

Glass Vs. the Betsey

Glass Vs. the Betsey

SooperKanoon Citation : sooperkanoon.com/78088

Court : US Supreme Court

Decided On : 1794

Appeal No. : 3 U.S. 6

Appellant : Glass

Respondent : The Betsey

Judgement :

Glass v. The Betsey - 3 U.S. 6 (1794)

U.S. Supreme Court Glass v. The Betsey, 3 U.S. 3 Dall. 6 6 (1794)

Glass v. The Betsey

3 U.S. (3 Dall.) 6

SYLLABUS

Every district court of the United States possesses all the powers of a court of admiralty, whether considered as an instance or a prize court.

Where a vessel had been captured on the high seas as prize by a French privateer and brought by the captors into Baltimore, and there restoration claimed by the Swedish and American owners in the district court of the United States; the District Court of Maryland has jurisdiction competent to inquire and decide whether

restoration ought to be made to the claimants or either of them, in whole or in part, consistently with the laws of nations and the treaties and laws of the United States.

No foreign power can of right institute or grant any courts of judicature of any kind within the jurisdiction of the United States, but such only as are warranted by and be in pursuance of treaties.

Page 3 U. S. 7

Captain Pierre Arcade Johannene, the commander of a French privateer, called the *Citizen Genet*, having captured as prize, on the high seas, the sloop *Betsey*, sent the vessel into Baltimore; but upon her arrival there, the owners of the sloop and her cargo filed a libel in the District Court of Maryland claiming restitution, because the vessel belonged to subjects of the King of Sweden, a neutral power, and the cargo was owned jointly by Swedes and Americans. The captor filed a plea to the jurisdiction of the court, which, after argument, was allowed; the circuit court affirmed the decree, and thereupon the present appeal was instituted.

The general question was whether under the circumstances of this case, an American court of admiralty has jurisdiction to entertain the complaint or libel of the owners and to decree restitution of the property.

Page 3 U. S. 15

The Court, having kept the cause under advisement for several days, informed the counsel that besides the question of jurisdiction as to the district court, another question fairly arose upon the record, whether any foreign nation had a right, without the positive stipulations of a treaty, to establish in this country an admiralty jurisdiction for taking cognizance of prizes captured on the high seas by its subjects or citizens from its enemies. Though this question had not been agitated, the Court deemed it of great public importance to be decided, and, meaning to decide it, they declared a desire to hear it discussed. Du Ponceau, however, observed that the parties to the appeal did not conceive themselves interested in

the point, and that the French minister had given no instructions for arguing it.

Upon which, MR. CHIEF JUSTICE JAY proceeded to deliver the following unanimous opinion.

The judges being decidedly of opinion that every district court in the United States possesses all the powers of a court of admiralty, whether considered as an instance or as a prize court, and that the plea of the aforesaid appellee, Pierre Arcade Johannene, to the jurisdiction of the District Court of Maryland, is insufficient.

Therefore it is considered by the Supreme Court aforesaid, and now finally decreed and adjudged by the same that the said plea be and the same is hereby overruled and dismissed, and that the decree of the said District Court of Maryland founded thereon be and the same is hereby revoked, reversed, and annulled.

And the said Supreme Court, being further clearly of opinion that the District Court of Maryland aforesaid has jurisdiction competent to inquire and to decide whether, in the present case, restitution ought to be made to the claimants, or either of them, in whole or in part (that is, whether such restitution can be made consistently with the laws of nations and the treaties and laws of the United States) therefore it is ordered and adjudged that the said District Court of Maryland do proceed to determine upon the libel of the said Alexander S. Glass and others, agreeably to law and right, the said plea to the jurisdiction of the said court notwithstanding.

And the Supreme Court being further of opinion that no foreign power can of right institute or erect any court of judicature of any kind within the jurisdiction of the United States but such only as may be warranted by and be in pursuance of treaties, it is therefore

Decreed and adjudged that the admiralty jurisdiction which has been exercised in the United States by the consuls of France, not being so warranted, is not of right.

It is further ordered by the said Supreme Court that this cause be and it is hereby remanded to the District Court for the Maryland District for a final decision, and that the several parties to the same do each pay their own costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com