

Case No. 16,779.

UNITED STATES v. YEATON.

[2 Cranch, C. C. 73.]¹

Circuit Court, District of Columbia.

April Term, 1813.

NON-INTERCOURSE LAWS—FORFEITURES.

Upon the seizure and condemnation of a vessel for violation of the act of congress of the 28th of February, 1806 [2 Stat. 351], “to suspend the commercial intercourse between the United States and certain parts of the island of St Domingo,” the United States are interested only in one half of the forfeiture.

The schooner Betsey and Charlotte, owned by the defendant, was condemned and sold for trading to St. Domingo, contrary to the act of 28th February, 1806. 2 Stat 351. The defendant became the purchaser at that sale,

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and gave his note for the purchase-money, upon which note the United States recovered judgment and issued execution. In the mean time the president of the United States remitted the forfeiture "as far forth as the United States were interested therein," and Mr. Jones, the district attorney, indorsed a memorandum upon the execution, that it was to be discharged by the payment of one half of the amount of the debt, and interest thereon and costs.

The defendant obtained a rule on the district attorney to show cause why the execution should not be quashed.

C. Simms, for defendant, contended that the whole forfeiture accrued to the United States, and could only be recovered in the name of the United States, and therefore the whole was remitted. That the subsequent distribution of a moiety among the revenue officers, was a matter between them and the United States. The whole forfeiture was under the control of the United States, until it was actually recovered, and, until recovered, the rights of the revenue officers did not accrue. The United States had a right to interpose and prevent the recovery.

THE COURT, however, was of opinion (new. con.) that the United States were interested only in one half of the forfeiture, and that only one half was remitted.

¹ [Reported by Hon. William Cranch, Chief Judge.]