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**United States Vs. the Schooner Betsey and Charlotte**

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**SooperKanoon Citation :** [sooperkanoon.com/78442](http://sooperkanoon.com/78442)

**Court :** US Supreme Court

**Decided On :** 1808

**Appeal No. :** 8 U.S. 443

**Appellant :** United States

**Respondent :** The Schooner Betsey and Charlotte

**Judgement :**

United States v. The Schooner Betsey and Charlotte - 8 U.S. 443 (1808)

U.S. Supreme Court United States v. The Schooner Betsey and Charlotte, 8 U.S. 443 (1808)

**United States v. The Schooner Betsey and Charlotte**

**8 U.S. 443**

*APPEAL FROM THE CIRCUIT COURT*

*OF THE DISTRICT OF COLUMBIA*

## **SYLLABUS**

All seizures under laws of impost, navigation, or trade of the United States, where the seizures are made on waters navigable from the sea by vessels of ten or more

tons burden, are civil causes of admiralty and maritime jurisdiction, and are to be tried without a jury.

*Quaere* whether the answer of the claimant to the libel ought not always to be upon oath if required and whether he is not bound to submit to answer interrogatories upon oath, *viva voce*, in open court.

This was an appeal from the sentence of the Circuit Court of the District of Columbia reversing that of the district court which condemned the schooner *Betsey and Charlotte* and her cargo as forfeited for a violation of the Act of Congress of 28 February, 1806, entitled "An act to suspend the commercial intercourse between the United States and certain parts of the Island of St. Domingo." Laws U.S., vol. 8, p. 11.

The libel being filed, and the monition returned executed, the claimant appeared, and having given fidejussory caution to respond the costs, offered a plea admitting all the facts charged in the libel, excepting the voluntary carrying of the vessel into the port of Cape Francois, the prohibited port mentioned in the libel, which he denied, and "thereof put himself on the country." But the district judge rejected the plea and ordered the claimant to answer on oath, whereupon the claimant offered the same denial on oath by way of answer, to the receiving of which the attorney for the United States objected, unless the claimant would make oath to answer truly all interrogatories which might be

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put to him relative to the cause; but the judge overruled the objection and received the answer, saying that the United States might except to the answer, in the same manner as to an answer in chancery, or, might reply, setting forth new facts not inconsistent with the libel, and put interrogatories thereupon, as upon the allegations in a bill in chancery, which, if proper and pertinent, must be answered, as was done in the case of [Maley v. Shattuck, 7 U. S. 458](#) .

The attorney for the United States filed a replication and propounded interrogatories which he prayed might be answered by the claimant *viva voce* in

open court. To this the claimant objected, but the judge overruled the objection.

The *Betsey and Charlotte* sailed from Alexandria in September, 1806, with a clearance for St. Jago de Cuba.

Upon the trial, the attorney for the United States produced and offered evidence that during the months of August and September in the same year, two other vessels, owned in whole or in part by the claimant, sailed from Alexandria with clearances for St. Jago de Cuba, and, as well as the *Betsey and Charlotte*, arrived at Cape Francois. To this evidence the claimant objected, but the judge overruled the objection, and heard the evidence.

From the sentence of condemnation by the district judge, the claimant appealed to the circuit court, and new evidence being admitted, the sentence was reversed and restoration awarded. From this sentence, the United States appealed to this Court, where witnesses were examined *viva voce*, both on the part of the United States and on that of the claimant.

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MR. CHIEF JUSTICE MARSHALL

The Court considers the law as completely settled by the case of *The Vengeance*. A distinction has been attempted to be drawn between this case and that, but the Court can see no difference. It is the place of seizure, and not the place of committing the offense, which decides the jurisdiction.

It has been said the word "including" means moreover, or as well as; but if this was the meaning of the legislature, it was a very embarrassing mode of expressing the idea. It is clear that Congress meant to discriminate between seizures on waters navigable from the sea, and seizures upon land or upon waters not navigable, and to class the former among the civil causes of admiralty and maritime jurisdiction.

The only doubt which could arise would be upon the clause of the Constitution respecting the trial by jury. But the case of the *Vengeance* settles that point.

*The sentence of the circuit court was reversed, and that of the district court affirmed.*

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