

order in the circuit court dismissing the same, and shall withdraw their claim and appearance in the district court; and the said Macias may appear as claimant in his own right of the vessel, tackle, apparel, and cargo; that he shall thereupon file a certificate of probable cause of seizure, and thereupon you are to discontinue all further proceedings against the said vessel under the libel in the district court, and consent to an order delivering the same to the said Macias, the claimant, and for payment to him of all moneys received by the marshal for sales [194] of any part of the property *heretofore made by order or license of court. The marshal is to pay over the whole proceeds of sales, and will settle his account for fees and disbursements in the ordinary manner, where the libel is dismissed and the property discharged.

You are instructed to carry this arrangement into immediate effect without delay, if possible, on the day on which you receive this letter, and papers suitable for execution to carry into effect these instructions are inclosed herewith.

Very respectfully,

E. R. HOAR,
Attorney-General.

Mr. Fish, Secretary of State, to Mr. Davis, district attorney.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 6, 1870.

NOAH DAVIS, *United States Attorney, New York:*

The Spanish minister alleges that the steamer *Hornet* is about to sail from New York on an unlawful and piratical cruise with intent to make war against Spain, and in violation of the neutrality laws. You will please take immediate steps to investigate the case, and will see that no violation of the neutrality laws of the United States be per- [195] mitted, and that the vessel *be not allowed to depart on any unlawful cruise.

HAMILTON FISH.

Memoranda.

After the receipt of the above telegram, the *Hornet* was detained and an examination made of the facts in connection with her alleged voyage. It was finally decided that the evidence was not sufficient to hold her, and she was released. She afterward, in December, 1870, sailed from New York "for Saint Thomas and a market, then to a port or ports that the captain may direct, and back to a port of the United States, not exceeding six months."

She went to Nassau, afterward to Port au Prince; then to Aspinwall, where it is alleged that a filibustering expedition against Cuba went on board of her, which expedition was afterward landed on the coast of Cuba. She then went to Port au Prince, where she was, as it were, blockaded by the Spanish gunboats for several months.

In January last the Government of the United States sent a man-of-war to Port au Prince to bring her back to the United States, where, upon her arrival, proceedings were taken for punishing any violation of the neutrality laws of the United States.