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The Caroline Vs. United States

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Court : US Supreme Court

Decided On : 1813

Appeal No. : 11 U.S. 496

Appellant : The Caroline

Respondent : United States

Judgement :

The Caroline v. United States - 11 U.S. 496 (1813)
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The Caroline v. United States

11 U.S. (7 Cranch) 496

ERROR TO THE CIRCUIT COURT FOR

THE DISTRICT OF SOUTH CAROLINA

SYLLABUS

Decided: that a libel for a forfeiture must be particular and certain in all the material circumstances which constitute the offense.

An informal libel or information *in rem* may be amended by leave of the court.

Error to the Circuit Court for the District of South Carolina in a case of seizure for violation of the acts of Congress respecting the slave trade.

The libel was in the words following:

"At a special district court for South Carolina District, be it remembered that on the ___ day of _____ in the year of our Lord one thousand eight hundred and _____ the United States of America, by Thomas Parker, their attorney for the district aforesaid, came here into court and gave Thomas Bee, Esq., Judge of the said court, to understand and be informed that on the ___ day of _____ it, the said United States, by its proper officers of the customs, did cause to be seized, arrested, and secured a certain brig or vessel called the *Caroline,* her tackle, furniture, apparel and other appurtenances, as forfeited to it, the said United States, for that the said brig or vessel, since 22 March, 1794, was built, fitted, equipped, loaded, or otherwise prepared within a port or place of the said United States or caused to sail from a port or place of the said United States by a citizen or citizens of the said United States or a foreigner or other persons coming into or residing in the same, either as master, factor, or owner of the said brig or vessel, for the purpose of carrying on trade or traffic in slaves to a foreign country, and also for that the said brig or vessel, since the day and year last aforesaid,

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was built, equipped, loaded, or otherwise prepared within a port or place of the said United States, or caused to sail from a port or place within the said United States by a citizen or citizens of the said United States or a foreigner or other persons coming into or residing within the same either as factor, master, or owner of the said brig or vessel, for the purpose of procuring from a foreign kingdom, place, or country the inhabitants of such kingdom, place, or country to be transported into a foreign place or country, port, or place to be disposed of and sold as slaves in violation of a certain act of Congress of the said United States, passed 22 March, 1794, entitled 'An act to prohibit the carrying on the slave trade

from the United States to any foreign place or country.' Also for that since 1 January, 1808, the said brig or vessel was built, fitted, equipped, loaded or otherwise prepared in some port or place within the jurisdiction of the said United States or caused to sail from some port or place within the said United States by some citizen or citizens of the said United States or some other person for the purpose of procuring negroes, mulattos, or persons of color from some foreign kingdom, place, or country to be transported to some port or place within the jurisdiction of the said United States to be held, sold, or disposed of as slaves or to be held to service or labor in violation of a certain Act of Congress of the United States passed 2 March, 1807, entitled"

"An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the first day of January, 1808."

"Wherefore the said United States, by Thomas Parker, its attorney aforesaid, prays the advice and opinion of this Honorable Court in the premises, and that on due proof of the allegations aforesaid, the said brig or vessel, her tackle, apparel, furniture, and other appurtenances may be decreed and adjudged as forfeited to them the said United States and that such proceedings may be had thereon as are agreeable to law and justice and the style, usage, and practice of this Honorable Court."

"THOMAS PARKER"

"Attorney United States, S.C. District "

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To the transcript of the record which came up was annexed the following statement of facts:

"The information which was filed in this case against the *Caroline* was founded upon an alleged violation either of the 1st section of an Act of Congress passed 22 March, 1794, entitled 'An act to prohibit the carrying on the slave trade from the United States to any foreign place or country,' or of the 2d section of an act,

passed on 2 March, 1807, entitled 'An act to prohibit the importation of salves into any port or place within the jurisdiction of the United States from and after 1 January, 1808.' By the act of 1794, the fitting or sailing of a ship for the purpose of a traffic in slaves to any foreign country subjects the ship concerned in such traffic to forfeiture."

"The act of 1807 enacts that if any ship within the jurisdiction of the United States shall be fitted out or caused to said by any person, either as master, factor or owner"

"for the purpose of procuring any negro, mulatto, or person of color from any foreign country to be transported to any place whatsoever within the jurisdiction of the United States to be held, sold, or disposed of as slaves or to be held to service or labor,"

"the shall be forfeited to the United States. It was admitted by the claimant, that the *Caroline* came into this port equipped like any common merchant vessel, that she did, after her arrival, receive fitments and take on board articles calculated for the slave trade only. It was satisfactorily proved that the claimant, after receiving information that such equipments were illegal, restored the *Caroline* to the condition in which she was when she entered this port, but that this was not done till after her seizure, and that the wooden parts of the fitments for slaves were marked as they were taken out of the vessel. That in such condition she left Charleston bound to the Havana and to no other port. That she arrived at the Havana on 28 June, 1810, and that there she was sold about 6 August, 1810, to Spanish subjects who fitted her out for the African slave trade. His honor the circuit judge, upon the ground of sufficient evidence having been adduced of intention to carry on the slave trade, either

abroad or at home, and a consequent violation either of the act of 1794 or of the act of 1807, decreed that the *Caroline* should be condemned as forfeited to the United States."

"We agree in the above statement of the case."

"WILLIAM DRAYTON"

" *Proctor for appellant* "

"THOMAS PARKER"

" *District Attorney* "

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The Court, after taking time to consider, directed the following sentence to be entered.

"This cause came on to be heard on the transcript of the record and was argued by counsel, on consideration whereof it is the opinion of the Court that the libel is too imperfectly drawn to found a sentence of condemnation thereon. The sentence of the said circuit court is therefore"

" *Reversed and the cause remanded to the said circuit court with directions to admit the libel to be amended.* "

The same point was also decided at this term in the cases of the schooner *Hoppet,* the schooner *Enterprise,* the ship *Emily,* and the schooner *Ann.*

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