**The Ira M. Hedges**

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**Court** : US Supreme Court

**Decided On :** Nov-07-1910

**Appeal No.** : 218 U.S. 264

**Appellant** : The Ira M. Hedges

**Judgement** :

The Ira M. Hedges - 218 U.S. 264 (1910)
U.S. Supreme Court The Ira M. Hedges, 218 U.S. 264 (1910)

**The Ira M. Hedges**

**No. 18**

**Argued October 27, 1910**

**Decided November 7, 1910**

**218 U.S. 264**

*APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES*

*FOR THE SOUTHERN DISTRICT OF NEW YORK*

## SYLLABUS

Where the decree of the lower court is founded on denial of jurisdiction of the Admiralty Court, this Court has jurisdiction of the appeal. The right to contribution is not a mere incident of a form of procedure, but it belongs to the substantive law of the admiralty.

The right to contribution in the admiralty cannot be taken away because the claim is asserted against one of those causing the damage at common law and put into judgment.

Where two vessels cause an injury to a third, the fact that the injured party obtains judgment against the owners of one of the vessels in fault does not deprive the admiralty of jurisdiction of a suit brought by those against whom the judgment is entered against the other vessel to compel contribution.

*Quaere* as to what, if anything, such judgment conclusively establishes.

The facts, which involve the jurisdiction of the Admiralty Court, are stated in the opinion.

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MR. JUSTICE HOLMES delivered the opinion of the Court.

This is a libel for contribution. The libel was excepted to by the claimant and was dismissed on the ground that the district court, sitting as a court of admiralty, had no jurisdiction to enforce contribution between the parties on the facts.

The facts alleged are as follows. The appellant was in possession of the tug *Slatington* under a demise, and the tug was crossing the North River with car float No. 22 alongside on the port side. The tug *Ira M. Hedges* was coming up the river on the port side with two stone scows in tow, one on each side. There was a collision between one of those scows, the *Helen,* and car float *No. 22,* which was caused or contributed to by the *Ira M. Hedges.* The owner of the *Helen,* not being the owner of the *Ira M. Hedges,* brought an action at common law and recovered a judgment against the appellant, the owner of the *Ira M. Hedges* not

being made a party defendant in that suit. The appellant paid the judgment and brought this libel against the *Ira M. Hedges,* in terms to recover the amount of the claim set forth in the libel, but, it fairly may be held, in substance to recover, if not the whole,

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then contribution for what the libellant has had to expend.

The first question is whether this Court has jurisdiction of the appeal. It is said that the dismissal of the libel, although expressed to be for want of jurisdiction, really is on the merits, because payment of a judgment at common law is not a ground for contribution from a joint wrongdoer, not a party to the suit. There sometimes is difficulty in distinguishing between matters going to the jurisdiction and those determining the merits, *Fauntleroy v. Lum,* 210 U. S. 230 , 210 U. S. 235 , and, no doubt, this case presents that difficulty. But perhaps it may be said that the two considerations coalesce here. The admiralty has a limited jurisdiction. If there are no merits in the claim, it is of a kind that the admiralty not only ought not to enforce, but has no power to enforce. At all events, the form of the decree must be taken to express the meaning of the judge. If the decree was founded, as it purports to be, on a denial of jurisdiction in the court, this Court has jurisdiction of the appeal. For all admiralty jurisdiction belongs to courts of the United States as such, and therefore the denial of jurisdiction brings the appeal within the established rule. *See The Jefferson,* 215 U. S. 130 , 215 U. S. 138 .

Coming to the substance, we are of opinion that the decision was wrong. The right to contribution belongs to the substantive law of the admiralty. *Erie R. Co. v. Erie & Western Transportation Co.,* 204 U. S. 220 . It is not a mere incident of a form of procedure. Therefore the fact, over which the libellant had no control, that the injured party saw fit to sue at common law cannot take that right away. The passing of the claim against the libellant into the form of a judgment before the claim was satisfied has no bearing upon the question whether the right to contribution remains. It does not matter to this question, even if it be true, as thought by the court below,

that the libellant might have required the owner of the *Ira M. Hedges* to be made a party. For it still would have rested with the plaintiff in the former suit to collect from the appellant alone if it saw fit, and, if it had done so, it is, at best, but a speculation to suggest that the libellant could have recovered from its codefendant at common law.

The question as to what is conclusively established by the common law judgment is not before us, but only the jurisdiction of the court. But we may add that the appellant seeks to recover contribution for the amount paid not as *res judicata,* but as one of the consequences of a joint tort from which it could not escape, and which its fellow wrongdoer was bound to contemplate. The claimant, of course, does not desire to dispute the appellant's negligence. It is free to deny its own. Whether, if it were so minded, it could controvert the amount of the damage as determined by the judgment need not be discussed. No doubt it would have been a prudent course for the appellant to give notice to the owner of the *Ira M. Hedges* to take part in the defense, with a view to its possible ultimate liability. Whether a failure to do so would affect its rights is not before us to decide. We do not mean to intimate that the failure is material where there has been a *bona fide* defense.

*Decree reversed.*