

The Hamilton

The Hamilton

SooperKanoon Citation : sooperkanoon.com/90206

Court : US Supreme Court

Decided On : Dec-23-1907

Appeal No. : 207 U.S. 398

Appellant : The Hamilton

Judgement :

The Hamilton - 207 U.S. 398 (1907)

U.S. Supreme Court The Hamilton, 207 U.S. 398 (1907)

The Hamilton

No. 71

Argued October 24, 1907

Decided December 23, 1907

207 U.S. 398

CERTIORARI TO THE CIRCUIT COURT

OF APPEALS FOR THE SECOND CIRCUIT

SYLLABUS

Until Congress acts on the subject, a state may legislate in regard to the duties and liabilities of its citizens and corporations while on the high seas and not within the territory of any other sovereign.

Where a fund is being distributed in a proceeding to limit the liability of the owners of a vessel, all claims to which the admiralty does not deny existence must be recognized, whether admiralty liens or not.

The statute of Delaware giving damages for death caused by tort is a valid exercise of the legislative power of the state, and extends to the case of a citizen of that state wrongfully killed while on the high seas in a vessel

Page 207 U. S. 399

belonging to a Delaware corporation by the negligence of another vessel also belonging to a Delaware corporation. A claim against the owner of one of the vessels in fault can be enforced in a proceeding in admiralty brought by such owner to limit its liability.

When both vessels in collision are in fault, the representative of a seaman on one of the vessels, killed without contributory negligence on his part, may, in a proceeding to limit liability, where an action is given by the state statute against the owner of the other vessel, recover full damages, and are not limited to damages recoverable under the maritime law against the seaman's own vessel for death or injury caused by negligence of the master thereof or his fellow servant thereon. Neither the seaman's contract with the owner of the vessel he is on, nor the negligence of his own vessel, nor any provision of the Harter Act affects the claim against the other vessel.

146 F. 724 affirmed.

The facts are stated in the opinion.

Page 207 U. S. 402

MR. JUSTICE HOLMES delivered the opinion of the Court.

This is a proceeding for the limitation of liability of the steamship *Hamilton* in respect of a collision on the high seas with the steamship *Saginaw*, in which the *Saginaw* was sunk and her chief mate and some of her crew and passengers were drowned. It is found, and not disputed, that both vessels were to blame. Both vessels belonged to corporations of the State of Delaware. A statute of that state, after enacting that actions for injuries to the person shall not abate by reason of the plaintiff's death, provides that,

"whenever death shall be occasioned by unlawful violence or negligence, and no suit be brought by the party injured to recover damages during his or her life, the widow or widower of any such deceased person, or, if there be no widow or widower, the personal representatives, may maintain an action for and recover damages for the death and loss thus occasioned."

Act of January 26, 1886, chap. 31, p. 28, vol. 13, Part 1, as amended

Page 207 U. S. 403

by Act of March 9, 1901, chap. 210, p. 500, vol. 22, Delaware Laws. On the strength of this statute, the representatives of a passenger and of three of the crew filed claims, and the claims were allowed by the district court (see 134 F. 95, 139 F. 906) and afterwards by the circuit court of appeals (146 F. 724). A certiorari was granted by this Court to settle the question, as stated by the petitioner, whether the Delaware statute applies to a claim for death on the high seas, arising purely from tort, in proceedings in admiralty. Incidentally, the right of representatives of the crew of the *Saginaw* to recover their claims in full against the *Hamilton* also has been discussed.

Apart from the subordination of the State of Delaware to the Constitution of the United States, there is no doubt that it would have had power to make its statute applicable to this case. When so applied, the statute governs the reciprocal liabilities of two corporations, existing only by virtue of the laws of Delaware, and permanently within its jurisdiction, for the consequences of conduct set in motion

by them there, operating outside the territory of the state, it is true, but within no other territorial jurisdiction. If confined to corporations, the state would have power to enforce its law to the extent of their property in every case. But the same authority would exist as to citizens domiciled within the state, even when personally on the high seas, and not only could be enforced by the state in case of their return, which their domicile by its very meaning promised, but, in proper cases, would be recognized in other jurisdictions by the courts of other states. In short, the bare fact of the parties' being outside the territory, in a place belonging to no other sovereign, would not limit the authority of the state, as accepted by civilized theory. No one doubts the power of England or France to govern their own ships upon the high seas.

The first question, then, is narrowed to whether there is anything in the structure of the national government and under the Constitution of the United States that takes away

Page 207 U. S. 404

or qualifies the authority that otherwise Delaware would possess -- a question that seems to have been considered doubtful in *Butler v. Boston & Savannah Steamship Co.*, [130 U. S. 527](#) , [130 U. S. 558](#) . It has two branches: first, whether the state law is valid for any purpose; and, next, whether, if valid, it will be applied in the admiralty. We will take them up in order.

The power of Congress to legislate upon the subject has been derived both from the power to regulate commerce and from the clause in the Constitution extending the judicial power to "all cases of admiralty and maritime jurisdiction." Art. III, 2. 130 U.S. [130 U. S. 557](#) . The doubt in this case arises as to the power of the states where Congress has remained silent.

