

The Arrogante Barcelones

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Court : US Supreme Court

Decided On : 1822

Appeal No. : 20 U.S. 496

Appellant : The Arrogante Barcelones

Judgement :

The Arrogante Barcelones - 20 U.S. 496 (1822)

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20 U.S. (7 Wheat.) 496

APPEAL FROM THE CIRCUIT

COURT OF MARYLAND

SYLLABUS

This court will restore to the former owners property captured in violation of the neutrality of the United States, where it is claimed by the original wrongdoer, though it may have come back to his possession after a regular condemnation as prize.

This was a libel filed by the Consul General of his Catholic Majesty in the District Court of Maryland against the Spanish ship *Arrogante Barcelones* and cargo, praying restitution to the original Spanish owners upon the ground of the same having been captured on the high seas in violation of the laws, treaties, and neutral obligations of the United States and brought within its territorial jurisdiction. A claim was filed by Joseph Almeida, who insisted upon his title as a *bona fide* purchaser, under a capture made by the Buenos Ayres privateer *Louisa* and a regular sentence of condemnation in the prize court at Juan Griego, in the Island of Margaritta, within the territory of a co-belligerent. It appeared by the proofs taken in the cause that the capturing vessel was a prize to the Buenos Ayrean privateer *El Congreso*, and was purchased by the claimant, Almeida, armed and equipped by him at Ensenada, and in April, 1818, came to Baltimore

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to be refitted. She was there refitted, and sailed from that port in August, 1818, under the command of the claimant, ostensibly bound on a sealing voyage to the northwest Coast of America, with a crew of ninety-six men, principally citizens of the United States, and armed with ten guns and some small arms. The ship anchored off Patuxent, and there received a considerable addition to the armament. Before the crew left Baltimore, they had signed the usual ship's articles for the voyage, but after they had been at sea some days, the claimant produced privateering articles which he required them to sign. Some of them refused, and were put in irons, and two were put on board another vessel. The crew finally signed the articles, and proceeded to cruise off Lisbon, where, on 9 September, 1818, they captured the Spanish ship *Arrogante Barcelones* and cargo, and proceeded with them to the port of Juan Griego, in the Island of Margaritta, where proceedings were instituted, under which the ship and cargo were condemned in the court of admiralty as Spanish property and good prize of war, and purchased by the claimant at public auction. The copy of the sentence produced in evidence was certified by the Notary or Secretary of Marine, and his signature was verified by the certificate of Lino Clemente, Deputy of the Republic of Colombia to the United States, but who had not then been received in that capacity by our

government. Decrees of restitution to the original Spanish

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owners were entered *pro forma* in the district and circuit courts, and the cause was brought by appeal to this Court.

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MR. JUSTICE JOHNSON delivered the opinion of the Court.

The offense proved upon Almeida in this case is one of a very aggravated nature. He not only violated the neutrality of this government, but enacted his purpose by practicing a flagrant fraud either upon his crew or upon the revenue officers of the port of Baltimore, or perhaps partially upon both. Everything in the case proves that the sealing voyage round Cape Horn was a mere pretext, and if it be true that the crew were kidnapped under that pretext and forced into belligerent service after getting to sea, it is a remarkable instance of bold and successful imposition. But who can believe it? The truth unquestionably is that the crew, with perhaps the exception of the few who were put in irons, understood perfectly the nature of the enterprise they were embarking in and were deceived into the belief that their affected ignorance or the impudence of the fraud would screen them from the penalties of the laws which forbade their entering into belligerent service.

It cannot, then, be questioned that Almeida now appears before us in the character of a flagrant offender against the laws and neutral obligations of this country. And there is no shadow of a ground for hesitating to apply to this case the established rule of this Court in cases of illegal outfit unless it be the condemnation of this vessel and cargo in the court of Margaritta.

This Court will, for the present, waive all expression of its opinion on the questions raised upon the validity of that condemnation or the sufficiency of the

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document produced to prove it. We will put our decision upon a single and independent ground that the view of this Court with regard to all such cases may henceforth be distinctly understood.

We find the captured property in the hands of the offender, and hold it to be immaterial through what circuitry of changes it has come back to him. It is not for him to claim a right springing out of his own wrong. In the hands of a third person, a valid sentence of condemnation, properly authenticated, would present a very different view of the subject. The offender's touch here restores the taint from which the condemnation may have purified the prize. Although a purchaser without notice may in many cases hold his purchase free from an interest with which it was chargeable in the hands of the vendor, yet it cannot return into the hands of that vendor without reviving the original heir. Nor will courts of justice ever yield the *locus standi in judicio* to the suitor, who is compelled to trace his title through his own criminal acts.

Decree affirmed.