

Bailiff v. Tipping.

necessity was there for limiting the saving of the right of preference to debts due to the United States, "as secured or provided by any law heretofore passed." This mode of expression leads me to conclude, that the legislature supposed, there were some cases where this preference had not been provided for by law. If not, it would certainly have been sufficient to declare, that the bankrupt law should not extend to, or affect, the right of preference to prior satisfaction of debts due the United States.

*406]

*THE SCHOONER SALLY.

UNITED STATES v. THE SCHOONER SALLY.

Admiralty jurisdiction.

The question of forfeiture of a vessel, under the act of congress against the slave trade, is of admiralty and maritime jurisdiction.

THIS was a libel in the District Court of the United States for Maryland district, against the schooner Sally, of Norfolk, and cargo, Elias De Butts, claimant, seized by the collector of the port of Nottingham, as forfeited under the act of congress prohibiting the slave trade. (1 U. S. Stat. 347.)

In the district court, the vessel and cargo were acquitted on the merits, which decree was, on appeal, affirmed in the circuit court; whereupon, the United States sued out the present writ of error. The error assigned was, that the cause was of common-law, and not of admiralty and maritime jurisdiction. But—

THE COURT, upon the authority of the case of the *United States v. La Vengeance*, 3 Dall. 297, without argument, affirmed the decree.

BAILIFF v. TIPPING.

Citation.

Quære? Whether the courts of the United States have jurisdiction, in cases between aliens?¹
 A citation must accompany the writ of error.

THE only question in this case would have been, whether one alien could sue another alien, in the courts of the United States. The Circuit Court for the Kentucky district was of opinion, that they had no jurisdiction in such a case. But the writ of error was dismissed for want of a citation.

See *ante*, p. 263, the opinion of the court, in the case of *Mason v. The Ship Blaireau*.

¹ Where both parties are aliens, the federal courts have no jurisdiction, by reason of the character of the parties. *Montalet v. Murray*, 4 Cr. 46; *Hinckley v. Byrne*, 1 Deady 224.