

Case No. 15,502. UNITED STATES V. THE JULIA LAWRENCE.
[6 Am. Law Rev. 383.]

District Court, S. D. New York.

1871.

ADMIRALTY JURISDICTION—TERRITORIAL EXTENT OF JUDICIAL DISTRICTS.

[1. A seizure made on waters of New York Bay below low-water mark, on the Jersey shore, is within the jurisdiction of the district court of the Southern district of New York.]

[Cited in *The L. W. Eaton*, Case No. 8,612; *Hall v. Devoe Manuf'g Co.*, 14 Fed. 185.]

[2. The actual boundary line of the Southern district of New York is coterminous with that of the state at the time of the creation of the district. The subsequent agreement entered into between New York and New Jersey respecting their boundary line in no way impairs or conflicts with any jurisdiction or power previously possessed by the United States; for congress, in assenting to that agreement, expressly provided that nothing therein should be construed to affect any right of jurisdiction of the United States in and over the islands or waters forming the subject of the agreement.]

This case came up on a question of the jurisdiction of the court. The action was brought to forfeit the ship for a violation of the revenue laws and alleged a seizure of the ship by the collector within this district. It was admitted that the ship, when seized, was attached to a pier on the New Jersey side of the North river, and upon waters of the bay.

HELD BY THE COURT (BETTS, District Judge): That the locus in quo of the seizure will be within the cognizance of this court, irrespective of the territorial boundaries of the state, if the surface of the waters on which she was seized was within the jurisdiction of the Southern district of New York. That the actual boundary line of this district was coterminous with that of the state at the time the district was erected and defined. That the agreement entered into between New York and New Jersey respecting their boundary line in no way impairs or conflicts with any jurisdiction or power previously possessed by the United States, or framed in approval or confirmation of it. On the contrary, congress expressly provided, in assenting to that agreement, "that nothing therein contained shall be construed to impair, or in any way affect any right of jurisdiction of the United States in and over the islands or waters" which form the subject of said agreement. That the United States therefore retain the same jurisdiction over the waters of the bay as they originally possessed on the organization of their courts. That the seizure being made on waters of the bay and below low-water mark on the Jersey shore, the court has full jurisdiction over the case.

Exceptions to the jurisdiction therefore overruled.