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The Harrison

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Court : US Supreme Court

Decided On : 1816

Appeal No. : 14 U.S. 298

Appellant : The Harrison

Judgement :

The Harrison - 14 U.S. 298 (1816)
U.S. Supreme Court The Harrison, 14 U.S. 1 Wheat. 298 298 (1816)

The Harrison

14 U.S. (1 Wheat.) 298

APPEAL FROM THE CIRCUIT COURT

FOR THE DISTRICT OF MARYLAND

SYLLABUS

IF the national character of property captured and brought in for adjudication appears ambiguous or neutral and no claim is interposed, the cause is postponed for a year and a day after the prize proceedings are commenced, and if no claimant appears within that time, the property is condemned to the captors.

In prize causes, this Court has an appellate jurisdiction only, and a claim cannot be originally interposed here; but where the court below had proceeded to adjudication before the lapse of a year and a day, the cause was remanded to that court with directions to allow a claim to be filed therein and the libel to be amended.

The libel filed by the captors in this case in the district court alleged that the goods for which condemnation was sought were captured and taken out of a Spanish vessel. No claim was filed for the goods in either of the courts below. But upon the hearing, the district court dismissed the libel upon the ground that the property, to whomsoever belonging, was protected by the 15th article

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of the treaty of 1795 with Spain, by which free ships make free goods, and this decree was affirmed upon the same principle in the circuit court. The captors brought the cause by appeal to this Court, and a motion was made by Winder in behalf of Elry Herbert, an asserted claimant, to be admitted to file a claim in this Court.

STORY, J., delivered the opinion of the Court.

We have considered this question with a view to the general rules of practice. Whenever a prize is brought to adjudication in the admiralty, if, upon the hearing of the cause upon the ship's papers and the evidence taken in preparatory, the property appears to belong to enemies, it is immediately condemned. If its national character appear doubtful or even neutral and no claim is interposed, the court does not proceed to a final decree, but the cause is postponed with a view to enable any person having title to assert it within a reasonable time before the court. This reasonable time has been, by the general usage of nations, fixed to a year and a day after the institution of the prize proceedings, and if no claim be interposed within that period, the property is deemed to be abandoned and is condemned to the captors for contumacy and default of the supposed owner. In the present case, the prescribed period had not elapsed at the time when the

district court proceeded to decree a dismissal of the libel. A claim cannot, by the practice of this Court, be for the first time interposed here. In prize causes, this Court can exercise only an appellate jurisdiction and between

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parties who have litigated in the court below. We are all therefore of opinion that this cause ought to be remanded to the circuit court with directions to allow the claim to be filed in that court and also to allow the libel to be amended so as to conform to the general allegation of prize, and enable the captors to obtain condemnation of the property if the asserted claim shall not be sustained and the property shall not appear entitled to the protection of the Spanish treaty.

Case remanded.

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