews the outer voyage to be as contrary to law as the return voyage would have been, if completed, I shall certainly refuse costs, and pronounce that there was a justifiable cause for the seizure, though it was prematurely made, What I am most astonished at is, that the Counsel for the Seizors did not proceed against the vessel for an illegal exportation, but this has not-