

Slocum Vs. Mayberry

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Court : US Supreme Court

Decided On : 1817

Appeal No. : 15 U.S. 1

Appellant : Slocum

Respondent : Mayberry

Judgement :

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Slocum v. Mayberry

15 U.S. (2 Wheat.) 1

ERROR TO THE SUPREME

COURT OF RHODE ISLAND

SYLLABUS

The courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a state authority which, by taking the thing seized out of the hands of the United

States officer, might obstruct the exercise of this jurisdiction is unlawful.

In such a case, the court of the United States having cognizance of the seizure may enforce a redelivery of the thing, by attachment or other summary process.

The question under such a seizure whether a forfeiture has been actually incurred belongs exclusively to the courts of the United States, and it depends upon the final decree of such courts whether the seizure into be deemed rightful or tortious.

If the seizing officer refuse to institute proceedings to ascertain the forfeiture, the district court may, upon application of the aggrieved party, compel the officer to proceed to adjudication or to abandon the seizure.

And if the seizure be finally adjudged wrongful and without probable cause, the party may proceed, at his election, by a suit at common law or in the instance court of admiralty, for damages for the illegal act.

But the common law remedy in such a case must besought for in the state courts, the courts of the United States having no jurisdiction to decide on the conduct of their officers in the execution of their laws in suits at common law until the case shall have passed through the state courts.

When a seizure was made, under the eleventh section of the embargo act of April 1808, it was determined that no power is given by law to detain the cargo if separated from the vessel, and that the owner had a right to take the cargo out of the vessel and to dispose of it in any way not prohibited by law, and in case of its detention to bring an action of replevin therefor in the state court.

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John Slocum, the plaintiff in error, was surveyor of the customs for the port of Newport, in Rhode Island, and under the directions of the collector had seized the *Venus*, lying in that port with a cargo ostensibly bound to some other port in the United States. The defendants in error, who were owners of the cargo, brought their writ of replevin in the state court of Rhode Island for the restoration of the

property. The defendant pleaded that the *Venus* was laden in the night not under the inspection of the proper revenue officers, and that the collector of the port, suspecting an intention to violate the embargo laws, had directed him to seize and detain her till the opinion of the President

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should be known on the case, and concluded to the jurisdiction of the court. The same matter was also pleaded in bar. To both these pleas the plaintiff in the state court demurred, and the defendants joined in demurrer. Judgment having been rendered in favor of the plaintiff in the state court, the cause was removed into this Court by writ of error.

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MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court, and after stating the facts, proceeded as follows:

In considering this case, the first question which presents itself is this -- has the Constitution or any law of the United States been violated or misconstrued by the court of Rhode Island in exercising its jurisdiction in this cause?

The Judiciary Act gives to the federal courts exclusive cognizance of all seizures made on land or water. Any intervention of a state authority which, by taking the thing seized out of the possession of the officer of the United States, might obstruct the exercise of this jurisdiction would unquestionably be a violation of the act, and the federal court having cognizance of the seizure, might enforce a redelivery of the thing by attachment or other summary process against the parties who should divest such a possession. The party supposing himself aggrieved by a seizure cannot, because he considers it tortious, replevy the property out of the custody of the seizing officer or of the court having cognizance of the cause. If the officer has a right under the laws of the United States to seize for a supposed forfeiture, the question whether that forfeiture has been actually incurred belongs exclusively to the

federal courts, and cannot be drawn to another forum, and it depends upon the final decree of such courts whether such seizure is to be deemed rightful or tortious. If the seizing officer should refuse to institute proceedings to ascertain the forfeiture, the district court may, upon the application of the aggrieved party, compel the officer to proceed to adjudication or to abandon the seizure. And if the seizure be finally adjudged wrongful and without reasonable cause, he may proceed, at his election by a suit at common law or in the admiralty for damages for the illegal act. Yet even in that case, any remedy which the law may afford to the party supposing himself to be aggrieved other than such as might be obtained in a court of admiralty could be prosecuted only in the state court. The common law tribunals of the United States are closed against such applications, were the party disposed to make them. Congress has refused to the courts of the union the power of deciding on the conduct of their officers in the execution of their laws in suits at common law until the case shall have passed through the state courts and have received the form which may there be given it. This, however, being an action which takes the thing itself out of the possession of the officer, could certainly not be maintained in a state court if by the act of Congress it was seized for the purpose of being proceeded against in the federal court.

A very brief examination of the act of Congress will be sufficient for the inquiry whether this cargo was so seized. The second section of the act,

pleaded by the defendant in the original action, only withholds a clearance from a vessel which has committed the offense described in that section. This seizure was made under the 11th section, which enacts

"That the collectors of the customs be and they are hereby respectively authorized to detain any vessel ostensibly bound with a cargo to some other port of the United States whenever in their opinion the intention is to violate or evade any of the provisions of the acts laying an embargo, until the decision of the President of

the United States be had thereupon."

The authority given respects the vessel only. The cargo is in no manner the object of the act. It is arrested in its course to any other port by the detention of the vessel in which it was to be carried, but no right is given to seize it specifically, or to detain it if separated from that vessel. It remains in custody of the officer simply because it is placed in a vessel which is in his custody, but no law forbids it to be taken out of that vessel if such be the will of the owner. The cargoes thus arrested and detained were generally of a perishable nature, and it would have been wanton oppression to expose them to loss by unlimited detention in a case where the owner was willing to remove all danger of exportation.

This being the true construction of the act of Congress, the owner has the same right to his cargo that he has to any other property, and may exercise over it every act of ownership not prohibited by law. He may consequently demand it from the officer

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in whose possession it is that officer having no legal right to withhold it from him, and if it be withheld, he has a consequent right to appeal to the laws of his country for relief.

To what court can this appeal be made? The common law courts of the United States have no jurisdiction in the case. They can afford him no relief. The party might indeed institute a suit for redress in the district court acting as an admiralty and revenue court, and such court might award restitution of the property unlawfully detained. But the act of Congress neither expressly nor by implication forbids the state courts to take cognizance of suits instituted for property in possession of an officer of the United States not detained under some law of the United States; consequently their jurisdiction remains. Had this action been brought for the vessel instead of the cargo, the case would have been essentially different. The detention would have been by virtue of an act of Congress, and the jurisdiction of a state court could not have been sustained. But the action having

been brought for the cargo, to detain which the law gave no authority, it was triable in the state court.

The same course of reasoning which sustains the jurisdiction of the court of Rhode Island sustains also its judgment on the plea in bar. The two pleas contain the same matter, the one concluding to the jurisdiction of the court and the other in bar of the action. In examining the plea to the jurisdiction, it has been shown that the officer had no legal right to detain the property; consequently his plea was

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no sufficient defense, and the court misconstrued no act of Congress nor committed any error in sustaining the demurrer.

Judgment affirmed with costs.

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