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Adams Vs. Woods

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Court : US Supreme Court

Decided On : 1804

Appeal No. : 6 U.S. 336

Appellant : Adams

Respondent : Woods

Judgement :

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Adams v. Woods

6 U.S. (2 Cranch) 336

ON CERTIFICATE OF DIVISION OF OPINION AMONG THE

JUDGES OF THE CIRCUIT COURT OF MASSACHUSETTS

SYLLABUS

The provisions of the thirty-first section of the Act of Congress, passed 30 April, 1790, entitled "An act for the punishment of certain crimes against the United States," by which prosecutions on penal statutes are limited, is general in its

provisions, so that they extend to penalties imposed after as before the act and also to actions of debt, as well as to informations and indictments.

An action of debt was instituted for the penalty of $2,000 imposed by the second section of the Act of Congress passed 22 March, 1794, "to prohibit the carrying on the slave trade from the United States to any foreign place or country." 1 Story's L.U.S. 319.

The second section provides

"That all and every person building, fitting out, or equipping, loading, or otherwise preparing or sending away any ship or vessel knowing or intending that the same shall be employed in the slave trade, contrary to the true intent and meaning of the act or any ways aiding or abetting therein shall severally forfeit and pay the sum of $2,000; one moiety thereof to the use of the United States and the other moiety thereof to the use of him or her who shall sue for and prosecute the same. "

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To this suit the defendant pleaded that the cause of action set forth in the plaintiff's writ and declaration did not accrue within two years next before the date and issuing forth of the writ in this case against him in manner and form as the plaintiff hath declared, and this he is ready to verify. Wherefore, &c.; To which plea there was a general demurrer and joinder.

This plea was founded upon the thirty-first section of the act of Congress, entitled "An act for the punishment of certain crimes against the United States," passed 30 April, 1790. 1 Story's L.U.S. 83.

The section is in these words:

"That no person or persons shall be prosecuted, tried, or punished for treason or other capital offense aforesaid, willful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offense aforesaid shall be done or committed, nor shall any person be prosecuted, tried, or punished for any offense not capital, nor for any

fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offense or incurring the fine or forfeiture as aforesaid, provided that nothing, herein contained shall extend to any person or persons fleeing from justice."

Upon the defense under this plea, the judges of the circuit court were divided in opinion, and the same was certified to this Court.

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MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

This is an action of debt brought to recover a penalty imposed by the act entitled "An act to prohibit the carrying an the slave trade from the United States to any foreign place or country."

It was pleaded in bar of the action that the offense was not committed within two years previous to the institution of the suit. To this plea the plaintiff demurred, and the circuit court being divided on its sufficiency, the point has been certified to this Court.

In the argument, the plaintiff has rested his case on two points. He contends

1. That the act of Congress pleaded by the defendant is no bar to an action of debt.

2. That if it be a bar, it applies only to the recovery of penalties given by acts which existed at the time of its passage.

The words of the act are, "nor shall any person be prosecuted," &c.; It is contended that the prosecutions limited by this law are those only which are carried on in the form of an indictment or information, and not those where the penalty is demanded by an action of debt.

But if the words of the act be examined, they will be found to apply not to any particular mode of proceeding, but generally to any prosecution, trial, or

punishment

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for the offense. It is not declared that no indictment shall be found or information filed for any offense not capital or for any fine or forfeiture under any penal statute unless the same be instituted within two years after the commission of the offense. In that case, the act would be pleadable only in bar of the particular action. But it is declared that "no person shall be prosecuted, tried or punished" -- words which show an intention not merely to limit any particular form of action, but to limit any prosecution whatever.

It is true that general expressions may be restrained by subsequent particular words which show that in the intention of the legislature, those general expressions are used in a particular sense, and the argument is a strong one which contends that the latter words describing the remedy imply a restriction on those which precede them. Most frequently they would do so. But in the statute under consideration, a distinct member of the sentence, describing one entire class of offenses, would be rendered almost totally useless by the construction insisted on by the attorney for the United States. Almost every fine or forfeiture under a penal statute may be recovered by an action of debt as well as by information, and to declare that the information was barred while the action of debt was left without limitation would be to attribute a capriciousness on this subject to the legislature which could not be accounted for, and to declare that the law did not apply to cases on which an action of debt is maintainable would be to overrule express words and to give the statute almost the same construction which it would receive if one distinct member of the sentence was expunged from it. In this particular case, the statute which creates the forfeiture does not prescribe the mode of demanding it; consequently either debt or information would lie. It would be singular if the one remedy should be barred and the other left unrestrained.

In support of the opinion that an act of limitations to criminal prosecutions can only be used as a bar in cases declared by law to be criminal at the time the act of limitations was passed unless there be express words extending it to crimes to be

created in future, Cunningham's Law Dictionary has been cited.

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The case in Cunningham is reported in 1 Salk. and 5 Mod., and seems to be founded on the peculiar phraseology of the statute of the 21 James I directing informations to be filed in the county in which the offenses were committed. That statute was expounded to extend only to offenses which at the time of its passage were punishable by law. But the words of the act of Congress plainly apply to all fines and forfeitures under any penal act whenever that act might pass. They are the stronger because not many penal acts were at that time in the code.

In expounding this law, it deserves some consideration that if it does not limit actions of debt for penalties, those actions might in many cases be brought at any distance of time. This would be utterly repugnant to the genius of our laws. In a country where not even treason can be prosecuted after a lapse of three years, it could scarcely be supposed that an individual would remain forever liable to a pecuniary forfeiture.

The Court is of opinion that it be certified to the Circuit Court for the District of Massachusetts that the issue in law joined in this case ought to be decided in favor of the defendant.

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