That doubt, however, cannot be serious. The grant of admiralty jurisdiction, followed and construed by the Judiciary Act of 1789, "saving to suitors, in all cases, the right of a common law remedy where the common law is competent to give it," Rev.Stat. 563, cl. 8, leaves open the common law jurisdiction of the state

courts over torts committed at sea. This, we believe, always has been admitted. [*Martin v. Hunter*, 1 Wheat. 304, 14 U. S. 337](#) ; [*The Hine v. Trevor*, 4 Wall. 555, 71 U. S. 571](#) ; [*Leon v. Galceran*, 11 Wall. 185](#); [*Manchester v. Massachusetts*, 139 U. S. 240](#) , [*139 U. S. 262*](#) . And as the state courts in their decisions would follow their own notions about the law and might change them from time to time, it would be strange if the state might not make changes by its other mouthpiece, the legislature. The same argument that deduces the legislative power of Congress from the jurisdiction of the national courts tends to establish the legislative power of the state where Congress has not acted. Accordingly, it has been held that a statute giving damages for death caused by a tort might be enforced in a state court, although the tort was committed at sea. [*American Steamboat Co. v. Chase*, 16 Wall. 522](#). So far as the objection to the state law is founded on the admiralty clause in the Constitution, it would seem not to matter whether the accident happened near shore or in mid-ocean, notwithstanding some expressions of doubt. The same conclusion was reached in *McDonald*

Page 207 U. S. 405

v. Mallory, 77 N.Y. 546, where the death occurred on the high seas. *Sherlock v. Alling*, [*93 U. S. 99*](#) , reinforces *Chase's* case, and answers any argument based on the power of Congress over commerce, as to which we hardly need refer also to [*Cooley v. Board of Wardens*, 12 How. 299](#); [*Ex Parte McNeil*, 13 Wall. 236](#); [*Wilson v. McNamee*, 102 U. S. 572](#) , and *Homer Ramsdell Transportation Co. v. La Compagnie Generale Transatlantique*, [*182 U. S. 406*](#) , concerning state pilotage laws.

The jurisdiction commonly expressed in the formula that a vessel at sea is regarded as part of the territory of the state was held, upon much consideration, to belong to Massachusetts, so far as to give preference to a judicial assignment in insolvency of such a vessel over an attachment levied immediately upon her arrival at New York, in [*Crapo v. Kelly*, 16 Wall. 610](#). That decision was regarded as necessitating the conclusion reached in *McDonald v. Mallory, supra*. Other instances of state regulation are mentioned in *The City of Norwalk*, 55 F. 98, 106; but without further recapitulation of the authorities, we are of opinion that the

statute is valid. See *Workman v. New York*, [179 U. S. 552](#) , [179 U. S. 563](#) . We should add, what has been assumed thus far, as it had to be assumed in order to raise the question discussed, that we construe the statute as intended to govern all cases which it is competent to govern, or at least, not to be confined to deaths occasioned on land. *McDonald v. Mallory*, 77 N.Y. 546/ If it touches any case at sea, it controls this. See *The Belgenland*, [114 U. S. 355](#) , [114 U. S. 370](#) . Whether it is to be taken to offer a similar liability of Delaware owners to foreign subjects, *Mulhall v. Fallon*, 176 Mass. 266, need not be determined now.

We pass to the other branch of the first question -- whether the state law, being valid, will be applied in the admiralty. Being valid, it created an *obligatio* -- a personal liability of the owner of the *Hamilton* to the claimants. *Slater v. Mexican National R. Co.*, [194 U. S. 120](#) , [194 U. S. 126](#) . This, of course, the admiralty would not disregard, but would respect the right when brought before it in any legitimate way. [Ex Parte McNiell](#),

Page 207 U. S. 406

13 Wall. 236, [80 U. S. 243](#) . It might not give a proceeding *in rem*, since the statute does not purport to create a lien. It might give a proceeding *in personam*. *The Corsair*, [145 U. S. 335](#) , [145 U. S. 347](#) . If it gave the latter, the result would not be, as suggested, to create different laws for different districts. The liability would be recognized in all. Nor would there be produced any lamentable lack of uniformity. Courts constantly enforce rights arising from and depending upon other laws than those governing the local transactions of the jurisdiction in which they sit. But we are not concerned with these considerations. In this case, the statutes of the United States have enabled the owner to transfer its liability to a fund and to the exclusive jurisdiction of the admiralty, and it has done so. That fund is being distributed. In such circumstances, all claims to which the admiralty does not deny existence must be recognized, whether admiralty liens or not. This is not only a general principle, [Andrews v. Wall](#), 3 How. 568, [44 U. S. 573](#) ; *The J. E. Rumbell*, [148 U. S. 1](#) , [148 U. S. 15](#) ; Admiralty Rule 43; *Cargo ex Galam*, 2 Moore P.C.(N.S.) 216, 236, but is the result of the statute which provides for, as well as limits, the liability, and allows it to be proved against the fund. *The Albert*

Dumois, [177 U. S. 240](#) , [177 U. S. 260](#) . See *Workman v. New York*, [179 U. S. 552](#) , [179 U. S. 563](#) .

The second question concerns the right of the representatives of the crew to recover their claims in full. There is a faint suggestion that the mate of the *Saginaw* was negligent, but on this point we shall not go behind the findings below. The main objection is that the statute allows a recovery beyond the maintenance and support which were declared in *The Osceola*, [189 U. S. 158](#) , [189 U. S. 175](#) , to be the limit of a seaman's rights against his own vessel when injured by the negligence of the master or a fellow servant on his ship. But the question here regards the liability of the *Hamilton*, another vessel. The contract between the seaman and the owners of the *Saginaw* does not affect the case. *Erie R. Co. v. Erie Transportation Co.*, [204 U. S. 220](#) , [204 U. S. 226](#) . Neither does the Harter Act, even if its terms could be extended to personal injuries and loss of life. [The Chattahoochee](#),

Page 207 U. S. 407

[173 U. S. 540](#) . Neither does the negligence of the *Saginaw*. *The Atlas*, [93 U. S. 302](#) .

We are of opinion that all the claimants are entitled to the full benefits of a statute "granting the right to relief where otherwise it could not be administered by a maritime court." *Workman v. New York*, [179 U. S. 552](#) , [179 U. S. 563](#) .

Decree affirmed.