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Statement of the case.

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*Mr. Ashton, Assistant Attorney-General, for the captors; Mr. Marvin contra, for the claimants.*

The CHIEF JUSTICE delivered the opinion of the court.

The evidence is clear that the vessel and her outward cargo were neutral property, destined to neutral consignees at Matamoras, and that the cargo had been actually delivered as consigned.

Some of the proof tended to show that a portion of this cargo consisted of confederate uniform cloth; but there was none showing destination to enemy territory or immediate enemy use.

There was, therefore, nothing in the character of the vessel or of the outward cargo which warrants condemnation.

At the time of capture, the bark had the whole or a great part of her homeward cargo on board. It consisted of cotton and a small quantity of copper. The captain had not signed bills of lading, and, upon his preparatory examination, assigned this circumstance as a reason for not being able to give the names of the shippers at Matamoras or of the consignees at Liverpool. The presumption, arising upon the facts proved, is that it was neutral property, which must be restored.

The position of the *Science*, when her cargo was put on board, and when she was captured, is left in doubt by the depositions of the master and mate; but the testimony of two officers of the *Virginia*, read as further proof, is explicit that she was in Texan waters,\* and no excuse is offered for being there.

The principles just declared in the case of the *Dashing Wave* require, therefore, the affirmation of both decrees of the District Court.

AND THIS IS ORDERED.

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The second case was that of

THE VOLANT.

THE brig *Volant* had been captured, near the mouth of the Rio Grande, on the 5th of November, 1863, by the United States

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\* See chart, *supra*, p. 173.—REP.

## Syllabus.

steamer Granite City, and, with her cargo, was condemned, by the decree of the District Court for the Eastern District of Louisiana. The case came before this court upon the appeal of the claimants.

*Mr. Ashton, Assistant Attorney-General, for the United States; Mr. Marvin, contra, for the claimants.*

The CHIEF JUSTICE delivered the opinion of the court.

The proof shows that the brig was the property of a neutral merchant of the island of Jersey, fully documented as a British merchantman, and regularly cleared from London to Matamoras.

The cargo was shipped by the charterers of the vessel for neutral owners, and consigned to neutrals at Matamoras, but had not been discharged at the time of capture.

It consisted in part of bales of confederate uniform cloth, of the same mark and of corresponding numbers with like goods found on the Science; but there is no proof of unlawful destination.

The brig, however, anchored in Texan waters, near the coast, and remained there until captured.\*

This circumstance alone did not warrant condemnation, though, in connection with the character of the cargo, it justified capture.

The decree of the District Court must be reversed; and a decree of restitution, on payment of costs and charges, must be entered instead of it.

REVERSAL AND DECREE ACCORDINGLY.

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THE TERESITA.

1. A neutral vessel, at anchor, completely laden with a neutral cargo, on the neutral side of a river dividing neutral from hostile water, washing a blockaded coast, was captured as being subject to just suspicion of an intent to break the blockade.
2. The captain of the vessel (who was, however, absent at the time of cap

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\* See chart, *supra*, p. 173.—REP.