

**The Santa Maria**

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**Court :** US Supreme Court

**Decided On :** 1822

**Appeal No. :** 20 U.S. 490

**Appellant :** The Santa Maria

**Judgement :**

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**The Santa Maria**

**20 U.S. (7 Wheat.) 490**

APPEAL FROM THE CIRCUIT

*COURT OF MARYLAND*

## **SYLLABUS**

A question of fact respecting the proprietary interest in prize goods captured by an armed vessel fitted out in violation of the statutes of neutrality of the United States. Restitution to the original Spanish owners decreed.

This was a libel filed in the District Court of Maryland by the Consul of his Catholic Majesty for the Port of Baltimore in behalf of the Spanish owners of certain goods alleged to have been captured on the high seas and taken out of the Spanish ship *Santa Maria* by the privateer *Patriota*, illegally armed and equipped in the United States. The evidence in the cause established the fact that the capturing vessel was owned by citizens of this country and that she was armed, equipped, and fitted out in violation of the laws and treaties of the United States. But there was some contrariety in the testimony as to the identity of the property, which the claimant, Burke, insisted upon his title to hold as a *bona fide* purchaser under a condemnation and sale in some prize tribunal at Galveston. There was also some evidence tending to show that Burke was a part owner of the capturing vessel. The district court dismissed the libel and ordered the property to be restored to the claimant, but this decree was reversed by the circuit court and the cause was brought by appeal to this Court.

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MR. JUSTICE LIVINGSTON delivered the opinion of the Court, and after stating the case, proceeded as follows:

In a case of so palpable a fitting out and arming in an American port and proceeding thence directly on a cruise (whether with or without a commission is in this case immaterial), the counsel for the claimant and libellant was right in not attempting to justify the capture. He has therefore confined his endeavors to show the insufficiency of the evidence to establish

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any title in the libellant or in those whom he represents to the merchandise in question.

The allegation of the libel is that the property was part of the cargo of the Spanish ship *Santa Maria*, which was captured by the *Patriota* in the year 1817. The appellant says there is no adequate proof of this fact. Without laying any stress on

the register of this ship, which has been sent from the Havana, and to which the appellant has objected, there are four witnesses, and they are the only witnesses in the cause, whose relation is so uniform and particular as to leave no room to entertain doubt on any part of this transaction.

Three of them were on board of the *Patriota* at the time of her sailing on her illegal cruise. They establish not only the unlawful armament of this vessel in the port of Baltimore, but the capture of the *Santa Maria*, and that the sugars libeled are the identical sugars which were taken out of her and put on board of the schooner *Harriet*, in which they were brought to Baltimore. The other witness, Causter, although not present at the capture, testifies in the most positive terms and of his own knowledge that the sugars libeled were part of the cargo of the *Santa Maria*. He speaks so much in detail on the subject, and his means of information were so ample, that it is impossible he should be mistaken. Under these circumstances, and when not a single witness has been examined to throw any doubt on the subject, the Court perceives no reason for disturbing the sentence of the circuit court, which is

*Affirmed with costs.*