by the owners in bringing the cargo into the United States which equitable deductions the Defendants are at liberty to shew in the Circuit Court. This Court is therefore of opinion that the sentence of the Circuit Court of South Carolina ought to be reversed and the cause be remanded to that Court in order that a final Decree may be made therein conformably to this opinion.

March 2d.

Henry Rose on behalf of himself & others
v
John James Himely & Stoffa.

This cause came on to be heard on the Transcript of the Record and on sundry exhibits introduced into the case in this Court and was argued by Counsel on consideration whereof it appearing that the Sarah with her cargo were seized without the territorial jurisdiction claimed by the French Government of St. Domingo for the breach of a municipal regulation, and, having been carried within that Jurisdiction, were sold by the captor in a foreign Port, and afterwards condemned by the Court of St. Domingo as having violated the laws for regulating the commerce of French and foreign vessels with that colony, which laws authorise a seizure of vessels found within two leagues of the coast; It is the opinion of the Court that the seizure of the Sarah and her cargo, is to be considered as a marine trespass, not vesting the possession in the Sovereign of the Captor, or giving jurisdiction to the Court which passed the sentence of condemnation, and therefore that the said sentence did not change the property in the Sarah and her cargo, which ought to be restored to the Plaintiffs, the original owners, subject to those charges of freight, insurance and other expences which would have been incurred by the owners in bringing the cargo into the United States, which equitable deductions the Defendants are at liberty to shew in the Circuit Court. This Court is therefore of opinion that the sentence of the Circuit Court of South Carolina ought to be reversed and the cause be remanded to that Court in order that a final Decree may be made therein conformably to this opinion.

March 2d.

Henry Rose on behalf of himself & others
v
Lewis & R. Greening

This cause came on to be heard on the Transcript of the Record and on sundry exhibits introduced into the case in this Court and was argued by Counsel, on consideration whereof it appearing that the Sarah with her cargo were seized without the territorial jurisdiction claimed by the French Government of St. Domingo for the breach of a municipal regulation, and having never been carried within that jurisdiction, were sold by the Captor in a foreign port, and afterwards condemned by the Court of St. Domingo as having violated the laws for regulating the commerce of French and foreign vessels with that colony, which laws authorize a seizure of vessels found within two leagues of the coast; It is the opinion of the Court that the seizure of the Sarah and her cargo is to be considered as a marine trespass not vesting the possession in the Sovereign of the Captor or giving jurisdiction to the Court which passed the sentence of condemnation, and therefore that the said sentence did not change the property in the Sarah and her cargo, which ought to be restored to the Plaintiffs, the original owners, subject to those charges of freights, insurance and other expences which would have been incurred by the owners in bringing the cargo into the United States, which equitable deductions the Defendants are at liberty to shew in the Circuit Court. This Court is therefore of opinion that the sentence of the Circuit Court of South Carolina ought to be reversed and the same be remanded to that Court in order that a final Decree may be made therein conformably to this opinion.

March 2d.

Peter Lagnet . . . .
v
Rufus Higelow and John G. Prouud

This cause came on to be heard on the Transcript of the Record and proceedings of the Circuit Court of Maryland and was argued by Counsel, on consideration whereof, It is the opinion of the Court, that the said Circuit Court erred in instructing the Jury, that from the facts stated, the property in the Coffee in the said proceedings mentioned, was not divested by the sale and the purchase thereof by the agent of Peter A. Guestier; It is therefore adjudged ordered and Decreed, that the Judgment of the said Circuit Court be, and the same is, hereby reversed, and the said cause is remanded to the said Circuit Court for further proceedings to be had therein.

March 2d.