

HODGSON & THOMPSON *v.* BOWERBANK and others.

*Jurisdiction.*

Although the plaintiff be described in the proceedings as an alien, yet the defendant must be expressly stated to be a citizen of some one of the United States. Otherwise, the courts of the United States have not jurisdiction in the case.<sup>1</sup>

ERROR to the Circuit Court for the district of Maryland. The defendants below were described in the record as "late of the district of Maryland, merchants," but were not stated to be citizens of the state of Maryland. The plaintiffs were described as "aliens and subjects of the king of the united kingdom of Great Britain and Ireland."

*Martin* contended, that the courts of the United \*States had not jurisdiction, it not being stated that the defendants were citizens of any state. [\*304]

*C. Lee*, contrâ.—The judiciary act gives jurisdiction to the circuit courts, in all suits in which an alien is a party. (1 U. S. Stat. 78, § 11.)

*MARSHALL, Ch. J.*—Turn to the article of the constitution of the United States, for the statute cannot extend the jurisdiction beyond the limits of the constitution.

The words of the constitution were found to be "between a state, or the citizens thereof, and foreign states, citizens or subjects."

THE COURT said, the objection was fatal.

The record was afterwards amended, by consent.

KEENE *v.* UNITED STATES.

*Jurisdiction of seizure.*

The trial of seizures under the act of the 18th February 1793, "for enrolling and licensing ships or vessels, to be employed in the coasting-trade and fisheries, and for regulating the same," is to be in the judicial district in which the seizure was made; without regard to the district where the forfeiture accrued.<sup>2</sup>

ERROR to the Circuit Court of the district of Columbia, in a case of seizure of certain merchandise, being part of the cargo of the schooner Sea Flower, Matthew Keene, claimant, imported from the Havana, in the island of Cuba, into the port of Vienna, in the district of Maryland, the vessel having sailed on a foreign voyage, under a coasting license. The goods having been landed at Vienna, were transported to Alexandria, in the district of Columbia, where they were seized by the collector of that port, and libelled and condemned in the district court of that district, whose sentence was affirmed by the circuit court.

*Swann* and *Martin*, for the plaintiff in error, contended, that there was no law which authorized the seizure, \*or the trial and condemnation out of the district into which the goods had been first imported. [\*305]

<sup>1</sup> *Picquet v. Swan*, 5 Mason 35; *Wilson v. City Bank*, 3 Sumn. 422.

<sup>2</sup> *The Merino*, 9 Wheat. 391.