

Case No. 8,639.

THE LYNCHBURG.

{Blatchf. Pr. Cas. 659.}<sup>1</sup>

Circuit Court, S. D. New York.

July 17, 1863.<sup>2</sup>

PRIZE—CONDEMNATION PROCEEDINGS—FURTHER PROOF.

Decree of the district court, so far as it condemned the vessel and all of the cargo except 504 bags of coffee, affirmed. As to the 504 bags of coffee, further argument ordered as to the proprietary interest therein; and either party allowed to produce further proof upon it.

{Appeal from the district court of the United States for the Southern district of New York.}

{This was a suit for the condemnation of the schooner Lynchburg and her cargo, captured by the United States steamship Quaker City. A decree for claimants was entered (Case No. 8637a), and an appeal is prosecuted therefrom.}

NELSON, Circuit Justice. There is no dispute in this case that the vessel, and also a

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portion of the cargo, belong to citizens of Virginia and residents of Richmond. The cargo consisted of coffee, of which 2,045 bags are claimed by Brown Brothers & Co., of New York, citizens of a loyal state. Of these, 1,541 bags were restored to them, and the residue were condemned. I desire to hear a further argument upon the question as to the proprietary interest in the residue of the 2,045 bags of coffee, beyond the 1,541 claimed by Brown Brothers & Co., and either party may produce further proof upon it.

The decree below is affirmed as to the vessel, and all of the cargo except the residue of the 2,045 bags of coffee, after the restoration of the 1,541 bags.

<sup>1</sup> [Reported by Samuel Blatchford, Esq.]

<sup>2</sup> [Affirming Case No. 8,637a.]