

**The Sarah**

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**Court :** US Supreme Court

**Decided On :** 1823

**Appeal No. :** 21 U.S. 391

**Appellant :** The Sarah

**Judgement :**

The Sarah - 21 U.S. 391 (1823)

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**The Sarah**

**21 U.S. (8 Wheat.) 391**

*APPEAL FROM THE DISTRICT*

*COURT OF LOUISIANA*

## **SYLLABUS**

In cases of seizures made on land under the revenue laws, the district court proceeds as a court of common law according to the Court of the Exchequer on information *in rem*, and the trial of issues of fact is to be by jury; but in cases of seizures on waters navigable from the sea by vessels if ten or more tons burden, it proceeds as an instance court of admiralty, by libel, and the trial is to be by the

court.

A libel charging the seizures to have been made on water when in fact it was made on land will not support a verdict and judgment or sentence thereon, but must be amended or dismissed. The two jurisdictions and the proceedings under them are to be kept entirely distinct.

This was a libel of information in the court below against 422 casks of wine, imported in the brig *Sarah*, and afterwards seized at New Orleans, alleging a forfeiture to the United States by a false entry in the office of the collector of the port of New York, made for the benefit of drawback, on reexportation, and stating that the seizure was made on waters navigable from the sea by vessels

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of ten or more tons burden. In the progress of the cause it appeared that the seizure was in fact made on land, which fact was suggested to the court by the claimant's proctor, who moved that the cause should be tried by a jury. The court accordingly directed a jury, which was sworn and found a verdict for the United States. On this verdict, a sentence of condemnation was pronounced by the court, and the cause was brought to this Court by appeal on the part of the claimant.

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

By the act constituting the judicial system of the United States, the district courts are courts both of common law and admiralty jurisdiction. In the trial of all cases of seizure on land, the court sits as a court of common law. In cases of seizure made on waters navigable by vessels of ten tons burden and upwards, the court sits as a court of admiralty. In all cases at common law, the trial must be by jury. In cases of admiralty and maritime jurisdiction, it has been settled in the cases of [\*The Vengeance\*](#), 3 Dall. 297, *The Sally*, 2 Cranch 406, and [\*The Betsy and Charlotte\*](#), 4 Cranch 443, that the trial is to be by the court.

Although the two jurisdictions are vested in the same tribunal, they are as distinct from each other as if they were vested in different tribunals, and can no more be blended than a court of chancery with a court of common law.

The Court for the Louisiana District, was sitting as a court of admiralty, and when it was shown that the seizure was made on land, its jurisdiction ceased. The libel ought to have been dismissed or amended by charging that the seizure was made on land.

The direction of a jury, in a case where the libel charged a seizure on water, was irregular, and any proceeding of the court, as a court of admiralty after the fact that the seizure was made on land

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appeared, would have been a proceeding without jurisdiction.

The Court felt some disposition to consider this empanelling of a jury, at the instance of the claimants, as amounting to a consent that the libel should stand amended, but on reflection that idea was rejected.

If this is considered as a case at common law, it would be necessary to dismiss this appeal, because the judgment could not be brought before this Court but by writ of error. If it be considered as a case of admiralty jurisdiction, the sentence ought to be reversed because it could not be pronounced by a court of admiralty on a seizure made on land.

As the libel charges a seizure on water, it is thought most advisable to

*Reverse all the proceedings to the libel and to remand the cause to the district court for further proceedings, with directions to permit the libel to be amended.*

DECREE. This cause came on to be heard on the transcript of the record of the District Court of Louisiana, and was argued by counsel. On consideration whereof, it is DECREED and ORDERED that the sentence of the District Court for the District of Louisiana condemning the said 422 casks of wine as forfeited to the

United States be and the same hereby is reversed and annulled. And it is further DECREED and ORDERED that the cause be remanded to the said District Court of Louisiana with directions to allow the libel in this case to be amended and to take such further proceedings

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in the said cause as law and justice may require.

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