

Statement of the case.

also we are inclined to hold that the objection of the appellants must be overruled. Having come to that conclusion, it is unnecessary to examine the third answer presented by the United States to this objection.

III. Remaining objection of the appellants to the jurisdiction is, that the wrongful acts, if any, were committed out of the district where the libel was filed. But there is no merit in the objection, as the rule is well settled, that libels *in rem* may be prosecuted in any district where the property is found. Such was the rule laid down by this court in the case of *The Propeller Commerce* ;* and it is clear, beyond controversy, that the present case is governed by the rule there laid down.

The decree of the Circuit Court is therefore

AFFIRMED.

ALBANY BRIDGE CASE.

COLEMAN filed a bill in equity in the Circuit Court for the Northern District of New York, to enjoin the Hudson River Bridge Company from building a bridge over the Hudson River at Albany, under an authority which had been granted by the Legislature of the State of New York. The Circuit Court dismissed the bill. On appeal here the whole matter—as well the general question of the constitutional right of a State to pass a law authorizing the erection of bridges over navigable rivers of the United States, as the more special question, whether the navigation of the Hudson would be practically obstructed by this bridge, as it was proposed to erect the same—was fully and most ably argued by *Mr. Secretary of State Seward, and the Honorable Mr. J. V. L. Prayn, M. C., in favor of the right to build, and by Messrs. Carlisle and Senator Reverdy Johnson, contra.* But the court being equally divided, no opinion on any point was given, and the decree so stood a

DECREE AFFIRMED OF NECESSITY.†

* 1 Black, 581.

† For the nature and effect of a decree of this sort, see *Krebs v. Carlisle Bank*, 2 Wallace, Jr. 49, note.